



Essex Police, Fire and Crime Commissioner Fire and Rescue Authority

Decision Report

Please ensure all sections below are completed

Report reference number: 002-24

Government security classification: Not protectively marked

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

Area of county / stakeholders affected: Service wide

Report by: Jayne Moore

Date of report: 24th January 2024

Enquiries to: Jayne Moore or Karl Edwards

1. Purpose of the report

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

2. Recommendations

The Commissioner is asked to:

- Approve the purchase order for the 2024-2025 annual firefighting PPE at a total cost of [REDACTED]

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 3% (2% CPI and 1% AWE (average weekly earnings)). Therefore we are recommending the Commissioner approves the purchase order with a 3% increase as per the contract. This is included in the [REDACTED]

- Delegate to the Chief Finance Officer to approve the purchase order.

3. Benefits of the proposal

The Service is contracted to the current PPE supplier (MSA Bristol Uniforms) for an 8-year period. The contract was approved and authorised by the Commissioner prior to its commencement in 2019. To date the new contract is working well and costs have already been approved and are demonstrating significant savings on the previous PPE contract, [REDACTED] [REDACTED] 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 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 contract are in line with approved additional recruitment activities and are strictly monitored. See section 7 regarding agreed variances and monitoring by the Service and MSA Bristol Uniforms.

In the 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 at The Fire Service College running from October 2016 to April 2017. The contract was awarded to Bristol Uniforms in June 2017.

In September 2018, the PFCC signed off the PFCC Decision sheet for the Collaborative PPE Framework call off contract. The call off contract was signed along with the order form for the 8-year term of the contract with Bristol Uniforms in September 2018. The full term of the contract runs from 25 September 2019 to 24 September 2027.

In January 2021, MSA Safety acquired Bristol Uniforms, resulting in the Supplier name change to MSA Bristol Uniforms.

This decision sheet proposes that the purchase order be signed off in line with the agreed contract in order that we do not default on the contract and MSA Bristol Uniforms continue to supply the required firefighter PPE.

[Redacted text block]

[Redacted text block]

[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]			

[Redacted text block]

[Redacted text block]

[Redacted text block]

5. Alternative options considered and rejected

As the Service signed an 8 year contract with effect from September 2019, any alternative options would result in the Service being in breach of that contract and would incur costs for that breach whilst trying to secure an alternative option at significant cost. This would be a potential risk to the Service as it could result in the Service being unable to provide fit for purpose firefighting PPE to firefighters. This would subsequently affect the availability of operational crews which in turn would affect the Services ability to maintain the availability of fire appliances resulting in the Service being unable to attend operational incidents. Therefore there is no alternative option.

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 CRMP.

7. Operational implications

By providing and maintaining the availability of PPE the Service 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 8-year contract. [REDACTED]
[REDACTED] An annual price increase is written within the contract which will be applied each June.

[REDACTED]
[REDACTED]
[REDACTED] This figure includes the expected increased amount.

The annual price increase will be incurred in June 2024 in line with the Consumer Price Index (CPI). In June 2023 the CPI was at 7.9%. It is expected to continue to fall during 2024.

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 1100.

On the first anniversary it was proposed at 1159 and agreed at 1127. The proposal on the second anniversary date in September 2021 was at 1178, and therefore above 5%. However, following the sanitation process, the figure was agreed with the supplier at 1154, 1 below the 5% tolerance level.

The proposal on the third anniversary date was 1168 and therefore above the 5% tolerance level, but again following the sanitation process the figure was agreed with the supplier at 1133 wearers so below the 5% tolerance.

The proposal on the fourth anniversary was 1152. This was 3 below the 5% tolerance level, but again a sanitation process was carried out and reduced this further to 1144. This is an increase on the previous year. It is worth noting that the anniversary headcount check was also received later this year so includes recruits for the following anniversary check.

Therefore, it is suggested that with the current planned recruitment, the possibility of exceeding the 5% tolerance in September 2024 is likely to be low. However, we still need to plan for this as if it does exceed it, the Service will incur an addition to the monthly charge of [REDACTED] above the 1100 establishment figure set at the start of the contract.

9. Legal implications

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

10. Staffing implications

Providing Technical Services Departmental levels are maintained there should be no implications in terms of staffing. This was 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 an 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		

Throughout the tender process for this framework equality and diversity was addressed and continues to be with the running of the contract. It is a 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. Sizing exercises by the Supplier, for all our firefighters ensures both male and female sizers are available. 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.

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

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 Service 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 Tuesday 21 August 2018. The PFCC Decision Sheet was signed off in September 2018.

14. Background papers

PFCC Signed Decision Sheet 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:.....02/02/2024.....

Step 1B – Consultation with representative bodies

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

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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: ...Darren Horsman - Deputy MO

Date: 4/3/2024

Chief Finance Officer

Sign: 

Print:Neil Cross.....

Date: 07/02/2024

Step 3 - Publication

Is the report for publication? **YES**

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

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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**
- 2 Of Appendix **YES/NO**

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

All areas highlighted in yellow – commercially sensitive.....

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Date redaction carried out: ... 14/03/2024.....

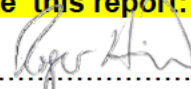
If redaction is required, the Chief Finance Officer or the Monitoring Officer are to sign off that redaction has been completed.

Sign: Print:

Date signed:

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

I agree this report:

Sign:  (PFCC / DPFCC)

Print: ... Roger Hirst Date signed: 13/03/2024