

## EAST SUSSEX FIRE AUTHORITY

**Panel** Scrutiny and Audit Panel

**Date** 9 November 2023

**Title of Report:** Contract Standing Orders - Waivers Summary

**By** Duncan Savage, Assistant Director Resources / Treasurer

**Lead Officer** Claire George, Procurement Manager

---

**Background Papers** None

---

**Appendices** None

---

### Implications (please tick ✓ and attach to report)

<b>CORPORATE RISK</b>		<b>LEGAL</b>	
<b>ENVIRONMENTAL</b>		<b>POLICY</b>	
<b>FINANCIAL</b>		<b>POLITICAL</b>	
<b>HEALTH &amp; SAFETY</b>		<b>OTHER (please specify)</b>	
<b>HUMAN RESOURCES</b>		<b>CORE BRIEF</b>	

---

**PURPOSE OF REPORT:** To inform the Panel of the waivers granted since November 2021, as required by Procurement Standing Order (PSO 4.1)

---

**EXECUTIVE SUMMARY:** The Treasurer, after consultation with the Procurement Manager, Deputy Monitoring Officer and the relevant Member has approved a total of eight waivers from November 2021 (the last report to Panel) to date.

Each was considered on the basis that the Authority could achieve value for money, were below the threshold of the Public Contract Regulations 2015 and therefore subject to internal governance arrangements only.

No waivers were granted on the basis of expediency alone. In the main, the waivers were granted in order to secure best value, to leverage efficiencies, ensure operational alignment and to mitigate any risk to security of supply and/or continuity of service.

---

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

---

## **MAIN ISSUES**

### **1 Summary of waivers granted**

- 1.1
  1. Project 21 (Joint Fire Control) – Skylark Consulting Solutions Ltd (Dec 21)
  2. Finance Officer - RM Recruit (Feb 22)
  3. Valuation Services – Flude Property Consultants (June 22)
  4. Preston Circus Electrical Upgrade – UK Power Networks (June 22)
  5. Smoke Curtains – Vimpex Ltd (July 22)
  6. Workwear – Hunters Apparel Solutions Ltd (Feb 23)
  7. Access Control Systems – AM Fire & Security Group (June 23)
  8. Preston Circus Refurbishment – Mackellar Schwerdt Partnership (July 23)

### **2 Summary of each waiver granted**

#### **2.1 Project 21 (Joint Fire Control) – Skylark Consulting Solutions Ltd**

##### **Background**

Following the completion of the move to JFC in partnership with Surrey and West Sussex FRS in November 2021, there were several outstanding elements as part of the legal and programme agreement that needed completion.

In addition, the Senior Leadership team was due to undergo significant change in January 2022, including a new DCFO and with significant work to complete on the budget and in preparation for round 2 of HMICFRS inspection. This created a capacity concern for the team, alongside the impact of a rising tide for Local Resilience Forum (LRF) in responding to the winter wave of the COVID pandemic.

##### **Reasons for Waiver Request**

- In order to minimise costs and to allow key people who were part of the P21 programme to resume their normal and new roles and to reduce the technical project consultants' hours, it was important that an implementation co-ordinator be put in place.
- The retiring DCFO Mark O'Brien was uniquely placed to perform that role as he was the Program SRO for P21 and was integrally involved in the drafting of the legal and contractual Section 16 document.
- The Chief Fire Officer consulted with the Chairman and Deputy Chairman of the Authority and the Treasurer about this contract and the alternatives prior to submission of the waiver, who all understood the organisational imperative to complete this work in a timely manner and also that it would be impossible to find an additional resource with the depth of knowledge about the programme, that could immediately get to work in the new year to ensure delivery and in addition would be able to complete the work within a 12 week envelope
- The Chief Fire Officer therefore requested that a waiver under PSO 4.1 was granted to allow for a contract to be let to Skylark Consulting Solutions Ltd without the need to obtain three quotations.
- The daily rate charged at £425 inclusive of expenses was below the rate currently being paid for the Project Manager resource on P21 and therefore offered value for money to the Authority.
- **Contract value:** £21,000.00

## 2.2 Finance Officer – RM Recruit Ltd (Feb 22)

### Background

Waiver in relation to the appointment of two agency members of staff to provide additional capacity to support the Finance Team, via the recruitment agency RM Recruit, who at the time were not on our current agency framework, although in the process of applying for inclusion.

This specific case relates to a proposed agency appointment of Finance Business Partners.

### Reasons for Waiver Request

- Agencies on the framework were approached in relation to this vacancy, but none provided any candidates. RM Recruit were in a position to provide four candidates.
- Rate agreed consistent with the market rate and candidates had the skills required for this work.
- On the basis that there will be no further spend with RM Recruit without prior consultation and on the proviso that the assignment is limited to 6 months

**Contract value:** £75,000.00

## 2.3 Valuation Services – Flude Property Consultants (June 22)

### Background

The previous Term Contract for Valuation Services, which ran from 15 January 2018 to 31 March 2022, used a new vendor Flude Commercial.

The Valuation Services provided as standard each year (insurance rebuild estimates) costs £3,900.00 plus accountancy valuations at £600.00 per station which equates to approx. £4,800, and these figures were offered to be held for a further three years by the existing services provider now called Flude Property Consultants.

The ad-hoc services provided by Flude at £125.00 per hour and at 10 to 15% were benchmarked (during the then recent business rate challenge) against the existing Police provider Gerald Eve at £140.00 per hour and 17.9%

Spend with the contractor had been inflated in 2021/22 and 2022/23 due to the fees paid for the successful business rates challenge. This was one off spend and not to be repeated during the proposed waiver period.

### Reasons for Waiver Request

- The supplier had been providing very good service at a reasonable cost (as evidenced by benchmarking against Sussex Police's contractor).
- The intention is to explore a joint procurement of valuation services with Surrey & Sussex Police as part of the Estates Shared Service Project – a three-year extension (1 plus 2) will allow time for this to be explored.

- The current supplier already knew our Estates property portfolio and had recently undertaken our then recent successful challenge on our non-domestic business rates.
- Seeking quotations was unlikely to achieve a material saving.
- In addition, any change of contract was likely to incur additional transitional costs as the external auditor may have required the whole estate to be revalued rather than a third (as is usual) in the first year of a new contract.

**Contract value:** c£9,000.00

## 2.4 **Preston Circus Electrical Upgrade – UL Power Networks (UKPN) – (June 22)**

### **Background**

As part of our Design Guide Works to improve the Fire Station at Preston Circus, Brighton it was identified that we needed to upgrade the electrical supply to the site, both to supply the new internal requirements on site and to give scope for limited electrical vehicle charging in the future.

UKPN had quoted £22,389 for the works to the current sub-station to supply our immediate needs. As the value was such that we needed to seek at least three quotations, another company that specialised in this area was approached.

Their response was that as it was low value work, and due to the amount of co-ordination that would be required with UKPN as the power supplier, they could not be competitive. This is not a field with many specialised suppliers & therefore dispensation was sought to direct award this work to UKPN without a quote or tender process being conducted.

### **Reasons for Waiver Request**

- UKPN provided the best value for money in this instance as it was a low-cost upgrade.
- Tendering or any other quote process would have delayed the work and was unlikely to achieve savings.
- If we had used an alternative supplier, we would have needed to ensure both they & UKPN were managed under the CDM 2015 regulations, at a cost to ESFRS.
- With UKPN managing the process from start to finish, a station power outage during the upgrade process was very significantly decreased.

**Contract value:** £22,389.00

## 2.5 **Smoke Curtains – Vimpex Ltd**

### **Background**

Waiver in relation to the introduction of the Reick F70 portable smoke curtains, which prevent the ingress of oxygen whilst ensuring dedicated means of escape are not compromised by fire, heat and smoke, as firefighters enter the affected compartment.

This was highlighted as an area of good practice across the sector prior to the major incident at Grenfell Tower on 14th June 2017. Following the publication of the phase 1 recommendations, this is identified as a requirement in our activity risk assessment for fighting fires, particularly those in tall buildings.

3F Chief Fire Officers committed to ensure all cross-border emergency response arrangements are aligned – including policy, procedure and new equipment, ensuring economies of scale can be realised wherever possible.

The ESFRS/WSFRS/KFRS border corridors include many residential and high-rise residential properties where both WSFRS and KFRS crews, if in attendance first, will deploy smoke curtains thus preventing our crews from working in the same building and/or compartments.

### **Reasons for Waiver Request**

- Any deviation from product design that ESFRS purchased would prevent WSFRS/KFRS crews from working in the same building and/or compartments.
- Over-border partners had already implemented the above smoke curtains on all standard frontline appliances.
- Stowage for this product was confirmed with our Engineers for all new and existing P1 and P2 appliances, meeting the needs of our IRMP for standardised inventories.
- Product alignment offers the opportunity for collaborative economies of scale.
- Compartment firefighting in high-rise premises attracts the largest pre-determined attendance of all incident types, requiring multiple over-border appliances on either side of the border for initial and relief attendances.
- There is only one single UK agent/supplier for the Reick F70 portable Smoke Curtain.

**Contract value:** £19,460.00

## **2.6 Workwear – Hunter Apparel Solutions Ltd**

### **Background**

Waiver in relation to workwear, following the collapse of the Kent FRS led National Framework.

ESFRS experienced significant supply issues with the previous incumbent, Ballyclare UK Ltd (Ballyclare) which, along with similar issues experienced by other Services, led to the framework agreement being terminated in June 2022.

Initially Kent FRS, intended to novate the contract to Hunters Apparel Solutions Ltd (Hunters) via Lot 2 of the framework, however, subsequently took the decision not to pursue this option. This left ESFRS in the unprecedented position of having no formal contracted workwear supplier.

Procurement's immediate focus was on achieving a safe and orderly transition to a new supplier. In the main, it was felt this would be best achieved by identifying, a single supplier, operating a fully managed service with self-serve capability, to secure like for like, off the shelf replacements, with minimal changes to the offering.

This would minimise the need for extensive consultation and avoid further significant disruption.

To satisfy immediate demand, all emergency orders were being processed via Procurement, by placing the orders on behalf of the Service, with Hunter, for delivery direct to the relevant stations. This was not sustainable in the longer term as the effort required to manage supply in this way, impacts significantly on the level of support that the Procurement team is able to offer to other procurement exercises.

The recommendation was therefore to direct award to Hunters, to plug the gap between the collapse of the current national collaboration for workwear and the new iteration, for a period of 24 months, with the flexibility to extend further, if required. This would allow for a period of stability in the absence of a national contract. We understood that a number of other FRS who were part of the failed national workwear contract took a similar approach.

The NFCC PPE/Clothing Committee is working to secure a replacement offering which will represent National consensus. Procurement are supporting the Commercial Committee on behalf of ESFRS.

### **Reasons for Waiver Request**

- Urgent need to secure a supplier that could supply all workwear requirements via an online, fully managed, ordering system, as we did not have the capacity to store and issue uniform.
- A tender exercise would take 6 to 9 months to complete, including evaluation of up to 10 suppliers plus consultation, whereas like for like replacements for the majority of workwear items could be secured immediately via Hunters.
- Given it was Kent's original intention to novate to Lot 2, it seemed most logical to purchase emergency off-the-shelf products from Hunters to ensure continuity of supply, reduce costs and avoid extended lead times for delivery.
- Market intelligence has indicated lead times of 6-9 months for forecasted manufacturing if we were to bulk buy and store from suppliers who do not hold sufficient off the shelf stock to absorb ESFRS requirements.
- Hunter had readily available, sufficient capacity for like for like replacements for most items, with no requirement to forecast & purchase ESFRS specific stock.
- Online portal self-serve capability, with deliveries sent direct to the individual, would significantly reduce the administrative burden on the Procurement Department.
- All staff who currently wear workwear are already familiar & registered for use to the Hunter PAC portal for access to undress.
- Single supplier provision reduced the need for multiple contract management & the associated resource effort.
- Hunters were pre-vetted in terms of financial stability and ethical sourcing, as a pre- requisite of the National Framework.
- Kent FRS conducted benchmarking & Procurement's market research indicated that Hunters' pricing benchmarked consistently with where the market sat.
- Hunters indicated their intention to divert a proportion of manufacturing from China to Pakistan, to alleviate the ongoing delays resultant from the zero covid policy factory shutdowns in China.

**Contract value:** £145,000.00

## 2.7 Access Control Systems – AM Fire & Security Group

### Background

Further to approval of the Access Control Business Case in January 2022, to provide a centrally managed card access system to all main entrance doors and IT rooms across our estate, we were in a position to recommend the installation of the SALTO Access control system, the system currently in use at Saxon House.

The recommendation was to award direct to the incumbent AM Fire & Security. This followed a review of the technical solutions available on the market and their respective costs, including both capital installation and ongoing revenue operational and maintenance costs.

### Reasons for Waiver Request

- AM Security were the most competitive supplier of the 3 local suppliers during market testing.
- The current supplier was familiar with both our estate and its existing security systems.
- The current supplier could mobilise at short notice and was willing to work alongside our existing electrical maintenance contractor Openview, who would complete the additional power and data wiring required.
- Since the pricing exercise in December 2022, Salto had increased their equipment prices by approximately 8%, however, A.M Security confirmed that they would not be passing this increase on to ESFRS.
- AM Security had recently Installed a Salto door access system for Kent Fire & Rescue and the feedback from their Estates team was very positive.
- AM Security is a Salto Gold Partner which enables them to purchase the equipment at a discounted rate which they then passed onto ESFRS as demonstrated in their quotation.

**Contract value:** £104, 101.00

## 2.8 Preston Circus Refurbishment - Mackellar Schwerdt Partnership

Mackellar Schwerdt were originally appointed in 2016 following a mini competition to provide Design Consultancy services including Principal Designer, Architectural, Mechanical & Electrical and Structural services.

This appointment came to an end following the completion of RIBA stage 2 in June 2019.

For RIBA Stages 3 and 4, Mackellar Schwerdt were deemed to offer better value for money and a waiver was agreed in June 2019.

At the commencement of RIBA Stage 5, there was need to further commission the Design Consultancy Services Principal Designer, architectural, structural consultancy services, to support the project from RIBA stage 4 to completion of RIBA stage 7.

It was proposed that these services be procured via a single source waiver, with proposed contract award to Mackellar Schwerdt, due to their detailed knowledge of the project gained via RIBA stages 1-4.

### **Reasons for Waiver Request**

- Preston Circus is a complex building - the surveys conducted by Mackellar Schwerdt at feasibility and scheme design stages contained valuable information and would, should we continue their appointment, not be required to be redone.
- Although the building is not nationally listed, it is locally listed, Mackellar Schwerdt have liaised with BHCC planners and to restart this conversation with a different consultant could both be detrimental in terms of the relationship.
- The learning that Mackellar Schwerdt have with regard to Design Guide needs and stakeholder requirements is paramount to the success of the project.

**Contract value:** £36,605.00