

Norway-Oslo: Pharmacy services
OJ S 67/2023 04/04/2023
Contract award notice
Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Sykehusapotekene HF

National registration number: 992281618

Postal address: Biskop Gunnerus`gate 14, 12. etasje

Town: OSLO

NUTS code: NO Norge

Postal code: 0185

Country: Norway

Contact person: Vivian Davidsen

E-mail: vivian.davidsen@sykehusapotekene.no

Telephone: +47 23135200

Internet address(es):

Main address: <https://permalink.mercell.com/200689342.aspx>

Address of the buyer profile: <http://www.sykehusapotekene.no/>

I.4. Type of the contracting authority

National or federal agency/office

I.5. Main activity

Health

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Announcement of contract award - Agreement for contract production of a closed system for the administration of antibiotics (Vial-Mate)

Reference number: 2022 0007

II.1.2. Main CPV code

85149000 Pharmacy services

II.1.3. Type of contract

Services

II.1.4. Short description

Agreement for contract production of a closed system for the administration of antibiotics (Vial-Mate)

II.1.6.

Information about lots

This contract is divided into lots: no

II.1.7. Total value of the procurement

Value excluding VAT: 160 000 000,00 NOK

II.2. Description

II.2.2. Additional CPV code(s)

33194120 Infusion supplies

II.2.3. Place of performance

NUTS code: NO08 Oslo og Viken

II.2.4. Description of the procurement

The Norwegian Hospital Procurement Trust [Sykehusapotekene HF (SAHF)] has entered into a framework agreement with ApoEx AS in Sweden for contract production services for ready-to-use antibiotic mixtures based on the patented concept Vial-Mate, which belongs to Baxter International Inc.

II.2.5. Award criteria

Quality criterion - Name: Quality / Weighting: 99

Cost criterion - Name: Cost of the delivery / Weighting: 0

Cost criterion - Name: Costs / Weighting: 1

II.2.11. Information about options

Options: yes

Description of options:

5.3 After the expiry of the Initial Term, SAHF shall have the right to prolong the Agreement by up to two additional periods of twelve months each (1+1).

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.2.14. Additional information

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 Official Journal of the European Union in the cases listed below

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

Explanation:

Explanation (legal basis for making a procurement without competition)

The exception for direct procurements is in the Public Procurement Regulations § 13-4 (b).

The provision states that the contracting authority can make a procurement without competition if the procurement concerns services that only a particular tenderer can provide because "competition is impossible due to technical reasons" and because "the tenderer has exclusive rights, including intellectual property rights". In connection with this, reference is

made to the fact that Baxter International Inc (US) is the holder of an international patent. Technical reasons mean that there is only one tenderer who can carry out the service or produce the product.

The South-Eastern Norway Regional Health Authority recommends the use of "closed systems" for the preparation and administration of antibiotics to ensure HSE, sterility and patient safety. A "fully closed" system consists of infusions where the medicine is pre-mixed in the infusion bag/container, or is connected in such a way that the medicine can be added or mixed without breaking the connection. Such "fully closed" systems are either supplied as ready-to-use medicines with a marketing authorisation on the Norwegian market or they are manufactured by pharmacies with a manufacturing authorisation from the Norwegian Medicines Agency [Statens Legemiddelverk] (either as own production or as contract production). The closed antibiotic system must have a scannable barcode so that the medicine can be used in the closed medicine loop that the South-Eastern Norway Regional Health Authority has decided to introduce.

In 2022, the Norwegian Hospital Pharmacy Trust conducted a thorough survey to map the availability of ready-to-use antibiotic systems among the different suppliers with marketing authorisation on the Norwegian market. It was found that there is currently no competing "ready-to-use" product for Vial-Mate that covers the range of products currently in use. Moreover, it cannot be excluded that such products could be registered and become available on the Norwegian market in the near future. Any new industrially produced ready-to-use antibiotic systems with marketing authorisation could then be phased in and replace the relevant Vial-Mate system.

Based on the completed market survey, as well as the contracting authority's knowledge of the market, SAHF is not aware of any suppliers other than ApoEx AB that can deliver a system that satisfies the contracting authority's requirements for the finished product. SAHF therefore considers there to be a legal basis for conducting a procurement without competition pursuant to the PPR § 13-4 b (2 and 3). We believe that competition is impossible

IV.1.3. Information about a framework agreement or a dynamic purchasing system

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.2.8. Information about termination of dynamic purchasing system

IV.2.9. Information about termination of call for competition in the form of a prior information notice

Section V: Award of contract

Contract No: 2022 0007

Title:

Contract production of a closed system for administering antibiotics (Vial-Mate)

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

22/03/2023

V.2.2. Information about tenders

Number of tenders received: 1

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 1

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 0

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

V.2.3. Name and address of the contractor

Official name: ApoEx AB

Town: Stockholm

NUTS code: SE Sverige

Country: Sweden

The contractor is an SME: no

V.2.4. Information on value of the contract/lot

Initial estimated total value of the contract/lot: 160 000 000,00 NOK

Total value of the contract/lot: 160 000 000,00 NOK

V.2.5. Information about subcontracting**Section VI: Complementary information**

VI.3. Additional information**VI.4. Procedures for review****VI.4.1. Review body**

Official name: Oslo Tingrett

Town: 0164 Oslo

Country: Norway

VI.5. Date of dispatch of this notice

30/03/2023