

## DMPC Decision – PCD 1191

**Title:** First Aid Consumables, Pharmaceuticals and Medical Gases

### Executive Summary:

This decision seeks approval to initiate and award a new framework for first aid, pharmaceuticals and medical gases. This will be a national framework open to all police forces in England and Wales. The contract duration will be a maximum 48 month term. The current contract is due to expire on 30 November 2022 and this paper is to seek permission to initiate the new procurement activity to ensure continued provision of first aid, pharmaceuticals and medical gases in accordance with the Health and Safety (First Aid) Regulations.

### Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

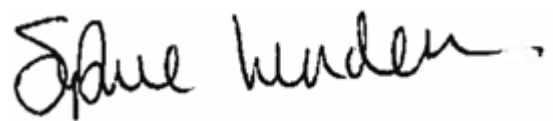
- Approve the MPS to go out to tender via the open tender route and award a contract for the MPS for a national supply and delivery of first aid, pharmaceuticals, emergency life support training equipment and associated products and compressed medical gases framework. This will allow continuity of service once the existing contract expires on 30th November 2022. The total estimated 4 year contract value is £10,000,000 of which the MPS element is estimated at £8,000,000, the remainder being available for use by other police forces and other eligible services.
- Approve use of delegated authority for the MPS Director of Commercial Services to award and sign the resulting contract, ensuring continuity of this service beyond the expiry date of 30th November 2022.

### Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

**Signature**



**Date**

**25/4/2022**



## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC**

### **1. Introduction and background**

- 1.1. The Health and Safety (First Aid) Regulations place a duty on the employer to provide appropriate first aid equipment. What is provided is decided by the employer through a needs assessment and the MPS requirement, for both its employees and the people affected by its undertaking, is regularly reviewed and the requirements adjusted accordingly. The MPS has an independent clinical panel which advises on what equipment should be carried and the training undertaken.
- 1.2. The MPS currently delivers first aid training internally which entails provision of training equipment, this includes a range of consumable items for every course and the training covers approximately 30,000 staff annually.
- 1.3. The Police and Criminal Evidence Act 1984 codes of practice regulate police powers and protect public rights. The MPS have an obligation under PACE to deal with immediate healthcare issues of all their detainees and are therefore required to include mandatory drugs which have been included within this framework.
- 1.4. Met Detention employ Health Care Professionals who require medications to treat detainees for a range of issues. Supplying these medications on a contract basis is more cost effective than obtaining medications on a case by case local basis both in the cost of the medication and the use of staff time.
- 1.5. By making all equipment and medications available on a national contract it allows savings to be made through bulk purchasing.
- 1.6. The previous contract was offered in three lots, first aid consumables, pharmaceuticals and medical gases, the proposal is to repeat this process.
- 1.7. The proposed new framework agreement will be a 4 year term from 1st December 2022 to 30th November 2026, with an estimated value of £10,000,000. The MPS's estimated spend is expected to be £8,000, 000 and the other force users is expected to be £2,000,000.

### **2. Issues for consideration**

- 2.1. Failure to approve the initiation for the new framework will result in the MPS being unable to have the new framework in place post 30th November 2022. The contract will be non-compliant after this period. This can result in price increases and changes to terms as this contract was a fixed term 4 year contract with no price increases approved during this time due to BREXIT and COVID.

### **3. Financial Comments**

- 3.1. The cost of the contract will be met from devolved budgets held by Business Groups. The existing contract value is £6,270,000. The amount released against the contract to date is £3,513,000, with £2,757,000 remaining for the remainder of the contract to November 2022.
- 3.2. Savings have been made on the existing contract as prices have been held since the start of the contract despite the effects of BREXIT and the COVID pandemic. However, economic and COVID-19 uncertainty means that further savings cannot be guaranteed. Therefore the new contract value provides contingency and scope for significant price increases and fluctuations in demand.
- 3.3. Contract savings will be monitored by Commercial Services.

#### **4. Legal Comments**

- 4.1. The provision of first aid equipment to employees is a legal requirement under the Health and Safety (First Aid) Regulations. The MPS is required to undertake a needs assessment and ensure suitable and sufficient equipment is provided.
- 4.2. The Mayor's Office for Policing and Crime is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of public contracts for goods and/or services valued at £189,330 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.
- 4.3. In order to discharge its obligation under the Regulations, MOPAC's route to market will be to advertise and establish a framework agreement for the procurement of the required supplies using the open procedure.
- 4.4. The Framework Agreement will be for a term of 4 years from the 1st December 2022 with an expiry date of 30th November 2026.
- 4.5. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime has authority for approval of the procurement strategy for all revenue and capital contracts of a total value of £500,000 or above.
- 4.6. Paragraph 7.23 of the MOPAC Scheme of Delegation and Consent provides that the Director of Commercial Services has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.

#### **5. Commercial Issues**

- 5.1. This is the re-tendering of a current call off contract for a four year term. The total value of the contract is estimated to be £10,000,000 and the value of the MPS element is estimated to be £8,000,000 over a 4 year period. The final value of the contract will

not be known until the competitive process is carried out. The MPS's contract will be a call off contract and as such there is no commitment by the MPS to purchase through this contract.

- 5.2. The MPS has led the previous National Framework which is being utilised by other Blue Light Service providers. This enables the MPS to achieve value for money prices which other forces are able to benefit from to achieve cost and efficiency savings.
- 5.3. By continuing to source this requirement as a National Framework the MPS can achieve value for money through consolidation and leverage, offer greater value for money to other forces as well as making this more attractive to suppliers.
- 5.4. This contract is unlikely to achieve savings on the previous contracts prices for first aid items due to increases over the last four years which were not passed on. These increases were due to the effects of leaving the European Union, the global pandemic and current levels of inflation.
- 5.5. Ongoing savings are made on the Pharmaceutical Lot of the contract by reducing the reliance on using local pharmacies to fulfil prescriptions dispensed by Forensic Medical Examiners (FME'S) as well as the savings from bulk purchases.
- 5.6. The Commercial Team have explored the market and there were no Public Frameworks available to the MPS. Crown Commercial Services and the NHS were both part of the market analysis. Whilst Bluelight Commercial may step into this space eventually, they are not currently for this category.
- 5.7. The route to market will be via an Open Competition advertised in the Official Journal of the European Union (OJEU): UK e-notification service. The outcome of this process will be to put a National Framework in place for the MPS and other Blue Light Service providers to access.
- 5.8. The tender will be split into the following lots to optimise supplier interest and to attain best value.
  - Lot 1 – First Aid, Emergency Life Support, Training Equipment and Associated Products;
  - Lot 2 – Pharmaceuticals;
  - Lot 3 – Compressed Medical Gases.
- 5.9. There will be significant collaborative work with the National Police First Aid Forum and other Blue Light Services to aggregate their requirements and optimise the purchasing power thus ensuring beneficial supplier terms whilst achieving the levels of service required to maintain operational needs.
- 5.10. Some personal hygiene items currently being supplied by KBR for detainees will be purchased via this contract going forward if it proves to deliver better value.

- 5.11. The market for the supply of compressed medical gases has historically been very limited, it is hoped that by bringing this requirement under this contract the MPS can stimulate the market and hopefully reduce prices. The MPS is also looking to make efficiency savings around the ordering and delivery processes. This is currently a major administrative burden that needs to be improved.
- 5.12. Social value leverages organisational spend to create enduring social and economic opportunities for the most vulnerable members of society and the wider world. Consideration has been given to the London's Anchor Institution Charter and the five key objectives that we feel cover those agreed by the London recovery board are:
- COVID-19 recovery;
  - Tackling economic inequality;
  - Equal opportunity;
  - Wellbeing;
  - Follow the MPS environmental policy ensuring a cleaner greener London.

## **6. GDPR and Data Privacy**

- 6.1. The first aid equipment framework agreement does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

## **7. Equality Comments**

- 7.1. There are no equality issues in the provision of first aid, the training is delivered to all eligible staff and provision of first aid is universal. The equipment required under this contract is generic. As a result of completing an equality screening exercise, no negative equality impact has been identified.

## **8. Background/supporting papers**

- 8.1. Report

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

**Part 1 Deferral:**

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date: n/a

**Part 2 Confidentiality:** Only the facts or advice considered as likely to be exempt from disclosure under the FOIA 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**

*Tick to confirm statement (✓)*

**Financial Advice:**

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

**Legal Advice:**

The MPS legal team has been consulted on the proposal.

✓

**Equalities Advice:**

Equality and diversity issues are covered in the body of the report.

✓

**Commercial Issues**

The proposal is in keeping with the GLA Group Responsible Procurement Policy.

✓

**GDPR/Data Privacy**

- GDPR compliance issues are covered in the body of the report.
- A DPIA is not required.

✓

**Drafting Officer**

Craig James has drafted this report in accordance with MOPAC procedures.

✓

**Director/Head of Service:**

The Acting Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

**Signature**



**Date 8/4/2022**

**First Aid Consumables, Pharmaceuticals and Medical Gases****MOPAC Investment Advisory & Monitoring Meeting 1 April 2022****Report by Sue Warner on behalf of Head Safety, Health and Wellbeing****Part 1 – This section of the report will be published by MOPAC****It is classified as OFFICIAL – PUBLIC****EXECUTIVE SUMMARY**

This paper seeks approval to initiate and award a new framework for first aid, pharmaceuticals and medical gases. This will be a national framework open to all police forces in England and Wales. The contract duration will be a maximum 48 month term. The current contract is due to expire on 30 November 2022 and this paper is to seek permission to initiate the new procurement activity to ensure continued provision of first aid, pharmaceuticals and medical gases in accordance with the Health and Safety (First Aid) Regulations.

**Recommendations**

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

- Give permissions to go out to tender via the open tender route and award a contract for the MPS for a national supply and delivery of first aid, pharmaceuticals, emergency life support training equipment and associated products and compressed medical gases framework. This will allow continuity of service once the existing contract expires on 30<sup>th</sup> November 2022.
- The total value of the Framework is £10,000,000. The estimated MPS 4 year contract value of £8,000,000.00 is based on the current contract spend which equates to £1,400,000 per annum<sup>1</sup> and an increase to training costs due to a rise in officer numbers and prices increases caused by brexit, the pandemic and the conflict in Ukraine and Russia. The remaining £2,000,000 is the estimated spend value of all other forces and other eligible services.

<sup>1</sup> The proposed new total framework value is an estimated £10,000,000 (the MPS's estimated spend is expected to be £8,000, 000 and the other force users is expected to be £2,000,000).



- To give delegated authority to MPS Director of Commercial Services to award and sign the resulting contract, ensuring continuity of this service beyond the expiry date of 30<sup>th</sup> November 2022.

### **Time sensitivity**

A decision is required from the Deputy Mayor by 15<sup>th</sup> April 2022. This is because the current national framework expires on the 30<sup>th</sup> November 2022 and sufficient time must be allocated to ensure the tender process is correctly administered before the contract can be awarded to the successful candidates.

## **Non-confidential facts and advice to the Deputy Mayor for Policing and Crime**

### **Introduction and background**

The Health and Safety (First Aid) Regulations place a duty on the employer to provide appropriate first aid equipment. What is provided is decided by the employer through a needs assessment and the MPS requirement for both our employees and the people affected by our undertaking, it is regularly reviewed and the requirements adjusted accordingly. The MPS has an independent clinical panel which advises on what equipment we should carry and the training we undertake.

The MPS currently delivers first aid training internally which entails provision of training equipment, this includes a range of consumable items for every course and the training covers approximately 30,000 staff annually.

Met Detention employ Health Care Professionals who require medications to treat detainees for a range of issues. Supplying these medications on a contract basis is more cost effective than obtaining medications on a case by case local basis both in the cost of the medication and the use of staff time.

By making all equipment and medications available on a national contract it allows savings to be made through bulk purchasing.

The previous contract was offered in three lots, first aid consumables, pharmaceuticals and medical gases, the proposal is to repeat this process.

The proposed new framework agreement will be a 4 year term from 1<sup>st</sup> December 2022 to 30<sup>th</sup> November 2026, with an estimated value of £10,000,000. The MPS's estimated spend is expected to be £8,000, 000 and the other force users is expected to be £2,000,000.

### **Issues for consideration**

Failure to approve the initiation for the new framework will result in the MPS being unable to have the new framework in place post 30<sup>th</sup> November 2022. The contract will be non-compliant after this period. This can result in price increases and changes to terms as this contract was a fixed term 4 year contract with no price increases approved during this time due to BREXIT and COVID.

### **Contributes to the MOPAC Police & Crime Plan 2017-2021<sup>2</sup>**

By ensuring a reliable and consistent service across the MPS and providing the first

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<sup>2</sup> [Police and crime plan: a safer city for all Londoners | London City Hall](#)

aid equipment required in accordance to the Health and Safety (First Aid) Regulations 1981.

### **Social value and the Anchor Institution Charter**

Social value leverages organisational spend to create enduring social and economic opportunities for the most vulnerable members of society and the wider world. Consideration has been given to the London's Anchor Institution Charter and the five key objectives that we feel cover those agreed by the London recovery board are:

- COVID-19 recovery;
- Tackling economic inequality;
- Equal opportunity;
- Wellbeing;
- Follow the MPS environmental policy ensuring a cleaner greener London.

### **Financial, Commercial and Procurement Comments**

This is the re-tendering of a current call off contract for a four year term. The value of the MPS contract is estimated to be £8,000,000 over a 4 year period, the final value of the contract will not be known until the competitive process is carried out. The MPS's contract will be a call off contract and as such there is no commitment by the MPS to purchase through this contract.

The cost of the contract will be met from devolved budgets held by Business Groups. The existing contract value is £6,270,000. The amount released against the contract to date is £3,513,000, with £2,757,000 remaining for the remainder of the contract to November 2022.

Savings have been made as prices have been held since the start of the contract despite the effects of BREXIT and the COVID pandemic, therefore the proposed contract value of £8,000,000 would most likely cover existing and forecasted demand and include an element of contingency for price increases.

Savings will be monitored by Commercial Services throughout the contract period.

### **Legal Comments**

The provision of first aid equipment to employees is a legal requirement under the Health and Safety (First Aid) Regulations. The MPS is required to undertake a needs assessment and ensure suitable and sufficient equipment is provided.

The Mayor's Office for Policing and Crime is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of public contracts for goods and/or services valued at £189,330 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.

In order to discharge its obligation under the Regulations, MOPAC's route to market will be to advertise and establish a framework agreement for the procurement of the required supplies using the open procedure.

Paragraph 7.23 of the MOPAC Scheme of Delegation and Consent provides that the Director of Commercial Services has consent for the approval of the award of all

contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.

### **Equality Comments**

There are no equality issues in the provision of first aid, the training is delivered to all eligible staff and provision of first aid is universal. The equipment required under this contract is generic. As a result of completing an equality screening exercise, no negative equality impact has been identified

### **Privacy Comments**

The first aid equipment framework agreement does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

### **Real Estate Implications**

There are no real estate implications around this contract

### **Environmental Implications**

The tender process for the national framework includes suppliers identifying any environmental issues and this is considered during the decision to award.

The [MPS Environment Policy](#) will be taken into consideration and the first aid consumables contract may contribute to the London Anchor Institutions Charter, Accelerate delivery of a cleaner, greener London.

### **Background/supporting papers**

None

Report author: Sue Warner, Senior advisor First Aid, 07768 044946

As the accountable director, I confirm that the material in this briefing is fully consistent with the BJP and all relevant material/facts from those source documents have been presented in this paper.

Nick Kettle, Head of Health Safety and Wellbeing

### **Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.**

The Government Security Classification marking for Part 2 is:  
OFFICIAL-SENSITIVE [COMMERCIAL]

There are no parts to this paper that are not suitable for publication