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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](mailto: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](https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11883)

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**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

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**Section IV. Procedure**

**IV.2) Administrative information**

**IV.2.1) Contract award notice concerning this contract**

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

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**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

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## **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](mailto: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.

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## **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