



Thermo Electron Limited

**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. 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.

2. A key element of ensuring an effective response to the pandemic is ensuring that there is adequate testing. Therefore, ensuring that the programme has procured and built an effective Laboratory information management system critical to the testing value chain.

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

A. As far as is strictly necessary: The laboratory information management system was identified as strictly necessary to meet the demand to scale up the testing programme in the UK.

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

C. 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).

D. 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 delivery of laboratory information management system for which the Project Jupiter labs requires to fulfil the mass testing targets. Shortened timeframes would still not have enabled a supplier to start activities at the start of November in order to achieve the required minimum viable product by late November.

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