

NHS terms and conditions for the Supply of Goods and the Provision of Service (Homecare Medicines Versions)

Published 25 October 2019

Context Note relating to the use of the example NHS terms and conditions for the Supply of Goods and the Provision of Services, as adapted (for illustrative purposes only) for homecare medicines.

Context Note

DHSC has published two example versions of how the NHS terms and conditions can be adapted for use when buying homecare medicines: (1) the NHS Framework Agreement for the Supply of Goods and the Provision of Services (Homecare Medicines Version); and (2) the NHS Terms and Conditions for the Supply of Goods and the Provision of Services (Homecare Medicines Version).

The first example is based on the NHS Commercial Medicines Unit approach and assumes there is a Framework Agreement being put in place and that users will go out to market with an appropriate Specification and Tender Response Document. The second is a standalone contract version based on a manufacturer funded approach, which assumes a specification will be used to set out any requirements that must be complied with by the Supplier.

Please note that both of the examples make certain assumptions as to what will be in any specification used. Users should, therefore, review the specification completed for their project and the example framework agreement / contract terms and conditions together and make any necessary changes to ensure consistency across all of the relevant documents based on their requirements for their specific framework agreement / contract.

Both examples are intended to be used with the NHS Data Protection Protocol (see [insert link], which will need to be completed and tailored as necessary to reflect your specific arrangements in relation to the use, processing and sharing of any personal data.

Please note that these examples have been provided by the Department for Health and Social Care for information and illustrative purposes only. It is up to you as an individual contracting authority to make sure that the example terms and conditions are checked, adapted and amended as necessary to make them fit for your specific procurement/purposes and that you consider and address any related public procurement issues. The examples are merely intended to provide an illustrative starting point as to how the relevant NHS terms and conditions might be tailored for homecare medicines services and must be checked, further developed, amended and completed to reflect the requirements of any specific arrangements proposed.

Use of these examples is not a substitute for the specific professional advice and guidance that should always be sought by contracting authorities if they are considering procuring and entering into specific homecare medicines service provision arrangements. Accordingly, by using the examples as a starting point, you agree that you are responsible for taking your own professional advice to ensure that: (1) your final framework agreement / contract and any associated procurement documents are legally compliant, internally consistent, error free and reflect your desired risk profile, approach and requirements; and (2) that any example used is checked, amended and finalised as necessary to ensure that it meets your needs, objectives and requirements and is fit for your intended purposes.

If you have any general questions (i.e. not related to a specific procurement) and/or feedback (to include any suggested improvements) about either of the illustrative examples, please contact:

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