

**22<sup>nd</sup> June 2021**

Deputy Fergus O'Dowd  
Dáil Éireann  
Kildare Street  
Dublin 2

**PQ 23328/21 “To ask the Minister for Health the process by which companies were selected by his Department and the HSE to carry out Covid-19 testing; if a public tendering process took place; if so, the number of applicants who applied; the number that were subsequently interviewed and so on; the names of the successful companies; the amount they tendered for; the total paid to date to any such companies; the marking scheme used to rank any such tenderers; the length of time the current tendered contracts are in place for; the expected date for when further tendering processes will open to companies in the future; and if he will make a statement on the matter.”**

Dear Deputy O'Dowd,

I refer to the above Parliamentary Question which has been referred by the Minister for Health to the Health Service Executive for direct response. We have not been in a position to issue our response until now due to the Cyberware attack on our systems but please now see below information.

In March 2020 the SARS-CoV-2 pandemic represented a significant threat to public health in Ireland. As a direct response to the emergency measures introduced by the Irish Government, the HSE was charged with the urgent delivery of testing capacity of 100,000 PCR tests per week. This requirement rose later in 2020 to at least 175,000 PCR tests per week in preparation for anticipated surges in testing demand.

The HSE strategy to rapidly access testing capacity as part of the emergency response to the global pandemic comprised of two strands;

#### **Investment in Public Sector testing capacity**

This was achieved by increasing the HSE acute hospitals testing capability, supported by a tender (HSE Procurement, reference HSE 14948), to secure testing platforms and consumables. In parallel, the HSE in collaboration with the National Virus Reference Laboratory have developed a high throughput SARS-CoV-2 testing capacity.

#### **Third party testing contracts**

In response to the critical need to access high volume, rapid turnaround testing in 2020 (and taking account of EU and global shortages in Covid-19 testing capacity), contracts were negotiated directly with those testing providers in a position to deliver the required large scale testing capacity within the target turnaround times at that time.

The first of these contracts was agreed with Eurofins Biomnis in Sandyford. The second of these contracts was established with Enfer Labs.

Award notices for both of these contracts were published by the HSE in January 2021. The published contract values were Eurofins Biomnis €25,000,000 and Enfer Labs €160,000,000. In order to maintain testing capacity it is intended that these contracts will be continued for the remainder of 2021.

Details of the award notices are outlined below. The HSE plans to run a further clinical diagnostics tender in 2021 to identify potential providers. Preparations for this tender have been delayed because of the Ransomware attack.

#### **Type of procedure**

Award of a contract without prior publication of a call for competition in the Official Journal of the European

Union in the cases listed below:

- The procurement falls outside the scope of application of the directive

The award of the contract specified in this notice falls outside the scope of the application of Directive 2014/24/EU by relying upon the provisions of Article 36 of the Treaty on the Functioning of the European Union. The Covid-19 global pandemic presented (and continues to present) an extraordinary challenge to the HSE. The HSE required at short notice the provision of laboratory facilities for testing Covid-19 samples provided by the National Virus Reference Laboratory capable of providing over 15,000 tests. Worldwide testing capacity was extremely limited as Member States acquired the totality of domestic capacity. In the absence of national testing capacity, Ireland was at serious risk of risk to human life as a consequence of its inability to test suspected Covid-19 patients.

As the EU Commission stated in a Communication (COM (2020) 112 final) on 13<sup>th</sup> March 2020, "It is the primary responsibility of EU Member States to take the appropriate health measures in the context of the current crisis. It is crucial that the primary objective of protection of health and human life is pursued by all national measures in compliance with EU rules. The internal market rules support Member States in this respect by ensuring efficiency, synergies and European solidarity."

The HSE viewed the requirement to provide such laboratory capacity as appropriate, necessary and proportionate to ensure adequate testing capacity.

I trust this addresses your question.

Yours sincerely,



**Dr. Stephanie O'Keeffe**  
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**Covering for Niamh O'Beirne, National Lead Testing and Tracing**