

PART 2 – CONFIDENTIAL FACTS AND ADVICE

DMFD184

Title: Maintenance of High Pressure, Breathable Air and Oxygen Systems

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 Information Governance team for advice.

This information is not for publication until the stated date, because:

Publication of the information included in this report is deferred as its disclosure would be likely to prejudice the commercial interests of the London Fire Commissioner (LFC).

Date at which Part 2 will cease to be confidential or when confidentiality should be reviewed:

1 June 2023

Legal adviser recommendation on the grounds for not publishing information at this time:

In the event the information contained in part 2 of the report and/or its appendix 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 it is considered that access may be denied on the basis that such information constitutes exempt information under section 43(2) of the Act.

Section 43(2) of the Act provides an exemption from disclosure where the release of such information would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Here, it is considered that disclosure by the LFC of the information contained in this part 2 report would be likely to have a detrimental effect on the LFC's commercial position in the procurement of services and could prejudice the conduct of London Fire Brigade in its duty to secure best value. Publication is recommended once the services subject of this report are procured and negotiations have completed with the supplier.

The recommended period for non-publication of Part 2 is until 1 June 2023.

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

Name: Katherine Davis

Date: 3 January 2023

Once this form is fully authorised, it should be circulated with Part 1.

Confidential decision and/or advice:

Part 1 of this report sets out the background for the request to the Deputy Mayor for Fire and Resilience to authorise the LFC to commit revenue expenditure for the purposes of letting a contract for seven years (five plus two years), commencing on 1 April 2023, for the maintenance of high-pressure breathable-oxygen and air compressors; high-pressure pipework; and associated distribution systems at LFB's Operations Support Centre (OSC), Park Royal fire station and Barking fire station, following a procurement exercise.

The total amount of expenditure to be authorised is £339,000 over seven years, plus inflationary increases.

Funding is confirmed within Operational Support Group budget for maintenance service which has an annual budget of £1,184,069.

It is expected that annual inflationary increases will be based around the Retail Price Index. All LFC contractual inflationary increases are reviewed on an annual basis. The LFC budgets for inflation on an item-by-item basis, and the LFC will review those assumptions as part of its budget process for 2023-24. If inflation rates are above current assumptions, a resulting budget increase will need to be submitted as part of the LFC's annual submission to the Mayor's GLA Group budget process; and/or the contract will need to be reviewed to assess whether the annual cost can be reduced via a reduction in service. If inflationary increases create in-year financial pressures, this will be reported as part of regular financial reporting and met through the use of the Budget Flexibility Reserve. The Budget Flexibility Reserve has a forecast balance of £17,100,000 as at the end of the 2022-23 financial year.

Confidential Appendices and supporting papers:

Appendix 1 – Part 2 of Report LFC-0754 – Maintenance of High Pressure, Breathable Air & Oxygen Systems