

Decision title

Award Report for the Contract to Supply, Deliver and Collect Depolluted Vehicles

Recommendation by

Deputy Assistant Commissioner, Central Operations

Decision Number

LFC-0163-D

Protective marking: **OFFICIAL**

Publication status: Published with redactions

Summary

LFC-0163 seeks approval to award the contract for the Depolluted Vehicles and associated services to the Supplier named in Appendix 1 – Confidential Tender Evaluation.

The proposed contract award will ensure the provision of a range of vehicles that have been depolluted for use by fire station personnel for local and area training exercises whilst achieving best value for money for the London Fire Commissioner (LFC). A full Open OJEU procurement process was undertaken to ensure it was open to as many suppliers as possible. The tender evaluation included rigorous evaluation of quality, price, financial standing with the quality evaluation being conducted by officers from Central Operations.

Decision

The London Fire Commissioner approves a five-year contract for the provision of depolluted vehicles and associated services to the supplier named in Appendix 1 – Confidential Tender Evaluation at a cost of £611,691.

Dany Cotton QFSM
London Fire Commissioner



Date 31-07-19

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Report title

Award Report for the Contract to Supply, Deliver and Collect Depolluted Vehicles

Report to

Operations Directorate Board
Commissioner's Board

Date

26 March 2019
10 April 2019

Report by

DAC Central Operations

Report number

LFC-0163

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Summary

This report seeks approval to award the contract for the Depolluted Vehicles and associated services to the Supplier named in Appendix 1 – Confidential Tender Evaluation.

The proposed contract award will ensure the provision of a range of vehicles that have been depolluted for use by fire station personnel for local and area training exercises whilst achieving best value for money for the London Fire Commissioner (LFC). A full Open OJEU procurement process was undertaken to ensure it was open to as many suppliers as possible. The tender evaluation included rigorous evaluation of quality, price, financial standing with the quality evaluation being conducted by officers from Central Operations.

Recommended decision

That the London Fire Commissioner approves a 5 year contract for the provision of Depolluted Vehicles and associated services to the supplier named in Appendix 1 – Confidential Tender Evaluation at a cost of £611,691.00.

Background

1. London Fire Brigade is required to attend road traffic collisions (RTC's) to extricate persons from vehicles in the event that they are unable to exit the vehicle or it is unsafe for them to do so. It is a requirement that Firefighters are trained in how to do this safely, efficiently and quickly.

2. The purpose of the proposed contract is to deliver a service to supply, deliver and collect depolluted vehicles for familiarisation and continuing professional development of operational personnel in the application of extrication techniques for road traffic collisions. Firefighters undertake this familiarisation exercise at Fire Stations or outside training venues. Vehicles therefore need to be representative of those currently on the roads across London boroughs and fully de-polluted to ensure health, safety and environmental risks are mitigated.

3. Fire Stations raise orders according to their training requirements, 3 weeks in advance through the purchase order management system (PoMS). The ordered depolluted vehicle is delivered via flatbed truck by the contractor to the station yards designated RTC training area. Subsequently, the contractor picks up the cut up vehicle on the date specified by the Fire Station on the original order. The vehicle remains the legal property of the contractor at all times.

Considerations

4. Within the procurement there was a need to balance LFB requirements to provide a range of vehicles which are encountered operationally that challenge crews knowledge and ability against realistic expectations that could be met by the supplier in delivering the vehicles e.g. a double decker bus. It was also considered that the intended contractor would need to meet a number of specific criteria set against basic Health and Safety and Environmental and legislative requirements, namely:

- That all vehicles supplied must meet End-of-Life Vehicle Regulations (ELV) 2003 (as amended);
- That the contractor possess all relevant licences and evidence those licences prior to the contract starting; and
- That all vehicles will be supplied and collected within specific timescales.

Procurement options

5. Two procurement options were considered:

Option 1 - Multi lot procurement based on 4 area commands.

6. Consideration was given to splitting the four area commands into individual Lots in order to attract a wider pool of contractors from the local areas. Other Fire and Rescue Services had chosen this type of lot service structure due to their inability to find a supplier that could deliver vehicles to their entire area. For London however, market research showed that many suppliers were unable to meet the mandatory requirements within the specification, particularly on having the necessary licenses to fully depollute vehicles. Therefore this option was not considered viable.

Option 2 - Single source supplier procurement covering all areas

7. Consideration was given to award a contract to a single pan London supplier. This option was chosen because market research had indicated there were experienced SME suppliers who are capable of delivering this service across London. The single source route also offered best value for money from an aggregation of demand benefiting from the potential for economies of scale. There would also be less costs associated with implementation of the contract when compared to option 1.

8. Additional benefits of option 2 included a single point of contact for any contract management issues and improvement suggestions, lower purchasing costs associated with sending orders and receiving invoices.

Procurement Process

9. Procurement investigated collaborating on this requirement with other Fire and Rescue Services. Greater Manchester FRS advised this service was delivered through arrangements with local scrap car suppliers and on a lot basis as they struggled to find a supplier who could service their wide range of locations. Surrey FRS met their requirement through an SME who delivered to a restricted area.

The regional nature of the business prevented collaborative contracts within the fire sector and the size of the LFB precluded many collaborations and severely limited the final market suppliers.

10. A Prior Information Notice on Tenders Electronic Daily (TED) – the European public procurement journal and an advertisement on Contracts Finder were issued on the 20 July 2018 and was accepted by four potential suppliers. Market engagement was conducted with interested suppliers and large vehicle recovery service providers. This provided a valuable insight into the market.

11. Although there was interest it was found that the market is small as there were few suppliers who had the necessary logistical resources and correct environmental accreditations to meet Brigades specification for fully depolluted vehicles. A lack of understanding of the OJEU tendering process was also found with potential SME suppliers.

12. Due to the restricted market and value of the contract exceeding the OJEU threshold, an Open OJEU procurement was undertaken. Efforts were made to make the tendering document as simple as possible to ensure it was not overly onerous for potential tenderers.

13. The award criteria used in the procurement process was as follows:

Criteria	Item	Section Weighting	Overall Weighting
Price	Total Price	60%	
Quality	Specification met	Pass/Fail	
	Delivery and Collection	20%	35%
	Management of the contract	10%	
	Improving training	5%	
Social Value	Sustainable Transport	5%	

A detailed breakdown relating to the tender evaluation are stated in Appendix 1 - Confidential Tender Evaluation to this report.

Conclusion

14. Following the completion of the procurement exercise, it is recommended that this contract be awarded to the supplier named in Appendix 1 - Confidential Tender Evaluation as this will ensure that the Brigades requirement of depolluted vehicles are met.

15. The recommended supplier has established that they have the appropriate infrastructure for servicing the contract throughout the proposed term.

16. Despite a detailed process to attract a range of suppliers, only one tender for the contract was received.

17. Central Operations, in consultation with Procurement, believe that the supplier recommended within this report offers the most appropriate, sustainable and best value provision for the Brigade.

Finance comments

18. This report seeks approval to award the contract for the Depolluted Vehicles and associated services at an estimated cost of £611,691.00 over the next five years i.e. £120k pa. The budget for scrap cars is incurred from the operational equipment budget of £269k pa and it is expected that the cost of £120k pa for scrap cars will be contained within the existing resources available.

Workforce comments

19. There are no direct workforce implications associated with the contents of this report requiring staff side 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 Deputy Mayor's approval is accordingly required for the Commissioner purchase Depolluted Vehicles and associated services at a cost of £611,691.00.

24. The statutory basis for the actions proposed in this report is provided by section 5A of the Fire and Rescue Services Act 2004 under which the Commissioner must procure services they consider appropriate for purposes incidental to their functional purposes.

25. Furthermore, under section 7 (2)(a) of the aforementioned legislation, the Commissioner has the power secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for firefighting.

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.

Sustainability implications

27. The report details the Environmental considerations that were taken into account within the procurement, including all vehicles supplied must meet the End-of-Life Vehicle Regulations 2003 (as amended) and that the contractor possesses all relevant licences, which have been provided and verified
28. The following sustainment procurement issues were considered and had a 5% weighting in the evaluation criteria. [REDACTED] demonstrated compliance within its method statement, however it has also been identified that there are still elements which they are working to achieve.

Criteria	Tender Response
Steps taken to reduce air emissions (PM, NOx and, CO2) when delivering the services in regards to transportation and any other sources of emissions.	<ul style="list-style-type: none"> - Approached company offering various Transport Programs that promotes efficient driving through fuel savings rewards. - Drivers struggling will be sent on a course on how to become an efficient driver. - Deliveries and collections in the same areas will be combine and drivers will ensure that no unnecessary journeys are made.
Working towards ULEZ compliance for Central London from 8 April 2019 and inner London (bounded by the North and South Circular roads) from 25 October 2021.	<ul style="list-style-type: none"> - By March 2019 will have three vehicles that meet the standard for ULEZ and this will be increased to six by March 2020. All vehicles for this contract will meet the required emission standard. - By April 2019 all HGV Vehicles will be fitted with Full 360 Degree Vision Cameras in addition to Side Scan Sensors and Turning/Reversing Audible Warnings.
Additional social value benefits, for example improving safety measures for cyclists and deliveries in low emission vehicles out of peak hours.	<ul style="list-style-type: none"> - All drivers will be attending a Vulnerable Road User Training Course. - A quantity based discount for some of the vehicle classes will be offered, reducing costs and reducing environmental impacts.

Equalities implications

29. The Public Sector Equality Duty applies to the London Fire Brigade when it makes decisions.
30. The duty requires us to have regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
31. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act

states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

32. The supplier named in Appendix 1 - Confidential Tender Evaluation provided their tender based on the LFC standard terms and conditions which will be used to form the subsequent contract. Clause 22 of LFC standard terms and conditions ensures that the Supplier shall not itself, or through a servant or agent, discriminate against any person on any grounds contrary to the provisions of the Equality Act 2010; and the Supplier shall comply fully with the terms of the Commissioner's Equalities Protocol, as set out in Schedule 6 Part B (Protocols). Such compliance is a condition of the Agreement. In the event that the Supplier fails to comply in any material respect with any of the terms (1) – (7) of the Equalities Protocol, the Commissioner shall have the right to terminate the Agreement.
33. An Equality Impact Assessment was conducted and considered how those with protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation, marriage or civil partnership status may be impacted both positively and negatively. Because of the nature of this procurement, it was deemed that there were no adverse impacts identified on any particular characteristic in a negative way. It was however considered that the use of this procurement does contribute, in its finality, to good community relations by way of delivering continuing efficiency to operational response by ensuring staff have an awareness of the diverse population of London, all of which may suffer the misfortune of becoming trapped due to accident within a vehicle or other transportation by road. Operational staff also become aware of the challenges in preserving the dignity amongst those with beliefs, race or religion and disabilities within minority groups across the response area who may have become trapped and require extricating in a sensitive and more mindful way. No data is currently available to determine identification of protected characteristics at RTC's although a number of internal and external sites were visited, TFL, <https://tfl.gov.uk/corporate/publications-and-reports/road-safety> and internal LFB data collection sources. The LFC is satisfied that the arrangements meet the requirements of Equality Act 2010 and LFC responsibilities within Public Service Equality Duty.

List of Appendices to this report:

Appendix 1 – Confidential Tender Evaluation

Appendix 1 – Confidential Tender Evaluation

Recommendation

1. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	99%

- [REDACTED]

8.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

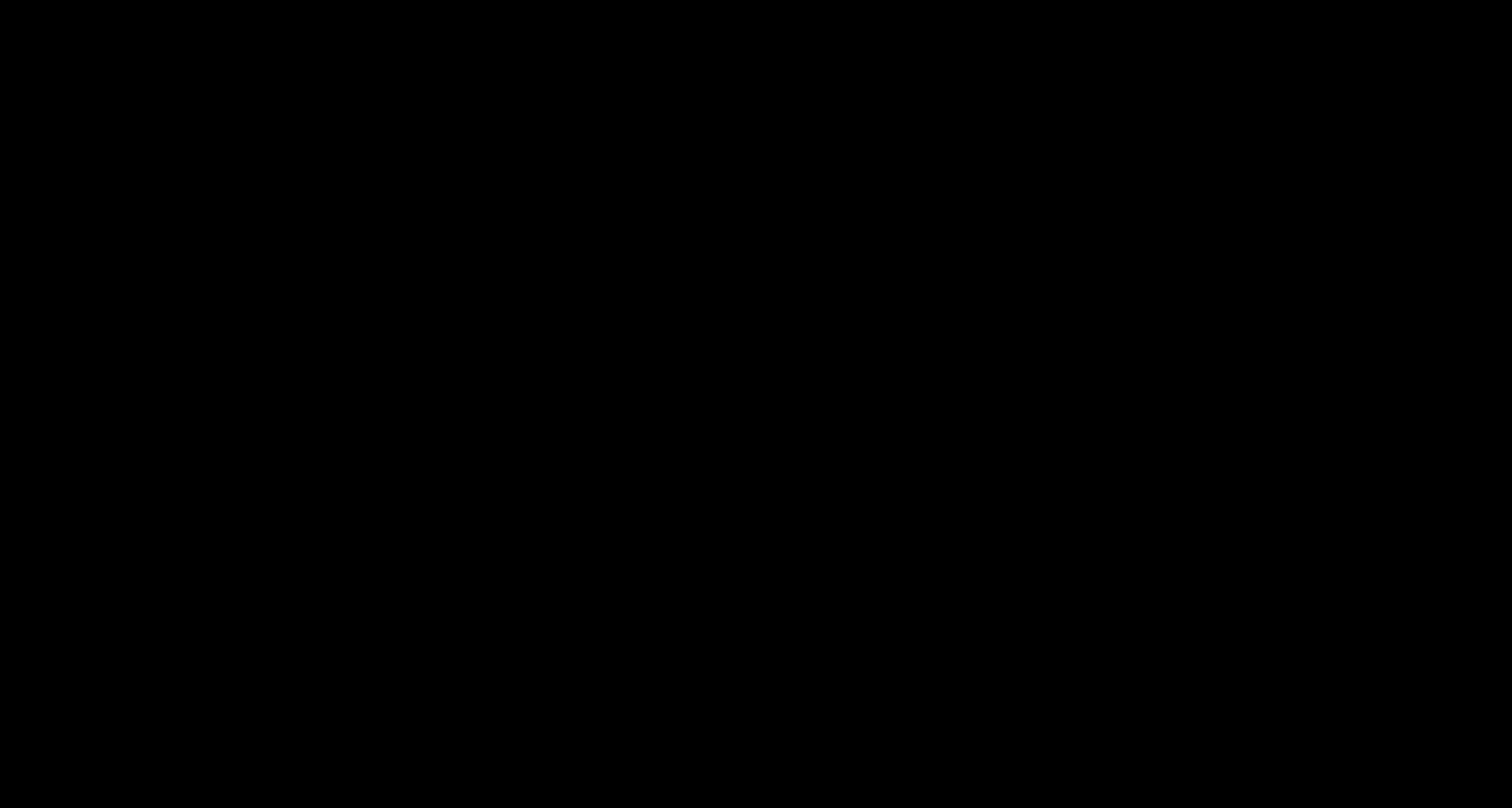
Appendix 1 – Break down of Estimated Order Quantity and Cost

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

North West Area



South East Area

[illegible]

South West Area

Date		Time		Location		Weather		Observations	
1901	1902	1903	1904	1905	1906	1907	1908	1909	1910
1911	1912	1913	1914	1915	1916	1917	1918	1919	1920
1921	1922	1923	1924	1925	1926	1927	1928	1929	1930
1931	1932	1933	1934	1935	1936	1937	1938	1939	1940
1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
1951	1952	1953	1954	1955	1956	1957	1958	1959	1960
1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
2041	2042	2043	2044	2045	2046	2047	2048	2049	2050
2051	2052	2053	2054	2055	2056	2057	2058	2059	2060
2061	2062	2063	2064	2065	2066	2067	2068	2069	2070
2071	2072	2073	2074	2075	2076	2077	2078	2079	2080
2081	2082	2083	2084	2085	2086	2087	2088	2089	2090
2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
2101	2102	2103	2104	2105	2106	2107	2108	2109	2110
2111	2112	2113	2114	2115	2116	2117	2118	2119	2120
2121	2122	2123	2124	2125	2126	2127	2128	2129	2130
2131	2132	2133	2134	2135	2136	2137	2138	2139	2140
2141	2142	2143	2144	2145	2146	2147	2148	2149	2150
2151	2152	2153	2154	2155	2156	2157	2158	2159	2160
2161	2162	2163	2164	2165	2166	2167	2168	2169	2170
2171	2172	2173	2174	2175	2176	2177	2178	2179	2180
2181	2182	2183	2184	2185	2186	2187	2188	2189	2190
2191	2192	2193	2194	2195	2196	2197	2198	2199	2200
2201	2202	2203	2204	2205	2206	2207	2208	2209	2210
2211	2212	2213	2214	2215	2216	2217	2218	2219	2220
2221	2222	2223	2224	2225	2226	2227	2228	2229	2230
2231	2232	2233	2234	2235	2236	2237	2238	2239	2240
2241	2242	2243	2244	2245	2246	2247	2248	2249	2250
2251	2252	2253	2254	2255	2256	2257	2258	2259	2260
2261	2262	2263	2264	2265	2266	2267	2268	2269	2270
2271	2272	2273	2274	2275	2276	2277	2278	2279	2280
2281	2282	2283	2284	2285	2286	2287	2288	2289	2290
2291	2292	2293	2294	2295	2296	2297	2298	2299	2300
2301	2302	2303	2304	2305	2306	2307	2308	2309	2310

