

A guide to transfer of framework agreements

Guide for suppliers – What to do if I want to transfer a framework agreement with Amgros to another supplier?

In this guide, we describe what you as a supplier must do and what requirements you must comply with if you wish to transfer an existing framework agreement with Amgros to another supplier.

Request for change

Changes as to who "has" the framework agreement always require the consent of Amgros.

Therefore, if you want to transfer a framework agreement to another supplier, you must send Amgros a request to amend the framework agreement. The request must be sent to Amgros no later than 4 weeks before the transfer is to take effect.

The request must be sent by email to udbud@amgros.dk.

Amgros is under no obligation to consent to the request.

Amgros will process the request as soon as possible. In this connection, we are of course aware that the supplier often wants a quick feedback.

What information should the request contain?

A request for change must always include the following information:

- Year, tender group, and tender number of the framework agreement to which the request relates
- Item number of the item to which the request relates
- Active substance of the item
- Pharmaceutical form of the item
- Strength of the item
- Pack size of the item
- Transfer document signed by the supplier who was originally awarded the framework agreement with Amgros and the supplier to whom the framework agreement is wanted to be transferred. The document must state that the requested transfer has been approved by both suppliers. The document must also state the date on which the desired transfer becomes effective.
- Full name, address, CVR number, telephone number / fax no. and email address of the new supplier.
- Information about whether there will be a change e.g. item number, distributor or similar because of the desired transfer of the framework agreement.
- Confirmation that the item is on www.medicinpriser.dk from the date the desired transfer takes effect.
- Justification for the desired transfer of the framework agreement.

ESPD documentation requirements and company authorization

- The new supplier to which the agreement is intended to be transferred must deliver ESPD documentation as soon as possible. The documentation must be uploaded via Amgros' Supplier and Tendering Portal under "Mine firmasider".
Excluded from this is documentation of criminal offenses for the company's management members and persons with similar powers. This documentation must be sent to the encrypted email address espd@amgros.dk.

- For Danish suppliers, the company can upload a serviceattest (a service certificate) issued by Erhvervsstyrelsen (the Danish Commerce Agency). As of January 30, 2017, the serviceattest may include information on criminal matters for all the company's management members and persons with similar powers, whether Danish or foreign.
- For foreign suppliers, the company must upload similar documentation issued by the relevant national authority. In addition, foreign suppliers must send criminal certificates or other documentation for members of the Board of Directors, the Executive Board and any supervisory board for the offenses mentioned in section 135 (1) of the Public Procurement Act to the encrypted email address espd@amgros.dk.
- If Amgros has already received the new supplier's ESPD documentation when the supplier in question has submitted an offer for a previous tender, Amgros will reuse this documentation.
- The new supplier, *if Danish*, must upload a valid company authorization to manufacture/import medicines as soon as possible (Section 39 of the Medicines Act) issued by the Danish Medicines Agency on "Mine firmasider".
- The new supplier, *if a foreign entity*, must upload a valid company authorization to manufacture/import medicines as soon as possible issued by the national authority in the country, in which the company is resident.

If the request concerns multiple items, the information must be provided for each of those items.

Other useful information

If Amgros accepts the desired transfer and provided that the requirement regarding ESPD documentation and company authorization is met, this means that the new supplier "takes over" the framework agreement with Amgros. As of the date on which the transfer takes effect, Amgros is therefore entitled to purchase the goods in question from the new supplier on the terms set out in the framework agreement.

Where can I read more?

The rule on the transfer of the framework agreement is in section 30 of the framework agreement ("Overdragelse" ("Transfer")). This guide is a practical guide on how to apply the rule in section 30.2 of the framework agreement.

We therefore refer to section 30 of the framework agreement for more information. You are of course welcome to contact Amgros.