

EAST SUSSEX FIRE AUTHORITY

Meeting Scrutiny and Audit Panel

Date 23 July 2020

Title of Report Contract Standing Orders - Waivers Summary July 2019 to July 2020

By Assistant Director Resources / Treasurer

Lead Officer Claire George, Procurement Manager

Background Papers None

Appendices None

Implications

CORPORATE RISK		LEGAL	
ENVIRONMENTAL		POLICY	
FINANCIAL	✓	POLITICAL	
HEALTH & SAFETY		OTHER (please specify)	
HUMAN RESOURCES		CORE BRIEF	
EQUALITY IMPACT ASSESSMENT			

PURPOSE OF REPORT: To apprise the Panel of the waivers granted in the remainder financial year 19/20 and thus far in 20/21, as required by Contract Standing Order (CSO) 7.4.

EXECUTIVE SUMMARY: The Treasurer, after consultation with the Procurement Manager, Deputy Monitoring Officer and the Chairman has approved a total of four waivers from July 2019 to date.

Each was considered on the basis that the Authority could achieve value for money, where below the threshold of the Public Contract Regulations 2015 and therefore subject to internal governance arrangements only. The Government issued a Procurement Policy Note setting out flexibilities open to public bodies under the Public Contract Regulations during the coronavirus crisis, which allowed for some exemptions also under the EU legislative process, where appropriate.

No waivers were granted on the basis of expediency alone. In the main the waivers were granted in order to align with collaborative arrangements within the Bluelight sector and to mitigate limited market options and/or any risk to supply, including those resulting from the impact of the Covid 19 pandemic.

RECOMMENDATION: To note the report & consider whether any further information is required.

MAIN ISSUES

1. Summary of waivers granted

- 1.1 1. Dimensions Ltd (July 19)
2. A.M Security Ltd (Dec 19)
3. Edwards and Ward Ltd (April 20)
4. Hunter Apparel Solutions Ltd (April 20)

2. Summary of each waiver granted

2.1 Dimensions Ltd

East Sussex Fire Authority had been actively working along with other Authorities in assisting with the National Collaborative Workwear and Uniform contract, led by Kent Fire and Rescue Service.

Technical, Commercial and Wearer Trial evaluations took place during 2018 and a decision to award contracts by participating Authorities was agreed in November 2018.

Due to a period of qualifications plus independent scrutiny and advice, contracts were not agreed and awarded in time to dovetail with the conclusion of previous national Framework contract, led by Hampshire Fire & Rescue Service.

East Sussex Fire Authority were an integral part of Hampshire Fire and Rescue Service Framework Contract HFRS 97 for the supply of Workwear and Uniform from Dimensions (MWUK) Ltd and sought a waiver to continue purchasing in the intervening period until such time as the new incumbent were ready to assume supply.

At an anticipated expenditure of £7000 for this interim period, the Constitution requires that we would usually be expected to secure 3 quotations. As we intended to call from the imminent National contract, a waiver was granted to continue purchasing arrangements with Dimensions (MWUK) Ltd until 31st October 2019, when the new provision became available for use.

Contract value: £7000.

2.2 A. M Security Ltd

As part of the previous tender for door access and security systems, there was an expectation that the contract when let would also cover the installation of a unified access system to all stations and the contractor A M Security Ltd won the tender on that basis.

However, this was subsequently overtaken by the Estates re-modelling project where a decision on what that the access system will be remains to be finalised. As the way ahead was unclear when this contract was due for renewal, the contract

extension was invoked for the servicing and maintenance elements only, expiring in March 2020.

The servicing and general maintenance each year costs just over £4000, however ad-hoc equipment failure replacements and some improvement works, including the installation of new additional barriers will result in an annual spend of circa £25000.

At this level of expenditure, 3 quotations are required under the Constitution. A waiver was sought under Section 7 of the Contract Standing Orders to direct award a new contract, to run until March 2021 with the current supplier, with an option to extend by a further 12 months upon expiry, as the Estates project progresses and the strategic intention is clearer.

Contract value: £25,000.

2.3 **Edwards & Ward Ltd**

The Service Training Centre catering contract was extended for 12 months in July 2019.

In anticipation of its expiry, the Service commenced a procurement exercise under the auspice of the Public Contract Regulations in early March 2020, which subsequently coincided with the outbreak of the Covid 19 pandemic. It became apparent that the restrictions in place would inhibit both the competitive process and the introduction of a new supplier to the site.

The Government had issued a Procurement Policy Note setting out flexibilities that are open to public bodies under the Public Contract Regulations during the coronavirus crisis and a decision was taken therefore to extend the existing contract by a further period of 6 months.

It was assessed that this would minimise disruption to an essential supply and remove the risk of a new supplier assuming control of the catering facility, during a period when necessary restrictions would severely limit access. The extension also allowed the Procurement Department to extend the tender response period for potential bidders, as interested parties had indicated that their commercial resources were significantly depleted, having diverted to their operational response during the pandemic.

The extended timeline allowed for a successful procurement exercise to be concluded and the resulting contract will now commence in December 2020.

Contract value: circa £30,000 (£4868.93 fixed costs per month, plus food)

2.4 **Hunter Apparel Ltd**

PPE required in response to the Covid 19 pandemic.

The National Fire Chiefs Council coordinated a scheme to air freight direct from China, items of Personal Protective Equipment (PPE) which remained scarce in the UK. This was organised in conjunction with Hunters Apparel Solutions Ltd, a company well known to the Fire and Rescue sector.

PPE was urgently required to protect our operational firefighters, particularly as they moved to support other Bluelight partners, as agreed nationally, to include ambulance driving and body retrieval.

UK supply at that time was almost non-existent as the NHS rightly took priority over any other requirement. This order was intended to provide a cushion until supply could be regularised, which it now has.

A waiver was requested under section 7.2 of the Contract Standing Orders therefore, in order for the Service to direct award to Hunter Apparel Solutions Ltd and participate in this national initiative to secure vital protective equipment.

Contract value: £79,133