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Competitive dialogue enables cooperation between two leading purchasing organisations in the healthcare sector

Hanover/Leipzig - A team from Luther Rechtsanwaltsgesellschaft mbH has successfully advised EK-UNICO, the leading purchasing association of university hospitals in Germany, in an EU procurement procedure to select a strategic cooperation partner. The aim of the partnership is to strengthen procurement in the field of university medicine. The award of the contract to Sana Einkauf & Logistik's bid concludes a pilot procedure. EK-UNICO and Sana Einkauf & Logistik together represent a joint annual purchasing volume of over EUR 3 billion.

The new cooperation between two purchasing associations covers more than 400 hospitals in Germany, including 23 university hospitals. The cooperation model is designed in such a way that both organisations remain independent in terms of business and corporate law. In future, Sana Purchasing & Logistics will work exclusively with EK-UNICO in the area of university medicine. EK-UNICO will be responsible for the strategic orientation of purchasing for university hospitals. The strategic collaboration of the two cooperation partners thus offers the best conditions for the future. The identity and visibility of the two strong brands in the healthcare industry will be maintained. In this constellation, EK-UNICO and Sana Einkauf & Logistik rely on the strengths of the individual partners. Together, they are creating a cooperation with a pioneering role in procurement management for university medicine.

Luther advised EK-UNICO and its members throughout the entire procurement project. The complex pilot procedure for selecting a cooperation partner was conducted as a competitive dialogue and was completed within just seven months of the publication of the contract

notice. In the highly competitive bidding process, Sana Einkauf & Logistik ultimately came out on top with the most economical offer overall.

Björn Polan, Managing Director of EK-UNICO GmbH, illustrates the importance of the smooth cooperation with Luther: "This unprecedented cooperation sets a milestone for university procurement management of the future. The general requirements we named for a cooperation partner were highly complex in terms of content. Luther managed to implement them in such a special procedure as the competitive dialogue in a way that was both compliant with procurement law and economically successful."

By successfully advising on this complex procurement project and advising a large number of public hospitals in recent years, Luther has established a leading role in the preparation and implementation of EU tenders for the procurement of purchasing services in the healthcare sector.

"This cooperation is a further step towards comprehensively networked university medicine, which is one of the most outstanding and at the same time most challenging tasks that Luther accompanies in this field", says Thomas Gohrke, expert for health care law at Luther.

Ulf-Dieter Pape, partner and specialist lawyer for public procurement law at Luther, adds: "Such an award procedure is unique in the market: the successful implementation of a competitive dialogue within the short time required excellent interaction between all parties involved, given the high complexity of the subject matter of the procedure."

About EK-UNICO GmbH:

EK-UNICO GmbH is a purchasing association of currently 14 German university hospitals. Through optimal procurement processes at economic conditions, EK-UNICO makes an important contribution to the efficiency and financial viability of cutting-edge medicine. With its specialised competence centres, it ensures that the high medical quality requirements of university medicine are met. The employees of the university hospitals contribute their resources and knowledge to EK-UNICO. The principle of participation of the university hospitals, especially in decision-making, is a key success factor of EK-UNICO. Practical experience from the hospital flows into the negotiating strategy of the purchasing organisation.

About Sana Einkauf & Logistik GmbH:

Sana Einkauf & Logistik GmbH is a specialist in hospital supply, offering the complete supply chain for the hospital. The wholly owned subsidiary of Sana Kliniken AG acts as a purchasing and logistics service provider for the Group's own healthcare facilities. In addition, the company manages the leading purchasing association in the German-speaking healthcare market, through which more than 300 external hospitals of all sponsorships and care levels throughout Germany and Switzerland are linked in the form of a purchasing cooperation, including nine German university hospitals. Cooperation with these facilities has been particularly strengthened in recent years with the "University Hospital Network".

For Luther:

Luther, Public Procurement Law: Dr Thomas Gohrke (Partner), Ulf-Dieter Pape (Partner; both Lead), Dr Henning Holz, LL.M. (Counsel), Dr Franziska Kläß-Dingeldey, MLE (Senior Associate)

Luther, Tax Law: Jens Röhrbein (Partner)

Luther, Antitrust Law: Dr Helmut Janssen, LL.M. (Partner)

Brief Profile Luther Rechtsanwaltsgesellschaft mbH

Luther is a leading German commercial law firm that offers comprehensive legal and tax advice. The full-service law firm employs over 420 lawyers and tax advisors and is represented in ten German economic hubs as well as with ten of its own international offices in key investment locations and financial centres in Europe and Asia. Its clients include medium-sized enterprises and large corporations, as well as the public sector.

Luther works closely with other commercial law firms in all the prevailing jurisdictions. On the Continent, Luther is part of a group of independent leading law firms who have worked together for many years on joint cross-border projects.

Luther Rechtsanwaltsgesellschaft mbH is a law firm with a business approach: our innovative awareness aspires us to provide our clients with customised legal advice that addresses individual needs and delivers the greatest possible economic benefit. All of Luther's lawyers and tax advisers have a solid understanding of interdisciplinary matters and a wealth of experience in collaborating on complex tasks. Luther was named "Law Firm of the Year 2019" by the German legal published JUVE. Further information is available at: www.luther-lawfirm.com

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