



LONDON FIRE BRIGADE

Report title

Procurement of Mobile Telephony

Report to

Corporate Services Directorate Board
Commissioner's Board
Deputy Mayor Fire and Resilience Board
London Fire Commissioner

Date

12 October 2021
3 November 2021
9 November 2021

Report classification

For Decision

The subject matter of this report deals with the following LFB strategic priorities

Delivering excellence

The procurement of a new mobile telephony contract will allow the Brigade to continue to ensure that both operational and FRS 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. The mobile telephony supports critical activities in the Transformation Delivery Plan and the Grenfell Tower Action Plan.

Report number – LFC-0612

For Publication

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DECISION-MAKER

Executive Summary

The report seeks authorisation 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. Authority is also sought to procure the replacement mobile telephony service.

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 Fire and Rescue (FRS) 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.

For the Deputy Mayor

That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to incur expenditure of up to the amount set out in the Part 2 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 of up to the amount set out in the Part 2 report for the purposes of procuring a mobile telephony service and entering into a contract in accordance with the arrangements set out in Part 2 of this report.

This LFC decision will only be taken after further consultation with the Greater London Authority's finance and legal advisers and Corporate Investment Board.

For the London Fire Commissioner

The London Fire Commissioner delegates authority to the Assistant Director, Technical and Commercial to extend the current contract with Vodafone until March 2023.

The London Fire Commissioner delegates authority to the Assistant Director, Technical and Commercial to commit expenditure of up to the amount set out in the Part 2 report for the purposes of procuring a mobile telephony service and entering into a contract in accordance with the arrangements set out in Part 2 of this report.

1. Introduction and background

- 1.1. 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 a 365/24 organisation.
- 1.2. The LFC now has around 2,300 4G data connected mobile phones, laptops / tablets as well as 250 voice only connections. Device use throughout the pandemic has increased and is predicted to increase further in a post-COVID world, as the Brigade introduces new ways of working for office-based staff.
- 1.3. There are agreed plans (LFC decision LFC-0429z) to equip staff who normally work at Union Street (and some others) with a 4G connected tablet device and associated peripherals, that will lay the foundations for true flexible (hybrid) working at home and in a variety of Brigade locations.

- 1.4. 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 Brigade.
- 1.5. In addition to devices, the Brigade 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.
- 1.6. 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 this report is to seek authority to extend the LFC existing contract with Vodafone by 12 months to March 2023, for a fixed cost, to allow sufficient time for the LFC to explore entering into a shared procurement with the Metropolitan Police.
- 2.2. The expected outcome will be that the LFC enters a joint procurement with the MPS for the provision of mobile communications services. However, 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 may 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 of up to a month or so) 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.

- 2.7. Recently the LFC was asked to try to vary the contract term of a procurement (hosted telephony) so that it could align with timelines for TfL and join their procurement. Unfortunately, this was not possible, mainly due to the specialist nature of parts of the contract. However, in this case there is potentially an opportunity to defer our procurement and join the MPS, which is in line with expectations following recent conversations that the Chief Information Officer has had with senior officers at the GLA.
- 2.8. The new procurement will deliver a value for money and fit for purpose mobile telephony service that will be effective across all users in the LFC. The aims of and objectives of tendering for a new mobile telephony service are set out in paragraphs 2.1 and 2.2 above.

3. 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 comments

- 4.2 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. Responsible Procurement performance of the supplier, Vodafone Limited includes:
- Compliant with the Modern Slavery Act with published Statement;
 - payment performance is 65% in 60 days, this includes intercompany payments, and they are not a signatory to any payment codes;
 - a commitment to 100% renewable energy supply by 2021; and
 - reporting an average gender pay gap of 19 pence.

Procurement comments

- 4.3 In order to continue working with the MPS to agree a collaborative contract for the brigade'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 General Counsel Department and the Assistant Director, Technical and Commercial they have confirmed that a single tender action could be completed to allow this.

- 4.4 In relation to the new contract for the brigade'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.

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. It is intended to include additional revenue funding for these contracts within the LFB's Budget Submission to the Mayor. The cost of the contracts will then be contained within the increased budget.

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 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 proposed procurement routes for the telephony services as discussed in this report are compliant with the Public Contracts Regulations 2015 and the Commissioner's procedures on procurements.

List of Appendices

Appendix	Title	Open or confidential
1.	None	

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/~~NO~~