

Report title

Gym Equipment Contract

Report to

Corporate Services DB
Deputy Mayor's Fire and Resilience Board

Date

12 May 2020
16 June 2020

Report by

Assistant Director Property

Report number

LFC-0373
FRB-0139

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Summary

This report seeks approval to award a contract for the maintenance and supply of gym equipment across the London Fire Commissioner's (LFC's) estate to Sportsafe Ltd as a call off from the MOPAC framework. The call off from the MOPAC framework achieves the aim of collaboration for services with other GLA members and will enable LFC to benefit from the competitive rates achieved through that procurement exercise.

Recommended decision

That the London Fire Commissioner's Director of Corporate Services approves the expenditure of £423,000 for the procurement of the maintenance and supply of gym equipment by Sportsafe Ltd.

Background

1. The current contract for the maintenance and supply of gym equipment across all premises in the LFC estate is held by Sportsafe Ltd and expires on 31st July 2020. The scope of the contract includes the annual maintenance and safety check of all gym equipment, ad hoc repairs as required and provision of new and replacement gym equipment.
2. The current annual budget for this service is £84,000 which covers both the planned servicing and reactive repairs and replacements.
3. The current contract was let as a direct award under the MOPAC framework in 2016 with a contract term of 3 years with an optional 1 year extension. The optional extension year was utilised and no further extensions are available.
4. The scope of planned services within the contact is for an annual safety check and service on all types of gym equipment provided in accordance with the Standard Station Design Brief. As part of the servicing the contractor will raise any remedial actions required which are reviewed and progressed as repairs as required.
5. The reactive service addresses any faults or issues arising for gym equipment which are responded to in accordance with defined response times and progressed in accordance with a

schedule of rates. Replacement equipment can also be secured in accordance with the repairs process as required.

6. Performance throughout the term of the contract has been good with no issues or concerns. Key performance indicators are included within the current contract which measure completion of planned servicing, responding to repairs and other requests within the defined response times and compliance with contractual procedures. The current supplier has performed well against all key performance indicators and has provided a good level of service throughout the contract term.
7. This service contract supports the overall fitness policy for operational staff, policy 0935, and the increased focus on fitness across the workforce. The contract includes a schedule of rates for the provision of new and additional equipment as required to support changing requirements although additional funding would need to be secured for any future major changes in provision.

New Contract

8. It is proposed to award a new contract to Sportsafe Ltd as a direct award under the MOPAC framework.
9. The MOPAC framework was re-procured (on behalf of the GLA) in April 2018 under the Public Contract Regulations 2015. An advert was placed in the Official Journal of the European Union (OJEU) using the Open procedure with the stated intention of appointing a single operator to the framework. Following a thorough evaluation of the responses, including quality and pricing Sportsafe Ltd was identified by MOPAC as the successful bidder. The proposed direct award is wholly consistent with the terms of the framework agreement as there is only one supplier.
10. The MOPAC framework includes provisions to allow any GLA family member to benefit from the rates secured in the competition and directly award a contract for a similar scope of services. The proposed approach to utilise this framework aligns with the aim for collaboration with other GLA members.
11. The specification for the contract has been refined to align to the principles embedded in the new bundled soft services contract and to reflect changes in the intended ways of working from the delivery of the new overall FM strategy. This service has remained separate from the bundled soft services contract due to the specialist nature of the services.
12. The performance mechanism has also been tailored to ensure it is relevant and proportionate and encourages performance and swift resolution of any issues.
13. In the new framework the rates have remained constant for the planned services so there will be no initial cost increase from the award of this contract. The new contract will include for fixed costs for an initial three year period with costs inflated in the optional extension years in line with indexation.
14. The proposed contract term is 3 years with two optional 12 month extensions. It is the intention to utilise these two extensions providing service delivery is being achieved and market intelligence on rates current at the time of the extension has confirmed that value for money is and can still be achieved from the contract. Approval is requested for the full five years of spend.
15. The annual planned maintenance cost is £18k and a budget of £66k annually is required for repairs and replacements. This results in a total contract value of £423,000 which allows for

inflation by 5% compound interest for the two optional extension years. These costs can be met from established Property budgets.

Year 1	Year 2	Year 3	Year 4	Year 5	Total
£84k Planned £18k Reactive £66k	£84k Planned £18k Reactive £66k	£84k Planned £18k Reactive £66k	£85k Planned £19k Reactive £66k	£86k Planned £20k Reactive £66k	£423,000

16. Following approval of this report the contract will be awarded to commence on 1 August 2020.

Finance comments

17. This report requests approval to award a contract for the provision of maintenance and supply of gym equipment for a period of three years with the option to extend for a further two years.
18. The annual cost for this contract in years one to three is £84k, the total cost of this contract over five years is up to £423k allowing for inflation. These cost can met through existing property budgets.

Workforce comments

19. There are no direct implications associated with this report requiring consultation.

Legal comments

20. 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.
21. 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").
22. 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...".
23. The Commissioner must also comply with the requirements of the Health and Safety at Work etc. Act 1974 (the "1974 Act"). Section 2 of the 1974 Act imposes a general duty on the employer to 'ensure, so as is reasonably practicable, the health, safety and welfare at work of all of his employees.'
24. This general duty extends (amongst other things) to the plan and systems of work, the provision of information, instruction, training and supervision and to the provision and maintenance of a working environment that is, so far as reasonably practicable, without risks to health and adequate as regards facilities and arrangements for welfare at work.
25. The provision of the gym equipment as described in this report contributes to the Commissioner's compliance with its duties under the 1974 Act and the subordinate legislation made under that Act.

26. The General Counsel also notes that the proposed procurement of the goods and service provider is in compliance with the Public Contracts Regulations 2015.
27. The LFC has delegated authority to the relevant director for the level of spend expected in this procurement (i.e. below £0.5m) and to the Assistant Director for Technical and Commercial Services for the award of contract.

Sustainability implications

28. The contract will be procured in line with our Responsible Procurement policy including the application of employment and skills requirements.

Equalities implications

29. There are no equalities implications.

List of Appendices

Appendix	Title	Protective Marking
	None	

Consultation

Name/role	Method consulted
John Tunnicliff, Deputy Procurement Manager	Reviewed draft report
Adrian Bloomfield, Head of Finance	Reviewed draft report
Natasha Singh, General Counsel	Reviewed draft report