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## Provision of Fire Safety Training and Qualifications

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Report to  
Fire and Resilience Board

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Report by  
Assistant Commissioner, Fire Safety

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### Summary

This report seeks approval to award a contract for the provision of Fire Safety Training Courses to the Supplier named in Appendix 1 – Confidential Tender Evaluation.

The proposed contract award will ensure Fire Safety qualifications are provided whilst achieving best value for money for London Fire Commissioner (LFC). The tender evaluation included rigorous evaluation of quality, price, financial standing and terms and conditions, with the quality evaluation being conducted by representatives of Fire Safety.

This report sets out the outcome of the procurement process and considerations of the procurement options with recommendations.

### Recommended Decision

That London Fire Commissioner approves the award of a contract for the provision of training courses to the Supplier named in Appendix 1 – Confidential Tender Evaluation under the LFC Services Terms and Conditions at a total cost of £550,680.

## Background

1. The Regulatory Reform (Fire Safety) Order 2005 (Article 26) places a duty on the LFC as 'enforcing authority'.
2. The Fire & Rescue National Framework for England (2018) document states Fire and Rescue Services *"must make provision for promoting fire safety, including fire prevention, and have a locally determined risk-based inspection programme in place for enforcing compliance with the provisions of the Regulatory Reform (Fire Safety) Order 2005 in premises to which it applies"*.
3. HMICFRS Tranche 1 summary and individual service reports highlight the importance of appropriately resourced and trained Fire Safety Protection officers to deliver the service Risk Based Inspection Programme (RBIP) and subsequent enforcement action.
4. As such LFC must provide suitable trained, qualified and competent inspectors to satisfy these statutory functions.
5. In order to deliver these requirements LFB Fire Safety Department requires Fire Safety Inspecting Officers and Senior Fire Safety Officers to be working towards the following qualifications to demonstrate competence:
  - Level 3 Certificate in Fire Safety (Fire Auditors)
  - Level 4 Certificate in Fire Safety (Fire Auditors)
  - Level 4 Diploma in Fire Safety (Fire Inspectors)
6. These qualifications follow the National Occupational Standard which have been agreed by Skills for Justice (SfJ) and National Fire Chiefs Council (NFCC). LFB has recently been lobbying and providing national representation to promote the need for competence and accreditation of individuals working within the fire sector. It is therefore essential that we can demonstrate our Fire Safety staff are trained to current recognised national occupational standards (NOS).
7. Previously Fire Safety qualification requirements were provided within the LFB training contract with Babcock. The Fire Protection Association (FPA) delivered this training through a commercial arrangement with Babcock. In 2016 Babcock advised that due to FPA withdrawal from this market that they would no longer be able to provide the courses. It was therefore agreed that courses which delivered a Fire Safety qualification would be removed from the LFB / Babcock training contract with appropriate financial adjustments and separate training provision requirements would be required to be funded by the Training and Professional Development budget.
8. Interim arrangements were made with Fire Service College to complete the courses for qualifications that had already commenced with FPA. Separate procurement arrangements were commenced for future requirements which are detailed within this paper.

## Procurement Process

9. On 26 June 2018 procurement initiation consent was granted to commence the procurement for the provision of Fire Safety Qualification Training.
10. A specification was developed by Fire Safety taking into considering stakeholder requirements and lessons learned during the provision of these courses both in house and latterly through the Babcock training contract. A five year contract was deemed the most appropriate considering the varying duration of training courses to be provided through the contract and to provide the Brigade with sufficient capacity and coverage to promote consistency as required. Contract specification included requirements for futureproofing and currency of the courses / qualifications delivered.
11. The contract value for this requirement was below the EU procurement threshold for the Light Touch Regime for Training Services, (currently £615,278). Market research indicated that there were a limited number of providers who would be able to deliver this requirement for the LFC. Following consultation with Procurement, the most appropriate route to market to source this requirement was to advertise this contract through an Open Procedure.
12. On 23<sup>rd</sup> August 2018 Invitations to Tender documentation packs were advertised through a Open Procedure protocols a tender deadline of 25 September 2018 was set. Fifteen expressions of interest were submitted. Following expiration of the response deadline at 10:00hrs on 25 September 2018, the electronic tender box contained three tender responses.
13. The award criteria used in the procurement process was as follows:

Criteria	Item	Section Weighting (%)	Overall Weighting (%)
Price:	Price per course offered (Form of Tender summary)	100	30%
Quality	Sample Lesson delivery	30	70%
	Trainers and resources	15	
	Learning Environment and Support Offered: Including Equalities considerations	20	
	Evaluation process & reporting structure	20	
	Implementation	15	

*Note: A detailed breakdown relating to the tender evaluation are stated in Appendix 1 – Confidential Tender Evaluation to this report.*

14. It is worthy of separate comment that of the three bidders the preferred provider was the only one who gave adequate reassurance to the quality panel in respect of their

knowledge, understanding and arrangements in respect of provision of learning support and reasonable adjustments to support the needs of future trainees.

15. To April 2023 this contract will deliver:

- 6 Level 3 Certificate in Fire Safety courses;
- 10 Level 4 Certificate in Fire Safety courses;
- 8 Level 4 Diploma in Fire Safety courses.

16. Each course consists of a number of separate modules which will train and assess 16 candidates. We have agreed with the supplier that unused training spaces can be sold by LFC to other Fire and Rescue Services at cost, as this practice is common in other services.

17. The preferred bidder can deliver the required number of courses for each unit, assessment and qualification to achieve and demonstrate competence at a total cost of £550 680, as shown on the table below.

#### **Course costs**

	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
Level 3	£18,220	£36,440	£18,220	£18,220	£18,220
Level 4		£101,280	£50,640	£50,640	£50,640
Level 4D		£47,040	£47,040	£47,040	£47,040
<b>TOTALS</b>	£18,220	£184,760	£115,900	£115,900	£115,900

**TOTAL: £550,680**

*Note: Indicative candidate costs per qualification for are £1,434.*

18. Based on the number of candidates, course and unit contact time together with the quality of learning support provided, Fire Safety and Procurement Departments are satisfied that this contract delivers value for money for LFC by quality and effectiveness.

19. By way of comparison the costs to implement interim arrangements with FSC (December '17 to December '18) was £105 411 for the delivery of the following complete courses to 12 candidates:

- 1 Level 3 Certificate in Fire Safety;
- 3 Level 4 Certificate in Fire Safety;
- 2 Level 4 Diploma in Fire Safety.

*Note: Indicative candidate costs per qualification for these courses £1464.00.*

#### **Conclusion**

20. Following the completion of this procurement exercise, it is recommended that this contract be awarded to the provider named in Appendix 1 – Confidential Tender Evaluation to enable the implementation process to be initiated.

21. This contract will assist the LFB in delivering our statutory requirements and LSP2017 commitment to our staff and public to aspire for excellence beyond competence and to

better equip our staff to reduce risk to those who work, rest and play in the built environment in London through our risk-based inspection regime.

22. The evaluation process was undertaken by representatives of Fire Safety and Procurement, and the outcome is recorded in Appendix 1.

#### Finance comments

23. This report recommends the award of a contract for the provision of Fire Safety Training Courses at a total cost of £551k over a five-year period as set out in paragraph 17 above, to be funded from the Training contract budget.
24. The LFC's annual training requirement (the Statement of Training Requirements – SoTR) is collated on an annual basis, and is subject to an annual budget review, whereby all departments will have to bid for their training requirements and prioritised accordingly.
25. The Fire Safety unit's requirements will also be subject to the annual SoTR collation process and not all Fire Safety unit's requirements may be guaranteed. This may require prioritising the LFC's annual training requirements or requiring growth for additional funding.

#### Workforce comments

26. Paper shared with affected staff group representative bodies (GMB, Unison & FBU). Unison welcomed acknowledgement and improved arrangements in respect of reasonable adjustment and provision of additional learning support. FBU noted the contents of the paper.

#### Legal comments

27. 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.
28. 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").
29. 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...".
30. The Deputy Mayor's approval is accordingly required for the Commissioner to award a contract to the Supplier named in Appendix 1 for the provision of fire safety qualifications for a cost of £550 680.
31. The statutory basis for the actions proposed in this report is provided by article 26(1) of the Regulatory Reform (Fire Safety) Order 2005 which states that "Every enforcing authority must enforce the provisions of this Order". Furthermore, under section 6(1) of the Fire and

Rescue Services Act 2004 the Commissioner must “make provision for the purpose of promoting fire safety in its area”.

32. The General Counsel also notes that the procurement process was completed in compliance with Public Contracts Regulations 2015.

#### Equalities implications

33. The Public Sector Equality Duty applies to the London Fire Brigade when it makes decisions. The duty requires us to have regard to the need to:
- i. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
  - ii. Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - iii. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
34. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, 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).
35. The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse effect on any persons with a particular characteristic.
36. The preferred bidder was able to demonstrate an understanding of requirements and provide confirmation that all of their trainers have received knowledge and skills input into facilitating training for different learning styles as recognised and required within the Equality Act 2010.
37. Within the providers tender submission, they included their policy on inclusion and diversity. They were also able to demonstrate that their trainers receive regular CPD on unconscious bias, equality and inclusion.
38. They provided evidence and examples of bespoke inputs for individuals that had specific requirements in respect of their learning style or environment.
39. This was evidenced during document disclosure to Procurement Department and a sample lesson input by Fire Safety quality assessors including specific questioning.
40. LFC is satisfied that arrangements meet the requirements of Equality Act 2010 and LFC responsibilities within Public Service Equality Duty.

## **Appendix 1 – Confidential Tender Evaluation**

The outcome of the procurement process results in the recommendation to the London Fire Commissioner to give approval to award a contract to Xact Consultancy and Training Ltd.

### **Evaluation Process**

LFC received a total of three tenders from Xact Consultancy and Training Ltd, Fire Service College Ltd, and K.P. Hughes & Associates Ltd.

Quality was scored individually by Fire Safety, followed by a consensus meeting to agree final scores given to each bidder.

All trainers delivering these courses were required to comply with the LFC Fit to Train requirements, and have the necessary qualifications and experience to deliver these courses to the Brigade's satisfaction.

The scores awarded to each bidder for each section of the award criteria are as follows:

Criteria	Item	Section Weighting (%)	Xact Training and Consultancy	Fire Service College Ltd	K.P. Hughes Ltd
Price: 30%	Price per course offered (Form of Tender summary)	30%	23	30	24
Quality: 70%	Sample Lesson delivery	30	30	18	15
	Trainers and resources	15	12	9	3
	Learning Environment and Support Offered	20	16	8	10
	Evaluation process & reporting structure	20	16	16	12
	Implementation	15	15	12	9
	<b>Quality Total:</b>	<b>70%</b>	<b>89</b>	<b>63</b>	<b>49</b>
	<b>Quality Weighted Total:</b>		<b>62</b>	<b>44</b>	<b>34</b>
	<b>OVERALL TOTAL:</b>		<b>85%</b>	<b>74%</b>	<b>58%</b>

### **Financial Implications**

The winning tenderer's response has an overall estimated cost over five years of £550 680, based on the anticipated number of trainees being 384. These figures are based on projected requirements at current establishment levels.

### **Contract management**

Robust contract management procedures will be put in place to ensure sufficient monitoring of the performance of the provider in delivery of the various modules / courses required.

Arrangements between Training and Professional Development, Procurement, Contracts Management and Fire Safety Department will be agreed in respect of departmental contractual roles and responsibilities.

Fire Safety Department are currently in discussions with Training and Professional Development to agree owners for the following actions which were previously resourced and catered for within the Babcock contract:

1. Course scheduling;
2. Candidate nominations;
3. Issue of joining instructions;
4. Completion of individual training records;
5. Supplier course booking and purchase orders;
6. Issue of candidate certificates

Through regular contract monitoring and liaison a strong relationship and quality assurance arrangements will be developed between the supplier and Fire Safety Department to ensure key elements of the specification are met.

A financial risk assessment was undertaken by Contract Management Group using Experian. This showed Xact had a very low risk score. Contract Management Group will continue to do this annually to monitor the company's financial standing throughout the life of the contract.