

GREATER LONDON AUTHORITY

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD16

Title: Records Storage – Acceptance of Tender

Executive Summary:

Report LFC-0071 to the London Fire Commissioner seeks approval to accept a tender for the management and storage of Brigade records. The Brigade outsourced its records management and storage arrangements when it moved to the Union Street headquarters. The Brigade's current contract for records management and storage is coming to an end, a procurement process to replace the contract has been completed, and the Commissioner seeks the Deputy Mayor's approval to appoint a successful tenderer in keeping with the London Fire Commissioner Governance Direction 2018 which 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'.

Decision:

The Deputy Mayor for Fire and Resilience approves the expenditure detailed in the confidential appendix to Report LFC-0071 to the London Fire Commissioner for the provision of records storage services.

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:

6/12/18

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

Decision required – supporting report

1. Introduction and background

- 1.1. The London Fire Commissioner agreed in April 2018 to delegate initiation of procurement action for a replacement records storage contract (LFC-0008) to the Director of Corporate Services. The Director subsequently initiated the re-tendering process which has been carried out by staff from Technical and Commercial and ICT (Information Management) departments as a restricted OJEU tendering process.
- 1.2. The scope of the contract covers:
 - Secure storage of up to 18,000 boxes of paper records (although reducing over time);
 - Specialist storage facilities for, and to preserve, the LFB photographic archive;
 - Confidential material destruction service;
 - Retrieval of records and returns service with delivery twice a week;
 - Express retrieval/returns delivery service on request;
 - Supply archive boxes, tubes, and box labels; and
 - Management reports to monitor the service.
- 1.3. An OJEU tendering exercise was initiated on 10 May 2018 by the Brigade with a call for expressions of interest by 11 June 2018. A tendering exercise commenced on 22 June 2018 with tender receipt by 23 July 2018. Details of the companies responding to the pre-tender questionnaire, those invited to tender and the outcome of the tendering exercise is set out in the confidential appendices of report LFC-0071 to the Commissioner.
- 1.4. Following evaluation of the price and quality aspects of the bid, it is proposed to award the contract to The Document Warehouse as a five-year contract with two one-year extension possibilities in line with the recommendations in the appended report to the Commissioner.
- 1.5. There is an existing framework contract with the Greater London Authority (GLA) Group covering the service the Brigade requires which would allow direct award. However, as outlined in LFC-0008, an analysis showed that the costs to the Brigade would be higher than under the current contract for records management and storage. A further analysis has been carried out now that the new costs are apparent from the OJEU tender process and it is confirmed that the GLA Group framework contract would still cost more than the proposed supplier.

2. Objectives and expected outcomes

- 2.1. The delivery of a resilient document storage solution for the Brigade ensures that proper records and valuable assets such as the Brigade's photographic archive are secured and maintained, in line with principle four 'Accountability' of the 'Aims and principles' of the London Safety Plan, including: *'Ensure the proper and lawful stewardship of London Fire Brigade assets and resources'*.

3. Equality comments

- 3.1. Under Section 149 of the Equality Act 2010, the London Fire Commissioner must have 'due regard' of the need to:
 - Eliminate unlawful discrimination, harassment and victimisation; and

- Advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not.

- 3.2. The Public Sector Equality Duty – and the potential impacts of this decision on those with protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation) – has been considered by the London Fire Commissioner and the Deputy Mayor for Fire and Resilience at the Deputy Mayor's Fire and Resilience Board. No specific impacts on those groups sharing a protected characteristic were identified.
- 3.3. During the contract term for the successful tenderer, the contractor will be forbidden from discriminating against any person on grounds of sex, race, disability, sexual orientation, religion or belief or age contrary to the provisions of the Equality Act 2010—whether through its own actions, or the actions of an agent. The contractor will also be required to comply with the terms of the Commissioner's Equalities Protocol, as set out in the contract. Compliance is a condition of the contract.
- 3.4. Further, the contractor will be required to comply with the race equality duty, the disability equality duty and the gender equality duty set out in the Equality Act 2010 as if the contractor were a public authority within the meaning of the legislation and also to comply with the provisions of section 404 of the Greater London Authority Act 1999 ('the 1999 Act') (promoting equality of opportunity for all persons, irrespective of their race, sex, age, disability, sexual orientation or religion) as if the contractor were a functional body within the meaning of the 1999 Act.

4. Other considerations

- 4.1. Report LFC-0071 to the Commissioner supports the 'Staff and Resources' aims within the London Safety Plan, which says: *"The Brigade will maximise how it spends public money, ensuring that the Brigade is supported through intelligent systems and data, property investment, procurement, vehicles and equipment."* The report provides details and assurance of the Commissioner's approach, ensuring that competition, quality and cost received due consideration, achieving the savings detailed in the confidential appendix. In line with the London Fire Commissioner's Responsible Procurement policy, the contract requires payment of the London Living Wage.

5. Financial comments

- 5.1. The expenditure is to be funded through sums available to the Commissioner. There are no direct financial implications for the GLA.

6. Legal comments

- 6.1. 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.
- 6.2. 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").
- 6.3. 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..."

- 6.4. The Commissioner proposes to incur expenditure detailed within the confidential appendix of LFC-0071 in establishing a document storage solution for the London Fire Brigade. The Commissioner has the necessary statutory powers to undertake the activities proposed and the procurement has been competitively tendered in accordance with the public contracts regulations.
- 6.5. Officers must ensure that appropriate contract documentation is put in place and executed by the London Fire Commissioner and the successful bidder before the commencement of the services.

Appendices and supporting papers:

LFC-0071 – Records storage – acceptance of tender

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 name of the bidder is listed but should not be public knowledge at this time.

Until what date: 1 March 2019.

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 – YES

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer

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

✓

Assistant Director/Head of Service

Tom Middleton 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 3 December 2018.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

M. D. Allen

Date

3.12.18

