



European Union

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Contract notice
(Directive 2004/18/EC)

Section I : Contracting authority

I.1) Name, addresses and contact point(s):

Official name: [The Secretary of State for Health acting through the Department of Health](#) National ID: *(if known)*

Postal address: [79 Whitehall](#)

Town: [London](#)

Postal code: [SW1A 2NS](#)

Country: [United Kingdom \(UK\)](#)

Contact point(s): [Garry Raisbeck](#)

Telephone:

For the attention of:

E-mail: supplier.helpdesk@dh.gsi.gov.uk

Fax:

Internet address(es): *(if applicable)*

General address of the contracting authority/entity: (URL) <https://www.gov.uk/government/organisations/department-of-health>

Address of the buyer profile: (URL) <https://www.gov.uk/government/organisations/department-of-health/about/procurement>

Electronic access to information: (URL) https://www.showa.dh.gov.uk/OA_HTML/AppsLocalLogin.jsp

Electronic submission of tenders and requests to participate: (URL) https://www.showa.dh.gov.uk/OA_HTML/AppsLocalLogin.jsp

Further information can be obtained from

- The above mentioned contact point(s) Other (please complete Annex A.I)

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from

- The above mentioned contact point(s) Other (please complete Annex A.II)

Tenders or requests to participate must be sent to

- The above mentioned contact point(s) Other (please complete Annex A.III)

I.2) Type of the contracting authority

- Ministry or any other national or federal authority, including their regional or local sub-divisions
- National or federal agency/office
- Regional or local authority
- Regional or local agency/office
- Body governed by public law
- European institution/agency or international organisation
- Other: *(please specify)*

I.3) Main activity

- General public services
- Defence
- Public order and safety
- Environment
- Economic and financial affairs
- Health
- Housing and community amenities
- Social protection
- Recreation, culture and religion
- Education
- Other: *(please specify)*

I.4) Contract award on behalf of other contracting authorities

The contracting authority is purchasing on behalf of other contracting authorities:

yes no

information on those contracting authorities can be provided in Annex A

Section II : Object of the contract

II.1) Description :

II.1.1) Title attributed to the contract by the contracting authority :

Civil Litigation and Arbitration in Medicines and Pharmaceuticals (CLAMP) LTR Framework

II.1.2) Type of contract and location of works, place of delivery or of performance :

choose one category only – works, supplies or services – which corresponds most to the specific object of your contract or purchase(s)

- | | | |
|---|---|--|
| <input type="radio"/> Works | <input type="radio"/> Supplies | <input checked="" type="radio"/> Services |
| <input type="checkbox"/> Execution | <input type="checkbox"/> Purchase | Service category No: 21 |
| <input type="checkbox"/> Design and execution | <input type="checkbox"/> Lease | Please see Annex C1 for service categories |
| <input type="checkbox"/> Realisation, by whatever means of work, corresponding to the requirements specified by the contracting authorities | <input type="checkbox"/> Rental | |
| | <input type="checkbox"/> Hire purchase | |
| | <input type="checkbox"/> A combination of these | |

Main site or location of works, place of delivery or of performance :

UK

NUTS code: UK

II.1.3) Information about a public contract, a framework agreement or a dynamic purchasing system (DPS):

- The notice involves a public contract
- The notice involves the establishment of a framework agreement
- The notice involves the setting up of a dynamic purchasing system (DPS)

II.1.4) Information on framework agreement : (if applicable)

- Framework agreement with several operators
- Framework agreement with a single operator

Number :

or

(if applicable) maximum number : 5 of participants to the framework agreement envisaged

Duration of the framework agreement

Duration in years : 5 or in months :

Justification for a framework agreement, the duration of which exceeds four years :

Three year term with two consecutive optional extensions of one year (3y+1y+1y).
Procurement made under the Light Touch Regime (LTR).

Estimated total value of purchases for the entire duration of the framework agreement (if applicable, give figures only)

Estimated value excluding VAT : Currency :

or

Range: between : 6500000.00 : and : 10000000.00 : Currency : GBP

Frequency and value of the contracts to be awarded : (if known)

II.1.5) Short description of the contract or purchase(s) :

The Department of Health intends to conduct a procurement under the Light Touch Regime to establish a panel of law firms pursuant to a multi-supplier pseudo framework agreement to act for, and provide advice to, the Department of Health in connection with Civil Litigation Arbitration and Mediation against companies in the pharmaceutical industry.

The requirement will be for the provision of exploratory legal and professional advice, market structure analysis (incorporating financial analysis) and representation within civil proceedings. The scope of civil proceedings may include but shall not be limited to investigation into deceit, anti-competitive agreements, patent infringement and the abuse of dominant market positions by companies. Invitation to Tender documentation is available via the Department of Health's online tendering portal BMS, details of how to obtain the tender documents are provided in section VI.3 of this notice.

The procurement will relate to legal services within the meaning of Schedule 3 of the Public Contracts Regulations 2015.

Given that the procurement process will relate to 'social and other specific services' only, it will be subject to limited regulation and accordingly will be conducted in accordance with Regulations 74 to 76 of the Public Contracts Regulations 2015. Any references to fully regulated processes or requirements are for ease of reference only and should not be taken as recognition or acceptance that the same apply to the procurement.

II.1.6) Common procurement vocabulary (CPV) :

| | Main vocabulary | Supplementary vocabulary (if applicable) |
|-----------------------------|------------------------|---|
| Main object | 79100000 | |
| Additional object(s) | 79311400 | |
| | 79111000 | |
| | 79112000 | |

II.1.7) Information about Government Procurement Agreement (GPA) :

The contract is covered by the Government Procurement Agreement (GPA) : yes no

II.1.8) Lots: (for information about lots, use Annex B as many times as there are lots)

This contract is divided into lots: yes no

(if yes) Tenders may be submitted for

one lot only

one or more lots

all lots

II.1.9) Information about variants:

Variants will be accepted : yes no

II.2) Quantity or scope of the contract :

II.2.1) Total quantity or scope : (including all lots, renewals and options, if applicable)

Three year term with two consecutive optional extensions of one year (3y+1y+1y).
Procurement made under the Light Touch Regime (LTR).

(if applicable, give figures only)

Estimated value excluding VAT : Currency :
or

Range: between : 6500000.00 : and : 10000000.00 : Currency : EUR

II.2.2) Information about options : *(if applicable)*

Options : yes no

(if yes) Description of these options :

Three year term with two optional consecutive optional extensions of one year (3y+1y+1y).
Procurement made under the Light Touch Regime (LTR).

(if known) Provisional timetable for recourse to these options :

in months : 36 or in days : (from the award of the contract)

II.2.3) Information about renewals : *(if applicable)*

This contract is subject to renewal: yes no

Number of possible renewals: *(if known)* or Range: between : and:

(if known) In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:

in months: or in days: (from the award of the contract)

II.3) Duration of the contract or time limit for completion:

Duration in months : or in days: (from the award of the contract)

or

Starting: (dd/mm/yyyy)

Completion: (dd/mm/yyyy)

Section III : Legal, economic, financial and technical information

III.1) Conditions relating to the contract:

III.1.1) Deposits and guarantees required: *(if applicable)*

Details are provided in the Instruction documents issued as part of the Invitation to Tender (ITT) pack.

III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:

Details are provided in the Instruction documents issued as part of the Invitation to Tender (ITT) pack.

III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded: *(if applicable)*

All participants must provide a current Solicitors Regulation Authority Number (or equivalent). All participants must provide the information requested for technical and professional ability as set out in the Invitation to Tender (ITT). Details are provided in the Instruction documents issued as part of the Invitation to Tender (ITT) pack.

III.1.4) Other particular conditions: *(if applicable)*

The performance of the contract is subject to particular conditions : yes no

(if yes) Description of particular conditions:

III.2) Conditions for participation:

III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers:

Information and formalities necessary for evaluating if the requirements are met:

All participants must provide the information requested for technical and professional ability as set out in the Invitation to Tender (ITT). Details are provided in the Instruction documents issued as part of the Invitation to Tender (ITT) pack.

III.2.2) Economic and financial ability:

Information and formalities necessary for evaluating if the requirements are met:

We will exclude Potential Providers where there is a high risk of:

Insolvency over the lifetime of the contract.
Inability to cope with the contract size.
Insufficient financial capacity to deliver the services effectively.

You will be awarded a pass in this section if you meet these requirements:

Your turnover for each of the last two years must be greater than or equal to £3,200,000.

Minimum level(s) of standards possibly required: *(if applicable)*

Your turnover for each of the last two years must be greater than or equal to £3,200,000.

You must have a current ratio (current assets/current liabilities as referenced in the last audited accounts) greater than or equal to 1

Where these requirements are not met (or where information is not available), we may seek further information including unaudited accounts, management accounts, cash-flow statements and any other appropriate documentation.

An assessment will be made using all available information, including financial accounts submitted, established indicators of risk and financial strength through Dunn & Bradstreet (or equivalent), financial value and nature of the project.

We may (at our sole discretion) award a pass mark where Potential Providers can provide a guarantee of performance and financial standing through a parent company guarantee from the ultimate asset-owning parent and/or a performance bond.

Only in the event material concerns may not be rectified will Potential Providers receive a Fail.

III.2.3) Technical capacity:

Information and formalities necessary for evaluating if the requirements are met:

All participants must provide the information requested for technical and professional ability as set out in the Invitation to Tender (ITT). Details are provided in the Instruction documents issued as part of the Invitation to Tender (ITT) pack.

Minimum level(s) of standards possibly required: *(if applicable)*

All participants must provide the information requested for technical and professional ability as set out in the Invitation to Tender (ITT). Details are provided in the Instruction documents issued as part of the Invitation to Tender (ITT) pack.

III.2.4) Information about reserved contracts: *(if applicable)*

- The contract is restricted to sheltered workshops
- The execution of the contract is restricted to the framework of sheltered employment programmes

III.3) Conditions specific to services contracts:

III.3.1) Information about a particular profession:

Execution of the service is reserved to a particular profession: yes no
(if yes) Reference to the relevant law, regulation or administrative provision :

III.3.2) Staff responsible for the execution of the service:

Legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service: yes no

Section IV : Procedure

IV.1) Type of procedure:

IV.1.1) Type of procedure:

- Open
- Restricted
- Accelerated restricted

Justification for the choice of accelerated procedure:

- Negotiated

Some candidates have already been selected (if appropriate under certain types of negotiated procedures) : yes no
(if yes, provide names and addresses of economic operators already selected under Section VI.3 Additional information)

- Accelerated negotiated

Justification for the choice of accelerated procedure:

- Competitive dialogue

IV.1.2) Limitations on the number of operators who will be invited to tender or to participate: *(restricted and negotiated procedures, competitive dialogue)*

Envisaged number of operators:

or

Envisaged minimum number: and *(if applicable)* maximum number

Objective criteria for choosing the limited number of candidates:

IV.1.3) Reduction of the number of operators during the negotiation or dialogue: *(negotiated procedure, competitive dialogue)*

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated : yes no

IV.2) Award criteria

IV.2.1) Award criteria *(please tick the relevant box(es))*

- Lowest price

or

- The most economically advantageous tender in terms of

the criteria stated below *(the award criteria should be given with their weighting or in descending order of importance where weighting is not possible for demonstrable reasons)*

the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document

| Criteria | Weighting | Criteria | Weighting |
|----------|-----------|----------|-----------|
| 1. | | 6. | |
| 2. | | 7. | |
| 3. | | 8. | |
| 4. | | 9. | |

| Criteria | Weighting | Criteria | Weighting |
|----------|-----------|----------|-----------|
| 5. | | 10. | |

IV.2.2) Information about electronic auction

An electronic auction will be used yes no

(if yes, if appropriate) Additional information about electronic auction:

IV.3) Administrative information:

IV.3.1) File reference number attributed by the contracting authority: (if applicable)
[ITT 60357 'Civil Litigation Arbitration Mediation in Pharmaceuticals LTR Framework'](#)

IV.3.2) Previous publication(s) concerning the same contract:

yes no

(if yes)

Prior information notice Notice on a buyer profile

Notice number in the OJEU: [2016/S 249-459737](#) of: [24/12/2016](#) (dd/mm/yyyy)

Other previous publications(if applicable)

IV.3.3) Conditions for obtaining specifications and additional documents or descriptive document: (in the case of a competitive dialogue)

Time limit for receipt of requests for documents or for accessing documents

Date: [03/03/2017](#) Time: [10:00](#)

Payable documents yes no

(if yes, give figures only) Price: Currency:

Terms and method of payment:

IV.3.4) Time limit for receipt of tenders or requests to participate:

Date: [06/03/2017](#) Time: [11:00](#)

IV.3.5) Date of dispatch of invitations to tender or to participate to selected candidates: (if known, in the case of restricted and negotiated procedures, and competitive dialogue)

Date:

IV.3.6) Language(s) in which tenders or requests to participate may be drawn up:

Any EU official language

Official EU language(s):

[EN](#)

Other:

IV.3.7) Minimum time frame during which the tenderer must maintain the tender:

until: :

or

Duration in months : 3 or in days : (from the date stated for receipt of tender)

IV.3.8) Conditions for opening of tenders:

Date : 06/03/2017 (dd/mm/yyyy) Time 11:01

(if applicable) Place: [Electronically, via web-based portal.](#)

Persons authorised to be present at the opening of tenders (if applicable) :

yes no

(if yes) Additional information about authorised persons and opening procedure:

Section VI: Complementary information

VI.1) Information about recurrence: *(if applicable)*

This is a recurrent procurement : yes no

(if yes) Estimated timing for further notices to be published:

VI.2) Information about European Union funds:

The contract is related to a project and/or programme financed by European Union funds : yes no

(if yes) Reference to project(s) and/or programme(s):

VI.3) Additional information: *(if applicable)*

This procurement exercise will be conducted via the DH's e-Tendering portal. We call this system BMS (Business Management System). Applicants wishing to be considered for The Civil Litigation Arbitration and Mediation in Pharmaceuticals must register their details and download and complete the Invitation to Tender (ITT) documents and submit their response via BMS. The following link will take you to the guidance documentation for using the BMS i.e. to register and download instructions on how to respond.

<https://www.gov.uk/government/organisations/department-of-health/about/procurement>

If you require assistance, please contact the Supplier Helpdesk on +44 1132545777 or supplier.helpdesk@dh.gsi.gov.uk This helpdesk is available 10:00 to 16:00, Monday to Friday excluding Bank Holidays.

Registration is a simple 1-step process; supplier must register as a company/organisation; then each employee who may undertake a tendering exercise must then register as an individual. Once this stage is completed, it is then possible to register an expression of interest for this tender. Note: Standard BMS functionality will only acknowledge one recipient per supplier for each individual tender. If you require the tender to be seen by multiple users we suggest using a centralised e-mail address (dhtenders@example.com).

Log on instructions are as follows:

Stage 1 — Registration (New suppliers):

Those who have not previously contracted with DH will first need to ensure that their company details are registered in the system:

- a) Go to the link above;
- b) Click on 'New Supplier';
- c) Complete and send the details in the automated e-mail that appears;
- d) Within 3 working days, you will receive an e-mail with your login information; a unique username and password.

Note: Standard BMS functionality requires the registered e-mail address to function as individual's username.

Stage 2 — Post Registration (those already registered):

Once registered, candidates must express interest as follows:

- a) Go to the link above;
- b) Select 'Login into e-Tendering System';
- c) Select sourcing home page and enter Invitation to Tender (ITT) number (ITT 60357 'CLAMP') (as given in IV.3.1) above) in search field provided.

If you are not already registered on BMS, whilst you do so, you will be able to download all the Invitation to Tender (ITT) documents from Contracts Finder, by copy and paste into your browser or clicking on the following link: <https://www.contractsfinder.service.gov.uk/Search>

VI.4) Procedures for appeal:

VI.4.1) Body responsible for appeal procedures:

Official name: [High Court](#)

Postal address:

Town: [London](#)

Postal code: [WC2A 2LL](#)

Country: [United Kingdom \(UK\)](#)

Telephone:

E-mail:

Fax:

Internet address: (*URL*)

Body responsible for mediation procedures (*if applicable*)

Official name: [High Court](#)

Postal address:

Town: [London](#)

Postal code: [WC2A 2LL](#)

Country: [United Kingdom \(UK\)](#)

Telephone:

E-mail:

Fax:

Internet address: (*URL*)

VI.4.2) Lodging of appeals: (*please fill in heading VI.4.2 or if need be, heading VI.4.3*)

If you have a complaint or seek to challenge the outcome, please follow the guidance contained within the Invitation to Tender (ITT) documentation.

VI.4.3) Service from which information about the lodging of appeals may be obtained:

Official name:

Postal address:

Town:

Postal code:

Country:

Telephone:

E-mail:

Fax:

Internet address: (*URL*)

VI.5) Date of dispatch of this notice:

[03/02/2017](#) (*dd/mm/yyyy*) - ID:2017-016713

Annex A
Additional addresses and contact points

I) Addresses and contact points from which further information can be obtained

Official name: National ID: *(if known)*
Postal address:
Town: Postal code: Country:
Contact point(s): Telephone:
For the attention of:
E-mail: Fax:
Internet address: *(URL)*

II) Addresses and contact points from which specifications and additional documents can be obtained

Official name: National ID: *(if known)*
Postal address:
Town: Postal code: Country:
Contact point(s): Telephone:
For the attention of:
E-mail: Fax:
Internet address: *(URL)*

III) Addresses and contact points to which tenders/requests to participate must be sent

Official name: National ID: *(if known)*
Postal address:
Town: Postal code: Country:
Contact point(s): Telephone:
For the attention of:
E-mail: Fax:
Internet address: *(URL)*

IV) Address of the other contracting authority on behalf of which the contracting authority is purchasing

Official name National ID (if known):
Postal address:
Town Postal code
Country

----- (Use Annex A Section IV as many times as needed) -----

Annex B
Information about lots

Title attributed to the contract by the contracting authority

Lot No : **Lot title :**

1) Short description:

2) Common procurement vocabulary (CPV):

Main vocabulary:

3) Quantity or scope:

(if known, give figures only) Estimated cost excluding VAT:

Currency:

or

Range: between :

and:

Currency:

4) Indication about different date for duration of contract or starting/completion: (if applicable)

Duration in months : or in days : (from the award of the contract)

or

Starting: (dd/mm/yyyy)

Completion: (dd/mm/yyyy)

5) Additional information about lots:

Annex C1 – General procurement
Service categories referred to in Section II: Object of the contract
Directive 2004/18/EC

| Category No [1] | Subject |
|------------------------|--|
| 1 | Maintenance and repair services |
| 2 | Land transport services [2], including armoured car services, and courier services, except transport of mail |
| 3 | Air transport services of passengers and freight, except transport of mail |
| 4 | Transport of mail by land [3] and by air |
| 5 | Telecommunications services |
| 6 | Financial services: a) Insurances services b) Banking and investment services [4] |
| 7 | Computer and related services |
| 8 | Research and development services [5] |
| 9 | Accounting, auditing and bookkeeping services |
| 10 | Market research and public opinion polling services |
| 11 | Management consulting services [6] and related services |
| 12 | Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services |
| 13 | Advertising services |
| 14 | Building-cleaning services and property management services |
| 15 | Publishing and printing services on a fee or contract basis |
| 16 | Sewage and refuse disposal services; sanitation and similar services |
| Category No [7] | Subject |
| 17 | Hotel and restaurant services |
| 18 | Rail transport services |
| 19 | Water transport services |
| 20 | Supporting and auxiliary transport services |
| 21 | Legal services |
| 22 | Personnel placement and supply services [8] |
| 23 | Investigation and security services, except armoured car services |
| 24 | Education and vocational education services |
| 25 | Health and social services |
| 26 | Recreational, cultural and sporting services [9] |
| 27 | Other services |

1 Service categories within the meaning of Article 20 and Annex IIA to Directive 2004/18/EC.

2 Except for rail transport services covered by category 18.

3 Except for rail transport services covered by category 18.

4 Except financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services. The following are also excluded: services involving the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property or concerning rights thereon. However, financial service contracts concluded at the same time as, before or after the contract of acquisition or rental, in whatever form, shall be subject to the Directive.

- 5 Except research and development services other than those where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs on condition that the service provided is wholly remunerated by the contracting authority.
- 6 Except arbitration and conciliation services.
- 7 Service categories within the meaning of Article 21 and Annex IIB of Directive 2004/18/EC.
- 8 Except employment contracts.
- 9 Except contracts for the acquisition, development, production or co-production of program material by broadcasters and contracts for broadcasting time.