



LONDON FIRE BRIGADE

PART 2 – CONFIDENTIAL FACTS AND ADVICE

LFC-0624y

Title: Provision of Estates Professional Services

Information may have to be disclosed in the event of a request under the Freedom of Information Act 2000. In the event of a request for confidential facts and advice, please consult the Governance Team for advice.

This information is not for publication because:

The disclosure of this information may prejudice the commercial interests of the London Fire Commissioner.

Legal recommendation on the grounds of keeping the information confidential:

In the event the information contained in this Part 2 report is the subject of a request for information under section 1 of the Freedom of Information Act 2000 (the “Act”), it is considered that access can be denied on the basis that such information constitutes exempt information under:

Section 43(2) of the Act on the basis that the information in this report includes information which is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

At present, on balance, it is considered that the public interest is best served if the information is not disclosed at this point. Disclosure by the LFC would be likely to have a detrimental effect on the LFC’s position and related commercial interest regarding the expenditure incurred in relation to the procurement of an Estates Professional Services contract.

The recommended period for non- publication of Part 2 is 18 months

Legal Adviser - I make the above recommendations that this information should be considered confidential at this time

Name: Karen Boother

Date: 29 October 2021

Confidential decision and/or advice:

Introduction and background

1. The current Estates Professional Services (EPS) supplier provides all the LFB estates professional services. The contract is charged primarily on an hourly rate reflecting the expertise of the consultants. Some specific services have a fixed annual fee. Rateable value services are costed on a percentage of saving achieved.

2. The annual cost of estate management services incurred as a revenue spend since April 2017 averages as £300,000 per financial year. In addition, disposals that generate a capital receipt have generated a capital cost on a site-by-site basis. These include the re-development of 8 Albert Embankment, the ongoing disposal of fire stations as agreed by fifth London Safety Plan and refurbishment of West Hampstead cottages to provide affordable housing for LFC keyworkers.

Objectives and expected outcomes

3. The proposed procurement route is via the CCS EPS framework for a single supplier to provide core estates professional services. The estimated annual value is £330,000 to include a 10% contingency for as yet unknown requirements to be met from within the existing LFB Property revenue budget. With the recent recruitment of a general practice RICS qualified surveyor within Property department it is expected there will be an enhanced opportunity to efficiently manage the demand of the required contracted services.
4. There is likely to be an additional element of non-core services and variable core and non-core required during the contract term. These are expected to be generated by specific novel projects during the term of the contract. The value of non-core services required will be dependent on the requirements of the commissioned project and will be subject to the required LFC governance within each project approval and will need to be funded by each project.
5. The significant disposal and re-development of 8 Albert Embankment is not planned within the scope of this proposed contract. Currently there are no major disposals planned, however should a disposal be proposed which incurs a high value capital fee to pressurise the value of the contract, this will incur discussion to agree the optimum procurement route.
6. EPS services contract will be a single supplier for a five year period with the value of the services to be procured over the term up to a maximum of £1,650,000.

Financial comments

The financial model for this contract is anticipated to be contained within the existing budget of £300k per annum. The additional contingency of £30k will need to be funded from underspends within Property's existing budgets if required. The other anticipated non-core services or the significant disposal and re-development of 8 Albert Embankment not planned within the scope of this proposed contract will need to be incorporated as part of the 2022/23 or future budget process.

Legal Comments

Section 43(2) is a prejudice-based exemption which says that information is exempt if its disclosure under FOIA would, or would be likely to, prejudice the commercial interests of any legal person including the Commissioner. The Information Commissioner has recognised that a wide range of commercial information relating to ongoing procurement activity may be covered by this exemption. In this instance the information in this Part 2 report includes information in relation to future procurement plans and the LFC's financial position in relation to those procurements. The exempt information would disclose the Commissioner's financial position and budget in relation to both procurements to potential bidders and would prejudice the operation of competitive tendering exercise. It is therefore submitted that this information should be exempt from publication until the contract is agreed. An 18 month timescale allows for the completion of that process and includes a small allowance for unanticipated slippage in the timetable.

Confidential Appendices and supporting papers: