



Brake Bros Ltd

Justification for the choice of the Negotiated Procedure Without Prior Publication of a Call for Competition in accordance with Article 32

Extreme urgency brought about by events unforeseeable for the contracting authority and in accordance with the strict conditions stated in the directive.

1. Despite the passage of time since the onset of the pandemic, the urgency of the current situation is extreme. A new strain of SARS-CoV2 (VUI202012/01) has emerged and, whilst it is understood to have been known of since September 2020, its rapid transmissibility has only very recently become properly understood. This - coupled with recent knowledge of higher-than-expected case numbers (particularly in the South East of England) and the fact that it is known that asymptomatic transfer poses a particular risk where school-age individuals are the vectors - means that extremely urgent action was taken to target mass-testing at this particular cohort. As such, there was and is now an extremely urgent need for this proposed direct award

The COVID-19 outbreak is a Public Health Emergency of International Concern as declared by the World Health Organisation on 30 January 2020. The WHO Director General characterised COVID-19 as a pandemic on 11 March 2020.

3. A key element of ensuring an effective response to the pandemic is ensuring that there is adequate testing. Subsequently securing sufficient test capacity for schools in order to test school pupils and staff

A. There are genuine reasons for extreme urgency: It is responding to COVID-19 immediately because of public health risks presenting a genuine emergency.

B. The events that have led to the need for extreme urgency were unforeseeable: The Commission itself confirmed: "The current coronavirus crisis presents an extreme and unforeseeable urgency – precisely for such a situation our European rules enable public buyers to buy within a matter of days, even hours, if necessary." (Commissioner Breton, Internal Market, 01.04.2020).

C. It is impossible to comply with the usual timescales in the PCR: It is not possible to comply with the timescales of another procedure due to the urgent requirement to ensure the amount of tests processed increases with the necessary demand.

D. The situation is not attributable to the contracting authority – DHSC has not done anything to cause or contribute to the need for extreme urgency.