

Decision title

Portable Hygiene Units

Recommendation by

Assistant Commissioner, Operational Policy and Assurance

Decision Number

LFC-0096x-D

Protective marking: **NOT PROTECTIVELY MARKED**

Publication status: Published with redactions

Summary

Report LFC-0096x seeks approval to award the contract for the purchase of two Portable Hygiene Units (PHUs) and associated services to the supplier named in Appendix 1 – Confidential Tender Evaluation.

The proposed contract award will ensure an appropriate PHU capability is provided to operational staff and partner agencies at incidents whilst achieving best value for money for the London Fire Commissioner. The tender evaluation included rigorous evaluation of quality, price, financial standing and terms and conditions, with the quality evaluation being conducted by the Operational Policy and Assurance Department.

This report also reviews previous contract performance, the consideration of procurement options, and the outcome of the procurement exercise. This report also outlines a planned evaluation exercise to determine whether the PHU's could in future be delivered to the incident ground via an in-house method.

Decision

The London Fire Commissioner supports option four and gives approval for the Assistant Director of Technical and Commercial Services to award a contract to the supplier named, and for the value cited, in Appendix 1 – Confidential Tender Evaluation.



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Deputy London Fire Commissioner

Date 27/3/2019

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Report title

Provision of Portable Hygiene Units

Report to

Commissioner's Board
Fire and Resilience Board
London Fire Commissioner

Date

21 November 2018
6 December 2018

Report by

Assistant Commissioner, Operational Policy and Assurance

Report number

LFC-0096

Protective marking: **NOT PROTECTIVELY MARKED**Publication status: Published in full

Summary

This report seeks approval to award the contract for the purchase of two Portable Hygiene Units (PHUs) and associated services to the supplier named in Appendix 1 – Confidential Tender Evaluation.

The proposed contract award will ensure an appropriate PHU capability is provided to operational staff and partner agencies at incidents whilst achieving best value for money for the London Fire Commissioner. The tender evaluation included rigorous evaluation of quality, price, financial standing and terms and conditions, with the quality evaluation being conducted by the Operational Policy and Assurance Department.

This report also reviews previous contract performance, the consideration of procurement options, and the outcome of the procurement exercise. This report also outlines a planned evaluation exercise to determine whether the PHU's could in future be delivered to the incident ground via an in-house method.

Recommendation

The London Fire Commissioner supports option four and gives approval for the Assistant Director of Technical and Commercial Services to award a contract to the supplier named in Appendix 1 – Confidential Tender Evaluation. This approval is for the award a contract of a value of £470,320 as outlined in paragraph eight of Appendix 1 – Confidential Tender Evaluation including a one-off capital spend of £91,000 in 2018/19.

Background

1. In December 2014, London Fire Brigade (LFB) agreed to a contract with Euroloos Limited to provide toilet and welfare facilities for use at operational incidents. A working group established by the Commissioner in 2017 concluded that single cubicle portable toilets which had been provided under this contract did not meet the requirements for the workforce. In particular the working group recommended that dedicated male and female facilities should be provided with appropriate lighting, heating, running water and sanitary facilities. Following a Commissioners Board (CB) report in August 2017 the contract with Euroloos Limited was terminated on the 30 November 2017.
2. A new supplier named Newship Ltd (trading as Qdos Event Hire Limited) was appointed by accessing a contract set up by the Mayor's Office for Policing and Crime (MOPAC) to deliver the service from 31 October

2017. The Metropolitan Police Service were utilising the same agreement via a Kellogg Brown and Root (KBR) contract to deliver their requirement for Portable Hygiene Units. The appropriate facility identified at that time of forming this new contract was a trailer-based solution which took into consideration the 2017 working group's recommendations. These trailer-based units were equipped with dedicated male and female facilities, with appropriate lighting, heating and wash facilities.

3. LFB contracted Qdos Event Hire Limited to provide two PHUs and towing vehicles, and trained staff on a retainer basis. Within six months it became apparent that the terms and conditions agreed with Qdos Event Hire Limited were not sustainable for them. In particular, the retention of two event-style trailer units on a 24-hour call-out basis with the expectation to deploy them to site within two hours was in conflict with their wider business model, namely that the trailer units only made money when deployed to sites or events. Retaining the capability for LFB was in fact a significant loss-making exercise for Qdos Event Hire Limited and even when LFB approached them with the view of reviewing the retaining fee element of the contract to make it a more viable venture, they declined. Qdos Event Hire Limited described the process of retaining drivers and vehicles for 365 days-a-year providing a two-hour deployment timeframe as not sustainable. Discussion with Qdos Event Hire Limited regarding the potential revision of the deployment timeframe to three hours was not accepted by them.
4. It was clear following feedback from Qdos Event Hire Limited that their contract with the Metropolitan Police Service did not incorporate the level of urgency in terms of asset deployment that had been required by the LFB's requirement. This was something the LFB considers to be an essential requirement and could not be removed from the provision. As such Qdos Event Hire Limited found the Metropolitan Police Service contract to be a much easier contract to deliver. Qdos Event Hire Limited gave notice in June 2018 of their intention to terminate their contract with LFB as of 2 July 2018. This short notice termination resulted in a review by Operational Policy and Assurance, in consultation with Technical and Commercial Services, to establish options for continuation of services. Options were considered to take legal action against Qdos Event Hire Limited, however this was not deemed to be beneficial for the Brigade.
5. As an interim measure, a three-month contract to maintain services has since been signed with Site-Equip Limited, with an optional extension clause. This interim contract has ensured service continuation with a number of successful deployments already recorded. This interim contract was extended on 2 October 2018 to allow for the longer-term solution to be implemented.

Considerations

6. LFB has recognised the need to supply adequate hygiene and sanitary facilities at operational incidents. Under the Workplace (Health, Safety and Welfare) Regulations 1992 an employer must, as far as reasonably practicable, provide adequate and appropriate welfare facilities for staff while they are at work. Since December 2014 LFB has provided PHU facilities to discharge this function. Prior to this time there was no formal way of providing hygiene and sanitary facilities at incidents. Staff would therefore have to improvise by utilising facilities at homes and businesses in relative proximity to the incident, if available. This informal approach could have resulted in liability issues for damage to property as well as cross-contamination issues in relation to dirty firefighting Personal Protective Equipment (PPE).
7. At present, a PHU is not automatically mobilised to incidents but can be ordered from the incident ground at any time. At 10-pump fires and above, Control will prompt the incident commander to determine whether one is required. In 2017, a total of 15 mobilisations of the PHU were recorded.
8. The provision of hygiene and sanitary facilities to the incident ground is achieved in different ways across the UK Fire and Rescue Service. This ranges from in-house capabilities delivered by fire and rescue services to contracts with third-party providers. Options considered in this report explore various delivery models assessing the benefits and challenges of each option. These considerations include the time imperative upon the Brigade to find a long-term solution, with only an interim arrangement in place. The opportunity to incorporate future collaborative opportunities has also been acknowledged with potential options highlighted within this report.

Options

9. A number of options were available for the future provision hygiene and sanitary facilities. Options considered within this report are:
 - 1) Identify a third-party supplier to provide PHU services to the Brigade
 - 2) Establish mutual aid agreements with neighbouring FRSs or partner agencies
 - 3) Create an in-house PHU provision
 - 4) Purchase two PHUs built to LFB specification, hosted with a third-party supplier (recommended option).
10. When looking at each of the above options a number of benefits and limitations were identified.

Option 1 – Identify a third-party supplier to provide PHU services to the Brigade

11. Market research was undertaken taking into account the learning from both the EuroLoos Limited and Qdos Event Hire Limited contracts. The benefits of outsourcing the PHU service to a third-party supplier negated the need for LFB to manage the delivery, retrieval, servicing and cleaning of such facilities. Third-party suppliers also managed the disposal of human waste and other hazardous materials associated with PHUs.
12. Following engagement with suppliers it was clear that the industry of portable toilet and welfare facilities is founded on the basis of pre-bookings and long-term on-site hire arrangements, especially with regard to trailer-type units. The process of retaining such assets for short notice response does not naturally fit the business model of these hire companies. It became apparent that there was limited appetite within the portable toilet/welfare industry to provide the services required by the Brigade. Those companies that did engage with the Brigade quoted significant increases to the cost of the service compared to previous arrangements.
13. Following a cost-based analysis of retaining two PHU trailer facilities, towing vehicles and staff, Operational Policy and Assurance demonstrated that to ensure a sustainable service, a third-party supplier would potentially need to charge in excess of £150,000 per year (market engagement indicated provisional quotes for a three-year contract at an approximate value of £450,000). By comparison, the previous contract with EuroLoos cost the Brigade £162,710 over three years and provided the Brigade with basic single cubicle toilets. The current interim contract with Site-Equip, which provides a mixture of trailer units and single cubicle toilets, has cost the Brigade £43,728 since 1 August 2018.
14. A significant proportion of the costs quoted as part of the Brigade's market engagement was for the reserve of PHU trailer units which would normally be a significant source of income for the suppliers whilst committed to events. There was also limited spare capacity in the towing vehicle fleets of suppliers which may have reasonably required them to purchase or lease additional vehicle stocks to guarantee availability.
15. The present interim contract with Site-Equip Limited has demonstrated that third-party suppliers are capable of delivering the service required by the Brigade, however a revised attendance time of three hours has had to be negotiated to allow for reasonable delays in traffic and the geography of the LFB operational area. It must also be noted that third-party suppliers proceed to incidents without blue light exemptions. Due to the urgency of the interim solution Site-Equip Limited have provided a mixture of trailer units and single cubicle portable toilets as their trailer units have been previously booked out for events. This further illustrates the issues with retaining such assets, with Site-Equip Limited indicating that they would need to build additional trailers to service a longer-term contract with the LFB at the Brigade's expense.
16. Previous experience with third-party suppliers has shown there can be risks with the stability of the service and contracts. On a number of occasions suppliers failed to respond to incidents in a timely manner and deliver the product expected, with single cubicle portable toilets substituting trailer units on a number of instances. Whilst Key Performance Indicators (KPIs) are factored into contracts as a means of ensuring suppliers honour

their obligations, enforcing the level of service through KPIs has proven to be time consuming for the Brigade. Early supplier engagement demonstrated with the Site-Equip Limited interim contract have assisted in reducing these risks.

17. There are notable benefits of outsourcing the PHU service to a third party, however issues found with previous contracts and suppliers as well as associated costs of a managed and consistently available service, make this method of delivery not the preferred option selected by Operational Policy and Assurance.

Option 2 – Establish Mutual Aid Agreements with neighbouring FRSs or partner agencies

18. Following research conducted by Central Operations in 2017, it was noted that Essex Fire and Rescue Service operate an in-house welfare and hygiene capability. The delivery method of this unit is via a drop-off 'pod system' delivered by a prime mover. It is reasonable to assume that relevant stakeholders including representative bodies were consulted when the provision was developed.
19. Seeking to enter a mutual aid agreement with Essex or another partner agency would have delivered similar benefits to those described in Option 1. All responsibility for delivery, retrieval, servicing and cleaning of such facilities would have been the responsibility of the partner agency. The disposal of human waste and other hazardous materials associated with PHUs is also managed by the third party, thus removing a number of logistical and policy issues for the LFB.
20. A number of potential drawbacks with this option were identified by Operational Policy and Assurance. During initial discussions with Essex it was apparent that only one welfare pod existed, limiting resilience for two organisations in the event of multiple incidents or servicing down time. Attendance standards for incidents would also be difficult to manage under these circumstances. It must also be noted that, dependant on the terms of the mutual aid arrangement, LFB would have had limited control or influence as to the future of the provision which may be reviewed or changed by Essex as part of their normal business.
21. A mutual aid arrangement with a partner organisation presented a potential opportunity for the Brigade to demonstrate collaborative working. There is however a notable risk of the LFB being reliant on another FRS to supply an operational asset which LFB are legally obliged to provide. For this reason, as well as others noted, Option 2 was not selected by Operational Policy and Assurance.

Option 3 – Create an in-house PHU provision

22. The creation of an in-house PHU provision presents a number of benefits for the Brigade. By operating a Brigade-owned asset, LFB would be responsible for ensuring a robust delivery method was maintained and the provision was fit for purpose. An in-house provision would also present the Brigade with a number of potential collaborative opportunities with partner agencies, for example providing welfare facilities for the MPS—a service they currently outsource. Opportunities at borough level may also present themselves, for example supporting business continuity for schools and hospitals. A Brigade-owned asset could also be flexibly used for internal business continuity events such as fire stations that have lost water supplies.
23. A number of challenges would be presented by the provision of an in-house PHU solution. A preferred PHU model would need to be evaluated both in terms of the facilities themselves and delivery method. The method of delivering effective fire ground servicing and maintenance, and the specific hazards and complications of transporting and disposing of human waste and other biohazards would need to be fully understood and resolved. This would likely involve significant involvement of both the Health and Safety Department and representative bodies.

The benefits of creating an in-house PHU capability should be considered by the Brigade for the longer term. It should be noted however that the gap in provision presented by the end of the interim PHU contract in October makes this option impractical at the present time. The solution described in Option 3 of purchasing two PHUs with a view to host them with a third-party supplier for a minimum of 24 months would give the

Brigade sufficient time to undertake an evaluation process to determine the practicalities of delivering the service in-house in future.

Option 4 – Purchase two PHUs built to LFB specification, hosted with a third-party supplier

24. The outcome of recent market research in relation to PHU provision indicated that suppliers did not generally maintain stocks of event style trailer units available for immediate deployment. The general business model of hire companies is such that their trailer fleets are generally being utilised at pre-booked events and sites, or are in the process of being serviced, replenished and being prepared for the next commitment. With this in mind, suppliers indicated that to guarantee the provision of facilities beyond that of single cubicle portable toilets, LFB would be charged a significant amount of money to retain the assets to offset the suppliers inability to utilise them for normal business. As part of the market engagement it was suggested that companies intended to increase the size of their trailer fleet to accommodate the LFB contract. The cost of such a build programme would be recovered as part of the contract with LFB.
25. With the above information in mind, in consultation with Procurement, a costing exercise was undertaken by Operational Policy and Assurance, the outcome of which concluded that it would be financially more advantageous for LFB to purchase two PHU trailers adapted to our specification, with the intention of hosting the assets with a third-party to undertake the delivery, retrieval, servicing and cleaning of such facilities. The disposal of human waste and other hazardous materials associated with PHUs would also be managed by the supplier thus removing a number of logistical and policy issues for the LFB.
26. Based on all benefits and risks of all the options within this report, Operational Policy and Assurance identified this option to be the most appropriate for the Brigade. A contract specification was developed and agreed in consultation with Procurement. Safeguards were incorporated into the specification to ensure Brigade assets being hosted by a third-party supplier were appropriately managed. These safeguards are similar to those the Brigade currently holds with suppliers such as Babcock who host vehicles and equipment, including servicing schedules. The procurement exercise also took due regard to the Brigades' sustainability objectives, with the preferred supplier being required to demonstrate appropriate environmental policies including Ultra Low Emission Zone(ULEZ) compliance and relevant waste carriage licences. The supplier was also required to demonstrate further social value by confirming that they do not operate zero-hour contracts within their business model. A summary of the information supplied is outlined in paragraph 13 of Appendix 1 – Confidential Tender Evaluation.
27. Due to the time imperative of this procurement exercise, it was deemed necessary to engage directly with suppliers without the involvement of Babcock Critical Services. Discussions between Operational Policy and Assurance, Fleet Liaison Engineering and Equipment Team (FLEET), Procurement and the General Counsel's Department concluded that there was no envisaged conflict with this proposed build programme and the Babcock contract, as this exercise would constitute a bespoke, small scale procurement exercise resulting in the supplier hosting the assets.
28. Following discussions with the FLEET it was agreed that the build programme of the PHUs as well as servicing arrangements could be negotiated directly between the Brigade and the supplier. Close consultation with FLEET in relation to the build specification will be undertaken as part of this process. The ability to work directly with the supplier will enable the design and build programme to begin almost immediately. This work will be undertaken in full consultation with FLEET and other relevant stakeholders.
29. There are a number of benefits of LFB purchasing PHU facilities. This option will provide the Brigade with its own assets at a cost comparable to that of a supplier retaining their own trailers or increasing the size of their own fleet at the Brigades expense. This option will also provide the Brigade with a third party means of delivering, retrieving, servicing and maintaining the equipment. The third-party supplier will also be required to provide resilience within their own fleet to accommodate routine maintenance of the Brigade's PHUs as well as simultaneous incidents that may require the use of more than two PHUs at one time. This resilience will be chargeable at a standard hire rate.

30. The Health and Safety Executive (HSE) guidance detailed in Appendix 2 relating to minimum facility requirements has been used as a minimum benchmark for each PHU. The PHUs themselves will be designed to LFB's specification, notably to ensure parity between male and female facilities to reflect the Brigade's current and future workforce aspirations. The PHU specification and design will fully consider the needs of the nine protected characteristics outlined within the Equality Act 2010. A specific example of this is the incorporation of disabled access within the design of the PHUs. A gender-neutral design solution is also being considered as part of the final design process of the units. All configuration options will be considered against the desire to maximise the number of facilities within each PHU due to the limited trailer footprint thus optimising operational effectiveness. The design will also ensure full alignment with industry standards thus meeting all health and safety and equalities legislative requirements. Basing the design on industry standards will also allow the units to be supported by any number of third-party suppliers. This will make the provision more flexible and sustainable should contractual difficulties occur with the host supplier or should the Brigade wish to deploy the PHUs in other parts of the UK.
31. A notable benefit of the Brigade operating its own PHUs is the potential collaborative opportunities presented for partner agency working, for example providing welfare facilities for the MPS they currently outsource. Opportunities at borough level may also present themselves, for example supporting business continuity for schools and hospitals. Such potential opportunities will be considered within the design phase of the PHUs to incorporate disabled access to improve the flexibility and usability of the assets at operational incidents as well as other collaborative environments. Brigade-owned PHUs could also be used for internal business continuity events such as fire stations or other Brigade facilities that have lost water supplies.
32. By purchasing two PHUs, the Brigade will have the flexibility to explore the potential of transferring the delivery element of the contract in-house by hosting the trailers at an LFB location with an appropriate towing capability. The trailers will therefore have operational response considerations incorporated into their design, such as rear highway chevrons and blue lights. Warning devices would not be used by third-party supplier nor a Brigade towing vehicle prior to a road risk exercise being conducted and terms of use agreement being reached.
33. Developing an in-house capability should improve attendance times, whilst all other elements of the contract including fire ground servicing, trailer maintenance and servicing and waste disposal would be retained by the supplier. This evolution of the provision is described as Phase 2 within paragraph eight of Appendix 1 – Confidential Tender Evaluation and would result in a significant cost saving for the Brigade of £72,764 per year, notwithstanding any possible additional staffing or ancillary cost requirements. It is proposed that an in-house PHU delivery method should be explored as part of the wider Operational Support Unit (OSU) and logistics review that Operational Policy and Assurance is currently undertaking. As part of this exercise Operational Policy and Assurance would engage with other FRSs who deliver similar facilities to the incident ground in-house in order to gain from the experiences of those organisations.
34. It should be noted that purchasing PHU trailer units for LFB purposes presents a number of significant benefits for the medium term, although it is important that the legacy of this delivery method be thoroughly factored in and managed. Whilst ongoing maintenance costs will be incorporated within the contract with the third-party supplier appointed by LFB, the capital costs for replacing end of life PHUs will need to be factored into the Brigade's future financial planning. Market engagement has indicated that a PHU being exposed to the rates of operational use previously recorded would have a life expectancy of approximately 8–10 years.

Procurement Process

35. On the 13 August 2018, procurement initiation consent was granted to commence the procurement for the purchase of two PHUs and the associated services.
36. A specification was developed by Operational Policy and Assurance taking into consideration stakeholder requirements based on Option 4. Market research was undertaken to develop this specification and ensure there was adequate interest in the market. A three-year contract was deemed the most appropriate considering the high service level requirement and to provide the Brigade with future flexibility if needed.

37. The specification split the requirement in to distinct elements and split into two phases.

Phase 1 – Initial Operating Model	Interim PHU service arrangements
	Element 1 – Purchase and Supply of Two Portable Hygiene Units
	Element 2 – Incident Response Delivery Service
	Element 3 – Maintenance, Servicing and Collection (returned to supplier's site)
Phase 2 – Optional Future Operating Model (LFB delivery)	Element 3 – Maintenance, Servicing and Collection (returned to LFB site)

38. Splitting the requirement into Phase 1 – Initial Operating Model and Phase 2 – Optional Future Operating Model allowed for both operating models to be quoted on and any potential savings identified.

39. The contract value for this requirement was in excess of the EU procurement threshold (£180k), and as such an EU procurement process was required. Market research indicated that there were a limited number of providers who would be able to deliver this requirement for the Commissioner, notably being able to meet the three-hour response time requirement. Following consultation with Corporate Procurement Services, the most appropriate route to market to source this requirement was an Open procurement process (one stage) in the Official Journal of the European Union (OJEU). This procurement process is publically advertised and open to all suppliers across the EU region and therefore maximises the number of tender responses received, which in turn ensures that the Commissioner is able to evidence best value.

40. On 17 August 2018 the Invitation to Tender was issued to the market, and an advert was published in the OJEU. A tender deadline of the 17 September 2018 was set.

The award criteria used in the procurement process was as follows:

Criteria	Item	Section Weighting	Overall Weighting
Price	Total Price	50%	
Quality	PHU equipment meets specification	10%	40%
	Interim Service	5%	
	Mobilisation	10%	
	Maintenance	10%	
	Resilience	5%	
Social Value	Social Value	10%	

A detailed breakdown relating to the tender evaluation are stated in Appendix 1 – Confidential Tender Evaluation to this report.

Conclusion

41. Following the completion of this procurement exercise, it is recommended that this contract be awarded to the supplier named in Appendix 1 – Confidential Tender Evaluation to enable the purchase of two PHU trailers built to LFB specification whilst requiring the supplier to deliver the PHUs to an incident within three-hours of a request. The contract will also separate the responsibility of incident servicing, retrieval, waste disposal, operational readiness and safe storage of the PHUs.
42. An optional clause within the contract will allow the Brigade to take over the delivery element of the contract with three-months' notice. A separate report will be presented to the Commissioner in due course after evaluating the options to bring the mobilisation of the PHU in-house.
43. The PHU design will incorporate disabled access facilities to at least one of the PHUs to accommodate disabled users at operational incidents as well as other environments where the Brigade might be collaborating with partners. The final design of the PHUs will be developed and agreed in consultation with the supplier and the Brigade. This will involve close consultation between Operational Policy and Assurance and FLEET.
44. This report recognises the significant increase in costs detailed in Appendix 1 – Confidential Tender Evaluation based on previous expenditure on PHU provision. It is important to note that the previous standard of facilities and general service provided by previous suppliers has previously been deemed not suitable by the Brigade. Operational Policy and Assurance, in consultation with Procurement, believe Option 4 detailed within this report will provide the most appropriate, sustainable and best value provision for the Brigade.

Finance comments

1. This report sets out four different options with regard to the future provision of Portable Hygiene Units (PHU) and recommends Option 4 – Purchase two PHUs built to LFB specification, hosted with a third-party supplier.
2. The previous permanent contract was at an annual cost of £54k with the forecast overall cost of the new contract forecast at £157k consisting of revenue and capital commitments. This is comparable to the current interim contract costs. The revenue costs for this new contract will be £126k resulting in a budget pressure of £72k after adjusting for the existing budget of £54k. This pressure is not currently included in the Budget Submission 2019/20 report also on today's agenda. However, if this report is agreed then this pressure will be added to that report before submission to the GLA.
3. It is also expected that the capital costs for two custom Portable Hygiene Units of £91k will be incurred this financial year (2018/19). If approved, this will be reported as part of the financial position monitoring.

Workforce comments

4. The employer has a responsibility to provide appropriate welfare facilities to employees whilst attending incidents. No initial objections to concept are raised, although the carriage and disposal of waste should be managed by an appropriately trained and licenced provider.

Legal comments

5. Under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner (the "Commissioner") is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the Commissioner specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.

6. By direction dated 1 April 2018, the Mayor set out those matters, for which the Commissioner would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience (the "Deputy Mayor").
7. Paragraph (b) of Part 2 of the said direction requires the Commissioner to seek the prior approval of the Deputy Mayor before "[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...".
8. The Deputy Mayor's approval is accordingly required for the Commissioner to purchase an initial complement of two Portable Hygiene Units and appoint a supplier to deliver, retrieve, service, maintain and securely store the facilities at a cost of £470,320.12 over three years.
9. The statutory basis for the actions proposed in this report is provided by section 7 (2)(a) of the Fire and Rescue Services Act 2004, under which the Commissioner must secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for firefighting.
10. Furthermore, under section 20(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 the Commissioner being an employer, is required to provide suitable and sufficient sanitary conveniences at readily accessible places.
11. The General Counsel also notes that the proposed procurement of the goods and service provider is in compliance with the Public Contracts Regulations 2015.

Sustainability implications

12. In accordance with the Greater London Authority (GLA) Responsible Procurement Policy the procurement of Portable Hygiene Units will reduce the impact of this service when compared to the current hired service as detailed in Appendix 1 – Confidential Tender Evaluation.
13. The procurement exercise undertaken has given due regard to the Brigades' sustainability objectives, with the preferred supplier demonstrating appropriate environmental policies including ULEZ compliance and relevant waste carriage licences. The supplier was also required to demonstrate further social value by confirming they do not operate zero hour contracts within their business model. A summary of the information supplied is outlined in paragraph 13 of Appendix 1 – Confidential Tender Evaluation.
14. A working group established by the Commissioner in 2017 highlighted deficiencies with the toilet facilities provided at operational incidents at that time. The working group identified an appropriate alternative trailer-based solution to be used by the Brigade. These trailer-based units were equipped with dedicated male and female facilities, with appropriate lighting, heating and wash facilities. This report proposes the continuation of this provision by purchasing comparable assets that were previously hired via a third party supplier.

Equalities implications

15. The Health and Safety Executive (HSE) guidance detailed in Appendix 2 relating to minimum facility requirements has been used as a minimum benchmark for each PHU. The PHUs themselves will be designed to LFB's specification, notably to ensure parity between male and female facilities to reflect the Brigade's current and future workforce aspirations.
16. The provision of welfare facilities for all staff attending operational incidents supports the objectives outlined within the London Safety Plan (LSP) by "Valuing Staff and Using Resources Wisely" (LSP Page 48). The provision of appropriate welfare facilities at incidents will also support the Brigades' Inclusion Strategy by ensuring appropriate, equal provision for our diverse workforce.

17. The PHU design specification will fully consider the needs of the 9 protected characteristics outlined within the Equality Act 2010. A specific example of this is the incorporation of disabled access within the design of the PHU's. A gender-neutral design solution is being considered as part of the final design process to further support the Brigades' intention to recruit, retain, develop and promote a diverse workforce (detailed within Strategic Objective 4 of the Inclusion Strategy). All configuration options will be considered against the desire to maximise the number of facilities within each PHU due to the limited trailer footprint thus maximising operational effectiveness. The design will also ensure full alignment with relevant industry standards for temporary toilet/welfare facilities thus meeting all health and Safety and equalities legislative requirements.
18. The Brigade will explore collaborative opportunities presented for partner agency working by the sharing of the PHU assets. For example providing welfare facilities for the Metropolitan Police Service which is a provision they currently outsource. Opportunities at borough level may also present themselves, for example supporting business continuity for schools and hospitals. Such potential opportunities will be considered within the design phase of the PHUs to incorporate disabled access to improve the flexibility and usability of the assets at operational incidents as well as other collaborative environments (this supports Strategic Objective 5 of the Inclusion Strategy). Brigade-owned PHUs could also be used for internal business continuity events such as fire stations or other Brigade facilities that have lost water supplies.

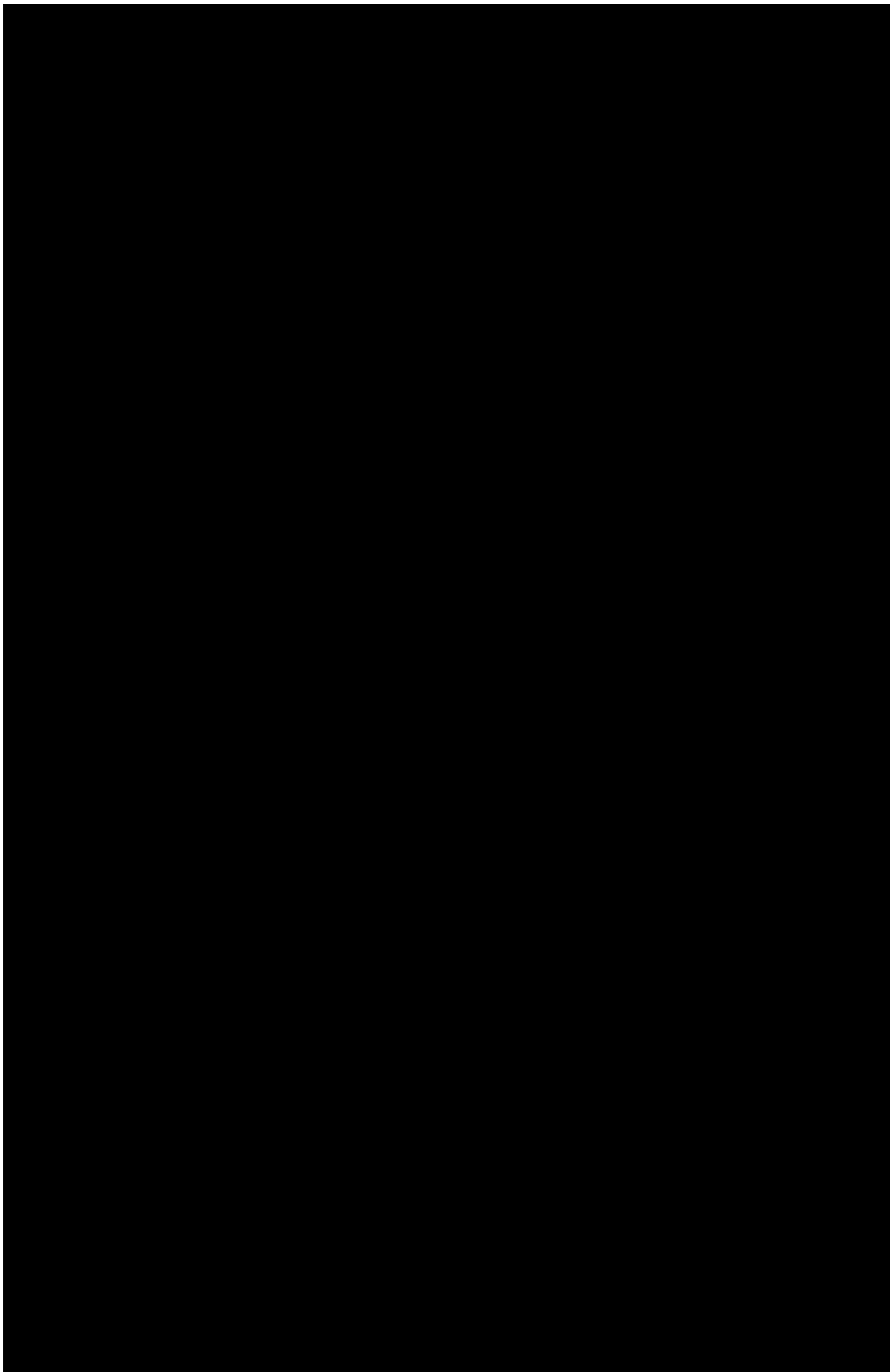
List of Appendices to this report:

Appendix 1 – Confidential Tender Evaluation

Appendix 2 – Health and Safety Executive Welfare Facility Guidance

Consultation

Name/role	Method consulted
Fire Brigades Union	15 August informal conversation with Karl Smith to discuss options and preferred delivery method. No initial objections or significant concerns to proposals. Carriage of waste arrangements discussed in terms of the need to outsource this element of the provision regardless of delivery method.
Health and Safety	Informal discussions with agreement of H&S involvement once preferred delivery method is approved
FLEET	Discussions confirmed that FLEET do not need to be involved in this project nor does it conflict with Babcock contract.
Technical and Commercial Services	Significant engagement with Procurement team, including project support and oversight
General Counsel's Department (GCD)	Significant engagement with GCD throughout the PHU review process. A number of recommendations from being incorporated into the Specification Document



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Appendix 2 – Health and Safety Executive Welfare Facility Guidance

The Law

The Workplace (Health, Safety and Welfare) Regulations 1992 cover the supply of toilets and washing facilities for staff. The Health and Safety Executive (HSE) has a code of practice based on the law that explains the full requirements.

Adequate Facilities

The law states that toilets and washing facilities must be adequate. Because the word "adequate" is open to interpretation, the HSE clarifies what it means:

- Employers should arrange for separate facilities for men and women. If this isn't possible, toilets and washing facilities must have locks. These ensure privacy and security.
- The facilities must be clean and easy to maintain. Walls and floors should be waterproof.
- Toilets and washing facilities should have both cold and hot running water. They should have soap or a similar cleaning product. And a hot air dryer or paper towels should be available.
- Washing basins must be a reasonable size. People should be able to wash hands and forearms in them.
- The toilets should have toilet paper. In the female toilets, there should be a disposal point for sanitary dressings.
- The facilities must have ventilation and light.

Number of Facilities

The law says that workers should not have to queue for long periods to use toilets and washing facilities. To clarify this point, the HSE quotes minimum toilet numbers per employees.

For women only or for mixed use, there should be 1 toilet and washbasin for 1-5 employees. The number of toilets and washbasins then rises according to the total staff. For example, 25-50 staff should have 3 toilets and 3 washbasins between them. And 76-100 employees should have 5 toilets and 5 washbasins.

For men only, there should be 1 toilet and 1 urinal for 1-15 employees. This rises to 2 toilets and 1 urinal for 16-30 staff, and 4 toilets and 4 urinals for 91-100 staff.

Disabled

Disabled workers require toilets and washing facilities that meet their needs. Large cubicles with supports and low hand basins are essential. Under the law, an employer must provide suitable facilities for disabled staff.

Temporary Sites

Some work sites are temporary. This applies particularly to the building industry.

An employer must provide running water and flushing toilets if it's reasonable to do so. An employer should not assume workers could use nearby public toilets.

If there's no running water or plumbing, an employer should consider using chemical toilets. In these circumstances, washing facilities can be water containers.