

# GREATER LONDON AUTHORITY

## REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD18

### Title: Procurement of Replacement Aerial Appliances

#### Executive Summary:

Report LFC-0082 to the London Fire Commissioner sought approval from the Commissioner to procure equipment. Pursuant to a pre-existing outsourcing contract, Babcock was engaged to procure, on London Fire Brigade's behalf, replacement of the fleet of 15 aerial appliances. The winning bidder under this procurement was Magirus GmbH. The contracting party was Emergency One Limited, the global agent of Magirus GmbH.

Authorisation was also sought in the report for the ongoing maintenance and repair for the three extended range aerial appliances currently in service. This formed part of the same contract award.

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..." Accordingly the Deputy Mayor for Fire and Resilience is asked to approve the previous decision of the Commissioner by means of a Deputy Mayor's Decision.

#### Decision:

The Deputy Mayor for Fire and Resilience approves;

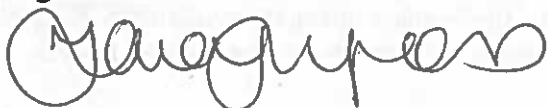
1. The expenditure detailed in the confidential appendix of report LFC-0082 to the London Fire Commissioner for the purpose of replacing the fleet of 15 aerial appliances and funding the ongoing maintenance and repair of the three extended range aerial appliances detailed in that report; and
2. Approving Babcock to enter into a contract with Emergency One Ltd for the above equipment and maintenance for the benefit of the London Fire Brigade.

#### 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:

18 December 2018

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

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

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

- 1.1. The London Fire Brigade's (LFB) fleet of aerial appliances have come to the end of their serviceable life and require replacing. A review and comparative trials have been undertaken and determined that the Brigade would be best served by a fleet of turntable ladders. Report LFC-0082 to the London Fire Commissioner details the broad requirements, the procurement process and makes recommendations as to the replacement aerial appliances to be procured.
- 1.2. The London Fire and Emergency Planning Authority (LFEPA) Resources Committee gave approval (FEP2763 – July 2017) for three extended range aerial appliances as part of the aerial replacement programme. As reported to the Resources Committee (FEP2778 – September 2017), that entailed the procurement process for the replacement of aerial appliances being stopped whilst officers completed a review of the LFB aerial appliance capability requirements in line with the aims set out (FEP2763 – July 2017). LFEPA reports prior to its abolition can be found at <http://moderngov.london-fire.gov.uk/>.
- 1.3. That review identified that the required operational capability enhancements could be provided by three extended range aerial appliances forming part of the replacement of the overall fleet of 15 aerial appliances.
- 1.4. The Metropolitan Grand Lodge of London have also made an offer of a significant financial donation to support the procurement of two of the three extended range aerial appliances. That donation is made on a purely charitable basis, following the Grenfell Tower fire.
- 1.5. Approval had originally been given to officers by LFEPA (FEP2650 – September 2016) to replace all 15 aerial appliances with a single type. The purpose of this being to simplify the operation, operator skills requirements and maintenance for this fleet of appliances. Subsequently approval was given (FEP2763 – July 2017) for three of the 15 to be extended range aerial appliances.

#### *The competitive tendering process*

- 1.6. LFB has outsourced its procurement activities for Fleet and Operational Equipment to a third party, Babcock. Babcock undertook this procurement on LFB's behalf pursuant to the specifications set out in report LFC-0082. Officers of the LFB's Financial, Legal and Contract Management teams reviewed and approved the process detailed below before requesting the making of this decision.
- 1.7. The contract with Babcock for Fleet and Operational equipment requires Babcock to supply and maintain vehicles and equipment to the LFB. Under the terms of the contract, Babcock contracts as principal with any supplier, in this case Magirus GmbH through their agent Emergency One Limited. Procurements under the contract are carried out pursuant to the Public Contracts Regulations 2015 as applicable, with advice and consent from LFB. Costs of any procurement are then recharged to LFB, thus this expenditure is required.
- 1.8. Babcock designed a suitable competitive procurement process and agreed an evaluation process with LFB officers before going out to tender. Subsequently, tenders were sought by Babcock. The tender applicants were invited to include 12 standard range and three extended range aerial appliances to be tendered for in single bids for all 15 appliances.
- 1.9. The standard-range Turntable Ladder (TL) appliances were required to be the same specification as set out for the original procurement process that was stopped. The section of the tenders for the

three extended range TL appliances invited applicants to meet a new specification to match LFB's additional operational requirements.

- 1.10. The tenders for both standard and extended range types have been systematically evaluated by project officers from LFB and Babcock, in order to establish the best single supplier solution this being Magirus GmbH. The results of this evaluation are reported to the Commissioner in the appendix to report LFC-0082.

## **2. Objectives and expected outcomes**

- 2.1. An operational requirements specification was submitted to Babcock, with whom the Commissioner has an existing contractual relationship for the provision, management and maintenance of vehicles to the London Fire Brigade (the 'Fleet and Operational Equipment Items Management and Maintenance Contract'). Babcock worked with LFB Technical and Service Support managers to review and determine the Brigade's key operational requirements for aerial appliances, which included the following:
- Proven reliability and durability;
  - A consolidated skills set for all aerial operators and aerial appliances;
  - Quick and agile system of aerial operation;
  - Compact design so that appliances that will fit in the Brigade's fire station appliances bays and are able to negotiate the congested roads of London; and
  - Head of the ladder and cage stability when extended.
- 2.2. The generic term of 'aerial appliances' is used when referring to these appliances, but specifically the assessments found that in the Commissioner's current fleet, the key requirements could only be met by TL appliances and that the future aerial control functions would need to be of a common functional type. The assessments also found that only two manufacturers had designs that could meet the key requirements and that all 15 should be supplied from one manufacture with a common operating system.
- 2.3. Subject to agreement to place procurement orders and this being completed in December 2018, the anticipated timeframe for delivery of the first appliances is December 2019–January 2020. Delivery of the final appliance is anticipated to be at the end of the summer in 2020.

## **3. Equality comments**

- 3.1. The Public Sector Equality Duty – and the potential impacts of this decision on those with protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation) – has been considered by the London Fire Commissioner and the Deputy Mayor for Fire and Resilience in the consideration of report LFC-0082 and the associated reports to the Commissioner and LFEPA. Report LFC-0082 states that the equality impact assessment performed concludes that this procurement *"will not have a disproportionately adverse effect on any persons with a particular characteristic"* due to the design of the vehicles and aerial systems, which have been assessed under BSEN14043 to not present any limitations other than trained skills on any individuals within the 95 percentile person.
- 3.2. The procurement of the aerial appliances is being managed through the Commissioner's Vehicles and Equipment contract, which is subject to the Commissioner's Equality protocol for contractors, ensuring that the policies and arrangements of those contractors align with the requirements of the Commissioner.

#### 4. Other considerations

##### *'No deal' EU Exit – implications*

- 4.1. The potential effects of a 'No Deal EU Exit' have been explored in relation to both this project and the Vehicles and Equipment contract in general. Mitigating plans to stockpile spares have been put in place by Babcock and suppliers to address potential business continuity issues that may be caused by any future import restrictions. However, due to the **unknown** nature of how the exit will progress, procurement elements around currency changes and financing are obviously more difficult to establish.

##### *Strategic drivers*

- 4.2. The provision of specialist aerial appliances contributes to the aims of objectives of the London Safety Plan, including providing the right response to incident types (page 35) and reviewing the specialist appliance provision (page 39).
- 4.3. Those aims, and the proposals of report LFC-0082, support the requirements upon the Commissioner made by the National Framework for the Fire and Rescue Service in England (Home Office, May 2018), which states:

*"Every fire and rescue authority must assess all foreseeable fire and rescue related risks that could affect their communities ... [fire] and rescue authorities must put in place arrangements to prevent and mitigate these risks, either through adjusting existing provision, effective collaboration and partnership working, or building new capability."*

And:

*"Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic collisions and other emergencies within their area..."*

##### *Training implications for the new appliances*

- 4.4. A review of the operational differences between the existing aerial appliances and both the new London Standard and Extended types concluded that all existing operators will require structured training to be skilled to operate and drive the new replacement aerial appliances. That training will be provided by Babcock, through a separate existing contractual framework between the Commissioner and Babcock for the provision of training services. Subject to approval to place the procurement order, LFB and Babcock training officers will work with the UK Magirus agent (Emergency One Ltd) to establish the required learning outcomes for both types of new aerial appliances. The subsequent training courses will form the basis for the new appliances rollout programme that will involve use of external suitable sites with high-rise structures.

##### *Sustainability considerations*

- 4.5. All of these new appliances will be fitted with a Euro 6 engine, which achieves Ultra Low Emission Zone compliance and compliance with the Memorandum of Understanding between Transport for London and the Commissioner.
- 4.6. The vehicle life would normally be 12 to 13 years, so the timing of these replacement vehicles will mean that achieving the London Environment Strategy target for HGVs to be zero emission capable or fossil fuel free from 2030, may only be achieved by early renewal towards 2030 or the use of drop in fuels, if available.

## **5. Financial comments**

- 5.1. DMFD18 requests the approval for the capital expenditure required for the replacement of the fleet of 15 aerial appliances with ongoing revenue provision for maintenance and repair. The sums required are provided in the confidential appendix of the report to the Commissioner.
- 5.2. The funds required are provided for within the Commissioner's existing capital spending plan and medium term financial plan. No further funds from the GLA are required.

## **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 with Babcock for the aerial appliances.
- 6.5. 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.
- 6.6. Furthermore, under section 7 (2)(b) of the aforementioned Act the Commissioner must secure the provision of training for personnel.
- 6.7. The General Counsel to the Commissioner notes that the proposed procurement under the vehicles and equipment contract with Babcock is within the scope of services provided under the contract and is in compliance with the Public Contracts Regulations 2015.
- 6.8. Officers must ensure that Babcock put in place the appropriate contract documentation with the winning supplier before the commencement of providing the equipment.

## **Appendices and supporting papers:**

LFC-0082: "Procurement of replacement aerial appliances"

**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**

If YES, for what reason:

The bidder should only be named after contract award and the expiration of the cooling off period, so as to enable any competitive negotiations with other suppliers should the award not proceed as planned.

Until what date: (a date is required if deferring) 31 March 2019

**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**

Andrew Nathan has drafted this report with input from the LFC and in accordance with GLA procedures and confirms the following:

✓

**Assistant Director/Head of Service**

Tom Middleton 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 17 December.

**EXECUTIVE DIRECTOR, RESOURCES:**

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

Signature

*M. D. Allie*

Date

*17.12.18*