



LONDON FIRE BRIGADE

Report title

The provision of Respiratory Protective Equipment (RPE) and Replacement Components.

Report to	Date
Corporate Services DB	30 March 2021
Commissioner's Board	21 April 2021
Deputy Mayor's Fire and Resilience	11 May 2021

Report by	Report number
Assistant Director Technical and Commercial	LFC-0517

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Executive Summary

This report seeks approval of a contract of up to two years for Respiratory Protective Equipment (RPE) components to service LFB's current Breathing Apparatus (BA) equipment whilst the new contract for combined purchase and components progresses through the award and implementation process.

The existing agreement with Draeger relating to these components is due to expire 01/07/2021

As Draeger supply LFB's existing BA set, they are the only supplier able to provide the components for service and maintenance of this apparatus, therefore we are unable to process a competitive tender in this instance.

This contract will enable the Operational Support Group (OSG) to maintain the current BA sets in this interim period ahead of receipt of our new BA sets. The new RPE supplier is anticipated to be awarded in April / May 2021, but due to the implementation time for the new arrangements, an interim solution with Draeger for up to 2 years is required in order to ensure our existing sets are fully operational until their planned end of service. It is estimated that one-year will allow sufficient time to complete these works, however should there be a delay in the arrival of the new set, an additional year would allow us a contingency period in order to continue to provide parts for the BA sets and ensure continuity of service of this operationally critical equipment.

Recommended decisions

For the London Fire Commissioner

The London Fire Commissioner:

1. Delegates authority to the Assistant Director Technical & Commercial to enter into a contract with Draeger for the supply of RPE replacement component parts for 1 year with an option to extend for a further 1 year, at a cost of up to £500,000.

Introduction and Background

1. Within the Operations Support Group, there is an ongoing requirement to ensure BA sets are maintained and serviced in order to deliver adequate protection for our firefighters and the communities of London. As such, replacement parts and materials are required to be purchased throughout the life of the set, in order to guarantee a constant supply of BA sets to keep our stations on the run.
2. In June 2016 the current agreement between the LFB and Draeger (ref. 5752/15) was submitted and approved. This document covered in detail the requirements of Draeger to meet the needs of the LFB and technicians within OSG. This relationship has worked well across the life of this contract.
3. Looking forward; LFB are midway through a tender process to determine which new BA set will be used by the organisation. Draeger's existing sets will continue in operation until LFB has fully rolled out the newly approved set. A new contract of up to two years will be required for the period from July 1st in order to ensure LFB remains fully operational.

Costings

4. With no annual service charge the budget is solely dependent on the parts that are required in order to maintain our BA sets. The annual costs vary depending on which spare parts are required to be ordered for specific issues that arise. In recent years, the way in which Operations Support Group service and maintain BA sets has undergone evaluations which have driven changes in working practise that have seen a continual decrease in spend relating to RPE component parts. Moving from £542,600 18/19 the below example of subsequent years spend evidences the impact of these changes. Further to this, as the existing BA set is approaching end of life, the way technicians service will change. Where we would buy replacements, we will condemn sets where it is cheaper to strip them for parts, further reducing the need to purchase previously seen amounts of RPE components. With this in mind, we can confidently predict this contract to be under the £500,000 budget which is being requested due to changes in working related to moving the current BA sets to the expiration of their service with the LFB. Year one (21/22) is expected to fall comfortably below £300,000 and if the year two was required to be continued into, it is highly unlikely that the full year would be necessary.

Financial Year 19/20	Financial Year 20/21 to date	Financial Year 21/22 Forecast
£374,312	£265,337 Year end c.£300,000	↓£300,000

Alternative Options Considered and Consultation

5. Draeger are the manufacturer of the existing BA set, and are the only company approved to supply the components for service and maintenance of this breathing apparatus. With this in mind, Regulation 32(5)(b) will be utilised as exemption to publicising the tender and moving forward with Draeger without prior publication.
6. Consideration has been given as to whether existing stock of replacement components that have been purchased and are held as assets by LFB could be utilised; however due to the stock levels and unpredictable nature of repairs, we are unable to sufficiently forecast if this would be viable, nor is it believed the current stock levels would be suitable for the time period in question.
7. Consideration was given as to the possibility of bulk buying items to cover all eventualities across the time period noted. This would unfortunately risk leaving the LFB with excess stock, with no guarantee of a reverse purchase from Draeger.
8. Collaboration with colleagues within OP&A continues in order to ensure the best availability and maintenance of the existing set until the conclusion of its lifespan with the LFB. No issues are predicted to occur that would create concerns for other functions of the LFB. This agreement in fact removes foreseeable issues.

Objectives and Expected Outcomes

9. Approval to commence a one year RPE replacement component parts contract with Draeger, commencing 1st July 2021 with an option to extend for a further year.
10. Existing agreement/contract with Draeger which has been utilised since 2016 be continued with no requirement to amend existing terms of service.

Impacts

Equality Impact

11. 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 exercising our functions and taking decisions.
12. 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.
13. 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.

14. The Public Sector Equality Duty requires us, in the exercise of all LFC functions (i.e. everything the LFC does), 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.
15. 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.
16. 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.
17. 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.
18. An Equality Impact Assessment (EIA) was undertaken on 13 August 2020. The impact assessment found there to be no adverse impacts in any area or on any particular group.

Procurement and Sustainability

19. In order to ensure that the BA sets are repaired using approved parts regulation 32(5)(b) of PCR 2015 will be utilised to negotiate and contract with Dräger directly. This is because there is no competitor able to offer the services/component parts that Draeger supplies. .

20. Regarding sustainability, this agreement will support in maintaining the existing BA sets for the remaining year, assisting in keeping these sets operational and utilising them until such time as a more tailored set is agreed upon.

Strategic Drivers

21. *Delivering Excellence, Seizing the Future* – This agreement provides a robust transition period, allowing the LFB the resilience to ensure that whilst we plan for a more fit for purpose BA set in the future, we continue to deliver excellence in our existing set until its last operational use.
22. *London Safety Plan* – In-keeping with the aim to ensure no negative impact is observed during the transition of sets; this agreement will ensure our ability to protect the communities of London remains at the very forefront of the LFB's strategy by providing resilience during the transition from existing to new BA set.

Workforce Impact

23. This agreement aims to ensure minimal staff impact. As a continuation of an existing agreement, it allows staff to continue to work as they are accustomed for the duration of this contract, therefore there should be no adverse effects.

Finance comments

24. The report notes a contract for the supply of RPE replacement component parts for 1 year with an option to extend for a further 1 year, at a cost of up to £500,000 in total. The component parts purchased will include various items at mixed prices, but it is anticipated that any risk of price fluctuations will be contained within the contract value.
25. These costs will be contained within the annual revenue budget for the maintenance and repairs of breathing apparatus. The report also notes that there is confidence that this figure will be reduced over the coming years, any reduction of costs will be identified and communicated as part of the monitoring and budget setting processes.

Legal comments

26. 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.
27. 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").
28. 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...".

29. The Deputy Mayor's approval is accordingly required for the Commissioner to award a contract for the supply of RPE replacement component parts for 1 year with an option to extend for a further 1 year, at a cost of up to £500,000.
30. The statutory basis for the actions proposed in this report is provided by section 7 (2)(a) of the Fire and Rescue Services Act 2004, under which the Commissioner must secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for firefighting.
31. The General Counsel also notes that the contract with Draeger will be entered into by virtue of Regulation 32 (5)(b) of PCR 2015. This is due to that fact that Draeger are the original supplier of the BA stets, therefore the additional parts are intended as a partial replacement of supplies and a change of supplier would oblige the LFB to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance.

List of Appendices

Appendix	Title	Protective Marking
1.	None	