

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD98

Title: Extension of Mobile Communications Contract

Executive Summary:

This report recommends the Deputy Mayor for Fire and Resilience give approval for the London Fire Commissioner to incur expenditure of £487,000 for the extension of the existing mobile telephony contract for a further 12 months from 31 March 2021. The contract was awarded to Vodafone in 2017 for a period of two years, beginning on 1 April 2018 with an option to extend for a further two years (by two one-year periods). The London Fire Brigade (the Brigade) exercised its discretion to extend the contract in 2019, for the 2020/21 financial year and once again it is considered preferable to extend the contract for another and final 12-month period.

The mobile communications contract provides all mobile telephony services to the Brigade. This includes all voice, data services and telephone handsets to operational officers and FRS (non-operational) staff. In addition, the contract provides for the provision of specialist communication links used in command support units, as well as a mobile device management system (MDM), used to allow the Brigade to manage its mobile phone estate. It is, therefore, essential that service delivery continues uninterrupted.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire Commissioner to seek prior consent before '*[a] commitment to expenditure (capital or revenue) of £150,000 or above*'. The Direction also provides the Deputy Mayor with the authority to '*give or waive any approval or consent required by [the] Direction*'.

Decision:

The Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit revenue expenditure of up to £487,000 for the extension of the mobile telephony contract for a further 12 months from 31 March 2021.

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:

5 February 2021

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

Decision required – supporting report

1. Introduction and background

- 1.1. Report LFC-0444 explains that the London Fire Brigade (the Brigade) has been using mobile telephony (voice and data) for a number of years in support of a wide range of critical operational as well as administrative functions. The amount of mobile data being used, has increased considerably in recent years, supporting the operational requirements of a 365/24 organisation.
- 1.2. The Brigade now has around 2,300 4G data connected mobile phones, laptops/tablets as well as 250 voice-only connections. Device use throughout the recent pandemic has increased and is predicted to increase further as the Brigade adapts to new ways of working.
- 1.3. Proposals are currently under consideration to equip staff who normally work at the Brigade's Union Street headquarters with 4G connected mobile devices and associated peripherals, that will lay the foundations for true flexible working in a variety of locations.
- 1.4. All frontline fire appliances now contain 4G connected tablets that operate alongside the appliance mobile data terminals (MDTs). These tablets provide the ability for crews to access a wide range of systems both on the way to and at incidents, and to support off-station activity like home fire safety visits, and outside duties. Increasingly, these devices support risk critical activities throughout the Brigade.
- 1.5. In addition to devices, the Brigade also uses specialist communication links in the command support units (CSUs). These links provide dedicated links to/from the CSUs are typically utilised when the vehicles are deployed at an incident.
- 1.6. The voice element of the current mobile telephony contract provides the Brigade with an "all inclusive" call tariff. This means that the contract is fixed cost and not dependent upon usage which is particularly useful for an organisation that relies heavily upon mobile communications.
- 1.7. A similar scheme applies to the use of mobile data, whereby the Brigade has access to a "data sharer" system. The contract allows for a specific amount of data to be used as part of the contract, at an all-inclusive cost. This has advantages in that those users whose role demands that they are heavy users of data, have this usage offset by other users whose use of data is light.

2. Objectives and expected outcomes

- 2.1. The objective of the proposal is to secure authority to extend the existing contract with Vodafone for mobile telephony services by 12 months, taking the new expiry date to 31 March 2022. This will require expenditure of £487,000, which is contained within the Brigade's existing Information and Communication Technology (ICT) budget.

Alternative options considered and consultation

- 2.2. The alternative to not extending the contract for a final 12 months is to initiate a re-procurement of the mobile communications contract. There would be a number of issues with taking this approach, as set out below:
 - a. The re-procurement would absorb considerable Brigade ICT and procurement resources at a time when workloads are particularly challenging, supporting both the Grenfell Tower Inquiry and transformation activities.

- b. The Fire Survival Guidance (FSG) project is due to go live in March 2021 and relies heavily upon mobile connectivity provided by this contract. Any disruption to mobile connectivity caused by a potential change to a new supplier would introduce unnecessary risk to this important project.
 - c. The Brigade's Modern Workplace Project (MWP) is due to complete migration of staff to Microsoft 365 in March / April 2021. The prospect of having to undertake a mobile phone replacement exercise (should a new supplier be awarded the contract due to a re-procurement), whilst finalising this migration would be very challenging for ICT to support and has the ability to introduce new and unanticipated risks to the project.
 - d. There are no performance concerns with the Vodafone contract. ICT have no issues with the incumbent supplier with both coverage and device availability remaining good. The account manager is responsive to emails and proactive in making contact to advise of new services being offered.
- 2.3 In mid-October 2020 LFB contacted the GLA Collaborative Procurement Programme to ascertain if there were any collaboration opportunities in respect of mobile telephony. Currently, TfL uses O2 as a supplier and their contract is due to expire in May 2023. It would therefore not be a viable proposition for the Brigade to move suppliers from Vodafone to O2 with all associated disruption, for what could be just a 12-month period, depending upon the outcome of the re-procurement.
- 2.4 At that time email discussions with the TfL Commercial Manager confirmed that they will be looking to award a new contract in May 2022 and have suggested that discussions with the Brigade are held nearer to that time to identify if there are any collaboration opportunities that may be realised.
- 2.5 As a result of further requests to investigate and commit to collaboration with TfL, contact was made with the Lead Commercial Manager of the Collaborative Procurement Team in mid-December 2020. Assurances were provided via email of the commitment to collaboration and a meeting was held in mid-January 2021 to discuss the forthcoming re-tender. Procurement staff from LFB met with their TfL counterparts and the Lead Commercial Manager of the Collaborative Procurement Team. TfL confirmed that they were not able to meet the Brigades timescales for re-procurement and would be unable to join on this occasion.
- 2.6 In addition to the above, contact has been made with the Crown Commercial Service (CCS) who have confirmed that LFB may not extend their contract past the final 12 month period as the original framework has expired. Investigations to join a CCS aggregation exercise are still ongoing and savings data is expected shortly.
- 2.7 The Brigade have made enquiries with the Metropolitan Police Service (MPS) who have confirmed that their current contract is also due to expire on 31st March 2022. Investigations into a collaborative procurement are being discussed and a meeting is due to take place in mid February to determine if a joint procurement is feasible.
- 2.8 Other options that are also being explored are a joint procurement with two FRS's who have expressed a potential interest in collaborating on this requirement.
- 2.9 Taking the above items into consideration it is our view that to initiate a re-procurement now would consume precious resources and introduce new risks to key projects. The preferred option is therefore to extend the existing contract by a further and final 12 months which is permitted under the terms of the existing contract. During this period all of the positive collaborative options set out above will be fully explored.

3. Equality comments

- 3.1. The London Fire Commissioner and decision takers are required to have due regard to the Public Sector Equality Duty (s149 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, Sexual orientation.
- 3.4. The Public Sector Equality Duty requires us, in the exercise of all our functions (i.e. everything we do), to have due regard to the need to:
 - (a) Eliminate discrimination, harassment and victimisation and other prohibited conduct.
 - (b) Advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
 - (c) 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:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic;
 - (b) 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;
 - (c) 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—
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 3.8. An Equality Impact Assessment (EIA) has not been undertaken in respect to this contract extension on the basis that this is continuation of an existing service and its impact will be transparent on users.

4. Other considerations

Strategic drivers

- 4.1. The extension of the existing mobile telephony contract will allow the Brigade to continue to ensure that a both operational and FRS (non-operational) staff are able to carry out their roles, to serve and protect the people of London, by having an effective mobile communications system in place to

support both front line and support activities. Mobile telephony supports critical activities in the Transformation Delivery Plan and the Grenfell Tower Action Plan.

Procurement

- 4.2. The former London Fire and Emergency Planning Authority (the former Authority responsible for the Brigade) awarded the contract to Vodafone by way of direct award utilising the Crown Commercial Service Network Services Framework (RM1045) Lot 6. The contract is for an initial term of two years with an option of further two-year extension periods. It commenced on 1 April 2018 and was extended by 12 months, so expires on the 31 March 2021. The proposal is to extend by a further and final one-year extension period so it expires on 31 March 2022.
- 4.3. A recent approach from a competing supplier wishing to provide this service has indicated that this contract continues to offer value for money. A similar service provision was quoted, and the costs were comparable.

5. Financial comments

- 5.1. This report recommends the extension of the mobile telephony contract for a further 12 months from its expiry date on 31 March 2021. The contract, which was initially agreed in 2017, is for the provision of all mobile telephony services to the Brigade. The report notes that this will result in revenue costs of £487,000 for the 2021/22 financial year (compared to an estimated £472,000 in the current year (2020/21). This cost will be contained within the existing ICT revenue budget; the increase in cost between the two years is due to an increase in the number of devices.

6. Legal comments

- 6.1. This report seeks approval to commit expenditure in order to extend the existing contract for mobile telephony contract for a further and final 12-month period.
- 6.2. 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.
- 6.3. Section 1 of the Fire and Rescue Services Act 2004 ('the 2004 Act') states the Commissioner is the fire and rescue authority for Greater London. Under sections 7 to 9 of the Act, the Commissioner must secure, amongst other things, the provision of equipment necessary to efficiently meet the requirements of the fire and rescue authority.
- 6.4. 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.
- 6.5. 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"). In particular, 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 recommended decision to extend the contract and commit expenditure far exceeds this value, therefore, this report to the Deputy Mayor fulfils the aforementioned requirement in the direction.
- 6.6. The body of the report confirms the Procurement Department have been engaged with the supplier in relation to the extension of the contract to ensure compliance with the requirements set out in the Public Contracts Regulations 2015 ('the regulations') and the LFC standing orders. Under regulation

72 of the regulations, contracts can be modified without a new procurement procedure, as in this case, where modifications , irrespective of their monetary value have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses provided such clauses state the scope and nature of possible modification, and it does not alter the overall nature of the contract.

Appendices and supporting papers:

Appendix 1: LFC-0444 – ‘Extension of Mobile Communications Contract’

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? Yes**

If YES, for what reason: The commercial interests of the London Fire Commissioner require deferral of the decision until after the cooling off period for the contract award has expired.

Until what date: 1 April 2021

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.

✓

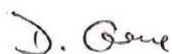
Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 18 January 2021.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

5 February 2021