

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD64

Title: Additional supply of PPE in response to COVID-19 pandemic

Executive Summary:

The London Fire Commissioner (LFC) is seeking to enhance the resilience of the LFC to respond to the constantly evolving need for PPE and aims to put in place PPE stocks in anticipation of changes to PPE guidance or changes to the operational demands on the LFC, such as further supporting the LAS.

This report builds on Deputy Mayor for Fire & Resilience Decision 62 (DMFD62), agreed on 2 April 2020 which provided for expenditure of up to £427,000 to procure a one month resilience stock of PPE to meet or exceed the standards of PPE used by the LAS in anticipation of an increase in the numbers of incidents LFB crews are asked to attend where enhanced infection control measures are required.

The challenges in relation to procuring PPE have been well documented. In addition to scarcity, the NFCC lead for sourcing PPE has identified large quantities of counterfeit PPE flooding the market. For this reason the LFC are aiming to use Hunter Apparel Solutions, identified in DMFD 62. It is prudent, given potential lead times of 4 weeks, for the LFC to forecast and prepare for potential PPE demands in order to support the LAS over the coming months or respond to changes in PPE guidelines that might reasonably be expected.

Officers have agreed through discussions with Hunter Apparel that these additional volumes can be added to the original order as detailed in DMFD64. To meet shipping dates this order has to be formally recorded with them by 5pm Friday 17th April. The LFC has requested approval for a further two months' stock of selected items of PPE to be ordered as laid out in the body of this report. This will allow the LFC to provide longer term support to the LAS if called upon to do so; it will also create a reserve stock of PPE that can be used to protect LFB staff should the guidance around PPE change to require the use of PPE for infection control during "routine" fire service operations and activities.

This planning assumption is based on discussions that have taken place with Blue light partners and other London Resilience partners, namely the Metropolitan Police Service and Transport for London in relation to PPE provided to police officers and London Underground staff.

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 of up to £936,000 to procure an additional two month resilience stock of PPE to meet or exceed the standards of PPE used by the LAS in anticipation of an increase in the numbers of incidents LFB crews are asked to attend where enhanced infection control measures are required.

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:

17 April 2020

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

Decision required – supporting report

1. Introduction and background

- 1.1 It is prudent in the face of the changing guidance around Personal Protective Equipment (PPE) to prepare for a scenario when staff will be asked to wear some form of respiratory protect not only to protect them from becoming infected, but also prevents them from infecting either their colleagues or members of the community they are serving.
- 1.2 A number of blue light partners and London resilience partners, namely the MPS and TFL, are reviewing their PPE guidance and it is anticipated that this could include the provision of surgical masks, gloves and eye protection for routine interactions with the community.
- 1.3 The current order of surgical masks and P2 face masks placed on the 1st of April provides PPE that is capable of serving that need for a period of approximately three weeks based on 2 x disposable surgical masks or P2 masks being provided to all members of operational staff every day.
- 1.4 The procurement of additional 124,000 surgical mask and 163,500 nitrile gloves will provide an additional two months PPE for infection control. This is an increase on the numbers in LFC-0339 as the volume of nitrile gloves and surgical masks was originally for London Ambulance Service (LAS) support functions where we are now estimating using PPE for “infection control during normal LFC duties” where the consumption rates of this PPE would rise significantly. Eye protection is provided by firefighting helmets.
- 1.5 The table at paragraph 2.3 below is consistent with the request previously presented in DFMD64.

2. Objectives and expected outcomes

- 2.1 In order to forecast PPE requirements, colleagues in Operational Policy and Assurance have conducted forward planning based on PPE standards adopted by the LAS and the volume of incidents the LFC responded to during the recent corresponding trials conducted across a number of London boroughs. This provides an approximate prediction of the number of incidents where this additional PPE may be required. A further multiplier of four was applied to this figure to take into account an expected increase in call rates and additional PPE requirements at routine Fire Service calls with close patient interaction.
- 2.2 Further forecasting for PPE required to protect staff against infection in routine fire service activities is based on the provision of two masks per day and two pairs of nitrile gloves per day for staff required to provide either operational response or support functions to maintain the LFB’s response.
- 2.3 The following table shows potential PPE requirements based on LFC adopting LAS PPE protocols and the LFC having to enhance its PPE requirements at routine fire service incidents.

PPE requirements	No of Units	Costs			
	Per quarter	Cost per unit	Cost per month	Cost per quarter	Cost for additional two month supply
Hand hygiene (gel) 50ml dose	67,500 x 50ml dose	£47.95 (5 litre container)	£10,789	£32,366	£21,577
Nitrile gloves	186,000 pairs	£10.93 (per 100)	£6,776.60	£20,329.80	£13,553.20 (previous forecast for nitrile gloves was only for LAS support, not routine LFB activities)
Facemask (surgical)	186,000	£0.94	£58,280	£174,840	£116,560 (previous forecast for surgical mask was only for LAS support, not routine LFB activities)
P2 Facemask	67,500	£2.89	£65,025	£195,075	£130,050
Eye protection (fluid resistant)	67,500	£5.96	£134,100	£402,300	£268,200
Fluid repellent coverall	67,500	£8.56	£192,600	£577,800	£385,200
Totals			£467,570.60	£1,402,710.80	£935,140.20

- 2.4 The costs laid out in the table above are drawn from the supplier Hunter Apparel Solutions. They have been identified by the Crown Commercial Services and by Kent FRS, which is facilitating the UK FRS PPE response.
- 2.5 As mentioned in the summary above, the LFC does not currently hold these items as stock and therefore this will be a direct procurement from Hunter Apparel (an existing LFC contractor using the arrangement negotiated by Kent FRA acting on behalf of the national FRS and taking advantage of the immediate stock availability and agreed lead times for delivery.)
- 2.6 Lead times for the products listed above are between 2 and 4 weeks although it is expected that these lead time may well be improved on by the use of airfreight. The use of airfreight also explains why these costs are higher than normal.

- 2.7 In order to expedite this order as quickly as possible Hunter Apparel Solutions have extended the order window, and have provided the LFC with the opportunity to add to the previous order placed on the 1st of April.

3. Equality comments

- 3.1 The London Fire Commissioner 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.
- 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:
- (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.
- 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:
- (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.
- 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—
- (a) tackle prejudice, and
 - (b) promote understanding.
- 3.8 An Equality Impact Assessment (EIA) has not been undertaken in this case. An EIA was not required because of the urgency required in meeting the deadlines for placement of the order.

4. Other considerations

Workforce comments

- 4.1 Senior Brigade management are in daily contact with the London Region FBU to discuss issues relating to the Brigade's COVID-19 response, and this includes PPE as an important item. The recommendations within this report will be shared with the Fire Brigades Union (FBU).

Sustainability implications

- 4.2 The Commissioner's waste contractors provide a hazardous waste collection service on request, which is expected to be able to manage any hazardous waste arising from this situation. It will be investigated further to ensure appropriate requirements are in place should the need arise.
- 4.3 Hunter Apparel Solutions are classified as a Small to Medium Enterprise, and as such are not required to issue a Modern Slavery Statement.

5. Financial comments

- 5.1 The report recommends that delegated authority is provided to procure a further two months' stock of PPE, to meet the standards of PPE used by the LAS. This is at an estimated cost of up to £936,000 for which no funding was allocated in the 2020/21 budget report. The impact of any spending on this area will be reported as part of the regular financial position reporting along with any potential impact on General Reserve levels. If additional PPE is required to cover a longer period a subsequent report will be prepared at that time.
- 5.2 There are no additional financial implications for the Greater London Authority.

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 approval is accordingly required for the London Fire Commissioner to place orders for PPE via existing suppliers and the Crown Commercial Services identified supplier Hunter Apparel Solutions.
- 6.5 The statutory basis for the Commissioner's power to assist the London Ambulance Service by re-deploying firefighters onto driving ambulances is section 11 of the Fire and Rescue Services Act 2004 (FRSA 2004) which states that:

11. Power to respond to other eventualities

- (1) A fire and rescue authority may take any action it considers appropriate –
 - (a) in response to an event or situation of a kind mentioned in subsection (2);
 - (b) for the purpose of enabling action to be taken in response to such an event or situation.
- (2) The event or situation is one that causes or is likely to cause –
 - (a) one or more individuals to die, be injured or become ill;...
- (3) The power conferred by subsection (1) includes power to secure the provision of equipment.
- (4) The power conferred by subsection (1) may be exercised by an authority outside as well as within the authority's area.

- 6.6 The COVID-19 pandemic is a situation that causes or is likely to cause one or more individuals to die or become ill, and therefore as a Fire and Rescue Authority (see section 1(2)(c)) the LFC may take any action he considers appropriate to respond to that situation. Such action includes action to support the LAS in driving ambulances and (see section 1(3)) providing the equipment referred to in this report.
- 6.7 The LFC may procure goods, services and works with extreme urgency. The LFC is permitted to do using regulation 32(2)(c) under the Public Contract Regulations 2015, i.e. a direct award due to reasons of extreme urgency as COVID-19 is serious and its consequences pose a risk to life.
- 6.8 Regulation 32(2)(c) of the Public Contract Regulations 2015 is designed to deal with this sort of situation. Regulation 32(2) sets out the following:
- The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases: ...
 - insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.
 - ... the circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority.
- 6.9 Therefore, in responding to COVID-19, the LFC may enter into new contracts without competing or advertising the requirement so long as we are able to demonstrate the following tests have all been met:
- a) There are genuine reasons for extreme urgency,
 - b) The events that have led to the need for extreme urgency were unforeseeable,
 - c) It is impossible to comply with the usual timescales in the Public Contract Regulations 2015,
 - d) The situation is not attributable to the contracting authority.
- 6.10 It is therefore permissible under the Public Contract Regulations 2015 and allied procurement rules for the London Fire Commissioner to enter into both new procurements or additional call offs from extant frameworks as discussed in this report.

Appendices and supporting papers:

Report to the London Fire Commissioner: Additional PPE requirements in response to COVID-19 pandemic – Addendum Report

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**

1 June 2020 to allow for completion of the procurement process.

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 – NO

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.

✓

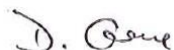
Corporate Investment Board

This decision was made outside the usual decisions process, with the agreement of the Chief of Staff, and will be noted by the Corporate Investment Board on 27 April 2020.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

17 April 2020