

## REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD144

### Title: Procurement of Mobile Telephony

#### Executive summary:

This report seeks the approval of the Deputy Mayor for Fire and Resilience for the London Fire Commissioner (LFC) to commit expenditure up to the amount set out in part 2 of the report for the purposes of the LFC extending the current mobile telephony contract with Vodafone until March 2023 and to commit revenue expenditure up to the amount set out in part 2 of the report for the purposes of procuring a replacement mobile telephony service.

The LFC wishes to defer the procurement of a replacement mobile telephony service by 12 months, to allow time for the LFC to explore entering into a shared procurement with the Metropolitan Police Service (MPS). The current mobile telephony contract that the LFC has with Vodafone will expire on 28 March 2022. An extension of 12 months to this contract will allow the LFC sufficient time to either enter into a new joint procurement with the MPS or initiate a separate procurement via a recognised procurement framework.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire 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...”.

#### Decision:

That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to incur expenditure up to the amount set out in the part 2 of the report for the purposes of the London Fire Commissioner extending the current contract with Vodafone until March 2023.

That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit revenue expenditure up to the amount set out in the Part 2 report for the purposes of procuring a mobile telephony service for up to three years from March 2023.

#### 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:

10/1/22

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

### **Decision required – supporting report**

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

- 1.1 Report LFC-0612 to the LFC sets out the background for the request to approve expenditure for the London Fire Brigade (LFB) to extend the mobile telephony contract with Vodafone until March 2023 and to procure the replacement telephony service. The extension of the existing contract will allow time for the LFC to explore entering into a shared procurement with the Metropolitan Police Service (MPS). The current mobile telephony contract that the LFC has with Vodafone will expire on 28 March 2022. An extension of 12 months to this contract will allow the LFC sufficient time to either enter into a new joint procurement with the MPS or initiate a separate procurement via a recognised procurement framework.
- 1.2 The mobile communications contract provides all mobile telephony services to the LFB. This includes all voice, data services and telephone handsets to operational officers and Fire and Rescue Service (FRS, non-operational) staff. In addition, the contract provides for the provision of specialist communication links used in command units (CU). It is, therefore, essential that service delivery remains uninterrupted.
- 1.3 The LFC has been using mobile telephony (for 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, in particular, has increased considerably in recent years, supporting the operational and administrative requirements of an organisation that operates 24 hours a day, 365 days a year.
- 1.4 The LFC now has around 2,300 4G data connected mobile phones, laptops or tablets as well as 250 voice only connections. Device use throughout the pandemic has increased and is predicted to increase further in the recovery phase as the LFB introduces new ways of working for office-based staff.
- 1.5 LFC decision LFC-0429z and Deputy Mayor for Fire and Resilience Decision 99 (DMFD99) agreed the expenditure to equip staff who normally work at Union Street and some others with a 4G connected tablet device and associated peripherals.
- 1.6 All front-line fire appliances now contain 4G connected tablets that operate alongside the appliance mobile data terminals (MDT). 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 LFB.
- 1.7 In addition to devices, the LFB also uses specialist communication links in the command support units (CSU). These links provide dedicated links to/from the CSUs are typically utilised when the vehicles are deployed at an incident.
- 1.8 The voice element of the current mobile telephony contract provides the LFB 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.
- 1.9 A similar scheme applies to the use of mobile data, whereby the LFB 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 expected outcome of this decision is that LFC will extend its current mobile telephony contract with Vodafone by 12 months, until March 2023, and enter a new contract for these services after this date.
- 2.2 Beyond the proposed contract extension, it is anticipated that the LFC will enter a joint procurement with the MPS for the provision of mobile communications services. Should the LFC not be able to join the MPS procurement, the LFC will initiate a separate procurement via the procurement framework referred to in paragraph 4.4 of this report.
- 2.3 The MPS had intended to issue a tender in October of this year and the intention was for the LFC to join this. However, the MPS now intend to initiate a procurement in April 2022 with the intention of having a new contract to be in place by August 2022. The service is expected to transition to live in April 2023 allowing for time to migrate a significant number of devices.
- 2.4 As the LFC had been expecting to join the MPS procurement, which has now been delayed, there may be insufficient time to go to market and transfer services to a new supplier (assuming the incumbent is not awarded the contract) in time for the existing contract with Vodafone to come to an end in March 2022.
- 2.5 In light of the above statement and the similarity of the procurements, it is likely that there will be opportunities for efficiencies by joining the two procurements. The LFC is therefore seeking to extend the current contract with Vodafone by 12 months to align with the MPS timeline.
- 2.6 Should the MPS procurement not have been initiated by April 2022, the LFC will then take a decision to either delay the procurement further (if it is likely to be a short delay) or to initiate a separate procurement, via the procurement framework referred to in paragraph 4.4 of this report. It is essential that sufficient time is available for LFC telephony services to be transitioned to a new supplier before the end of the existing contract that the LFC has with Vodafone.

## **Equality comments**

- 3.1 The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (section 149 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, and sexual orientation.

- 3.4 The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:
- eliminate discrimination, harassment and victimisation and other prohibited conduct
  - advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it
  - 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:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic
  - 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
  - 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:
- tackle prejudice
  - promote understanding.
- 3.8 An Equality Impact Assessment (EIA) has not been undertaken in respect to this procurement. The procurement is being undertaken solely to enter into a new contract as the existing contract term is coming to an end next year. From an end user perspective, the service transition should be completely transparent. The duties set out under the Equality Act 2010 will be addressed in the preparation of the specification for the new contract

#### **4. Other considerations**

##### *Workforce comments*

- 4.1 It is not anticipated that there will be any workforce implications associated with the extension of the existing mobile telephony contractor procurement of a new mobile telephony contract.

##### *Sustainability implications*

- 4.2 There are no new sustainability implications arising from the proposed decision.
- 4.3 Several Responsible Procurement requirements are expected to be built into the re-tender including ethical sourcing standards for handsets, Electronics Watch monitoring terms and

conditions, skills and other environmental standards. It can be expected that a better outcome will be achievable in this area if greater time is allocated to the procurement process to permit market engagement.

4.4 In relation to the existing contract for these services, the current supplier, Vodafone, is achieving the following against responsible procurement requirements:

- Compliant with the Modern Slavery Act with published Statement;
  - Vodafone has a registered and published modern slavery statement;
- payment performance is 65 per cent in 60 days, this includes intercompany payments, and they are not a signatory to any payment codes;
  - Vodafone Limited is a signatory to the Prompt Payment Code and remain committed to aligning to its requirements.
    - Average time taken to pay invoices: 58 days
      - Invoices paid:
      - within 30 days: 32 per cent
      - in 31 to 60 days: 35 per cent
      - in 61 days or more: 33 per cent
      - Invoices due but not paid within agreed terms: 2 per cent.
- a commitment to 100% renewable energy supply by 2021; and
  - Vodafone confirmed that every area of its business in the UK – including its network, data centres, retail stores and offices – is now 100% powered by electricity from renewable sources, such as wind, solar and hydro.
- reporting an average gender pay gap of 19 pence.
  - Hourly pay gap
    - Women earn 81p for every £1 that men earn when comparing median hourly pay. Their median hourly pay is 19.2 per cent lower than men's.

#### *Procurement comments*

4.3 In order to continue working with the MPS to agree a collaborative contract for the LFB's future requirement, the current contract with Vodafone will need to be extended for a period of 12 months. The current contract has no further extension provisions available. However, following discussions with the LFB's General Counsel Department and the Assistant Director, Technical and Commercial have confirmed that a single tender action could be completed to allow this. This is the course of action proposed.

4.4 As referenced in paragraph 2.3 above, the MPS had intended to tender this requirement in October 2021 however this timescale has now changed to April 2022. This has, therefore, resulted in there being insufficient time before the expiry of LFB's current contract to accommodate the start of the new contract i.e. within the unexpired period of the current contract. Therefore, continuity with the current provider is required. Since there is no extension capacity within the

current contract for the period before the potential joint collaborative contract with the MPS commences, a new interim contract needs to be established with the current supplier for continuity purposes. Given the time constraints, this needs to be an award without competition as there is now insufficient time to compete this interim requirement in the market. The internal LFB process for achieving this is a Single Tender Action. This will result in the interim contract with Vodafone being established.

- 4.5 In relation to the new contract for the LFB's on-going service the intention is to go out to tender collaboratively with the MPS if agreement can be reached. The likely route to market is use of the Crown Commercial Services (CCS) Network Services 2 (RM3803, Lot 6) Framework. The framework allows a maximum contract length of three years and covers all of the main suppliers in the market.

#### *Conflicts of interest*

- 4.6 There are no conflicts of interest to declare from those involved in the drafting or clearance of this decision.

### **5. Financial comments**

- 5.1 This report recommends that the contract with Vodafone is extended until March 2023 and that authority is agreed to enter a new contract for up to three years for the provision of this service following the extension. Costs may exceed the budgeted amount for this service, with LFC including a growth bid in its submission to the Mayor's 2022/23 budget. The proposed costs are set out in Part 2 of this decision.

### **6. Legal comments**

- 6.1 Under section 9 of the Policing and Crime Act 2017, the LFC 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 LFC 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 LFC 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 that direction requires the LFC 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 Deputy Mayor's prior approval is accordingly required.
- 6.5 The statutory basis for the actions proposed in this report is provided by section 5A of the Fire and Rescue Services Act 2004, under which the London Fire Commissioner, being a 'relevant

authority', may do 'anything it considers appropriate for the purposes of the carrying out of any of its functions'.

- 6.6 The LFB's General Counsel advises that the proposed procurement routes for the telephony services as discussed in this report are compliant with the Public Contracts Regulations 2015 and the LFC's procedures on procurements.

**Appendices and supporting papers:**

Part 2 of the decision.

Appendix 1 – Part 1 of report LFC-0612

**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? No**

**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**

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**

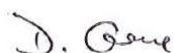
This decision was agreed by the Corporate Investment Board on 10 January 2022 .

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**



**Date**

17/1/22