

22 May 2020

Dear Sir/Madam

Notification to The Department of Business Energy and Industrial Strategy pursuant to The Competition Act 1998 (Groceries) (Coronavirus) (Public Policy Exclusion) Order 2020 SI (2020/369)

1. This notification is by way of an update to our previous notification dated 9 April 2020.
2. We had notified that effective from 27 March 2020 Brake Bros Limited (“Brakes”) had entered into letters of intent with DEFRA for the delivery of emergency food boxes in England to extremely vulnerable individuals self-isolating as a result of the Covid-19 pandemic and, subsequently, entered into similar letters of intent dated 1 April 2020 and 31 March 2020 respectively with a) the Scottish Ministers for deliveries in Scotland; and b) the Welsh Government for deliveries in Wales.
3. To ensure resilience in the delivery service, DEFRA, the Scottish Ministers and the Welsh Government have split their requirement for the provision of the service 50/50 between Brakes and another foodservice provider, BFS Group Limited (“Bidfood”). Bidfood has entered into similar letters of intent with DEFRA, and with the Welsh Government and Scottish Ministers, on the same dates and in substantially the same form as those that Brakes has entered into.
4. Since the notification on 9 April 2020, Brakes has entered into separate formal contracts (in substantially similar form) with each of DEFRA and the Scottish Ministers for the food box deliveries in England and Scotland respectively. Deliveries in Wales continue upon the basis of a letter of intent.
5. The formal contracts provide as follows:

5.1 DEFRA

- Term: 27 March 2020 – 3 July 2020 (may be extended by DEFRA by up to 3 months)
- Anticipated Volume: 440,000 food boxes per week (split 50/50 between Brakes and Bidfood)

5.2 Scottish Ministers

- Term: 1 April 2020 – 7 August 2020 (may be extended by the Ministers by up to 2 months)
- Anticipated Volume: 70,000 food boxes (split 50/50 between Brakes and Bidfood)

6. At the request of DEFRA and the Scottish Ministers, Brakes and Bidfood are providing a co-ordinated service under the formal contracts, to deliver essential food and non-items to extremely vulnerable individuals self-isolating as a result of the Covid-19 pandemic.
7. Necessarily, providing this co-ordinated service involves both Bidfood and Brakes co-ordinating with each other to arrange the 50/50 split in the deliveries, the exchange of data relating to the delivery addresses (as received from the relevant Authorities), the product types, reporting/monitoring measures, and delivery processes to ensure resilience in the delivery service.

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