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Innovative partnership in the healthcare sector: Luther advises Braunschweig Clinic on the selection of a technology partner for imaging medical technology

Hanover/Hamburg – The Braunschweig Clinic has commissioned Siemens Healthineers to modernize its imaging medical technology in an EU procurement procedure. The special feature of the tendering procedure: Together with several bidders, the "Braunschweig Model" of a technology partnership was developed within the framework of the competitive dialogue. This technology partnership also includes the fields of radiation therapy and nuclear medicine. Law firm Luther has assisted the Braunschweig Clinic in the award procedure. In this complex mandate, Luther was able to combine its expertise in the health sector, procurement law and contract drafting in a targeted manner.

The Braunschweig Clinic – one of the largest hospitals in northern Germany with around 1,500 beds and 38 clinics and institutes – and Siemens Healthineers are breaking new ground in providing innovative medical technology with the "Radiology Technology Partnership".

Siemens Healthineers will in future be responsible for all new and replacement procurement, maintenance, service and an innovation guarantee for imaging systems as well as for radiation therapy and

nuclear medicine. In addition, consulting services for optimizing the processes of medical operations on the basis of the included medical technology are also part of the contract. The aim is to provide the Braunschweig Hospital's patients at the three existing hospital locations with high-quality and cost-effective medical care with radiological, diagnostic, interventional and radiotherapeutic services over a ten-year contract term with an option to extend the contract for a further five years.

Luther advised the Braunschweig Clinic – together with technical and economic consultants of the Partnership Germany (PD) – on the design, preparation and implementation of the award procedure in the type of competitive dialogue as well as on contract drafting and negotiations with the three technology companies selected in the competition. Despite the enormous complexity of the subject matter of the contract, the award procedure was successfully concluded within ten months.

The "Braunschweiger Modell" of a Technology Partnership

The "Braunschweiger Modell (Brunswick Model)" of a technology partnership, which was developed with several tenderers within the framework of the competitive dialogue, allows the hospital to react flexibly to changed requirements and future equipment requirements thanks to a separate innovation budget and the definition of specific technology bands. This includes both the scope and timing of procurement throughout the duration of the partnership. A fixed quarterly payment rate provides the hospital with the necessary budget security. The "flat rate" to be paid by the hospital consists of fees for equipment procurement, equipment management and other services (including training, IT).

The technology partnership offers a clear economic advantage compared to conventional tenders for individual large appliances. It guarantees good planning of costs while at the same time providing investment security in the fields of radiology, radiotherapy and nuclear medicine. The Braunschweig Clinic is also hoping to accelerate the workflows by standardising previously different operating concepts.

About the Braunschweig Clinic

The Städtische Klinikum Braunschweig gGmbH is one of the largest hospitals in Lower Saxony (Germany). As a house of maximum treatment, it provides comprehensive medical care for the people in the region between Harz and Heide on a high level. Twenty-one clinics, ten independent clinical departments and seven institutes cover almost the entire spectrum of medicine. The house has 1,499 full- and part-stationary beds. Each year, more than 61,000 patients are treated as in-patients and around 200,000 as out-patients. The

clinic has a turnover of about 307 million euros per year. With almost 4,000 employees, the Braunschweig Hospital is one of the largest employers in the region.

<https://www.klinikum-braunschweig.de/66.0.html>

About Siemens Healthineers

Siemens Healthineers is the separately managed healthcare business of Siemens AG. It helps healthcare providers around the world to master current challenges and develop in their respective business environments. As a leading medical technology company, Siemens Healthineers is constantly developing its product and service portfolio. This applies to the core areas of imaging for diagnostics and therapy as well as laboratory diagnostics and molecular medicine. In addition, digital healthcare and hospital management services are constantly evolving with operators to help them develop new business opportunities and minimize operator risk. In the fiscal year 2016, which ended on September 30, 2016, Siemens Healthineers achieved sales of 13.5 billion euros and earnings of more than 2.3 billion euros, and is represented worldwide with around 46,000 employees.

<https://www.healthcare.siemens.com/>

Overall legal control of the procurement procedure as well as contract drafting and contract negotiations for the Braunschweig Clinic

Luther, Healthcare/Medical and hospital law: Dr Oliver Kairies (Lead Partner), Dr Hendrik Bernd Sehy (Counsel, both Hanover)

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Brief Profile Luther

Luther is a leading German commercial law firm that offers comprehensive legal and tax services. The full-service law firm employs more than 350 lawyers and tax advisors and is represented at 10 German economic centres and at important investment locations and financial centres in Europe and Asia with international offices in Brussels, London, Luxembourg, Shanghai, Singapore and Yangon. Our

clients are 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 worldwide. 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 Rechtsanwalts-gesellschaft 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.

Our lawyers and tax advisors have a solid understanding of interdisciplinary matters and a wealth of experience in collaborating on complex tasks. Further information is available at: www.luther-lawfirm.com

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