

Report title

Extension of Cleaning Provision across the London Fire Brigade Estate

Report to	Date
Commissioner's Board	29 July 2020
Deputy Mayor's Fire and Resilience Board	18 August 2020

Report by	Report number
Assistant Director, Property	LFC-0395
	FRB-0157

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Summary

As a consequence of the serious health risks posed by COVID-19 there is a continued requirement for enhanced cleaning across the London Fire Brigade estate. This paper seeks delegated authority to the Assistant Director, Technical and Commercial Services to agree a variation to the relevant service contracts to provide the enhanced cleaning needed across the estate for a further 26 weeks in accordance with COVID SECURE guidelines for the workplace. The enhanced cleaning requirement was previously reported, and an increased spend agreed, for an initial 26 week period by the Deputy Mayor (LFC-0338).

Recommended decisions

That the London Fire Commissioner

Agrees to delegate authority to the Assistant Director, Technical and Commercial Services to agree a variation to the relevant service contracts to allow the continuation of the enhanced cleaning provision across the estate for an approximate further 26 weeks and increased cost of £1.196m.

Notes the above value includes £1.04m for the additional daily cleaning plus £156k allowance for deep cleans where specific risks are identified.

Background

1. Since March 2020 there has been a requirement to increase the quantity of cleaning provision across the London Fire Brigade (LFB) estate to provide cleaning hours every weekday and weekend. This is an important part of the LFB's response to the COVID-19 pandemic and the health and safety of the operational workforce. This enhanced service resulted in an increased cost of £36.4k per week (see Appendix 1 for full details).
2. This enhanced level of cleaning is currently being delivered through an agreed contract variation to the existing service contracts that deliver the general cleaning services across the estate. This

covers the estate wide cleaning contract that is due to expire in October 2020 and the Private Finance Initiative (PFI) contract that delivers cleaning to the PFI stations. The cost for the enhanced services are based on contract rates within the contracts although for the PFI contract the services are being delivered by an additional subcontractor on a bespoke rate.

3. LFC-0338 secured approval for an additional spend for this enhanced cleaning for a period of 26 weeks that will end on 18th September 2020. The pandemic is an emerging situation and it was unknown at that time how long the enhanced cleaning would be required.
4. The Brigade's Health & Safety department has confirmed the enhanced cleaning will still be required beyond this date. The COVID SECURE guidelines for workplaces have not changed and cleaning is still a critical control measure within them. This is particularly important on fire stations where building occupancy has not been reduced and where contractor activity on stations in terms of building works/maintenance is continuing. This report therefore seeks approval for further spend on the enhanced cleaning needed for an approximate additional 26 weeks. The Brigade's requirements are being continually reviewed, and further reports will be submitted after the next period, if necessary.
5. The current cleaning contract for premises excluding PFI stations, expires in October 2020. The procurement of a new contract for this service is currently being progressed and once that contract has been awarded it will be necessary to vary the contract so that enhanced cleaning provision is undertaken by the new supplier, and there is no gap in the service. The costs for enhanced cleaning with the new supplier are estimated in this report, but are not anticipated to be substantially different. The modifications, as set out in paragraph 7, are in accordance with the contract conditions which allow changes to be requested.
6. It was not possible to predict the enhanced cleaning requirement to deal with COVID19 and associated increased spend at the start of the ongoing procurement process for the new award, and delaying the process was not considered to be in the Brigade's interest. As the contract terms allow for some flexibility as demands change, a variation post award was considered to be the best option to deal with the current essential requirement without delay and gap in service from October 2020.
7. The following actions are proposed to enable delivery of these enhanced services for a further 26 weeks:
 - a. PFI contract – the variation of the contract once agreed will be on the current rates.
 - b. Current Cleaning Contract – the existing contract will be varied to allow the enhanced services on current agreed rates to be delivered until the end of that contract in October 2020.
 - c. New Soft Services Contract – following contract award in August 2020, a variation will be agreed for the contract provider to deliver the enhanced level of cleaning for the remaining period of the 26 weeks or whenever the approved funding envelope expires, whichever is the earlier. This will allow the enhanced level of cleaning to continue with no gap in service.
8. The contracts have provisions for variations for change in service requirements which require agreement between both parties. The proposed variations in contracts as described can be made compliantly in accordance with the Public Contract Regulations 2015, paragraph 72 (8).

Procurement Services have confirmed that in accordance with regulation 72(8) the proposed variation or modifications in each of the above contracts is not a substantial change requiring a new contract to be let, in that it is: not materially different from the service currently needed; there is no introduction of any new conditions that would have changed the outcome of the initial tender; it does not change to the economic balance of the contract in favour of the supplier in a manner not provided for in the contract; there has been no change to the initial scope of the contract and; there is no change to the contractor.

9. The variations to the service contracts detailed above will include the LFB's ability to cancel the enhanced cleaning provision with a two week notice period. This will be utilised to cease the enhanced cleaning if advice from Public Health England confirms the risk has reduced and enhanced cleaning is no longer required.
10. The full current costs are detailed in Appendix 1. The estimated cost of the continued requirement of enhanced cleaning is £40k per week (allowing for a 10% increase on the current costs of £36.4k due to the change in contract from October 2020). This results in an overall spend of £1.04m for 26 weeks up to March 2021. An additional allowance of 15% is required to allow for further on demand deep cleaning at premises where particular risk in relation to Covid19 is detected. This results in an overall spend of £1.196m.
11. The pandemic is a changing situation and further developments may be seen in the next six months which could impact on this service requirement. This report is therefore only requesting approval for an approximate further 26 weeks at this stage. The requirement for enhanced cleaning will be continually reviewed and a further report will be submitted in March 2021 if the enhanced cleaning is required beyond that date.

Finance comments

12. The report recommends that delegated authority is provided to increase the cleaning provision across the LFB operational estate, at an estimated cost of £40k per week (allowing for a 10% increase in the current costs due to the change in contract from October 2020) for a period of up to 26 weeks. A 15% margin is also requested which results in total requested spend of £1,196k.
13. The impact of this spend is included in the Quarter 1 Financial position report and is also being monitored through Covid-19 reporting. This spend contributes to the forecast overspend position for 2020/21, set out in the financial position report also on today's agenda. If savings cannot be identified to meet this then it may result in a draw down on the General Reserve. The initial period of additional cleaning has been included in the Covid-19 costs and the LFC is seeking Covid-19 funding from the GLA, currently forecast at £2m. A growth bid has been submitted for 2021/22 to fund this additional requirement and will be considered as part of the 2021/22 budget process.

Workforce comments

14. Representative bodies have not been formally consulted in the development of this report. The proposal promotes the enhanced requirement of cleaning provision needed for the health and safety of all staff who are required to attend the estate as a result of the COVID-19 pandemic.

General Counsel comments

15. 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.

16. 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").
17. 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...". The decision to modify relevant service contracts for enhanced cleaning provision (at a value that exceeds £1m), will accordingly require prior approval from the Deputy Mayor.
18. Under the Scheme of Governance (1 May 2020) ('the Scheme') the final decision to agree to a variation of an existing contract with a value over £0.5m is delegated to a Director, whereas variations under £0.5m can be agreed by the Assistant Director of Technical and Commercial Services. The proposed recommendation for the London Fire Commissioner to delegate authority to the Assistant Director of Technical and Commercial to deal with variations in respect of all relevant cleaning services contracts referred in this report is permitted under Part 4 of the Scheme.
19. 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 Commissioner 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 Commissioner to procure personnel, services and equipment they consider appropriate for purposes incidental or indirectly incidental to their functional purposes.
20. It is noted, that the provision of the enhanced cleaning services will be requisitioned through a modification to existing contracts for services in compliance with the Public Contracts Regulations 2015, as the body of the report above refers. The report confirms the modification to the contracts (reflecting the increased price due to enhanced cleaning regime as a result of COVID19) are not considered to be so substantial requiring a new procurement to be conducted, and that regulation 72 of the Public Contract Regulations 2015 is relied upon.

Sustainability implications

21. This is an extension of current arrangements to provide additional hours of cleaning at premises. There are no sustainability implications.

Equalities implications

22. The Public Sector Equality Duty applies to the London Fire Commissioner when they make decisions. The duty requires the LFC to have due regard to the need to:
 - a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act.
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c) Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

23. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
24. The proposals in this report will not have a disproportionately adverse effect on any persons with a particular characteristic.

Appendix 1

Station	week day p/hr	Additional Hours	Total Weekday Cost per day	Sat	Sun	Total weekend cost
Shadwell	13.62	2.00	27.24	102.15	136.2	238.35
Purley	13.62	2.00	27.24	102.15	136.2	238.35
Plaistow	13.62	2.00	27.24	102.15	136.2	238.35
Orpington	13.62	2.00	27.24	102.15	136.2	238.35
Old Kent Road	13.62	2.00	27.24	102.15	136.2	238.35
Mitcham*	66.67	1.00	66.67	102.15	136.2	238.35
Leytonstone	13.62	2.00	27.24	102.15	136.2	238.35
Dockhead*	66.67	1.00	66.67	102.15	136.2	238.35
Dagenham*	66.67	1.00	66.67	102.15	136.2	238.35
		w/d cost	1817.25		w/e cost	2145.15
Total per week						3962.40

Site or Client Name/ Location	Total Additional Weekly Cost
Acton fire station	£ 384.73
Barking	£ 384.73
Barnet	£ 299.11
Bethnal Green	£ 270.57
Chingford	£ 270.57
Ealing	£ 299.11
East Ham	£ 384.73
Edmonton	£ 384.73
Enfield	£ 270.57
Euston	£ 356.19
Finchley	£ 384.73
Hainault	£ 270.57
Harold Hill	£ 327.65
Harrow	£ 299.11
Hendon	£ 299.11
Hillingdon	£ 327.65
Holloway	£ 270.57
Homerton	£ 270.57
Hornchurch	£ 327.65
Hornsey	£ 270.57
Ilford	£ 327.65
Islington	£ 327.65
Kensington	£ 356.19

Kentish Town	£ 270.57
Leyton	£ 299.11
Mill Hill	£ 270.57
Millwall	£ 327.65
North kensington	£ 327.65
Northolt	£ 299.11
Paddington	£ 413.27
Park Royal	£ 299.11
Poplar	£ 327.65
Romford	£ 299.11
Ruislip	£ 299.11
Shoreditch	£ 413.27
Soho	£ 356.19
Southall	£ 299.11
Southgate	£ 270.57
Stanmore	£ 270.57
Stoke Newington	£ 299.11
Stratford	£ 884.14
Tottenham	£ 327.65
Walthamstow	£ 327.65
Wembley	£ 441.81
Wennington	£ 270.57
West Hampstead	£ 299.11
Whitechapel	£ 327.65
Willesden	£ 299.11
Woodford	£ 270.57
Addington Fire Station	£ 327.65
Battersea Fire Station	£ 344.78
Beckenham	£ 327.65
Bexley	£ 327.65
Biggin Hill	£ 287.70
Brixton	£ 344.78
Bromley	£ 384.73
Chelsea	£ 327.65
Chiswick	£ 327.65
Clapham	£ 384.73
Croydon	£ 384.73
Deptford	£ 327.65
Dowgate	£ 344.78
East Greenwich	£ 327.65
Eltham	£ 327.65
Erith	£ 344.78
Feltham	£ 287.70
Forest Hill	£ 327.65
Fulham	£ 384.73

Greenwich	£ 327.65
Hammetsmith	£ 384.73
Hayes	£ 287.70
Heathrow	£ 270.57
Heston	£ 327.65
HQ Union Street	£ 136.57
Kingston	£ 327.65
Lambeth CBRN	£ 270.57
Lambeth FS	£ 327.65
Lambeth Rear Block	£ 270.57
Lambeth River	£ 270.57
Lee Green	£ 327.65
Lewisham	£ 327.65
Merton Loc	£ 256.29
New Cross	£ 327.65
New Malden	£ 327.65
Norbury	£ 327.65
Peckham	£ 384.73
Plumstead	£ 327.65
Purley Way Stores	£ 270.57
Richmond	£ 327.65
Sidcup	£ 327.65
Surbiton	£ 327.65
Sutton	£ 327.65
Tooting	£ 344.78
Twickenham	£ 327.65
Wallington	£ 327.65
Wandsworth	£ 344.78
West Norwood	£ 384.73
Wimbledon	£ 384.73
Woodside	£ 327.65

Total Weekly cost £ 32,429.34