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Your ref: Claim No. CO/2144/2020
Our ref: Z2006669/AHJ/CLGA

17 June 2020

Further response to application for interim relief

Dear Sirs

Re: Claim No. CO/2144/2020

The Queen on the application of (1) The Good Law Project (2) EveryDoctor Limited v Secretary of State for Health and Social Care and Crisp Websites Limited (trading as Pestfix)

We write further to our letter of 16 June 2020 sent in response to the Claimants' application for interim relief.

Having taken further instructions, we wish to clarify the factual position as regards the Contract that is the subject of this challenge. It has come to light that the contract award notice published in the OJEU on 18 May 2020 was issued in error, and a new notice with the correct details will be issued shortly. Rather than a contract for gloves, masks and isolation suits for £108 million as indicated, the contract that was concluded with the Interested Party on 13 April 2020 was in fact for isolation suits only, with a value of £32 million instead. We can also confirm that these items had already been paid for and delivered before the Claimants' pre-action correspondence was received.

This contract was only one amidst several hundred PPE contracts entered into during April and May of this year with several hundred different suppliers. However, for completeness, we should add that a number of further contracts have also been agreed with the Interested Party, full details of which will be published in the coming weeks, in keeping with our client's duties of transparency.

All of the above serves to highlight why our proposed timetable is necessary for a proper resolution of the matters in issue. As the relevant contract has now been fully performed, the primary remedy for which the Claimants contend (a declaration of ineffectiveness) would serve no purpose; a fortiori, there cannot now be any urgency to grant that relief. Indeed, rather than allowing the claim to proceed further before the parties have a proper understanding of the relevant factual matters, it is critical that the Secretary of State is now given a proper opportunity to respond to the LBA and further misunderstanding avoided accordingly.

Wendy Hardaker - Head of Division
James Turnill - Deputy Director, Team Leader Commercial Litigation A



We trust that this letter and our previous response sent yesterday will be put before the Court prior to any substantive order being granted in this matter and stand ready to assist with any further information as required.

Yours faithfully

Ashlie Whelan-Johnson
For the Treasury Solicitor

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