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Contract

## **Settlement Agreement**

Department of Health and Social Care

F03: Contract award notice

Notice identifier: 2021/S 000-008798

Procurement identifier (OCID): ocds-h6vhtk-02a9cf

Published 23 April 2021, 10:00pm

### **Section I: Contracting authority**

#### **I.1) Name and addresses**

Department of Health and Social Care

39 Victoria Street

London

SW1H 0EU

#### **Email**

[procurement.operations@DHSC.gov.uk](mailto:procurement.operations@DHSC.gov.uk)

#### **Country**

United Kingdom

#### **NUTS code**

UKI32 - Westminster

#### **Internet address(es)**

Main address

<https://www.gov.uk/government/organisations/department-of-health-and-social-care>

Buyer's address

<https://www.gov.uk/government/organisations/department-of-health-and-social-care>

#### **I.4) Type of the contracting authority**

Ministry or any other national or federal authority

#### **I.5) Main activity**

Health

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## **Section II: Object**

### **II.1) Scope of the procurement**

#### **II.1.1) Title**

Settlement Agreement

#### **II.1.2) Main CPV code**

- 85100000 - Health services

#### **II.1.3) Type of contract**

Services

#### **II.1.4) Short description**

Ecolog was originally intended to be one of the partner brought online to meet the Test and Trace capacity targets. As part of HM Government emergency response to the Covid-19 pandemic emergency, Test and Trace entered into a Letter of Intent with Ecolog in September 2020. This Letter enabled Ecolog to mobilise and equip laboratory units to provide diagnostic (RT-PCR) testing for COVID-19 to meet targets for numbers of tests performed. As the programme progressed, HMG decided not to proceed with the Services Agreement with Ecolog; this Deed of Settlement was signed to discharge all obligations under the Letter of Intent and reimburse Ecolog for costs incurred. The costs relate to the costs of equipment delivered, laboratory tests undertaken pending the execution of the contract and mobilisation costs. This notice relates to the Deed of Settlement concluded between the parties after some services and equipment had been provided by Ecolog.

### **II.1.6) Information about lots**

This contract is divided into lots: No

### **II.1.7) Total value of the procurement (excluding VAT)**

Value excluding VAT: £38,477,491.40

## **II.2) Description**

### **II.2.3) Place of performance**

NUTS codes

- UK - United Kingdom

### **II.2.4) Description of the procurement**

Ecolog was originally intended to be one of the partners brought online to meet the Test and Trace capacity targets. As part of HM Government emergency response to the Covid-19 pandemic emergency, Test and Trace entered into a Letter of Intent with Ecolog in September 2020. This Letter enabled Ecolog to mobilise and equip laboratory units to provide diagnostic (RT-PCR) testing for COVID-19 to meet targets for numbers of tests performed. As the programme progressed, HMG decided not to proceed with the Services Agreement with Ecolog; this Deed of Settlement was signed to discharge all obligations under the Letter of Intent and reimburse Ecolog for costs incurred. The costs relate to the costs of equipment delivered, laboratory tests undertaken pending the execution of the contract and mobilisation costs. This notice relates to the Deed of Settlement concluded between the parties after some services and equipment had been provided by Ecolog. The expected contract for laboratory testing equipment and services was never entered into.

### **II.2.5) Award criteria**

Price

### **II.2.11) Information about options**

Options: No

### **II.2.13) Information about European Union Funds**

The procurement is related to a project and/or programme financed by European Union funds: No

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## **Section IV. Procedure**

### **IV.1) Description**

#### **IV.1.1) Type of procedure**

Award of a contract without prior publication of a call for competition in the cases listed below

- Extreme urgency brought about by events unforeseeable for the contracting authority

Explanation:

There was undoubtedly a risk to public health and DHSC was reacting to a global emergency that was changing on a daily basis. An existing framework or other existing purchasing system was not available, with the National Microbiology Framework unlikely to have been available until early 2021. The need for the tests was immediate, with scientific forecasts at the time warning of daily cases of COVID-19 rising to as many as 50,000 per day in the coming weeks. That urgency was growing following increased levels of COVID-19 infections across the country. Whilst some increase in the number of cases was potentially foreseeable, the timing and scale of the increased demand was not so foreseeable. The situation was not attributable to the contracting authority, as the need for extreme urgency was a direct result of the consequences of the pandemic. There was no evidence or any suggestion that DHSC had done anything or had failed to do anything that has exacerbated the need for the increased level of tests.

#### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: Yes

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## **Section V. Award of contract**

A contract/lot is awarded: Yes

### **V.2) Award of contract**

#### **V.2.1) Date of conclusion of the contract**

24 March 2021

#### **V.2.2) Information about tenders**

Number of tenders received: 1

The contract has been awarded to a group of economic operators: No

**V.2.3) Name and address of the contractor**

Ecolog International FZE

8th Floor, 6 New Street Square, New Fetter Lane

London

EC4A 3AQ

Country

United Kingdom

NUTS code

- UK - United Kingdom

National registration number

10762455

The contractor is an SME

Yes

**V.2.4) Information on value of contract/lot (excluding VAT)**

Initial estimated total value of the contract/lot: £38,477,491.40

Total value of the contract/lot: £38,477,491

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## Section VI. Complementary information

### VI.4) Procedures for review

#### VI.4.1) Review body

The High Court

Strand

London

WC2A 2LL

Email

[generaloffice@administrativecourtoffice.justice.gov.uk](mailto:generaloffice@administrativecourtoffice.justice.gov.uk)

Country

United Kingdom

Internet address

<https://www.gov.uk/courts-tribunals>