

Q&A for tender documents

In connection with the consultation process for the tender documents for the joint Nordic tenders, we have received many good inputs. We have tried to meet the suppliers' wishes as much as possible. Please see Q&A below.

Question

- 1) Clause 2.1: The Framework Agreement gives the Contracting Authorities and the Customers the right, but not the obligation, to purchase pharmaceuticals from the Supplier on an ongoing basis.
Clause 1.5: The Framework Agreement is non-exclusive. The Customers are not obliged to use the Framework Agreement.

Comments:

Does this mean that the Contracting Authorities can purchase from other suppliers as they like?

What is the benefit for the suppliers if the Contracting Authorities are not obliged to purchase these products from the chosen supplier?

- 2) Clause 12.1.4. Does it mean that the suppliers must be able to build up sufficient inventory again after a backorder situation, before we are allowed to deliver again?

Answer

- 1) **Denmark:** We have practice for only purchasing from the winning supplier(s).

Norway: This applies for Norway too.

- 2) Yes, the supplier must build up a sufficient stock before the delivery begins again, see the framework agreement clause. 12.1.4:
“Unless the Contracting Authority and the Supplier expressly agree otherwise in writing, the Supplier shall be deemed to be on back order until the Supplier is once again able to deliver non-defective products and has built up an appropriate stock as described in clause 6 above.”

Question

- 1) It is worrying that the preliminary tender material does not inform how the countries together will manage stock-out situations. Will the country ordering first get all stock and leave the other country without any medicines available. Will Norway accept DK or Icelandic goods, in case of a stock-out etc. What if need suddenly increases remarkably in one country, will the supplier then be deemed stock-out.
- 2) Another reason for seeing DK system as much more well functioning is the estimates provided from tender authorities, as well as revised estimates during the tender period. The estimates have remarkably improved over the last years, and can be used as a good guidance in estimating stock level need. This is not the case for pharmaceuticals in Norway, where no estimates are provided, historical sales only, not taking expected changes into consideration. It is our experience that it is more difficult to estimate stock level need for Norway, which is a disadvantage for the supplier.

Answer

- 1) It depends on whether three different item numbers are offered or only one Nordic item number – in case of 2-3 different item numbers, it will be handled nationally. A joint Nordic package will depend on a concrete assessment and a joint dialogue with the parties will be addressed.
- 2) Historical estimates in Norway have been made on the basis of a few months' sales and have not been continuously adjusted. We are trying to improve this, and we will be able to deliver new estimates after 2 months of tenders in that procurement.

Question

Methotrexat 2020 – NF2.623.b

- 1) How would Amgros evaluate a bid if for instance extended stability data are different for the two countries respectively?
- 2) A model of subjective evaluation of delivered documentation will establish how many points are granted per sub-criteria. It is not sufficiently clear, how it is justified to evaluate informed extended stability as a fixed number duration of days/hours without evaluating how the extended stability data has been established. It is far from certain, that all suppliers are using same methods. Using the mentioned model includes a non justified assumption, that all models for stability testing are equally good.

Answer

- 1) It is possible to offer different packages and trade names, but the pharmaceutical must be the same.
- 2) In order for the material to be evaluated, all models must be approved and signed by a QP.

Question

Meropenem 2020 – NF1.621.b

The evaluation model related to vial neck size and tear-off caps, are not sufficiently clear

Answer

The award criterion in this tender is lowest price, and therefore it is only the price that is evaluated.

Question

Anagrelid 2020 – NF1.622.a

It is not sufficiently clear whether it is possible to offer either the DK or the NO pack for Iceland, or if it IS MA is a requirement to bid for DK and NO.

Answer

An MA for Iceland is a requirement, which is specified in the tender documents.

Question

Please be informed that for Norway a supplier may have a Distribution and Supply Agreement for sales of their products with a local partner in place. In order to adhere to the conditions agreed upon, it needs to be pointed out that local handling, distribution, invoicing etc. will be made via the local partner. Have you taken into account that upon signature of the framework agreement there are local partners to be considered? Kindly note that a supplier only may be able to provide an offer for the joint Nordic tender if the local partner will be accepted.

Answer

It is unclear whether the question relates to the agreements that the Supplier may already have with the appointed wholesalers or relates to agreements that the Supplier have entered into with other "local partners".

A tender must comply with the terms set out in the procurement documents, and the Contracting Authorities have taken the agreements between the Customers and the Wholesaler appointed by the Customers into consideration. It is not possible to take into consideration the agreements the various Suppliers may have made with other companies, especially when the nature and terms of such agreements is not known to the Contracting Authorities.

However, the Supplier may have a local partner acting as a subcontractor for the Supplier. Such subcontractor may act on behalf of the Supplier and fulfill the Suppliers obligations with respect to handling, distribution and invoicing on the Supplier's behalf and in accordance with the terms set out in the Framework Agreement.

Valuable input

- 1) - % deviations from initial estimated for volumes to be fixed (e.g. +/- 10%) (ref. §§1.2, 2.2-2.4 in contract)
 - Indemnification charges for back orders to be limited to a fixed amount (ref. §§12.1-12.2 in contract)
 - Indemnification charges cannot be made for volumes above estimated volumes in the tender documents
 - To have 3 months delay between contract start for Norway respectively Denmark to secure supply (ref. §§6.2 and 18.1 in contract)
- 2) The preliminary tender materials reveal that the tender authorities, have not set a minimum price level, for each pack of medicine expected to be invited for. What is a pack of medicine worth - at what price will all bidders be granted same points for price? (2.x.b)
In spite of supply safety being the most important motivator for Joint Nordic Tenders, a minimum price for at least sterile products, has not been established and included in the preliminary tender material.
- 3) As understood from the documents, it is planned to make a merely price-based decision, i.e. the criteria currently applied for the LIS tender 2020-2021 in Norway (evaluation: 35% price / 45% user-friendliness, packaging & product aspects / 20% supply reliability) will not be taken into account. Kindly let us point out that from our perspective, the aforementioned quality and safety criteria add considerable value to a tender award decision. Will you consider introducing additional aspects/criteria to the decision making process in the future?

4) We note that one of the four tenders have included award criteria beyond price; criteria to optimize working environment and handling of the product (methotrexate) similar to current tenders in Denmark for this product category (cytotoxic).
However, we also note that other criteria beyond price have not been included in any of the tenders. We suggest including additional criteria that will help to improve current issues:

- Supply reliability
- Environmental criteria
- Packaging

Answer

We have received valuable input to the joint Nordic tenders, which we will take into consideration for a future joint Nordic tender.