




LONDON FIRE BRIGADE

Report Title:	
Decision to Award a Contract for the Provision of Respiratory Protective Equipment (RPE)	
Report to:	Date:
London Fire Commissioner	21 June 2022
Report author:	Name: Sally Hopkin Job Title: Assistant Director Procurement and Commercial
Report classification: For Decision	
The subject matter for this report deals with the following LFB strategic priorities Delivering excellence Helping us to improve the effectiveness of our service.	
Report number – LFC-0728	
For Publication	
PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DECISION-MAKER	
I agree the recommended decision below.	
	
Andy Roe London Fire Commissioner	Date This decision was signed remotely on 30 June 2022

Executive Summary

This report recommends that the London Fire Commissioner (LFC) enter into a contract to purchase and maintain Respiratory Protective Equipment (RPE) for the term set out in Part 2 of the report and at a cost not exceeding that set out in Part 2 of the report and that the LFC delegates authority to the Assistant Director Procurement and Commercial to give effect to his decision.

Recommended decision(s)

For the London Fire Commissioner

- i) The London Fire Commissioner agrees the award of a contract to the supplier in Part 2 to supply and maintain Respiratory Protective Equipment for the term set out in Part 2 for a cost not exceeding that set out in Part 2.
- ii) The London Fire Commissioner delegates authority to the Assistant Director Procurement and Commercial, in consultation with General Counsel, to finalise and sign the documents.

1. Introduction and Background

- 1.1 A previous procurement exercise to secure Respiratory Protective Equipment was undertaken in 2020/21, following which a decision was taken by the London Fire Commissioner (LFC 0480) to award a contract. That decision was the subject of a legal challenge which resulted in a decision to abandon that process and reprocure (LFC 0574). Where reference is made in this report to information set out in the earlier document the LFC is advised to refer to and take into account that information through the following link; https://www.london-fire.gov.uk/media/5753/lfc-0480-replacement-of-respiratory-protective-equipment-rpe-new_redacted-signed.pdf
- 1.2 This re-procurement process is now completed and the LFC is recommended to enter into a contract for the purchase and maintenance of the equipment for contract term and up to a value set out in Part 2 .
- 1.3 The background and rationale for the purchase of RPE is set out in LFC 0480 paragraphs 1-6 and remains applicable to this decision and so is not repeated here.
- 1.4 In line with LFC 0574 a tender for the provision of RPE was published on the Find a Tender portal on 23rd March 2022. For the reasons set out in paragraphs 10 – 11 of LFC 0480 a collaborative procurement process was not appropriate in the re-procurement exercise. Tender responses were received 22nd April 2022 and were evaluated in three stages:
 - Mandatory requirements – compliance with mandatory requirements contained in the Specification and Evaluation Model;
 - Evaluation of Price & Quality Criteria ; and
 - Practical Assessments.
- 1.5 Quality was weighted 35 percent. Price was weighted 15 percent. Practical Assessments was weighted 50 percent.
- 1.6 Following evaluation of the tenders a successful bidder was identified as set out in Part 2. The evaluation process confirmed that the tender proposal was fit for purpose in line with the stated requirements to provide Respiratory Protective Equipment (RPE) based around positive pressure, self-contained, open circuit, and compressed air breathing apparatus (SCBA) and ancillary equipment and services including but not limited to technical support, maintenance, and training for trainers and technicians.

- 1.7 It is considered that the equipment proposed to be purchased is lighter and more ergonomically designed than LFC's current provision, meets the needs of our diverse workforce, benefits from the latest technology, improves Firefighter safety and makes it easier for firefighters to carry out rescues. The tablet-based telemetry entry control board is intuitive to use and the integrated communications unit in the facemask will enhance firefighter's ability to communicate with each other, with members of the public, and the entry control operative. It is therefore considered that the proposed purchase provides a high-quality product at good value for money.
- 1.8 The purchase of new RPE will require vehicle modifications and the training of staff which has to be planned and costed based on the equipment procured. These costs are outside the scope of this report.

2 Objectives and Expected Outcomes

- 2.1 The objectives and outcomes of the purchase of new RPE are set out in paragraph 14 of LFC 0480 and remain applicable to this decision and the specific expected outcomes of the purchase of this equipment are more specifically addressed in paragraph 1.7 above

3. Equality comments

- 3.1 The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.
- 3.2 It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.
- 3.3 The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.
- 3.4 The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:
- eliminate discrimination, harassment and victimisation and other prohibited conduct
 - advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it
 - foster good relations between people who share a relevant protected characteristic and persons who do not share it.
- 3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 3.6 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 3.7 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- tackle prejudice
 - promote understanding.
- 3.8 Paragraphs 27 to 29 of LFC 0480 address how the procurement of new RPE will benefit protected characteristic groups and remain relevant and applicable to this decision in view of the process and requirements set out in this procurement.

4.1 Workforce comments

- 4.1.1 Representative bodies have been consulted throughout this process and agreement reached that the new equipment will enhance safety for the reasons already stated above.
- 4.1.2 For the practical equipment trials (stage three of the evaluation process), volunteer firefighters were recruited from a range of fire stations across LFB, they were trained in the use of the equipment and its evaluation and then gave written feedback and scores in line with the published evaluation process.

4.2 Sustainability

- 4.2.1 Paragraphs 31 to 32 of LFC 0480 addresses how sustainability was assessed during the previous tender process, and how sustainability was included in the specification of the requirement. This procurement process applied the same requirements and accordingly that information is equally applicable to this decision.

4.3 Procurement comments

- 4.3.1 Procurement confirm that a compliant tender process has been undertaken using an Open procedure as set out in the Contract Notice reference 2022/S 000-007931. An audit trail of the procurement process has been documented in line with Regulation 84 of the Public Contract Regulations 2015.

4.4 Financial comments

- 4.4.1 This report recommends that the London Fire Commissioner agrees the award of a contract to supply and maintain Respiratory Protective Equipment. This cost of that contract is contained within the existing Capital Programme. The financial implications of that award are set out in the part two report.

4.5 Legal comments

- 4.5.1 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.
- 4.5.2 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"). 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...". DMFD 109 relating to LFC 0480 provides "The Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit capital expenditure up to the value of [that set out Part 2 of this decision] for the purchase of Replacement Respiratory Protective Equipment, including a contingency of 20%". The subsequent LFC 0480 decision and DMFD 124 relating to the re-procurement provides that "LFC is advised to conduct a re-procurement for the purchase of Replacement Respiratory Protective Equipment up to the value of [that set out in Part 2 of this decision], including a contingency of 20%. For the purpose of awarding a contract following the re-procurement, LFC shall rely on the DMFD109 decision." Accordingly prior approval is given and this decision can proceed.

- 4.5.3 The statutory basis for the actions proposed in this report is provided by Sections 7 and 8 of the Fire and Rescue Services Act 2004, which states that fire and rescue authorities must make provision for the purpose of fighting fires and rescuing people in the event of road traffic accidents. In making this provision a fire and rescue authority must, amongst other things, secure the provision of the equipment necessary efficiently to meet all normal requirements.
- 4.5.4 General Counsel also notes that the proposed equipment is being procured in compliance with the Public Contracts Regulations 2015.

List of Appendices

Appendix	Title	Open or confidential
1.	None	

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – YES