



Department
of Health &
Social Care

Yorkshire Water Services Limited

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

1. On 11 March 2020 the World Health Organisation declared a COVID-19 pandemic with the associated serious risk posed to life. The UK Government's response to the national emergency posed by COVID-19 includes the putting in place by it of arrangements for large-scale wastewater testing in respect of COVID-19.

2. A key element of ensuring an effective response to the pandemic is ensuring that there is a disease monitoring framework. Subsequently ensuring presence in key areas of interest (locally, regionally and nationally) and to have the ability to quickly respond to hotspots and new variants is crucial. The programme has engaged with 9 Water Companies in England to undertake the sampling across many of these locations. These contracts will cover the services associated with the sampling across England at both Treatment Centre locations and Network Locations across the geographic region of each water company.

3. DHSC is satisfied the tests permitting use of the Negotiated procedure without prior publication (Regulation 32(2)(b)(iii)) are met:

A. The works, supplies or services can be supplied only by a particular economic operator for the protection of exclusive rights, including intellectual property rights: Yorkshire Water has exclusive proprietary rights over and in respect of its own water network infrastructure, plants etc. Yorkshire Water must in all circumstances provide consent before access is permitted to their plant or network infrastructure to undertake this sampling. In relation to the sampling being undertaken by the UK Government, Yorkshire Water has advised that only they (or their own authorised subcontractors under direct water company control) will undertake this sampling as it is their property and their risk.

B. No reasonable alternative or substitute exists – The samples can only be sourced from Yorkshire Water infrastructure; therefore, no reasonable alternative exists.

C. the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement – this procurement is part of a procurement strategy by the UK government to implement disease monitoring framework due to the Covid-19 pandemic