

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD145

Title: Award of Contract for Smoke Alarm Provision

Executive summary:

This report seeks the approval of the Deputy Mayor for Fire and Resilience for the London Fire Commissioner (LFC) to commit revenue expenditure of £2,348,000 over four years for the purchase of smoke alarms and associated products, using the West Midlands Fire and Rescue Service smoke alarm procurement framework.

The LFC provides home fire safety visits to people across London, during which smoke alarms are fitted in the homes visited, if required. The current contractual arrangement for purchasing smoke alarms came to an end on 1 November 2021. The new contract can be entered into within 30 days of receipt of the Deputy Mayor's agreement of this report.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the LFC 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...”.

Decision:

That the Deputy Mayor for Fire and Resilience authorises the LFC to commit revenue expenditure of £2,348,000 for the purposes of the purchase of smoke alarms and associated products, using the West Midlands Fire and Rescue Service smoke alarm procurement framework.

Deputy Mayor for Fire and Resilience

I confirm that I do not have any disclosable pecuniary interests in the proposed decision.
The above request has my approval.

Signature:



Date:

21/12/21

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE DEPUTY MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-0604 to the London Fire Commissioner (LFC) sets out the background for the request to approve expenditure for the London Fire Brigade (LFB) to commit revenue expenditure of £2,348,000 over four years for the purchase of smoke alarms and associated products, using the West Midlands Fire and Rescue Service (FRS) smoke alarm procurement framework.
- 1.2 LFB typically carries out approximately 80,000 home fire safety visits (HFSVs) across London. Whilst the pandemic has necessitated a risk-based reduction of visits, it is anticipated that when all restrictions are lifted, the number of HFSVs carried out by staff will reach the level seen pre-pandemic. This is subject to any fluctuations in government restrictions and National Fire Chiefs Council advice regarding COVID-19.
- 1.3 As part of the HFSV service, appropriate smoke alarms are fitted in the homes visited. The contract to procure these alarms expired on 1 November 2021. The agreement was with the West Midlands FRS smoke alarm procurement framework.
- 1.4 West Midlands FRS has developed a new multi-supplier framework for the supply of smoke alarms and associated products, which commenced on 1 June 2021 and is available to all UK FRSs. The alarms available for purchase via the framework meet the LFC's specification, for both current needs and those anticipated over the next four years (the length of the agreement). They include standard fire alarms, as well as those that are suitable for the hard-of-hearing and linked to smoke detection.

2. Objectives and expected outcomes

- 2.1 The LFC proposes to use the West Midlands FRS smoke alarm procurement framework over which runs for four years to purchase smoke alarms and associated products, in order to fit smoke alarms during HFSVs. The new framework began in July 2021, creating an overlap period with the previous framework, which LFC were signed up to and which ended on 31 October 2021. The LFC contract via the framework is expected to start within 30 days of receipt of the Deputy Mayor's agreement of this report. This contract can be terminated prior to the contract end date by giving three months' notice pursuant to clause 27 or the LFC's terms and conditions. In addition, this contract does not provide exclusivity of supply to the contractor and, therefore, if for any reason the contractor is unable to meet their obligations, the LFB can procure smoke alarms elsewhere. The four-year period is the maximum period that LFB can let the contract under the framework and this period was chosen to secure supply and ensure consistency of the type of smoke alarm LFB is supplying.
- 2.2 LFB considered retendering the requirement in line with the Public Contracts Regulations. This alternative would involve publishing an LFC-specific tender for smoke alarm provision via the Find a Tender portal, to reach all suitable suppliers within the market. This process will take approximately six to nine months to complete. The LFB procurement department advises that research shows no significant benefit will be achieved by pursuing this route; and that the framework provides access to lower prices through aggregating the requirements of the LFC with other FRSs, therefore producing economies of scale. The recommended framework has

undergone a full, open Official Journal of the European Union (OJEU) procedure, therefore no further benefit is anticipated from repeating this process.

- 2.3 However, the benefits available through using the West Midlands FRS framework include reduced tendering timescales, therefore reducing staff and resource costs associated with this procurement. This approach also supports the collaboration agenda. The procurement has been evaluated as set out below

Procurement Evaluation

- 2.4 There are three lots available under the Framework:

- Lot 1: Standard Smoke Alarm

The award criteria for Lot 1 will be a direct award based on lowest price meeting the LFC requirements. The specifications submitted for this lot will be assessed for suitability. There are three suppliers on this lot.

- Lot 2: Direct award of hearing-impaired alarms and activating devices

The award criteria for Lot 2 will be a direct award based on lowest price meeting the LFC requirements. The specifications submitted for this lot will be assessed for suitability. There are four suppliers on this lot.

- Lot 3: Smart Home Devices which are devices connected to a monitoring system

Further competition is the only evaluation model available for this lot. Evaluation criteria will be based on a 50/25/25 percentage split against quality, price and delivery. This model will give the LFC the opportunity to understand how the tenderers will meet any LFC-specific requirement.

- 2.5 The recommended evaluation approach balances risk, quality and value for money; and will produce an outcome that will enable the LFC to meet the HFSV obligations.

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 An Equality Impact Assessment (EIA) was undertaken on 6 August 2021 and is circulated with this report. The impact assessment found one potential negative impact and identified the mitigating actions, as follows:
- Age: according to the NHS, long-sightedness or hypermetropia “often affects adults over 40, but can affect people of all ages”. To support affected staff, smoke alarm and other equipment fitting information should be provided in large-print format. With regard to the recipients of HFSVs, who will receive smoke alarms, provision of large-print versions of literature relating to maintenance and troubleshooting should be made. Previous smoke alarm and related product specifications have not included this provision, meaning that this specification will better support the Public Sector Equality Duty to eliminate discrimination, compared to previous specifications.

4. Other considerations

Workforce comments

- 4.1 The recommendations set out in this report will have no negative impact upon the wider workforce; it will enable them to carry out the existing home fire safety visit process in the normal way. If a decision is made to change alarm type, that may mean that watches would need familiarisation in new technical details, which would have an impact upon time available at stations. This impact will be factored into the contract award decision-making process; and if appropriate, consultation will take place with the management of LFB's Fire Stations department.

Procurement and sustainability implications

- 4.2 The recommended procurement approach fulfils the LFC's duty to consider collaboration for the provision of smoke alarms and associated products. The framework for these products was set up by West Midlands FRS and is available for use by all other FRSs. The framework has undergone a fully compliant OJEU procurement process securing competitive prices, and a range of alarms that meet the LFC's requirements.
- 4.3 Any new procurement activity will need to be undertaken in line with the GLA Group Responsible Procurement policy.
- 4.4 A number of responsible procurement requirements will be taken into account, including ethical sourcing standards; and equality, diversity and inclusion requirements.
- 4.5 The end disposal of the smoke alarms will be the responsibility of the homeowner in line with The Waste Electrical and Electronic Equipment (WEEE) Regulations (2013).

Conflicts of interest

- 4.6 There are no conflicts of interest to declare from those involved in the drafting or clearance of this decision.

5. Financial comments

- 5.1 This report recommends that revenue expenditure of £2,348,000 is agreed over a four-year period for the purchase of smoke alarms. This will be funded from the annual budget for smoke alarms of £587,000. No contingency is required as the alarm spend will be capped at the budget amount, which is sufficient to provide the amount of alarms needed for the maximum number of HFSVs likely to take place per year over the next four years.

6. Legal comments

- 6.1 Under section 9 of the Policing and Crime Act 2017, the LFC 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 LFC specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.

- 6.2 By direction dated 1 April 2018, the Mayor set out those matters, for which the LFC would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience (the Deputy Mayor).
- 6.3 Paragraph (b) of Part 2 of the said direction requires the LFC 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...”. The decision to purchase smoke alarms and associated products at a cost set out in this decision over four years will therefore require approval from the Deputy Mayor.
- 6.4 The statutory basis for the actions proposed in this report is provided by sections 7 and 5A of the Fire and Rescue Services Act 2004 (FRSA 2004). Section 7 (2)(a) FRSA 2004 the LFC has the power to secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for firefighting and section 5A allows the LFC to procure personnel, services and equipment they consider appropriate for purposes incidental or indirectly incidental to their functional purposes.
- 6.5 The report confirms the provision of smoke alarms and associated products will be secured via the West Midlands FRS framework for the supply of smoke alarms and associated products, which was tendered compliantly in accordance with the Public Contracts Regulations 2015 and is available to the LFC to use.

Appendices and supporting papers:

Report LFC - Award of Contract for Smoke Alarm Provision

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? No

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 – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer

Richard Berry has drafted this report with input from the LFC and in accordance with GLA procedures and confirms the following:

✓

Assistant Director/Head of Service

Niran Mothada has reviewed the documentation and is satisfied for it to be referred to the Deputy Mayor for Fire and Resilience for approval.

✓

Advice

The Finance and Legal teams have commented on this proposal.

✓

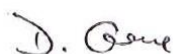
Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 13 December 2021

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature



Date

13/12/21