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Contract

NP92520b Aflibercept (Eylea®)

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

F20: Modification notice

Notice identifier: 2023/S 000-037072

Procurement identifier (OCID): ocds-h6vhtk-042656

Published 18 December 2023, 10:32am

Section I: Contracting authority/entity

I.1) Name and addresses

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

Gyle Square (NSS Head Office), 1 South Gyle Crescent

Edinburgh

EH12 9EB

Contact

Siobhan Ramage

Email

siobhan.ramage@nhs.scot

Telephone

+44 1698794547

Country

United Kingdom

NUTS code

UKM - Scotland

Internet address(es)

Main address

<http://www.nss.nhs.scot/browse/procurement-and-logistics>

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11883

Section II: Object**II.1) Scope of the procurement****II.1.1) Title**

NP92520b Aflibercept (Eylea®)

II.1.2) Main CPV code

- 33600000 - Pharmaceutical products

II.1.3) Type of contract

Supplies

II.2) Description**II.2.2) Additional CPV code(s)**

- 33600000 - Pharmaceutical products

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

Main site or place of performance

All entities constituted pursuant to the National Health Service (Scotland) Act 1978, and any Integrated Joint Boards established pursuant to the new Public Bodies (Joint Working) Scotland Act 2014.

II.2.4) Description of the procurement at the time of conclusion of the contract:

The Framework Agreement is for the supply of Aflibercept (Eylea®) solution for injection vials to NHS Scotland. The Framework Agreement has been awarded as a single supplier framework agreement.

The Framework Participant is required to supply Goods to designated delivery points throughout Scotland for use by Participating Authorities.

II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession

Duration in months

44

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

Section IV. Procedure

IV.2) Administrative information

IV.2.1) Contract award notice concerning this contract

Notice number: [2020/S 100-243207](#)

Section V. Award of contract/concession

Contract No

NP92520b

Title

NP92520b Aflibercept (Eylea®)

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract/concession award decision:

12 December 2023

V.2.2) Information about tenders

The contract/concession has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor/concessionaire

Bayer Plc

400 South Oak Way, Green Park

Reading

RG2 6AD

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

No

V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)

Total value of the procurement: £54,711,495

Section VI. Complementary information

VI.3) Additional information

The estimated value of the Framework Agreement referred to in Section V.2.4 cover(s) the 20 month contract duration and the 24 month extension period of the Framework Agreement.

(SC Ref:752190)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House Edinburgh

27 Chambers Street

Edinburgh

EH1 1LB

Email

edinburgh@scotcourts.gov.uk

Telephone

+4 41312252525

Country

United Kingdom

Internet address

<http://www.nss.nhs.scot/browse/procurement-and-logistics>

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

Economic operators should approach the contracting authority in the first instance. However, the only formal remedy is to apply to the courts:

An economic operator that suffers, or is at risk of suffering, loss, or damage attributable to a breach of duty under the Public Contracts (Scotland) Regulations 2015 or the Procurement Reform (Scotland) Act 2014, may bring proceedings in the Sheriff Court or the Court of Session.

The bringing of court proceedings against the Authority after the Framework Agreement has been entered into will not affect the Framework Agreement unless grounds for the imposition of special penalties under the Public Contracts (Scotland) Regulations 2015 can be established. Otherwise, the remedies that may be awarded by the courts where the Framework Agreement has been entered into are limited to the award of damages.

Section VII: Modifications to the contract/concession

VII.1) Description of the procurement after the modifications

VII.1.1) Main CPV code

- 33600000 - Pharmaceutical products

VII.1.3) Place of performance

NUTS code

- UKM - Scotland

Main site or place of performance

All entities constituted pursuant to the National Health Service (Scotland) Act 1978, and any Integrated Joint Boards established pursuant to the new Public Bodies (Joint Working) Scotland Act 2014.

VII.1.4) Description of the procurement:

This contract modification, effecting an extension of the Framework Agreement duration from 01/02/2024 until 30/11/2025, has been agreed between the supplier and the Authority on behalf of NHS Scotland to meet the additional demands of the Scottish Health and Social Care sector during the Covid-19 pandemic and associated recovery.

This modification has been approved to maintain necessary supply and remove unnecessary disruption from the Authority at this time in line with Regulation 72(1)(b) of the Public Contracts (Scotland) Regulations 2015.

VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession

Duration in months

22

VII.1.6) Information on value of the contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession:

£109,422,991

VII.1.7) Name and address of the contractor/concessionaire

Bayer Plc

400 South Oak Way, Green Park

Reading

RG2 6AD

Country

United Kingdom

NUTS code

- UKM - Scotland

The contractor/concessionaire is an SME

No

VII.2) Information about modifications

VII.2.1) Description of the modifications

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

This modification effects an extension of the Framework Agreement duration from 01/02/024 until 30/11/2025. The modification notice is advised at Framework Agreement level only and so it does not detail individual Lots. All Terms and Conditions for the Framework Agreement remain in place.

VII.2.2) Reasons for modification

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee.

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

This modification is necessary to meet the additional demands of the Scottish Health and Social Care sector to maintain necessary supply due to circumstances unforeseen by the Authority, during the Covid-19 pandemic and associated recovery to maintain necessary supply and remove unnecessary disruption from the Authority, and at this time have rendered this modification necessary, in line with Regulation 72(1)(b) of the Public Contracts (Scotland) Regulations 2015.

VII.2.3) Increase in price

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £109,422,991

Total contract value after the modifications

Value excluding VAT: £164,134,486