

CABINET

14 July 2020

Title: Contract for the Provision of Personal Protective Equipment (PPE), Corporate Uniform and Equipment	
Report of the Cabinet Member for Public Realm	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Accountable Director: Lisa Keating - Director of My Place	
Accountable Strategic Leadership Director: Graeme Cooke - Director of Inclusive Growth	
Summary: This report seeks Cabinet approval for the procurement and award of new Term Contracts for Personal Protective Equipment (PPE), Corporate Uniform and Equipment for a term of three years from 1 April 2021 to 31 March 2024, with an extension option of one year to 31 March 2025 subject to satisfactory performance of the appointed supplier(s). The Council has a legal and statutory obligation to provide its staff with the necessary, fit for purpose work wear required for staff to complete their duties as stated in the Health and Safety at Work Act 1974. The Council must also satisfy its own due diligence to ensure the well-being of its staff. The key benefits of the contracts will be: <ul style="list-style-type: none">• Provide good quality and cost-effective PPE, corporate uniform and other relevant protective equipment;• Cost efficiencies and effectiveness through economies of scale;• Continuing with a multi lot approach as it provides variety and volume required to meet the Council's requirements;• Streamlined approach to ensure that all requirements are captured under this contract.	
Recommendation(s) The Cabinet is recommended to: <ul style="list-style-type: none">(i) Agree that the Council proceeds with the procurement of contracts for Personal Protective Equipment (PPE), Corporate Uniform and Equipment in accordance with the strategy set out in the report; and	

- (ii) Delegate authority to the Director of My Place, in consultation with the Cabinet Member for Public Realm, the Finance Director and the Director of Law and Governance, to conduct the procurement and enter into the contracts and all other necessary or ancillary agreements and periods of extension with the successful supplier(s) in accordance with the strategy set out in the report.

Reason(s)

The procurement will ensure the Council:

- fulfils its legal and statutory obligation to provide its staff with the necessary, fit for purpose work wear required for staff to complete their duties as stated in the Healthy and Safety at Work Act 1974;
- Satisfies its own due diligence to ensure the well-being of its staff;
- is compliant with its Contract Rules.

1. Introduction and Background

- 1.1 The Council has a legal and statutory obligation to provide its staff with the necessary, fit for purpose work wear required for staff to complete their duties as stated in the Healthy and Safety at Work Act 1974.
- 1.2 The current PPE, Corporate Uniform and Equipment contracts were let for a period of three years commencing on 1 April 2017, with an option to extend each contract for a further year. The option to extend each contract for a further year was presented at Procurement Board and approved on 16 March 2020. The current contracts all expire on 31 March 2021.
- 1.3 The details of each current contract and its supplier is detailed below:
- Lot 1 – Footwear, including boots and trainers – SMI Int Group Ltd.
 - Lot 2 – Heavy work wear and high visibility wear – SMI Int Group Ltd
 - Lot 3 – Corporate uniform, including LBBB branded uniform – MWUK Ltd T/A Alexandra Plc
 - Lot 4 – Equipment, including first aid kits, safety helmets, respirators and safety spectacles – Bunzl UK Ltd T/A Greenham Trading Ltd
- 1.4 The current contracts do not include PPE requirements for Civil Enforcement Officers, which includes Parking, Security and Market staff. PPE requirements for these staff are specific and are purchased outside of the current contracts. This provision will be included in the new procurement as a separate lot.
- 1.5 The estimated total value across all contracts for the full four years, up to 31 March 2021, is estimated at £647,541. This is calculated from the management information provided by the current contractors and any ad-hoc PPE suppliers used outside the existing contracts.
- 1.6 The estimated total contract value excludes Traded Services and Be First. Traded Services and Be First have confirmed that they will carry out their own

procurement for new PPE, Corporate Uniform and Equipment provision for their staff.

- 1.7 The new procurement will exclude COVID-19 related PPE as the Council's senior management team agreed that COVID-19 PPE and general PPE requirements should be procured separately.

2. Proposed Procurement Strategy

2.1 Outline specification of the works, goods or services being procured

- 2.1.1 A multi lot approach to provide the PPE, Corporate Uniform and Equipment requirements for the Council as follows:

Lot 1 - Footwear, (including boots and trainers), Heavy Work Wear and High Visibility Wear.

Lot 2 - Corporate Uniform, including LBBB branded Corporate Uniform

Lot 3 - Parking and Security Uniforms

Lot 4 - Fire Retardant Wear

Lot 5 - Equipment, including safety helmets, respirators, safety spectacles, gloves, aprons, first aid kits and refills

Lot 6 - Body Armour

2.2 Estimated Contract Value, including the value of any uplift or extension period

- 2.2.1 The estimated contract value for all lots over three years including 3% uplift is £500,225.58. The estimated total contract value, including the year's extension and 3% uplift is £666,967.44.

- 2.2.2 The actual total value of the contracts is dependent on the Council's requirements and budget. The contracts will provide the Council with economies of scale based on the volume of PPE, Corporate Uniform and Equipment required and will enable the Council to standardize its PPE, Corporate Uniform and Equipment usage and requirements which complies with the Healthy and Safety at Work Act 1974

2.3 Duration of the contract, including any options for extension

- 2.3.1 Each lot will be let for three years with an option to extend for one year, giving a total duration of four years from 1 April 2021 to 31 March 2025.

2.4 Is the contract subject to (a) the (EU) Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If Yes to (a) and contract is for services, are the services for social, health, education or other services subject to the Light Touch Regime?

- 2.4.1 Yes. The contracts are for goods and are not subject to the Light Touch Regime.

2.5 Recommended procurement procedure and reasons for the recommendation

2.5.1 Utilising the open procedure following an advertisement in the Official Journal of the European Union (OJEU), Contracts Finder, Bravo and Council's website. Tenders will be sought with an e-auction via Bravo portal. The proposal is to use the multi-lot approach as below:

Lot 1- Footwear, (including boots and trainers), Heavy Work Wear and High Visibility Wear

Lot 2- Corporate Uniform, including LBBB branded Corporate Uniform

Lot 3- Parking and Security Uniforms

Lot 4- Fire Retardant Wear

Lot 5- Equipment, including safety helmets, respirators, safety spectacles, gloves, aprons, first aid kits and refills

Lot 6- Body Armour

Each lot will be awarded to a single bidder, but suppliers are able to bid for multiple lots.

2.5.2 Suppliers will be assessed based on particular requirements; including their economic and financial standing, health and safety standards, technical capability, pricing, as well as a qualitative assessment on a range of criteria relevant to the contracts. All goods will be required to meet, as a minimum, UK standards and must comply with the Council's responsibilities under the Health and Safety at Work Act 1974.

2.5.3 Outline Procurement Timetable:

Procurement Strategy Report to Procurement Board	15 June 2020
Procurement Strategy Report to Cabinet	14 July 2020
Issue Tender	w/c 27 July 2020
Tenders returned, evaluation and e-auction	September – October 2020
Contract Award Report sign off	November 2020
Alcatel	December 2020
Implementation	January 2021
Contract Commencement	1 April 2021

2.6 The contract delivery methodology and documentation to be adopted

2.6.1 The contracts will be let using the Council's standard Terms and Conditions, which are appropriate for use for PPE, Corporate Uniform and Equipment.

2.6.2 The contracts will work on a "call off" basis for a number of Departments within the Council, including but not limited to; My Place, Public Realm, Core Services, Policy and Participation, Community Solutions, Care and Support. The "call off" arrangements will not commit the Council to guaranteed payments to the Contractors by way of any stand-by arrangements, but will ensure continued supply of important goods during the contract term

2.6.3 The successful contractors will be required to maintain a full electronic set of information on the goods provided to the Council. This data will be accessible to LBBB officers in the form of Management Information when requested

2.7 Outcomes, savings and efficiencies, expected as a consequence of awarding the proposed contract

- 2.7.1 This procurement will provide the Council with a cost effective and high-quality service through leveraging economies of scale by reviewing the range of products purchased.
- 2.7.2 This procurement will ensure that all PPE, Corporate Uniform and Equipment needs of staff are met thus reducing the need for off contract purchases of products that have not been approved for Health and Safety.
- 2.7.3 This procurement will provide cost savings on PPE, Corporate Uniform and Equipment as all requirements will be captured in the contracts and will be purchased from the contracts.

2.8 Criteria against which the tenderers are to be selected and contract is to be awarded

- 2.8.1 The contracts will be awarded through a scoring matrix based on 70% price and 30% quality of which 10% is social value. The process will include full quality testing of the proposed goods and an e-auction to ensure competitive pricing is achieved.
- 2.8.2 The quality of products procured under these contracts will adhere to all Health and Safety requirements and be fit for purpose.
- 2.8.3 The Council will provide the contractors with a detailed specification which will be used throughout each contracts term.

2.9 How the procurement will address and implement the Council's Social Value policies

- 2.9.1 It is important to maintain sustainable procurement, by engaging with local and regional suppliers to promote the local economy and taking account of the social and environmental impact of spending decisions.
- 2.9.2 The Council, along with its policies, is committed to ensuring that services are delivered in a way that protects the quality of the environment and minimizes any adverse impact on community well-being.
- 2.9.3 The Council plans to approach competition positively, taking full account of the opportunities for innovation and genuine partnerships which are available from working with others in the public, private and voluntary sectors.

2.10 Contract Management methodology to be adopted

- 2.10.1 The Council will provide the contractors with a detailed specification which will detail the contracts management methodology to be adopted by the contractors throughout the contracts term.

3 Options Appraisal

3.1 Do Nothing - Rejected

- 3.1.1 This option was rejected as the Council has a legal and statutory obligation to provide its staff with the necessary, fit for purpose work wear required for staff to complete their duties as stated in the Healthy and Safety at Work Act 1974. Doing nothing means the Council does not satisfy its own due diligence to ensure staff well-being.
- 3.1.2 The financial value attached to this procurement means that a full, comprehensive, and transparent procurement is required in order to remain compliant with EU regulations and the Council's Contract Rules.
- 3.1.3 This procurement has a critical role to play in achieving potential financial savings, meeting the Council's social value and ensuring that the Council's spending on PPE, Corporate Uniform and Equipment is captured under contract while fulfilling the Council's PPE objectives. It also ensures the Council complies with the Health and Safety at Work Act 1974

3.2 Utilise existing contracts - Rejected

- 3.2.1 This option was considered but rejected as the existing contracts has exercised the option to extend for a further year to 31st March 2021.
- 3.2.2 This would mean from 1st April 2021, the Council would be purchasing its PPE, Corporate Uniform and Equipment off contract and at risk of maverick purchasing.
- 3.2.3 As the Council will be out of contract, it will be unable to achieve its PPE objectives and potential financial savings. The Council will not be complying with its contract rules and will be unable to meet its social value.

3.3 Procurement using Framework Agreements - Rejected

- 3.3.1 The option was considered but rejected as although this option is a compliant route to market and reduces the timeframe required for this procurement, it restricts potential suppliers from participating in this procurement.
- 3.3.2 The varied scope of the PPE, Corporate Uniform and Equipment requirements means a framework agreement may not provide the required variety required to meet the Council's PPE objectives.

Frameworks considered in support of this route to market were:

YPO (Yorkshire Purchasing Organisation) Framework 798 Control and Restraint Equipment – this framework runs from 19 May 2017 to 30 April 2021 with no option to extend – this framework could not be utilised as it does not offer the variety of products required to meet the Council's PPE objectives. It would also not provide opportunity for suppliers outside the framework to participate in this procurement

YPO (Yorkshire Purchasing Organisation) Framework 550 Emergency Services Uniforms – this framework runs from 13 October 2017 to 12 October 2021 with no option to extend – although this framework could not be utilised as it does not offer the variety of products required to meet the Council's PPE objectives. It would also not provide opportunity for suppliers outside the framework to participate in this procurement

ESPO (Eastern Shires Purchasing Organisation) Framework 144_19 PPE and Clothing – this framework runs from 07 September 2019 to 06 September 2021 with an option to extend to 06 September 2023 – this framework could not be utilised as it does not offer the variety of products required to meet the Council's PPE objectives. It would also not provide opportunity for suppliers outside the framework to participate in this procurement

3.4 Open Tender Procurement – Recommended

- 3.4.1 This option was recommended as it requires the procurement to be advertised thus providing opportunity for more potential suppliers to tender for these contracts thus meeting the Council's social value requirements.
- 3.4.2 A higher volume of suppliers tendering for this contract ensures a multi lot approach will provide the variety and volume required to meet the Council's PPE, Corporate Uniform and Equipment needs and achieve economic advantage through economies of scale.
- 3.4.3 This option provides competitive advantage as it is open to more suppliers locally and nationally to compete.
- 3.4.4 The wider supplier base provides opportunity for efficient and cost-effective procurement through economies of scale. An open procurement will also provide the opportunity for our incumbent suppliers to tender for the contracts.

4. Waiver

- 4.1 Not applicable to this contract.

5. Consultation

- 5.1 The proposals in this report were considered and approved at Procurement Sub-Group on 1 June 2020 and Procurement Board on 15 June 2020.
- 5.2 The Cabinet Member and Portfolio Holder for Public Realm, Directors of My Place and Inclusion and Growth, Health and Safety Officer and Unions were consulted in April, May and June 2020

6. Corporate Procurement

Implications completed by: Sam Woolvett, Category Manager

- 6.1 Corporate Procurement has supported the Senior Operations Manager for Public Realm to ensure that the recommended procurement process detailed in this report is transparent, fair and is in compliance with the Council's contract rules.

- 6.2 Corporate Procurement supports the recommendation to procure for this service by an Open Tender. This route to market ensures that the Council can provide the volume and variety of PPE, Corporate Uniform and Equipment needs of its staff while complying with EU regulations, the Council's Contracts Rules, Healthy and Safety at Work Act, its social value requirements and achieve economic advantage through economies of scale in an efficient and cost-effective manner.
- 6.3 Corporate procurement shall be managing the end to end procurement in conjunction with the Senior Operations Manager – Public Realm.

7. Financial Implications

Implications completed by Sandra Pillinger Group Accountant

- 7.1 This report seeks approval for the procurement and award of new term Contracts for Personal Protective Equipment (PPE), Corporate Uniform and Equipment at an estimated cost of £666,967.44 over the 4year contract term. As this is a call-off contract the actual cost will depend on usage and does not commit the Council to a pre-defined level of expenditure.
- 7.2 The budget for PPE, Uniforms and Equipment is held by individual services including My Place, Public Realm, Core Services, Policy and Participation, Community Solutions, and Care and Support. Individual services will be required to maintain expenditure within the allocated budgets.

8. Legal Implications

Implications completed by: Graham Marlow, Contracts and Procurement Solicitor.

- 8.1 This report seeks permission to procure Personal Protection Equipment (PPE), Corporate Uniform and Equipment for London Borough of Barking and Dagenham.
- 8.2 A procurement of this nature and value is subject to the requirements for a full competitive tender in accordance with the Public Contracts Regulations 2015 ("the Regulations") and LBBD's constitution and contract rules.
- 8.3 The proposed procurement route set out in this report is compliant with the above requirements.
- 8.4 Therefore, if Cabinet agrees that the proposals set out in this report are the correct way forward, then this is legally permissible.

9. Other Implications

9.1 Risk and Risk Management

Risks

- 9.1.1 No formal contract means the Council will not be able to continue to provide its staff with appropriate PPE, Corporate Uniform and Equipment required for staff to

continue to perform their duties as stated in the Health and Safety at Work Act 1974. This is a legal and statutory requirement

- 9.1.2 No formal contract means the PPE, Corporate Uniform and Equipment used by staff may not have health and safety standards approval. This could leave the Council open to legal challenge under the Health and Safety at Work Act 1974.
- 9.1.3 Uncontrolled spending on PPE, Corporate Uniform and Equipment due to no formal contracts in place could leave to the Council open to challenge through FOI and audit.
- 9.1.4 There is risk of overspending on PPE, Corporate Uniform and Equipment across all Council divisions due to maverick buying and unagreed prices on non-contractual PPE, Corporate Uniform and Equipment products.

Risk Management

- 9.1.5 Having contracts in place will ensure the procured PPE, Corporate Uniform and Equipment meets the health and safety standards stipulated under the Healthy and Safety at Work Act 1974 and ensures the Council meets its duty of care and obligations.
- 9.1.6 The contracts will provide a strict performance monitoring which all providers will be required to adhere to in order to ensure that the right quality of products, the correct agreed costs of PPE, Corporate Uniform and Equipment products ordered is delivered on time thus reducing the issues of unapproved products and unagreed prices.
- 9.1.7 The contracts will help the Council to forecast and budget for its PPE, Corporate Uniform and Equipment provision and associated costs as full auditable data will be available to all divisions to monitor their PPE, Corporate Uniform and Equipment spend.
- 9.1.8 The Terms and Conditions will set out the operations of the Contracts and ensure all parties meet their contractual obligations.

9.2 Corporate Policy and Equality Impact

- 9.2.1 By providing staff with appropriate and fit for purpose PPE, Corporate Uniform and Equipment, staff can carry out their duties to ensure a clean and safe environment for the Councils residents, the general public and its staff.
- 9.2.2 This procurement sets out the route to market that will meet the Councils social value requirements, achieve economic advantage through economies of scale, provide options for competitions from suppliers locally and nationally and provide opportunities for efficient, cost effective procurement.

9.3 Health Issues

- 9.3.1 The Council has a duty of care, legal and statutory obligation as required by the Health and Safety at Work Act 1974 to provide its staff with the necessary fit for purpose work wear required for staff to complete their duties. The PPE, Corporate

Uniform and Equipment under this contract will be fit for purpose and adhere to all Health and Safety requirements and will be what staff will be recommended and approved to purchase. A HR Health & Safety representative and Trade Union representatives will be consulted throughout the procurement process.

9.4 Property / Asset Issues

- 9.4.1 Keeping the borough clean and safe for its residents, the general public and staff requires the use of appropriate PPE, Corporate Uniform and Equipment. If staff are unable to complete their duties safely, the Council is likely to incur additional costs from repairs, insurance and legal costs.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None