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Award

## **NP46220 Nicotine Replacement Therapy Products**

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

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-038199

Procurement identifier (OCID): ocds-h6vhtk-04c033

Published 26 November 2024, 3:47pm

### **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**

Zenab Ghazali

#### **Email**

[zenab.ghazali@nhs.scot](mailto:zenab.ghazali@nhs.scot)

#### **Telephone**

+44 7977806098

**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)

**I.4) Type of the contracting authority**

Body governed by public law

**I.5) Main activity**

Health

## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

NP46220 Nicotine Replacement Therapy Products

#### **II.1.2) Main CPV code**

- 33600000 - Pharmaceutical products

#### **II.1.3) Type of contract**

Supplies

#### **II.1.4) Short description**

Supply of Nicotine Replacement Therapy Products to NHS Scotland.

#### **II.1.6) Information about lots**

This contract is divided into lots: Yes

#### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £1,102,580

### **II.2) Description**

#### **II.2.1) Title**

Nicotine Replacement Therapy Gum

Lot No

2

#### **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**

Lot 2 – the supply of Nicotine Replacement Therapy Products in the form of gum to NHS Scotland. The Authority has awarded this Lot as a unranked multi-supplier framework agreement per line to one (1) Framework Participant.

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

#### **II.2.11) Information about options**

Options: No

#### **II.2.13) Information about European Union Funds**

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

### **II.2) Description**

#### **II.2.1) Title**

Nicotine Replacement Therapy Patches

Lot No

1

#### **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**

Lot 1 – the supply of Nicotine Replacement Therapy Products in the form of patches to NHS Scotland. The Authority has awarded this Lot as a ranked multi-supplier framework agreement to one (1) Framework Participant.

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

#### **II.2.11) Information about options**

Options: No

#### **II.2.13) Information about European Union Funds**

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

### **II.2) Description**

#### **II.2.1) Title**

Nicotine Replacement Therapy Lozenges

Lot No

3

#### **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**

Lot 3 – the supply of Nicotine Replacement Therapy Products in the form of lozenges to NHS Scotland. The Authority has awarded this Lot as a unranked multi-supplier framework agreement per line to one (1) Framework Participant.

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

#### **II.2.11) Information about options**

Options: No

#### **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.1) Description

#### IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- The procurement falls outside the scope of application of the regulations

Explanation:

This VEAT notice is to advise the need for modification to meet the additional demands of the Scottish Health and Social Care sector during the current Covid-19 pandemic and to maintain necessary supply due to circumstances unforeseen by the Authority in line with Regulation 72(1)(c) of the Public Contracts (Scotland) Regulations 2015.

#### IV.1.3) Information about a framework agreement

The procurement involves the establishment of a framework agreement

#### IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

### IV.2) Administrative information

#### IV.2.1) Previous publication concerning this procedure

Notice number: [2020/S 228-563003](#)

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## Section V. Award of contract/concession

### Lot No

2

### Title

Nicotine Replacement Therapy Gum

A contract/lot is awarded: Yes

## **V.2) Award of contract/concession**

### **V.2.1) Date of conclusion of the contract**

26 November 2024

### **V.2.2) Information about tenders**

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

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

Haleon PLC

The Heights Building 5 First Floor, The Heights Weybridge

Surrey

KT13 0NY

Telephone

+44 1932959500

Country

United Kingdom

NUTS code

- UKJ - South East (England)

The contractor/concessionaire is an SME

No

### **V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: £107,024

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## **Section V. Award of contract/concession**

### **Lot No**

3

### **Title**

Nicotine Replacement Therapy Lozenges

A contract/lot is awarded: Yes

### **V.2) Award of contract/concession**

#### **V.2.1) Date of conclusion of the contract**

26 November 2024

#### **V.2.2) Information about tenders**

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

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

Haleon PLC

The Heights Building 5 First Floor, The Heights Weybridge

Surrey

KT13 0NY

Telephone

+44 1932959500

Country

United Kingdom

NUTS code

- UKJ - South East (England)

The contractor/concessionaire is an SME

No

**V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: £102,012

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**Section V. Award of contract/concession**

**Lot No**

1

**Title**

Nicotine Replacement Therapy Patches

A contract/lot is awarded: Yes

**V.2) Award of contract/concession**

**V.2.1) Date of conclusion of the contract**

25 November 2024

**V.2.2) Information about tenders**

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

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

Haleon PLC

The Heights Building 5 First Floor, The Heights Weybridge

Surrey

KT13 0NY

Telephone

+44 1932959500

Country

United Kingdom

NUTS code

- UKJ - South East (England)

The contractor/concessionaire is an SME

No

#### **V.2.4) Information on value of contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: £893,544

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## **Section VI. Complementary information**

### **VI.3) Additional information**

The estimated values of the Framework Agreement referred to in Section V.2.4 comprising three (3) Lots covers the twelve (12) month duration of the proposed modification period of the Framework Agreement.

(SC Ref:784065)

### **VI.4) Procedures for review**

#### **VI.4.1) Review body**

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

Email

[edinburgh@scotcourts.gov.uk](mailto:edinburgh@scotcourts.gov.uk)

Telephone

+44 1312252525

Country

United Kingdom

### **VI.4.3) Review procedure**

Precise information on deadline(s) for review procedures

The notification will incorporate a 'standstill period' of a minimum of 10 clear calendar days (or a minimum of 15 if the communication method used is not electronic) between the date on which the Authority despatches the VEAT notice and the date on which the Authority proposes to conclude the relevant framework agreement.

The bringing of court proceedings against the authority during the standstill period will automatically continue the prohibition on entering into the framework agreement until the court proceedings are determined, discontinued or disposed of, or the court, by interim order, brings to an end the prohibition. The remedies that may be awarded by the courts before the framework agreement has been entered into include the setting aside of the decision to award the framework agreement to the winning tenderer.

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.