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**Invitation to Quote**

**Instructions & Requirements Document**

**NHS England Commercial**

C260285 - Medicines Patent Expiry Database

**Document owner:** Commercial & Procurement Team, NHS England

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**Document History**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Version | Date | Status | Key Change Made | Author/s |
| 1.0 | 01/11/18 | Final Version |  | Charlie Stephens/Andrew Campan/Shared Business Services  |
| 2.0 | 15/07/19 | Final Version | Additional details relating to the Hive and where further information and guidance is available | Polly Feeney |
| 3.0 | 02/10/19 | Final Version | Updates made following initial user feedback. | Andrew Campan |
| 4.0 | 25/03/21 | Final Version | Updated to reflect new internal sub £150k process | Makaella Allison |
| 5.0 | 25/03/24 | Final Version  | Updated to remove reference to NHS Improvement | Jacqueline Powell |

Text with yellow highlight is intended for NHSE internal use and **must** be deleted before the document is sent to a supplier

This document sets out the process for obtaining quotations for Goods and Services **up to £150,000,** if a framework call off or over £150k please use other templates

Guidance Note: The supplier to enter the detail required where text is highlighted in green]

# **Introduction**

###### This Invitation to Quote (ITQ) has been prepared by NHS England (the ‘Authority’). The Authority is looking for a Supplier for the provision of Medicines Patent Expiry Database Subscription for a twelve-month period.

###### This procurement exercise is being carried out as an Invitation to Quote

###### The Authority has taken reasonable care to ensure that the information provided is accurate in all material respects. However, the Bidders attention is drawn to the fact that no representation, warranty or undertaking is given by The Authority in respect of the information provided in respect of this transaction and/or any related transaction.

###### The Authority does not accept any responsibility for the accuracy or completeness of the information provided and shall not be liable for any loss or damage arising directly or indirectly as a result of reliance on this ITT or any subsequent communication.

###### No warranties or opinions as to the accuracy of any information provided in this ITQ Pack shall be given at any stage by The Authority.

###### Any person considering making a decision to enter into contractual relationships with The Authority or any other person on the basis of the information provided should make their own investigations and form their own opinion of The Authority. The attention of Bidders is drawn to the fact that, by issuing this ITQ, The Authority is in no way committed to awarding any contract and that all costs incurred by Bidder in relation to any stage of the Tender process are for the account of the relevant Bidder only.

###### In accordance with The Authority’s internal financial instructions and general principles applicable to public procurement, The Authority seeks best value for money in terms of the Contract reached with the successful Bidder.

###### The Authority has endeavored, therefore, to express as clearly as possible in this ITQ the terms on which it would propose to contract with the successful Bidder and in particular the obligations, risks and liabilities which it expects to become the responsibility of the s

This document contains the following sections:

* **2. Instructions**
	+ Project Team Details
	+ Timeline
	+ Supplier Clarification Question process
	+ Evaluation Criteria
	+ Scoring
* **3. The Requirement:**
	+ Background Information
	+ Standards and Service Specification
	+ Essential Skills Deliverables
	+ Deliverables
	+ Proposed Terms and Conditions
* **4. Responding to the ITQ**
	+ Bidders Details
	+ Further Bidder Information
	+ Bidders Response
1. Instructions

Project Team Details and Contract Lead

|  |  |
| --- | --- |
| Name of Team | Medicines Procurement and Supply Chain (MPSC) |
| Name and Title of Contract Lead | Mark Cartwright, Senior Market Development Manager |

Timeline

|  |  |
| --- | --- |
| **Item** | **Date** |
| ITQ Release Date & Issue on Contract Finder\* | 03.04.2024 |
| ITQ Clarification Deadline | 11.04.2024 |
| ITQ Closing Date | 18.04.2024 @ 13:00 |
| Estimated Award Date | 26.04.2024 |
| Estimated Contract Commencement Date | 01.05.2024 |

The timeline is indicative and may be subject to change.

Supplier Clarification Question Process

All clarification questions relating to this ITQ must be submitted via the procurement portal route (Atamis) within 7 calendar days of receiving the ITQ. Clarification questions received after this time will not be responded to. All Clarification questions will be responded to within 2 working days of the date received.

All clarification questions received via other routes will not be reviewed and responded to.

**Please Note: -** To ensure an open and fair process is followed, all bidders will receive a copy of the question(s) and answer(s).

Evaluation Criteria

The purpose of evaluation in the procurement process is to establish which supplier(s) have submitted the best quotation; ensuring that the assessment of quotes is undertaken in a transparent, fair and consistent manner so that an effective comparison can be made.

The Authority, reserves the right to accept or reject all or any part of the quotation if you have failed to provide the information requested in this quotation or you have submitted any modification or any qualification to the terms and conditions of contract.

The Authority does not bind itself to accept the lowest priced, or any quotation, nor guarantee any value or volume and shall not be liable to accept any costs you have incurred in the production of your quotation.

The Authority will check each quotation and submission for completeness and compliance with the requirements in this Invitation to Quote document, thus, you should ensure that you carefully examine this document in full.

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Quotes will be evaluated on the following Quality and Costs basis;

|  |  |
| --- | --- |
| **Section** | **Weighting (%)** |
| Technical/QualityIncluding Sustainability and Social Value | 80% |
| Commercial | 20%  |

A weighted scoring system will be applied to the response, the high-level evaluation criteria are given below:

|  |  |
| --- | --- |
| **Question** | **Weighting (%)** |
| 1. How do you propose to meet the standards and service specification requirements | 20% |
| 2. How do you propose to meet the essential skills/requirements | 20% |
| 3. How do you propose to deliver the project or service | 15% |
| 4. Please provide a proposed delivery timetable demonstrating how you will stage your approach on development and promotion of resources | 15% |
| 5. Please provide a proposal on how your delivery of this requirement will contribute to net zero carton and social value | 10% |

**Scoring**

**Bidder information**

The ‘Bidders Detail’ will be ‘For Information Only’ and not scored.

The ‘Further Bidder Information’, will be given either a ‘Pass/Fail’ for each section.

**Quality**

The Authorities evaluation system is based on the familiar “weighted scoring approach”, in which the officer scores responses to the quality questions according to a pre-agreed scoring system 0-4 (see table below). The scores for the sections are then added together to give a total quality score for the quotation response.

| **Score** | **Interpretation** |
| --- | --- |
| 4Excellent | The Tenderer’s response provides full confidence that the Tenderer understands and can deliver the Requirements well and addresses all of the requirements set out in the question.   |
| 3Good | The Tenderer’s response provides a good level of confidence that the Tenderer understands and can deliver the services and the Tenderer's response addresses all or most of the requirements set out in the question.  |
| 2Satisfactory | The Tenderer’s response provides a satisfactory level of confidence that the Tenderer understands and can deliver the services and the Tenderer's response addresses at least some of the requirements set out in the question. However, the response is lacking in some areas. |
| 1Poor | There are weaknesses (or inconsistency) in the Tenderer’s understanding of the services and/or Tenderer's response fails to address some or all of the requirements set out in the question. |
| 0Unacceptable | No response and/or information provided is deemed inadequate to merit a score. |

**Scoring Cost**

The financial weighted score is calculated by using the following formula:

Financial Weighted Score = (Lowest Total cost offered / Tenderer Total cost) x Weighting

(Lowest Total Cost divided by Tender Total Cost multiplied by 20)

The financial score will be calculated to two decimals places.

Therefore the bidder who submits the lowest compliant bid (based on the pricing model created for evaluation purposes) will receive the full 20% available.

# **The Requirement**

The Requirement is detailed below which provides background to the project/business need, the standards or specification required alongside the essential supplier skills and the objectives of the requirement.

**Background Information:**

|  |
| --- |
| *Please provide information about the background of the project and the business need*The Medicines Procurement and Supply Chain team (MPSC) have a strong commercial interest in accurate and timely patent expiry information and are looking to procure an information source/database access subscription which will help identify patent expiry opportunities which can then integrate into work planning and delivery to drive further value for the NHS. This is important as patent expiry is associated with significant savings due to the end of the exclusivity period for an innovative product which generates competition that typically leads to a reduction in price in the UK of these equivalent “follow on” medicines of between 70-90% compared with the originator product. Securing comprehensive patent information is challenging and we do not currently have this information in-house.  |

**Standards and Service Specification:**

|  |
| --- |
| **Access to real-time medicines information**Subscription model for database access to UK and EU Patent information, proprietary Loss of Exclusivity analysis and forecasting (small molecule, biologics and clinical candidates). Reporting and real-time updates including summaries and analysis on litigation, regulatory and marketplace events that impact UK Loss of Exclusivity and new technologies. Availability of patent and industry experts to provide guidance, support and advice at any time. The subscription does not have a limit of the number of NHSEI user accounts available and does not contain any additional charges for software updates and reporting enhancements.**Existing resources**The current resources available are limited and NHSE lacks an important information source on patent expiry opportunities which will mean NHSE undertakes more reactive and less effective commercial strategies and reduces the opportunities to identify cost-saving contracting and clinical strategies.**Target audience**The information provided would be available to the wider Medicines Procurement and Supply Chain team (MPSC) and will be used to improve the accuracy of NHSE’s forecasting and planning for future activities. This will reduce the risk of NHSE being on the weaker foot in commercial negotiations with industry (who are likely to have this information) and decreases the likelihood of NHSE making erroneous decisions and negotiating sub-optimal commercial deals.**Budget and timeline**The provider will be expected to provide full database/information access upon contract award in line with the requested specification.Maximum budget: £36,675 (Ex. VAT).  |

**Essential Skills Deliverables:**

|  |
| --- |
| Successful suppliers would need to demonstrate the following ([E]=essential, [D]=desirable):* [E]: Expert advisors including European patent lawyers, phD scientists and medicines researchers
* [E]: Data analysis from numerous sources to provided molecule/product life cycle evaluations
* [E]: Litigation tracking, forecasting and strategic guidance
* [D]: Expert and Industry insights covering the ever changing pharmaceutical and biotechnology market with the UK and EU
 |

**Deliverables**:

|  |
| --- |
| The Authority expects prospective suppliers to propose in their response a full approach to achieve the listed objectives. These could include for example:* Real-time insights and watch lists: Provide insights in real time as court proceedings affect the marketplace as well as ‘Watch Lists’ to help stay ahead of the changing landscape
* 24-hour web portal access: Find extensive insights on drugs in every major therapeutic area, including loss-of-exclusivity forecasts, analysis of litigation events, Regulatory Exclusivities, Patents, Supplementary Protection Certificates, Pediatric Extension, Oppositions, National Court Litigation, generic approvals, generic launches
* Analyst availability and advice: Talk with locally based analysts about patent strengths and vulnerabilities, litigation-outcome forecasts, loss-of-exclusivity timing, and courtroom testimony
* Comprehensive launch schedules: Launch schedules featuring drugs and biologics that are projected to lose exclusivity as well as drugs that have already launched
 |

**Proposed Terms and Conditions**

The proposed terms and conditions for this engagement are the NHS Standard Terms and Conditions of services. Purchase Order Version.

No amendments shall be considered or accepted in relation to the Terms and Conditions. Failure to accept the terms will result in disqualification.

There are available to view on <https://www.gov.uk/government/publications/nhs-standard-terms-and-conditions-of-contract-for-the-purchase-of-goods-and-supply-of-services>.

The Purchase Order will serve as the contract.

1. Responding to ITQ

###### When responding to this ITQ, Bidders must ensure that their Tender covers all the information required. Bidders must complete their Tenders within the Authorities procurement portal (Atamis) set out in the "Supplier Response Form". Failure to do so may render the response non-compliant and it may be rejected.

### In evaluating Tenders, the Authority will only consider information provided in the Supplier Response Form.

### Bidders should not assume that the Authority has any prior knowledge of the Bidder, its practice or reputation, or its involvement in existing services, projects or procurements.

### If there are any questions that do not apply to a Bidder, please answer with a N/A and explanation where appropriate.

### Where any section of the ITQ indicates a word limit, any response will be reviewed to that word limit and any additional information beyond that word limit will not be considered. Bidders must provide a word count for each question response.

###### The Authority may at its own absolute discretion extend the Deadline for receipt of Tenders specified in the timetable. Any extension to the Deadline granted under this paragraph will apply to all Bidders.

###### Tenders must be submitted via the Authorities procurement portal (Atamis) no later than the ITQ submission Deadline specified in ‘Timetable’. Tenders may be submitted at any time before the Deadline.

###### Tenders received before this Deadline will be retained unopened until the opening date.

###### The Tender and any documents accompanying it must be formatted in Word or Excel as appropriate and be in the English language.

###### Price and any financial data provided must be submitted in or converted into pounds sterling. Where official documents include financial data in a foreign currency, a sterling equivalent must be provided. Tender pricing must be provided excluding Value Added Tax (VAT).

Bidders Details:

The following is an outline of what will be required and found on Atamis. Please complete this on the Atamis portal directly.

*Please ensure a response is provided for all the sections below.*

|  |  |
| --- | --- |
| *Company Name* |  |
| *Company Address* |  |
| *Company’s representative name and title* |  |
| *Contact telephone number* |  |
| *Email address* |  |
| *Address for correspondence* |  |
| *Date of Submission* |  |
| *Company Registration Number* |  |
| *VAT Registration Number* |  |

# Further Bidder Information:

*Please ensure a response is provided for all the questions below.*

|  |  |  |
| --- | --- | --- |
| ***1.*** | *Has your organisation met all its obligations to pay its creditors and staff during the past year?* |  |
| ***2.*** | *If your answer to the above is No, have you rectified the situation resulting in your organisation now being able to pay its creditors and staff?* |  |
| ***3.*** | *Is your company or any group company (your Organisation) or are any of the directors/partners/proprietors in a state of bankruptcy, insolvency, compulsory winding up, and receivership, composition with creditors or subject to relevant proceedings?* |  |
| *4.* | *Please confirm that data is stored in line with the General Data Protection Regulations 2018 where applicable* |  |
| *5a.* | *Please confirm that you accept NHS England’s Purchase Order Terms and Conditions in full with no modifications. This offer and any contract arising from it shall be subject to these Terms and Conditions and all other items or instructions as issued in this bidder response.* [*https://www.gov.uk/government/publications/nhs-standard-terms-and-conditions-of-contract-for-the-purchase-of-goods-and-supply-of-services*](https://www.gov.uk/government/publications/nhs-standard-terms-and-conditions-of-contract-for-the-purchase-of-goods-and-supply-of-services) |  |
| *5b.*  | *Please confirm that you accept that any modifications to the Terms and Conditions will be rejected and may result in the bid being rejected.*  |  |
| *6*. | *Please confirm that all invoicing shall be processed through Tradeshift in line with NHS Englands processes.* |  |

Bidder’s Response

Please ensure a response is provided for both the Quality (A) and Commercial (B) sections on Atamis by downloading the attachments and reuploading once completed.

1. Quality

The questions below are for reference only and will be found within Atamis.

|  |  |  |  |
| --- | --- | --- | --- |
| **Question 1** |  | **Question % Weighting** | 20% |
|  |  |
| *How do you propose meet the standards and service specifications requirements?* |
| **Supplier Response** |
| The maximum total word count for this section is 1000 words plus 2 sides A4 PDF supporting evidence. |

|  |  |  |  |
| --- | --- | --- | --- |
| **Question 2** |  | **Question % Weighting** | 20% |
|  |  |
|  *How do you propose to meet the essential skills requirements?* |
| **Supplier Response** |
| The maximum total word count for this section is 1000 words Plus 2 sides A4 PDF supporting evidence. |

|  |  |  |  |
| --- | --- | --- | --- |
| **Question 3** |  | **Question % Weighting** | 15% |
|  |  |
| *How do you propose to deliver the project or service?* |
| **Supplier Response** |
| The maximum total word count for this section is 750 words plus1 side A4 PDF of supporting evidence. |
| **Question 4** |  | **Question % Weighting** | 15% |
|  |  |
| *Please provide a proposed delivery timetable demonstration how you will stage your approach on development and promotion of resources* |
| **Supplier Response** |
| The maximum total word count for this section is 750 words plus 1 side A4 PDF of supporting evidence. |

|  |  |  |  |
| --- | --- | --- | --- |
| **Question 5** |  | **Question % Weighting** | 10% |
|  |  |
| Please provide a proposal on how your delivery of this requirement will contribute to the net zero carbon and social value?  |
| **Supplier Response** |
| The maximum total word count for this section is 500 words plus 1 size A4 PDF of supporting evidence. |

B) Commercial

|  |  |
| --- | --- |
| **Commercial** |  |
|  |  |
| Please provide a cost breakdown to undertake the work in the ‘Supplier Response’ box below. Your breakdown should also include the total cost exclusive of VAT to the Authority. Total budget up to £36,675 (excl VAT) Please note this is a hard cap and not a target, submissions in excess of this will not be accepted. |
| **Supplier Response** |
| *Please provide one fixed cost to cover all charges and expenses to provide the total requirement, excluding VAT.**Total fixed price £* |

**C) Confirmation**

|  |  |
| --- | --- |
| **Confirmation** |  |
|  |  |
| Please provide an electronic signature with name and contact details as confirmation the detail submitted is correct and agree to the *Authorities Purchase Order Terms and Conditions in full as outlined in ‘Point 5 Further Bidder Information’*:[NHS terms and conditions: procuring goods and services - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/nhs-standard-terms-and-conditions-of-contract-for-the-purchase-of-goods-and-supply-of-services) |
| **Supplier Response** |
| *Electronic Signature Insert …………..**Name:**Job Title:**Date:* |