

PUBLIC
LAW

NEW HEALTH MINISTRY'S SHARED SERVICES

On March 22nd, Decree-Law no. 19/2010 was published, creating a new legal entity of corporate nature governed by public law in the health sector: the **SPMS - Health Ministry's Shared Services, E.P.E.**.

*New legal entity of
corporate nature
governed by public law*

SPMS will be entrusted with the responsibility of providing services that, considering their nature and strategic importance, can and should be assured by a single provider to all entities belonging to the health system, which allows them to focus on the pursuit of their core activity: to provide health care for citizens.

SPMS will be entrusted with the following main tasks:

*Shared services
regarding public
procurement within
SNS exclusively
performed by SPMS*

- Performance of **shared services** which are specific to the health sector, **with regard to public procurement (purchases and logistics) within the National Health Service (SNS)**;
- Performance of **financial shared services**;
- Performance of **shared services regarding human resources**.

Regarding the performance of shared services which are specific to the health sector, **concerning purchases and logistics, SPMS' task consists in centralizing, optimizing and rationalizing the acquisition of goods and services and offering logistics services. SPMS has competences in connection with purchase strategy, award procedures, public procurement, internal logistics, payments and performance monitoring.**

*SPMS succeeds «Somos
Compras, ACE» with
regard to its competences
and contractual positions*

This means that SPMS succeeds the complementary grouping of companies (ACE) «Somos Compras, ACE» with regard to its competences and contractual positions and has the competence to centralize the contractual activity in this field.

Notice should be taken that SPMS enjoys the **exclusive right** to pursue the activity **of offering those services (as well as all shared services above referred)** to SNS' establishments and services, regardless of their legal nature, as well as the Health Ministry's bodies and services, should they resort to such a solution of shared services for the pursuit of those activities. By means of a decision by the member of government

responsible for Health, the utilization of these shared services may be determined, generally, for all or part of the services and institutions belonging to the SNS or of the bodies or services of the aforementioned Ministry.

The Decree-Law also determines that **the rights, duties and obligations of «Somos Compras, ACE» and those of the complementary groupings of companies «Somos Contas, ACE» and «Somos Pessoas, ACE» as well as the structures of the SUCH - Common Utilization of Hospitals Service for the pursuit of the aforementioned groupings' activities are to be transferred to SPMS** within 60 days following its entry into force. These rights, duties and obligations encompass the totality of assets and rights held by each of these entities and allocated to the pursuit of such activities.

It should be noticed that, within the scope of these activities, SPMS acts subsidiarily and in coordination with the Public Administration's Shared Management of Resources, E.P.E. (GERAP), and the National Agency for Public Purchases, E.P.E. (ANCP), thus avoiding the duplication and redundancy regarding the pursuit of its tasks and competences.

SPMS shall coordinate with ANCP the application of the framework agreements signed within the National System for Public Purchases (SNCP) to the bound entities of the SNS, while such application may be extended to the voluntary entities defined in Decree-Law no. 37/2007, of February, 19th.

The terms and conditions of the coordination between SPMS and these entities are to be defined in the following manner: with GERAP, by means of a protocol; with ANCP, through a contract whereby SPMS adheres to the SNCP. In accordance with this Decree-Law, such instruments are to be signed within 60 days following its entry into force.

This Decree-Law enters into force on April 1st, 2010.

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