



Essex Police, Fire and Crime Commissioner Fire and Rescue Authority

Decision Report

Report reference number: 005-23

Government security classification Official Sensitive (Commercial)

Title of report:
Collaborative PPE Framework - Purchase Order for PPE contract approval

Area of county / stakeholders affected: All

Report by: Jayne Moore

Date of report: 22nd March 2023

Enquiries to: Jayne Moore or Karl Edwards

1. Purpose of the report

To request approval of the purchase order for firefighting personal protective equipment (PPE). The current firefighting PPE contract commenced on 25 September 2019 (see decision sheet 134-18). The contract requires annual purchase orders (POs) for each financial year which, due to the high cost, need to be approved by the PFCC.

2. Recommendations

The recommendation of this report is for the associated purchase order to be approved by the PFCC. The purchase order will be raised to be approved by the Chief Fire Officer, Section 151 Officer of ECFRS and the PFCC. The amount for the PO for 2023/24 is £688,908. As per the contract terms, an annual price increase is incurred in June of each year in line with inflation and this is capped at 2%.

3. Benefits of the proposal

The service is contracted to the current PPE supplier for an eight-year period. The contract was approved and authorised by the PFCC prior to its commencement in 2019.

To date, the contract is working well and costs have already been approved and are demonstrating significant savings on the previous PPE contract, in the region of £200,000 per

year based on the final year costs of the previous contract. In terms of ensuring value for money, this is a national framework with 25 (over 50%) of the UK's Fire and Rescue Services currently signed up.

The contract requires an annual purchase order to be raised. Failure to do so results in a risk of the service not being able to provide the PPE and total care solution required for firefighters and is in breach of the contract arrangements. It is therefore imperative that, once the purchase order is raised, it is signed off without delay.

Variances in the contract are in line with approved additional recruitment activities and are strictly monitored by ECFRS and [REDACTED]. In September of each year of the contract term, the establishment figure is checked. Variances in this figure above or below more than 5% result in the contract price being amended to reflect the change. Variances within 5% do not change the contract price. We monitor this figure closely at regular intervals to ensure the figure agreed with the supplier is accurate. Close scrutiny of the establishment figure is maintained throughout the year by means of regular reviews. This is carried out by the Research and Development Officer in the Technical Services Department.

4. Background and proposal

The current firefighting PPE contract is a national contract with Kent Fire & Rescue Service as the lead authority. This commenced on 25 September 2019 and will cease on 24 September 2027. This was established following a thorough tender process and robust evaluation process by The Fire Service College running from October 2016 to April 2017. The contract was awarded to [REDACTED] in June 2017.

In September 2018, the PFCC signed off a decision report approving the collaborative PPE framework call off contract. The call off contract was signed along with the order form for the eight-year term of the contract in September 2018. This decision report proposes that the purchase order be signed off in line with the agreed contract in order that we not default on the contract and [REDACTED] continues to supply the required firefighter PPE.

5. Alternative options considered and rejected

Alternative solutions not reviewed at this time due to current contractual arrangements.

6. Strategic priorities

In accordance with the Fire and Rescue Services Act 2004, the organisation has a statutory duty to plan and provide arrangements for fighting fires and protecting life and property from fires within its area. The organisation is also required to secure the provision of sufficient personnel, services, and equipment to deal with all normal circumstances, as well as adequate training. This coincides with the service strategy and IRMP.

7. Operational implications

By providing and maintaining the availability of PPE, the Authority can provide and maintain the availability of crews and operational fire appliances. Failure to do this would result in limited or no resources being available to the public.

As previously stated, the PPE within the contract was selected through a national robust evaluation process in 2016-2017. Representatives bodies and the Health & Safety Department were involved in this process. Prior to the commencement of the contract within ECFRS, an in-house working group was set up of relevant stakeholders to ensure all aspects associated with the firefighting PPE were explored and addressed.

8. Financial implications

By signing the 'call off' contract, the Authority entered an eight-year contract. The purchase order for the financial year 2022/23 was **£676,104**. An annual price increase is written within the contract which will be applied each June. These costs are significantly less than our previous PPE contract.

The purchase order for the financial year 2023/24 is **£688,908**. The increase against last year is due to the annual price increase of June 2022 which was a 1.89% increase. As per the contract terms, an annual price increase is incurred in June of each year in line with inflation and this is capped at 2%.

The annual price increase will be incurred in June 2023 in line with the Consumer Price Index (CPI). In June 2022 the CPI was at 9.4%. It is expected to fall during 2023.

Where the establishment figure (number of firefighters) has increased or decreased by more than 5% on the anniversary date of the start of the contract, the price will be amended to reflect this. On the first anniversary of the contract, the increase was less than 5% so the price remained the same. However, each annual purchase order needs to allow for this potential increase. The establishment figure is proposed by the supplier on the anniversary date and this figure is then sanitised by Research and Development Officer, to ensure accuracy.

At the start of the contract the establishment figure was 1,100. On the first anniversary it was proposed at 1,159 and agreed at 1,127. The proposal on the second anniversary date in September 2021 was 1,178, and therefore above 5%. However, following the sanitation process, the figure was agreed with the supplier at 1,154, one below the 5% tolerance level. The proposal on the third anniversary date was 1,168 and therefore above the 5% tolerance level, but again following the sanitation process the figure was agreed with the supplier at 1,133 wearers so below the 5% tolerance. This is a fall from the previous year, however with two squads of 18 wholetime recruits and the monthly on-call recruits, there is a possibility we will exceed the 5% tolerance in September 2023. This will incur an addition to the monthly charge of £52.19 per firefighter above the 1,100 establishment figure set at the start of the contract.

9. Legal implications

Sharpe Pritchard was appointed by as the legal representative for the tender process and contract award by Kent and Medway Towns Fire Authority as the lead authority for the framework. They addressed any legal issues as they arose and ensured the tender process conformed to all the appropriate requirements.

The PFCCFRA scheme of delegation requires purchase orders over the value of £250,000 to be approved by the PFCC.

Legally we will be in default of contract if the purchase order is not approved.

10. Staffing implications

Providing Technical Services Department levels are maintained, there should be no implications in terms of staffing. This has been demonstrated in the continuation of service by the department throughout the COVID-19 pandemic.

11. Equality and Diversity implications

We have considered whether individuals with protected characteristics will be disadvantaged as a consequence of the actions being taken. Due regard has also been given to whether there is impact on each of the following protected characteristics as defined within the Equality Act 2010:

Race	N	Religion or belief	N
Sex	N	Gender reassignment	N
Age	N	Pregnancy & maternity	N
Disability	N	Marriage and Civil Partnership	N
Sexual orientation	N		

The Core Code of Ethics Fire Standard has been fully considered and incorporated into the proposals outlined in this paper.

Throughout the tender process for this framework, equality and diversity were addressed and continue to be within the running of the contract. This is standing agenda item for the collaborative PPE project meetings.

With firefighting PPE, it is important that we have both male and female sizes and, as a result, we have a wide range of sizes in both male and female fit. It is anticipated that, in the coming years, PPE suppliers are likely to drop the male and female identification for PPE in favour of gender-neutral identification.

The contract also caters for operational personnel who have a preference not to use leather products, whether for cultural reasons or as a lifestyle choice. The supplier is able to offer alternative products, which conform to the appropriate BS EN Standards.

12. Risks

If the annual purchase orders are not authorised, the Authority is faced with the following risks:

- The current contract expires on 24th September 2027 and therefore, if the annual purchase orders are not authorised, we would be in breach of contract and subject to legal action.
- The supplier would cease to provide our service with operational firefighting PPE, resulting in firefighters being unavailable (off the run) to attend operational incidents and the Authority being unable to provide a fire and rescue service as is our statutory duty under the Fire and Rescue Services Act 2004.
- The Authority would have to seek alternative PPE solutions and carry out its own tender process at a cost to the organisation which would likely result in a more expensive contract due to the better economies of scale offered with collaborative frameworks.

13. Governance Boards

The PPE contract was discussed at SLT in January 2018. The Business Case and covering SLT paper was agreed at SLT meeting on 21 August 2018. The PFCC's decision report was signed off in September 2018.

14. Background papers

PFCC signed decision report (134-18) dated September 2018.

Decision Process (#)

Step 1A - Chief Fire Officer Comments

(The Chief Fire Officer is asked in their capacity as the Head of Paid Service to comment on the proposal.)

.....I support the recommendation.....

.....



Sign:

Date:.....23/03/2023.....

Step 1B – Consultation with representative bodies

(The Chief Fire Officer is to set out the consultation that has been undertaken with the representative bodies)

.....N/A.....

Step 2 - Statutory Officer Review

The report will be reviewed by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority’s (“the Commissioner’s”) Monitoring Officer and Chief Finance Officer prior to review and sign off by the Commissioner or their Deputy.

Monitoring Officer

Sign:



Print: P. Brent-Isherwood

Date: 12 April 2023

Chief Finance Officer

Sign:



.....

Print:Neil Cross.....

Date: ... 22/03/2023

Step 3 - Publication

Is the report for publication? **YES/NO**

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'none' if applicable)

None

If the report is not for publication, the Monitoring Officer will decide if and how the public can be informed of the decision.

Step 4 – Redaction

If the report is for publication, is redaction required:


- 1 Of Decision Sheet **YES/NO**
- 2 Of Appendix **YES/NO**

If 'YES', please provide details of required redaction:

Commercially sensitive elements to be redacted

Date redaction carried out: 14th April 2023

If redaction is required, the Chief Finance Officer or the Monitoring Officer are to sign off that redaction has been completed.

Sign:  Print:Neil Cross.....

Date signed:23/03/2023.....

Step 5 - Decision by the Police, Fire and Crime Commissioner or Deputy Police, Fire and Crime Commissioner

I agree to the recommendations to this report:

Sign:  (PFCC)

Print: ROGER HIRST... Date signed: 14/04/2023

