

Guidelines

for alternative
commercial
proposals

PHARMAC
TE PĀTAKA WHAIORANGA



About this document

What are these Guidelines for?

These Guidelines explain what we require from an alternative commercial proposal (ACP) in response to the draft annual Invitation to Tender (ITT).

Who are these Guidelines for?

We designed these Guidelines for pharmaceutical suppliers with an interest in supplying a Pharmaceutical listed in the ITT draft list.

What information is contained within these Guidelines?

These Guidelines are divided into four main parts:

1. When a supplier should submit an ACP.
2. What to include in an Alternative Commercial Proposal (ACP).
3. What an ACP should not include.
4. How to submit an ACP.

1. When a supplier should submit an ACP

An ACP is an Alternative Commercial Proposal that can be submitted during the consultation period of the relevant draft ITT. Suppliers can submit an ACP to provide a proposal that offers an alternative pricing structure on a set of pharmaceuticals, at least one of which must be included in the relevant draft ITT. Suppliers can also ask that Pharmac defer tendering an item from the relevant draft ITT.

Submitting an ACP lets Pharmac consider bundles and alternative pricing structures. Pharmac does not accept proposals with rebates through the ITT, however, suppliers can use an ACP to propose a pricing structure that includes a flat rebate.

Any agreement from an ACP would be based on Pharmac's [standard terms and conditions](#) with no deviations. Pharmac may consider adding Special Terms (such as eligibility criteria and rebate terms) but we will not amend the standard terms of the agreement.

2. What to include in an Alternative Commercial Proposal (ACP)

- A clear outline of the Pharmaceutical(s) included in the ACP and which ones are listed in the relevant draft ITT. There must be at least one Pharmaceutical listed from the relevant draft ITT.
- ACPs may include more than one Pharmaceutical and may also include pharmaceuticals not listed in Schedule Two of the relevant draft ITT. Pharmac prefers proposals that include two to three additional pharmaceuticals.
- Additional items must be listed on the [Pharmaceutical Schedule](#) or ranked on the [Options for Investment \(OFI\)](#) or [Cost Neutral list](#).
- Where items are already listed on the Schedule or ranked on the OFI or Cost Neutral list, link to the Schedule listing webpage or the relevant page in the [Application Tracker](#).
- For each Pharmaceutical include all relevant information, such as:
 - pack price
 - unit price
 - confirmation of Medsafe approval
 - strength
 - presentation
 - brand name
 - lead time
- If accepting the proposal would mean a brand change, formulation change or new listing, please give a clear outline of implementation support you will offer.
- A flat rebate or no rebate pricing structure is Pharmac's preference for ACP proposals.
- Confirmation that there are no intellectual property barriers (including patent barriers) to supply this product for the proposed indications in New Zealand.

3. An ACP should not include:

- Items currently subject to an unresolved tender. This means an ACP cannot include an item Pharmac has previously tendered for and is yet to notify whether it is declined or awarded.
- Items that are currently under principal supply status (PSS) or any other sole or exclusive supply.
- A request for PSS or any other form of sole or exclusive supply.

4. How to submit an ACP

- An ACP should be submitted to Pharmac before the deadline outlined in the relevant draft ITT. Pharmac will not consider any ACPs submitted after the deadline date.
- Please download and use the submission form to submit an ACP.
- Must be emailed through to tender@pharmac.govt.nz.