

Open Report on behalf of Les Britzman, Director of Fire & Rescue and Public Protection Chief Fire Officer

Report to:	Councillor C N Worth, Executive Councillor for Culture and Emergency Services
Date:	Between 29 October and 5 November 2020
Subject:	Authority to procure replacement Breathing Apparatus Equipment
Decision Reference:	I021080
Key decision?	No

Summary:

Approval is sought to mandate Lincolnshire Fire and Rescue (LFR) to procure a Technical Refresh of existing Breathing Apparatus (BA) Respiratory Protective Equipment including procurement of new BA equipment and integrated BA communications. The total capital assigned to undertake the replacement programme is £475,000.

Recommendation(s):

That the Executive Councillor:

- (1) Approves the option to replace existing BA sets by way of a Technical Refresh programme for the existing Interspiro sets; and
- (2) Delegates to the Director of Fire & Rescue and Public Protection, Chief Fire Officer, authority to approve the award and entering into of all necessary contracts and other legal documentation necessary to give effect to the said procurement.

Alternatives Considered:

1.	Retain existing BA sets with no further revenue expenditure on a separate maintenance agreement until expiry of life of these sets (2023). This would potentially compromise firefighter safety and welfare and would fail to demonstrate compliance with current National Operational Guidance for Breathing Apparatus requirements.
2.	Retain existing sets until March 2023 extending the current additional maintenance contract for a further two years. This would entail significant additional revenue expenditure (£50k+ per annum); would still require

	replacement of 'high usage' sets, would not resolve issues with the existing communications equipment and fail to take advantage of new developments in BA which improves firefighter safety etc.
3.	Start a procurement exercise for full replacement of BA sets, communications etc. The impact of Covid-19 has narrowed the choice available to LFR. The biennial international trade fair Interschutz was cancelled because of Covid-19, and suppliers have delayed the release of new sets, so a tender process would only incorporate existing sets, some of which manufacturers are intending to replace in the next two years and are therefore not developing, thus limiting options for LFR to two suppliers, one of whom we currently use.
4.	Undertake a technical refresh of existing Interspiro sets, incorporating new features including brand new BA communications with a fully maintained service agreement for a minimum of 3+1+1 years. This would also offer an option to examine the benefits of Telemetry within the term of the contract.

Reasons for Recommendation:

The technical refresh option incorporates new features which include improved ease of use, ergonomic benefits, enhanced safety including the reduction in possible contamination, flexibility to adapt to new nine litre lightweight cylinders in the future. It also provides for the acquisition of EASE rescue packs providing supplementary air into SCBA in case of injured firefighter or 'distress to wearer' situation, BA torches upgraded to LED, new BA tallies and improved Bluetooth BA communications. All of which lead to the provision of a BA set that is reliable, instils confidence in the wearer together with an integrated communications system which contributes greatly to both firefighter and public safety. Approval will ensure that LFR is able to maintain a cost effective, compliant and resilient BA set that utilises modern technology to improve firefighter safety, working conditions and welfare of our operational crews.

1. Background

In 2013, Lincolnshire Fire and Rescue purchased 296 new Interspiro sets that were future proofed by being both modular and upgradeable. The original five-year contract expired on the 31st March 2018.

A business case was submitted in January 2017 which recommended the deferment of the replacement of our current BA sets and take up the option to extend the existing contract for a further two years. This two-year extension expired at the end of March 2020.

A Project Brief was submitted in September 2018, which proposed the collaborative purchase of new BA sets to coincide with the expiry of the two-year extension i.e. March 2020. The collaboration's stated aim was to procure BA sets and equipment within the Thames Valley Region incorporating Royal Berkshire,

Buckinghamshire and Oxfordshire. Senior Management Board agreed that the BA project team should explore all options and make a recommendation to procure BA sets and equipment either individually as a Service or in support of collaborative working.

The collaborative option ceased to be viable when it became clear that the purpose of the collaboration was to set up a new framework in order to include other suppliers. Following this, discussions were leading away from a full tender exercise and were examining the potential to simply upgrade our existing sets. The BA Project Team examined a number of possible replacement options from different suppliers, some of which would have been available for consideration at the Interschutz event in Germany in April 2020. The Covid-19 situation caused the postponement of 'Interschutz' and meant that some new suppliers were unable to operate under normal circumstances for a period of time, delaying the introduction of their sets, which lead to LFR focussing on sets available from current suppliers only.

In order to address the time delay in procuring the sets LFR have taken out a fully serviced maintenance contract to April 2021. The current sets have an average serviceable life until March 2023 but high usage sets will require upgrade/replacement more frequently e.g. 28 sets were upgraded in Training Department in 2018. The 28 upgraded sets took advantage of the new features incorporated into the new Interspiro set, including curved backplate and easy clean rubber straps.

Our current sets are now seven years old and whilst they remain fit for purpose we have had a few concerns raised regarding reliability. Adaptions to our current sets in terms of BA communications, entanglement straps and radio pouches have been integrated in to every day operational use smoothly, generally with positive feedback but, again, concerns regarding the connections on the BA comms continue to be raised.

The aim is for a cost effective, compliant, integrated and resilient BA set that utilises modern technology to improve firefighter safety, working conditions and welfare of our operational crews while considering the guidance made in the 2014 Operational Guidance: Breathing Apparatus document.

An upgrade of the existing sets will minimise any training implications, changes to operational procedure and have limited impact on operational activity. Additional capital costs are lower than a full replacement (estimate of minimum of £600k for a like for like replacement) and offer the opportunity to take advantage of new developments in BA which may improve fire-fighter safety (albeit limited to Interspiro developments).

Further details of the 'Technical Refresh' options are set out in Appendix A to the report.

This option would also allow the delivery and training to be in place for April 2021 (subject to any third party delays), negating the need for a further extension to the existing maintenance agreement.

There are a number of routes by which the Council may choose to select its supplier in this instance, e.g. through a framework; through existing contracts with Serco and Vinci Mouchel; through quotations or tenders. It is important that adequate consideration is given to the selection of the most appropriate route. Demonstration of competition is an integral part in achieving best value.

LFR has identified a framework to procure the refresh of the breathing apparatus. The Framework was procured by Devon and Somerset Fire and Rescue Authority through an OJEU [Official Journal of the European Union] compliant process and set up on the 28th of February 2017. Lincolnshire County Council may access this Framework as it was named as a contracting authority allowed access to the Framework under the tender documentation and relevant OJEU Notices issued in the procurement of this Framework.

Using a framework is a compliant procurement route provided for under the Council's constitution and under the Public Contracts Regulations 2015. The purpose of a framework is to save time and cost for a contracting authority needing to undertake procurement and can be the most cost effective way to identify a preferred supplier.

Interspiro Ltd is a contractor under the aforementioned Framework. The Framework allows for the direct award of a contract and LFR is satisfied that by having followed the process allowed for direct award, Interspiro Ltd provides the most cost effective solution for LFR in respect of the need to refresh its existing Breathing Apparatus (BA) Respiratory Protective Equipment.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The Technical Refresh of LFR BA sets and ancillary equipment is not considered to have any direct negative impact on people with a protected characteristic. The new BA sets are being proposed to maintain and enhance the service provided to all people in Lincolnshire regardless of protected characteristic. Some aspects of the technical refresh may have positive benefits for LFR personnel with protected characteristics such as the flatter profile mask with increased consideration to sizing. The choice of set enhancements has taken into account equality considerations.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

The proposed contract will enable the service safely to carry out its duties including responding to life threatening emergencies. As such it contributes to the wellbeing of the people of Lincolnshire.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The decision is not considered to have any implications for the crime and disorder matters.

3. Conclusion

It is recommended that the Executive Councillor for Culture and Emergency Services approve the procurement of a Technical Refresh to upgrade BA sets and ancillary equipment as part of LFR's equipment replacement programme.

4. Legal Comments:

The Council has the power to enter into the contract proposed which is consistent with the Council's procurement obligations for the reasons set out in the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

5. Resource Comments:

The £475,000 expenditure proposed in this report is budgeted for within the Fire Fleet and Equipment budget included in the Council's 2020/21 approved Capital Programme.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision has not been considered by a scrutiny committee.

d) Risks and Impact Analysis

If LFR do not replace existing BA sets and fail to adopt new technologies it may be exposed to external scrutiny and criticism. A number of Section 28 coroner reports have indicated that the provision of effective communication in relation to BA may have prevented tragic incidents.

The procurement of a Technical Refresh will also enable LFR to better comply with the requirements of the 2014 National Operational Guidance for Breathing Apparatus.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Details of Technical Refresh and Ancillary Equipment

8. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Debbie Yeates, who can be contacted on 07901796825 or debbie.yeates@lincoln.fire-uk.org .