

s22

From: s22
Sent: Friday, 14 January 2022 10:45 AM
To: s47F
Cc: s22
Subject: FARRUGIA, Mary; ESSEX, Allyson; s22
Attachments: RE: Goods Contract - MP Biomedicals Germany GmbH [SEC=OFFICIAL]
Goods Contract - MP Biomedicals - Execution Version (1 countersigned).pdf

Hi s47F

Please find attached the Goods Contract which has been signed.

Kind regards

Mary

Mary Farrugia

A/g Assistant Secretary - Health Economics and Modelling Branch

Health Economics and Modelling Branch

Health Economics and Research Division

Australian Government Department of Health

E: mary.farrugia@health.gov.au

GPO Box 9848, Canberra ACT 2601, Australia

From: s47F

Sent: Thursday, 13 January 2022 8:04 PM

To: s22

Cc: s22

ESSEX, Allyson

Subject: RE: Goods Contract - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

FARRUGIA, Mary ;

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Hello s22 ,

Please find attached signed copy.

Kind Regards

s47F

s47F
4 Cargo Way, Mitchell Park VIC 3350, Australia
health.westlab.com



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From: s22**Sent:** Thursday, 13 January 2022 5:55 PM**To:** s47F ; s22**Cc:** s47F

FARRUGIA, Mary

<Mary.FARRUGIA@health.gov.au>; ESSEX, Allyson <Allyson.ESSEX@health.gov.au>**Subject:** RE: Goods Contract - MP Biomedicals Germany GmbH [SEC=OFFICIAL]**Caution:** This email originated from outside of Westlab.

H s47F

See attached a revised contract following addressing the matters below, including your update this morning. If you are able to sign and return, that would be appreciated. Don't hesitate to give me a call if there are any issues at all with this.

Cheers

s22

From: s22**Sent:** Thursday, 13 January 2022 7:48 AM**To:** s47F ; s22**Cc:** s47F

FARRUGIA, Mary

<Mary.Farrugia@health.gov.au>; ESSEX, Allyson <Allyson.ESSEX@health.gov.au>**Subject:** RE: Goods Contract - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

Hi s47F – following our last chat last night, you indicated you would come back to me on the matters of the acceptance period. Let me know where you have landed and we can see if we can get this agreement locked away. Cheers. s22

From: s47F**Sent:** Wednesday, 12 January 2022 4:04 PM**To:** s22**Cc:** s47F

FARRUGIA, Mary

<Mary.FARRUGIA@health.gov.au>; ESSEX, Allyson <Allyson.ESSEX@health.gov.au>**Subject:** RE: Goods Contract - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Hello s22 ,

Trust you are well, do you have any update on the below email?

Many thanks.

Kind Regards

s47F

s47F

4 Cargo Way, Mitchell Park VIC 3350, Australia
health.westlab.com



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From: s47F

Sent: Tuesday, 11 January 2022 4:50 PM

To: s22

Cc: s47F

FARRUGIA, Mary

<Mary.FARRUGIA@health.gov.au>; ESSEX, Allyson <Allyson.ESSEX@health.gov.au>

Subject: RE: Goods Contract - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

Hello s22

Please see attached further amended by our legal team.

- Westlab is now included in the document as distributor. Also attached is the letter showing they are the authorised distributor of the MP Bio product.
- Clause 4.2 Acceptance time is now s47G Can you confirm this is okay?
- Minor amendments that we made to clause 14 accepted
- Schedule 1 delivery dates - slightly amended so that it is now:
 - s47G
 - s47G
- SCHEDULE 1 CLAUSE 2: change to the wording so that the warranty is that Westlab is the authorised distributor for MP Biomedicals, who is the approved sponsor.
- Schedule 1 part 3- amendments removed (as you requested) s47G

Kind Regards

s47F

s47F

4 Cargo Way, Mitchell Park VIC 3350, Australia
health.westlab.com



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From: s22**Sent:** Monday, 10 January 2022 9:53 PM**To:** s47F ; s22**Cc:** s47F

FARRUGIA, Mary

<Mary.FARRUGIA@health.gov.au>; ESSEX, Allyson <Allyson.ESSEX@health.gov.au>

Subject: RE: Goods Contract - MP Biomedicals Germany GmbH [SEC=OFFICIAL]**Caution:** This email originated from outside of Westlab.

Thanks s47F The Department has considered the embedded comments/modifications and are concerned by some of them. We wanted to inquire about some of them and/or propose different approaches. Our comments are as follows:

- We note that you have changed the counterparty to the agreement. This appears inconsistent with a clause that requires the counterparty to be the authorised sponsor of the product. Our review of the ARTG records MP Biomedicals Australasia Pty Ltd as the Australian sponsor of the product you are supplying. Can you advise how the changed counterparty interacts with Clause 2 of Schedule 1?
- The modifications to Clause 14(d) are accepted.
- In connection with the modifications on page 17, the Commonwealth requires the establishment of a final delivery date of the "final RAT test" under this order. This reflected the conversation that was undertaken earlier this month. Consequently, we require the definition of such a date. We understand and are comfortable with the modifications you have proposed on page 17, provided that a reasonable, defined and agreed final delivery date is established.
- The changes to Clause 3 in Schedule 1 are difficult for the Commonwealth to accept. It is a common construct of any goods delivery contract (for the Commonwealth) that the goods be in a condition that is consistent with what is ordered. Your proposed changes absolve MP Biomedicals (or Westlab) of any obligation to deliver goods in a useable or acceptable condition consistent with what was offered in your proposal. The Commonwealth is unclear with what you are seeking to achieve with your proposed changes here, and we are happy to discuss that, but in the current form the changes appear difficult for any buyer to accept. In principle, we believe it is appropriate for the Commonwealth to retain the right to accept delivered goods as a condition for payment.

The Commonwealth is keen to achieve a contract with MP Biomedicals (or Westlab) and believes we can come to a mutually acceptable position, but it must be on a basis that reflects a reasonable basis with risk falling where it is best managed.

We are happy to have a conversation tomorrow morning or to receive an email regarding alternative positions on your behalf.

Regards

s22


 Australian Government Department of Health

s22

GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

From: ^{s47F}

Sent: Monday, 10 January 2022 7:31 PM

To: ^{s22}

Cc: ^{s47F}

<Mary.FARRUGIA@health.gov.au>; ESSEX, Allyson <Allyson.ESSEX@health.gov.au>; ^{s22}; FARRUGIA, Mary

Subject: RE: Goods Contract - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Hello Mary,

Trust you are well, I'm following up to see if you are happy with the mark-ups on the contract? We would appreciate your earliest reply so that we can have this signed and executed.

In the meantime, please find attached ^{s47G} deposit invoice as discussed on our call last week. Call anytime on ^{s47F}

Kind Regards

^{s47F}

^{s47F}

4 Cargo Way, Mitchell Park VIC 3350, Australia
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From: ^{s47F}

Sent: Saturday, 8 January 2022 1:11 PM

To: ^{s22}

Cc: ^{s47F}

<Mary.FARRUGIA@health.gov.au>; ESSEX, Allyson <Allyson.ESSEX@health.gov.au>; ^{s22}; FARRUGIA, Mary

Subject: RE: Goods Contract - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

Hello Mary,

Thank you for the goods contract.

Please find attached contract with some small mark-ups.

We have also amended the contracted party from MP Biomedicals to Westlab Pty Ltd, as we hold the exclusivity to provide the product in this market.

Please confirm you are happy with this and we will have it signed off.

Kind Regards

s47F

s47F

4 Cargo Way, Mitchell Park VIC 3350, Australia
health.westlab.com



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From: s22

Sent: Friday, 7 January 2022 10:22 PM

To: s47F

Cc: s47F

FARRUGIA, Mary

<Mary.FARRUGIA@health.gov.au>; ESSEX, Allyson <Allyson.ESSEX@health.gov.au>; s22

Subject: Goods Contract - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

Caution: This email originated from outside of Westlab.

Hi s47F

Please find attached the Good Contract.

Note that the contact and contact details for the supplier needs to be completed.

We appreciate it if this contract is executed and returned as soon as possible.

It is also the Commonwealth's desire to limit negotiations on the contract terms, but that if there are material matters that need to be raised then the Department will consider them on an exceptions basis.

Kind regards,

Mary

Mary Farrugia

A/g Assistant Secretary - Health Economics and Modelling Branch

Health Economics and Modelling Branch

Health Economics and Research Division

Australian Government Department of Health

E: mary.farrugia@health.gov.au

GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

From: ^{s22}
Sent: Thursday, 6 January 2022 4:41 PM
To: ^{s47F}
Cc: ^{s47F}

<Mary.FARRUGIA@health.gov.au>^{s22};
<Allyson.ESSEX@health.gov.au>

FARRUGIA, Mary
ESSEX, Allyson

Subject: Letter of Intent on supply of COVID-19 Rapid Antigen POC & Self-Test - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

Hi ^{s47F}

Please find attached the letter of intent.

Kind Regards,

Mary

Mary Farrugia

A/g Assistant Secretary - Health Economics and Modelling Branch

Health Economics and Modelling Branch

Health Economics and Research Division

Australian Government Department of Health

E: mary.farrugia@health.gov.au

GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

From: ^{s47F}
Sent: Wednesday, 5 January 2022 9:45 AM
To: FARRUGIA, Mary <Mary.FARRUGIA@health.gov.au>;
ESSEX, Allyson <Allyson.ESSEX@health.gov.au>
Cc: ^{s47F}

MCBRIDE, Paul

<Paul.McBride@health.gov.au>

Subject: RE: URGENT - Request for information on supply of COVID-19 Rapid Antigen POC & Self-Test - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Hello Mary,

Trust you are well.

Please find attached desktop laboratory evaluation completed on omicron variant, ^{s47G}

^{s47G}

Call anytime on ^{s47F} to discuss further. v

Kind Regards

^{s47F}

^{s47F}

4 Cargo Way, Mitchell Park VIC 3350, Australia
health.westlab.com



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From: ^{s47F}

Sent: Friday, 31 December 2021 5:18 PM

To: Mary.FARRUGIA@health.gov.au; ^{s22}

Cc: ^{s47F}

Allyson.ESSEX@health.gov.au

MCBRIDE, Paul

<Paul.McBride@health.gov.au>

Subject: RE: URGENT - Request for information on supply of COVID-19 Rapid Antigen POC & Self-Test - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

Hello Mary,

Further to this, we can guarantee the below delivery timeframes, based on receiving the order ^{s47G}

I have also included numbers for the additional contacts below. Thank you and happy new year!

Kind Regards

^{s47F}

^{s47F}

4 Cargo Way, Mitchell Park VIC 3350, Australia
health.westlab.com



In every discovery.

From:

Sent: Friday, 31 December 2021 5:06 PM

To: Mary.FARRUGIA@health.gov.au; ^{s22}

Cc: ^{s47F}

Allyson.ESSEX@health.gov.au

s47F

Subject: RE: URGENT - Request for information on supply of COVID-19 Rapid Antigen POC & Self-Test - MP Biomedicals Germany GmbH [SEC=OFFICIAL]
Importance: High

Hello Mary,

Thank you for the opportunity to provide a detailed response to your RFI for POC and Self-Tests.

Santé/Westlab are the exclusive distributors for the MP Biomedical Rapid Antigen test in Australia, New Zealand, Netherlands, Denmark, United Kingdom and Canada.

Unique to Santé/Westlab and central to our commitment is our ability to guarantee the below delivery timeframes, based on receiving the order between the ^{s47G}

Our 6 point plan to guarantee the success of the Australia DOH Rapid Antigen Program:

- 18 month shelf life, decrease risk of stock expiring before usage.
- Guaranteed supply, helping you deliver on the promise to Australian citizens.
- Headquartered in Australia with the ability prioritize Australian requirements over competing international demand.
- Product is legally manufactured in Singapore, reducing the risk of ethical sourcing issues and geopolitical constraints.
- 6 months free storage in temperature controlled environment, end to end solution for Australian Health
- A commitment continuous research and development to ensure sensitivity against emerging variants

Our teams remains on standby to answer any questions you may have and would appreciate the opportunity to have a 15minute virtual or face to face meeting with our project and delivery team.

Should you not be able to contact myself, below are three additional contact who are also supporting with this requirement:

s
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Please see below completed RFI, the below pricing and availability remains the same for POC and SELF-TEST. Both of these tests are TGA approved.

Question	Your Response	Manufacturer Name	Supplier/Sponsor Name	Test Name
What is the cost (GST exclusive) for 1,000,000 tests?	^{s33 and s47G}	MP Biomedical Australasia Pty Ltd	MP Biomedical Australasia Pty Ltd	RAPID SARS-COV-2 ANTIGEN TEST CARD Professional Use
What is the earliest delivery timeframe for 1,000,000 tests?				
What is the cost (GST exclusive) for 5,000,000 tests?				
What is the earliest delivery timeframe for 5,000,000 tests?				
What is the cost (GST exclusive) for 10,000,000 tests?				

Question	Your Response	Manufacturer Name	Supplier/Sponsor Name	Test Name
What is the earliest delivery timeframe for 10,000,000 tests?	s33 and s47F			
What is the cost (GST exclusive) for 40,000,000 tests?				
What is the earliest delivery timeframe for 40,000,000 tests?				
What is the cost (GST exclusive) for 100,000,000 tests?				
What is the earliest delivery timeframe for 100,000,000 tests?				
Are there any other equipment that is required in addition to testing kits, and what would be the cost of this equipment?				
Can you deliver to the National Medical Stockpile Warehouse? If not, do you have a current distribution network? Who are they and where can they deliver to?				

Looking forward to your response, please don't hesitate to call anytime on s47F

Kind Regards

s47F

s47F

4 Cargo Way, Mitchell Park VIC 3350, Australia
health.westlab.com



In every discovery.

From: s47F

Sent: Friday, December 31, 2021 8:19 AM

To: s47F

Cc: s47F

Subject: Fwd: URGENT - Request for information on supply of COVID-19 Rapid Antigen POC tests - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

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From: FARRUGIA, Mary <Mary.FARRUGIA@health.gov.au>

Sent: Friday, December 31, 2021 10:29:43 AM

To: s22 s47F

Cc: ESSEX, Allyson <Allyson.ESSEX@health.gov.au>

Subject: RE: URGENT - Request for information on supply of COVID-19 Rapid Antigen POC tests - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

CAUTION: Be aware that this message originated from outside the organization. Do not click on any links or open any attachments unless you recognize the sender and know the content is safe.

Hi s47F

In addition to the request for information below. If you also have a self-test product listed on the ARTG, we are seeking information about both. For ease, I would be grateful if you could also fill out this table below for self-tests:

The key areas include: **(please complete this table or provide a response to these questions per your own formatting)**

Question	Your Response	Manufacturer Name	Supplier/Sponsor Name	Test Name
What is the cost (GST exclusive) for 1,000,000 tests?				
What is the earliest delivery timeframe for 1,000,000 tests?				
What is the cost (GST exclusive) for 5,000,000 tests?				
What is the earliest delivery timeframe for 5,000,000 tests?				
What is the cost (GST exclusive) for 10,000,000 tests?				
What is the earliest delivery timeframe for 10,000,000 tests?				
What is the cost (GST exclusive) for 40,000,000 tests?				
What is the earliest delivery timeframe for 40,000,000 tests?				
What is the cost (GST exclusive) for 100,000,000 tests?				
What is the earliest delivery timeframe for 100,000,000 tests?				

Question	Your Response	Manufacturer Name	Supplier/Sponsor Name	Test Name
Are there any other equipment that is required in addition to testing kits, and what would be the cost of this equipment?				
Can you deliver to the National Medical Stockpile Warehouse? If not, do you have a current distribution network? Who are they and where can they deliver to?				

We would again appreciate any advice you can provide by COB tomorrow 31 December 2021.

Kind regards,

Mary

Mary Farrugia

A/g Assistant Secretary - Health Economics and Modelling Branch

Health Economics and Research Division
Australian Government Department of Health

E: mary.farrugia@health.gov.au
GPO Box 9848, Canberra ACT 2601, Australia

From: ^{s22}

Sent: Friday, 31 December 2021 9:34 AM

To: ^{s47F}

Cc: ESSEX, Allyson <Allyson.ESSEX@health.gov.au>; FARRUGIA, Mary <Mary.FARRUGIA@health.gov.au>

Subject: RE: URGENT - Request for information on supply of COVID-19 Rapid Antigen POC tests - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

Hi ^{s47F}

Thank you for your email

Yes, we would be grateful if you could provide a quote for POC tests. The units preferred are :

Question	Your Response	Manufacturer Name	Supplier/Sponsor Name	Test Name
What is the cost (GST exclusive) for 500,000 tests?				
What is the earliest delivery timeframe for 500,000 tests?				
What is the cost (GST exclusive) for 1,000,000 tests?				

Question	Your Response	Manufacturer Name	Supplier/Sponsor Name	Test Name
What is the earliest delivery timeframe for 1,000,000 tests?				
What is the cost (GST exclusive) for 5,000,000 tests?				
What is the earliest delivery timeframe for 5,000,000 tests?				
What is the cost (GST exclusive) for 10,000,000 tests?				
What is the earliest delivery timeframe for 10,000,000 tests?				
What is the cost (GST exclusive) for 50,000,000 tests?				
What is the earliest delivery timeframe for 50,000,000 tests?				
Are there any other equipment that is required in addition to testing kits, and what would be the cost of this equipment?				
Can you deliver to the National Medical Stockpile Warehouse? If not, do you have a current distribution network? Who are they and where can they deliver to?				

I look forward to hearing from you,

Mary Farrugia

A/g Assistant Secretary - Health Economics and Modelling Branch

Health Economics and Research Division
Australian Government Department of Health

E: mary.farrugia@health.gov.au
GPO Box 9848, Canberra ACT 2601, Australia

From: ^{s47F}
 Sent: Friday, 31 December 2021 7:32 AM
 To: ^{s22}
 Cc: ESSEX, Allyson <Allyson.ESSEX@health.gov.au>
 Subject: Re: URGENT - Request for information on supply of COVID-19 Rapid Antigen POC tests - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Dear Allyson
 Please confirm you want information for POC (professional use) or self testing.
 Thanks
 Karen

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From: ^{s22} >
 Sent: Thursday, December 30, 2021 3:29:35 PM
 To: ^{s47F}
 Cc: ESSEX, Allyson <Allyson.ESSEX@health.gov.au>
 Subject: URGENT - Request for information on supply of COVID-19 Rapid Antigen POC tests - MP Biomedicals Germany GmbH [SEC=OFFICIAL]

CAUTION: Be aware that this message originated from outside the organization. Do not click on any links or open any attachments unless you recognize the sender and know the content is safe.

Dear ^{s47F}

The Commonwealth Department of Health is seeking some advice from sponsors regarding the supply of SARS-CoV-2 Rapid Antigen Point of Care (POC) tests to be delivered to the National Medical Stockpile. The Department has been considering options for the use of RATs as part of the transition to Living with COVID and is keen to understand possible supply over the coming weeks.

We are seeking your urgent advice on a number of key areas and would appreciate any advice you can provide by COB tomorrow 31 December 2021.

The key areas include: (please complete this table or provide a response to these questions per your own formatting)

Question	Your Response	Manufacturer Name	Supplier/Sponsor Name	Test Name
What is the cost (GST exclusive) for 500,000 tests?				
What is the earliest delivery timeframe for 500,000 tests?				
What is the cost (GST exclusive) for 1,000,000 tests?				

Question	Your Response	Manufacturer Name	Supplier/Sponsor Name	Test Name
What is the earliest delivery timeframe for 1,000,000 tests?				
What is the cost (GST exclusive) for 5,000,000 tests?				
What is the earliest delivery timeframe for 5,000,000 tests?				
What is the cost (GST exclusive) for 10,000,000 tests?				
What is the earliest delivery timeframe for 10,000,000 tests?				
What is the cost (GST exclusive) for 50,000,000 tests?				
What is the earliest delivery timeframe for 50,000,000 tests?				
Are there any other equipment that is required in addition to testing kits, and what would be the cost of this equipment?				
Can you deliver to the National Medical Stockpile Warehouse? If not, do you have a current distribution network? Who are they and where can they deliver to?				

Note this is an informal request and any information you provide would be treated as indicative and confidential. We will again be in touch shortly.

We would appreciate your best contact number once you see this email.

Kind regards

Allyson ESSEX

Acting First Assistant Secretary

Health Economics and Research Division

Australian Government Department of Health

E: Allyson.Essex@Health.gov.au

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