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Unión Europea

GOBIERNO DE ESPAÑA MINISTERIO DE ECONOMÍA Y EMPRESA

Servicio Andaluz de Salud
CONSEJERÍA DE SALUD

2/2018_CPI PRELIMINARY MARKET CONSULTATION OF THE ANDALUSIAN HEALTH SERVICE IN THE FRAMEWORK OF THE INITIATIVE OF "DIGITAL PATHOLOGICAL ANATOMY TRANSFORMATION" FOR THE SEARCH OF INNOVATIVE SOLUTIONS IN THE ANDALUSIAN PUBLIC HEALTH SYSTEM.

Precedents

The initiative "Digital Pathological Anatomy Transformation" forms part of the Public Buying Strategy of Innovation of the Andalusian Public Health System, hereon, SSPA, which is developed by the General Secretariat of R+D+i of the Health Council of the Autonomic Community and the Andalusian Health Service in the context of the R+i Strategy in Health and the Innovation Strategy of Andalusia 2014-2020/RIS3[1].

The Innovation Public Purchasing Strategy (ECPI in Spanish initials) is one of the actions for implementing innovation in health of the SSPA and pursues improvement and sustainability of the SSPA by means of development of innovative solutions based on needs identified by the system and through the collaboration with the industrial sector supported in new procedures of public buying.

The Health Council of the Regional Government of Andalusia, according to what is set forth in the Decree of the President 12/2015 of the 17th of June, the Vice-Presidency and about re-structuring of the Councils and the Decree no. 208/2015 of the 14th of July, whereby the organic structure of the Health Council and the Andalusian Health Service (AHS), is the organ of the Administration of the Regional Government of Andalusia responsible for the directives in health policy and superior management of the organisms directly responsible for provision and management of health services of the Autonomous Community, shaped under the name of Andalusian Public Health System. This System is defined in section 43 of 2/1998 Act of the 15th of June, of Health in Andalusia, in Title VII of the Health Ordinance of Andalusia, as the set of resources, organizational means and actuations of the public health administrations of the Autonomic Community or associated to them, oriented to satisfy the right to protection of health by means of

[1] http: //ris3andalucia.es /

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prevention of disorders and health care.

The AHS has as its mission rendering health care to citizens of Andalusia, offering quality public health services, insuring accessibility, equity and user satisfaction, seeking efficiency and optimal use of the resources.

The AHS is an administrative agency of those set forth in section 65 of 9/2007 Act of the 22nd of October, and with respect to hiring regime, it is ruled by Decree 39/2011 of the 22nd of February, whereby it is established that the administrative organization for management of hiring of the Administration of the Regional Government of Andalusia and its instrumental entities and regulation of the regime of uniform goods and services.

With reference to the above, the recently passed Law 9/2017 of Public Sector Contracts, which is a transposition in Spanish legal ordinance of the Directives of the European Parliament and the Council 201//23/EU and 2014/24/EU, of the 26th of February of 2014, establishing in an explicit manner in section 115, that the organs for contracting may carry out market studies and direct consultations to financial operators who may be active in it with the aim of correctly preparing bidding and informing the financial operators of its plans and the requirements it will demand to those concurring in the procedure. This procedure is applicable to all types of contracts, especially Public Innovation Purchases (Spanish initials hereon CPI).

The fundamental core of this initiative is the existence of a need of the health system that is not yet covered, or covered in an insufficient manner, susceptible to be dealt with by market agents with open solutions of Digital Pathology.

It is thus the definition of this not covered need that justifies and articulates the definition of the challenge that the AHS formulates to the market agents for the development of solutions by means of a formal public bidding process.

Pathological Anatomy is a central service in the value chain of health assistance of a great number of health problems of **great prevalence and impact** in the lives of citizens and patients.

Digitalization is an opportunity for **transformation of the organization** and the establishment of a new relational model and service rendering of Pathological Anatomy. In this sense, the challenge presented in this initiative has a double strategic goal: on one hand, development and implementation of a Regional Network Service of Digital Pathology based on open solutions, as well as development of an advanced solutions Platform based on Artificial Intelligence (**Annex I**).

Public Buying in Innovation (CPI), in its different modalities, is a useful instrument for undertaking a process of digital transformation such as this one that demand development of technological solutions and construction of new forms of organization and processes that must be demonstrated in their functional requirements (of results, organization, financial and contractual) before their extension to the set of presence network.

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The chance to bet from the public sector for backing of the CPI has led the Regional Government of Andalusia to state its commitment for the articulation of a Strategy for impulse and Consolidation of the CPI in the Administration of the Regional Government of Andalusia, whose formulation was admitted by Agreements of the 6th of February of 2018 of the Government Council (Andalusian Bulletin no. 30, 12 February 2018) and finally passed by the Government and published on the 4th of September of 2018. In this Strategy, equipped with 50 million Euros coming from the Regional Operational Program of the European Framework 2014-2020 (PO ERDF- European Regional Development Fund- Andalusia), the bases are established to develop the CPI and a series of needs not covered currently by the Andalusian public sector are identified. Specifically, in the health area, a priority has been identified in the development of the Regional Service of Digital Pathology, insisting on the need of improving response times and efficiency. This priority reinforces the need to undertake a Preliminary Market Consultation with the aim of finding innovative solutions specific to this area.
On the other hand, on the 7th of March of 2017 the AHS and the Network Public Entrepreneurial Entity subscribe an agreement to apply the TIC in management of the chronicity and continuity in care of the Andalusian Public Health System. Actuations of Red.es will be done in execution of the agreement and will count on funds from the EU, specifically the Intelligent Operational Growth Program (POCInt in Spanish), theme 2 goal, Technologies for Information and Communication.

As well as this, it will also be possible to count on fund from the Program of Innovation from Demand (FID HEALTH)[2], financed with ERDF and managed by the Ministry of Science, Innovation and Universities (MICIU in Spanish) in collaboration with the Ministry of Health, Consumer and Social Welfare (MSCBS) and Autonomic Communities, pursuing the improvement of public services through fostering of entrepreneurial innovation in the development of solutions for needs not covered by the public health system based on demand.

Lastly, the existence of extraordinary funds for implementation of CPI, the innovation and deployment of solutions developed, are an added opportunity to undertake an initiative of radical transformation in the service that attempts, within a five-year period, for the SSPA to have an integrated regional network of advanced services for Digital Pathological Anatomy.

First. Notification

With a prior nature of the bidding purchases, the AHS considers of interest obtaining information from the financial operators, social agents and agents of knowledge, and knowing the state of the art and identifying and specifying the characteristics of possible

[2] http://www.ciencia.gob.es/portal/site/MICINN/menuitem.8ce192e94ba842bea3bc811001432ea0/?vgnextoid=fa85b7ffe276cd510VgnVCM1000001d04140aRCRD

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solutions that adapt best to the requirements of the service and needs of the users. This information may be incorporated if considered necessary, in order to plan and elaborate technical specifications of the posterior hiring procedures.

Consequently, this Preliminary Market Consultation is notified about the need to search for open solutions in Digital Pathology, hereon PADIGA (see further detailed information in Annex I).

As of this area, a series of challenges arise which require collection of necessary information to prepare an eventual public bidding of innovation in the setting of the PADIGA initiative.

Second. Object

This notification has as its goal promotion of participation of physical or legal persons for presentation of proposals of innovative solutions in the Digital Transformation of Pathological Anatomy in Andalusia.

Specifically, it is attempted that the AHS, as of the results of this Preliminary Market Consultation, have enough knowledge of the most novel and optimal solutions for launching hiring procedures.

This procedure will request proposals with the degree of technological development that will enable transfer to clinical practice and whose idealness can be evaluated by the AHS for eventual later implementation in processes and assistance procedures.

Third. Participants

The notification is open and is addressed to all physical and legal persons who may intend to present proposals for needs not covered, both in definition and scope, as well as in development and demonstration of clinical usefulness.

Presentation of several proposals by a single physical or legal person will be admitted, both individual or jointly with others.

When a proposal is presented jointly by a group of persons or entities, there must be one identified as a representative for communications effects with the AHS.

Fourth. Participation conditions

Presentation of proposals will be ruled by the following basic rules:

1. The participants must formulate their proposals filling out the request form (**Annex II**). The request form may be accompanied by complementary documentation estimated as suitable where it is possible to develop the proposal in greater detail.

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2. The request form indicated in Annex II must be filled out in every box and section to be reviewed and the request be accepted. The information in the request may be published at any time, except for information declared confidential in nature. The annexes may have confidential natures totally or partially. The AHS may publish confidential information and documentation prior authorization of the entity carrying out the proposal.

3. Presentation of proposals is done by sending the documentation to the email address of:
   compra.innovacion.sc.sspa@juntadeandalucia.es
   In the subject line of the email, the statement of **PROPUESTA 2/2018_CPI** Name of the entity and acronym of the project.

4. In the event a proposal is being presented jointly by a group of physical or legal entities, a single email address must be used, for effects of identification of the proposal and interlocution with the proposers.
5. For clarification of the doubts the participants may have, for preparation of the proposals, a document will be made available with frequently made questions and answers that will be updated periodically in the profile of the hirer of the Regional Government of Andalusia in the section of "Preliminary Consultations". Also, the participants may state consultations by sending an email to
   compra.innovacion.sc.sspa@juntadeandalucia.es. indicating in the subject line the expression **DUDA 2/2018_CPI** Name of Entity followed by the text considered and that helps identify the message.

6. Physical or legal persons participating in the notification must send their proposals as well as an advance of these, in Spanish or English, according to the requisites set out in the request form presented as **Annex II** of this notification.

7. Proposals may be presented as of the starting date indicated in this notification, and as long as the presentation period is open and this consultation. The date of conclusion of this period will be published in the profile of the hirer of the Regional Government of Andalusia in the section of "Preliminary Consultations". If it is necessary to present a new period for presenting proposals, this period will be published in the same media.
8. The AHS will study the proposals presented. If considered of interest, it may be

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possible to make an individual convocation of specific participants to carry out a more detailed presentation or expanding on information about the proposal, product or service. In the case that this ampliation of information is considered of interest to all the potential bidders, this information will be made public, requiring consent of the proposer if the information is confidential in nature.

9. The AHS is not committed to financing or accepting proposals presented in this notification. Costs derived from participation in the notification will be underwritten by the parties interested.

Fifth. Technical support

The AHS may receive backing from other entities it considers suitable for correct execution and resolution of doubts and issues that arise during the preliminary market study. The advisors if any, may not participate in the future biddings derived from the Preliminary Market Study. Also, at the end of the process, the names of the advisors involved in the Consultation will be published in the profile of the hirer of the Regional Government of Andalusia, in the section of "Preliminary Consultations".

Sixth. Application of the principles of transparency, equal treatment and non-discrimination nor competency fraud

Participation in the consultation, contacts maintained with participants or exchanges of information may not give rise to infractions of the community principles of transparency, equal treatment and non-discrimination, nor have as an effect restriction or limitation of competition nor granting advantages or exclusive rights.

In order to insure the transparency of the process, availability of the most amount of information possible and efficient exchange of experiences and opinions, the participants will expressly state their consent for the AHS to keep accessible updated, all necessary, total or partial information about the proposals presented.

Participation in the preliminary market consultation will not be granting a right or preference of any type with respect to participation in further biddings that may be held later in the area object of this consultation and as a consequence of it does not include any obligation of financing or acceptance of proposals presented.

To this effect, the AHS will take suitable measures to guarantee maintenance of the principles mentioned earlier, both in development of this notification and in any further hiring process later.

In particular, in application of the principles of transparency, equal treatment and non-discrimination, any information exchanged will be made public (not that declared confidential) in the setting of this notification in the profile of the hirer of the Regional

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Government of Andalusia.

In no case during the process of consultation this article refers to, the organ for hiring will be able to reveal to the participants in it, the solutions proposed by other participants, and these solutions may be only known totally by it.

As well, the final results obtained will be published in the preliminary consultation of the market and the Early Demand Map associated to this process.

The AHS will adopt necessary measures to avoid any situation of conflict of interests. This situation happens when the staff servicing the organ for hiring which also participates in the development of the procedure of bidding or could influence the result of this, has a direct or indirect financial, economic or personal interest that could appear to compromise impartiality and independence in the context of the bidding procedure.

Those persons or entities that have awareness of a possible conflict of interests must make this known immediately to the AHS.

Any situation that constitutes a conflict of interests or may lead to a conflict of interests during celebration of the consultation must make this known immediately to the AHS.

Seventh. Operation of the consultation

The AHS will study the proposals presented. If considered of interest, will be able to individually call out to specific participants to carry out a more detailed presentation or expand on information about their proposal, product or service. In the case this further detail of information were to be of interest to all the potential bidders, this information will be made public, requiring consent of the proposer if the information is confidential in nature.

At any time, the AHS may hold work-shops, events or meetings to explain or propagate information to possible proposers relative to any of the phases of mentioned earlier always obeying the principles of equal treatment, transparency and non-discrimination. The different notifications of these actuations will be published in the profile of the hirer of the Regional Government of Andalusia in the section "Preliminary Consultations".

Milestones mentioned above may take place regardless of new notifications being held that are collective, individual, written requests for information, by telephone, electronic media, through the profile of the hirer of the Regional Government of Andalusia or even requests for demonstrations as anticipations of the solutions being developed by the physical or legal persons participating.

During the development of the consultation it may be possible to publish information related to the progress of the consultation (advance cards that may specify the non-covered need and give way to more specific consultations within the process listed here). This information will be published in the profile of the hirer of the Regional Government of Andalusia in the section "Preliminary Consultations".

If considered necessary, the AHS will carry out information work-shops, meetings with

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the participants and any other acts of communication and dissemination of information considered necessary.

At the end of the consultation, in advance, a publication in the profile of the hirer of the Regional Government of Andalusia in the section "Preliminary Consultations" and the corresponding announcement on the Hiring Platform of the Public Sector, the map of early demand of the future hiring/s that will

Be notified to the effects of informing the market so it may prepare the offers arising with enough time in advance.

Eight. Terms and management of the Preliminary Market Consultation

The term for presentation of the proposals will start on the day after the publication of this consultation in the profile of the hirer of the Regional Government of Andalusia in the section of "Preliminary Consultations".

Closure of this notification will take place 3 months as of its publication, regardless of whether the AHS may conclude the Consultation at any time during the period mentioned earlier if it estimates that it has achieved a degree of sufficient definition of the solutions, always after a 2-month period has elapsed since its publication and has received at least three proposals from participants, and this is published. Thus, the AHS may publish closure of the consultancy after two months at least since starting when it considers that:

- It has enough information about innovative proposals for that not covered need in order to start an eventual public innovation hiring process or
- It considers that the need has not generated enough interest in the market to merit a consultancy.

Ninth. Language

The official language of this preliminary market consultancy is Spanish. In order to make easier the participation of foreign bidders the documents of the consultancy will be published in English. Participants may present their proposals or information in Spanish or English. Communication with the participants during the consultancy process to answer questions formulated will be in Spanish or English.

Tenth. Result of the Preliminary Market Consultation

The AHS will study the proposals presented and may use them, as set out in section 115 of 9/2017 Act of the 8th of November, of Contracts of the Public Sector, whereby the Directives of the European Parliament and the Council 2014/23/EU and 2014/24/EU of 26th of February 2014 are transposed to Spanish legal ordinance, about public bidding to define functional or technical specifications in detail that may be used in hiring procedures of goods or services that may be convened later through the CPI procedure.

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In line with the above, the AHS will state in a final report the acts carried out. In the report these acts will be listed and those responsible for them, the entities consulted, issues formulated to them and answers given to them. This report will be published in the profile of the hirer of the Regional Government of Andalusia, in the section "Preliminary Consultations". In this report next steps to be carried out by the AHS will be detailed in the framework of the initiative, and among others, this may be publishing the Map of Early Demand.

For the analysis of the different proposals presented, it may be possible to name a Technical Committee formed by staff of the proposing organ and/or other public instances that are considered of interest. This Committee may seek the opinion of external experts with voice, yet without a vote in the deliberations.

Final results obtained by this Committee will be published along with the eventual bidding announcement in the profile of the hirer of the Regional Government of Andalusia, in the section of "Preliminary Consultations", and through an announcement in the Hiring Platform of the Public Sector.

Eleventh. Publicity

Additionally to official publication of documentation in the profile of the hirer of the Regional Government of Andalusia, the AHS may publish in the specific web space, accessible through: http://www.sas. junta-andalucia.es/principal/documentosacc.asp?pagina=pv cpublica innovacion,
Relevant information for the consultation about:

- Announcement of aperture and description of the consultation.
- Announcement of closure of the presentation period of requests of the consultation.
- New needs not covered of the AHS.
- Update of non-covered needs.
- Specific aspects of non-covered needs.
- Announcement of closure of the consultancy process.
- Results of the Consultation.
- Any other information considered of interest to the participants.

Besides, the AHS, if it considers it necessary, may use at the same time, any other forms of adequate publicity and frequently used ones in its transparency procedures: Official

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Diary of the European Union, TED, Official Bulletins, Local publications, internet, etc.

Twelfth. Personal data protection and confidentiality

The AHS will store the contact data of the participants in the procedure. This data will be necessarily included in the request form of Annex II, in which it will also be stated express consent and acceptance of the bases of the present notification, including the possibility of spreading participation in the procedure if relevant. The participant will have a right to access, modification and cancellation of this data with the exclusive purpose of facilitating contact during the preliminary market consultancy process.

On the other hand, in order to ensure transparency of the process, availability of the greatest amount of information possible and efficient exchange of experiences and opinions, the participants will expressly state their agreement to having the AHS keeping accessible and updated the necessary information, total or partial, about proposals presented.

Regardless of the possibility of disclosure of the information contained in the proposals and definition of the specifications of the projects, the Administration will not be able to disclose technical commercial information that has been disclosed by the participants and that they have designated as confidential.

It is up to the participants to identify the documentation or technical or commercial information they consider confidential in nature, and it will not be admissible for them to make a general declaration or declare that all the documents or all the information is confidential in nature. This confidential character affects in particular, technical or commercial secrets and confidential aspects of the solution. In this sense, the contents of the information included in the form available in Annex II, in no case may be classified as confidential and may be published. Only adjuncts to this file may be designated as confidential, totally or partially. This circumstance must be stated clearly (in any way or in the margin) by the proposer in the document designated as such.

Insofar the results of the consultation were or could be related to the execution of the agreement signed with Red.es, these will be sent to Red.es for consideration in the shaping of future biddings of CPI associated to digital transformation of Pathological Anatomy.

Equally, Red.es may access the information of the request files received and the confidential information supplied by the proposers prior to approval of these and with the purpose explained in the previous paragraph.

Thirteenth. Exploitation rights of Intellectual and Industrial Property

Possible ideas for solutions presented in the framework of the preliminary market study may not mention a manufacturing or specific origin or concrete procedure, nor refer to a brand, a patent or a type, a certain origin or production.

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The use of the content of the proposals is exclusively limited to inclusion in the process of definition of the project that will be implemented in the specifications of an eventual later hiring procedure.

Fourteenth. Project hiring

Once the definition is done of the technical and/or functional specifications of the systems, services or products to be developed (as of the ideas of innovative solutions collected as a result of this notification) that will serve as base for execution of a possible public innovation hiring process. With necessary concretion degree, the AHS or Red.es in due case, may start, if it considers this, the hiring process.

This eventual CPI process will be open to all the possible proposals that fulfill the requirements of the procedure, whether they have been associated or not to the preliminary market consultation.

Mrs. María de la Presentación Aguilera Crespillo, Official Sworn Translator-Interpreter appointed by the Spanish Ministry of Foreign Affairs and Cooperation, does hereby certify that the prior translation is a faithful and complete translation from Spanish into English of the original document.

María de la Presentación Aguilera Crespillo

Málaga, October 23, 2018.

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