

MERSEYSIDE FIRE AND RESCUE AUTHORITY

MEETING OF THE:	COMMUNITY SAFETY AND PROTECTION COMMITTEE		
DATE:	6 APRIL 2023	REPORT NO:	CFO/003/23
PRESENTING OFFICER	CHIEF FIRE OFFICER PHIL GARRIGAN		
RESPONSIBLE OFFICER:	IAN CUMMINS	REPORT AUTHOR:	HYWYN PRITCHARD
OFFICERS CONSULTED:	ALAN CARTER, DAVE TOPPING, MICHAEL BROADLEY, JOHN MCINTYRE, STRATEGIC LEADERSHIP TEAM		
TITLE OF REPORT:	SUPPLY OF FIRECOATS AND OVERTROUSERS		

APPENDICES:	APPENDIX A:	EQUALITY IMPACT ASSESSMENT
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Purpose of Report

1. To inform Members of the outcome of the tender for the supply of fire coats and over trousers for Merseyside Fire & Rescue Service (MFRS) as well as all other Fire and Rescue Services in the North West.

Recommendation

2. It is recommended that Members approve the award of a call-off contract to Ballyclare Limited for the supply of firecoats and overtrousers for a period of 4 years, with an option to extend for up a further period of 12 months subject to satisfactory performance.

Introduction and Background

3. MFRS is the lead Service for the procurement of PPE on behalf of the North West Fire and Rescue Services. The North West Technical and Procurement Officers Group meets regularly to co-ordinate procurement activity on behalf of NWFRS.
4. A sub-group consisting of Technical and Procurement Officers was convened in November 2021 to develop a specification that would deliver firecoats and overtrousers of the highest standards to ensure firefighter safety for a diverse workforce, satisfying all firefighters' needs
5. The sub-group agreed to a timetable for a competitive exercise which included sufficient time for the garments to undergo a rigorous testing regime, some of which was to be done by a third party (BTTG), as well as wearer trials. The trials would be conducted by officers from the NWFRS.
6. Due to the time required to procure the structural firefighting garments, there would be a gap of several months between the end of the contract in effect when the tender was published and the incoming contract. NWFRS were advised to

ensure that they had sufficient stock in place to cover the intervening period or to order sufficient prior to the end of the contract.

7. The invitation to tender was published on the 5th of May 2022 using YPO framework agreement for Specialist PPE for the Emergency Services and Blue Light, Reference Number 1026: Lot 1 Firefighter Structural Tunics and Trousers.
8. Clarification questions and answers about the tender document were provided to all suppliers on the 15th of July.
9. Of the 9 suppliers that were eligible to bid, 5 viewed the opportunity and 3 bids were received by the deadline of the 18th October 2022. The two other suppliers that viewed the opportunity opted out, stating that they were unable to meet the tender's requirements.
10. Desktop analysis was conducted once bids were opened, including a review of submissions and evaluation of the commercial offering. It became evident that one bid was the highest scoring at that stage and that it should proceed to the next phase of the evaluation.
11. As the two lower scoring bidders' scores could not overhaul the highest scoring bidder's score even if they were awarded maximum scores for the Wearer Trials evaluation, they were advised on the 11th November 2022 that they would not proceed to the Wearer Trials. The evaluation that follows is at a considerable expense to the bidder and indeed to the NWFRS in terms of time and resources. It must be borne in mind that the bidder has already had to pay for certification and testing (BTTG) to reach this stage in the process.
12. Wearer Trials took place on the 23rd November 2022 at Lancashire Fire and Rescue Service's Training Centre, for which there were male and female participants from the NWFRS. There was also female firefighter representation from Cumbria FRS, Lancashire FRS, Merseyside FRS and Northern Ireland FRS. It was observed during the trials that some issues had surfaced, however, these were not insurmountable and serving the purpose of having a trial by identifying issues and resolving them.
13. Compatibility testing for the tendered garments to determine if they would be a good fit with existing garments was conducted on 30th November 2022. The testing was conducted by BTTG using both male and female wearers. NWFRS officers were present at the testing as observers.
14. Manikin testing where the garments are exposed to flames were conducted during December 2022. The testing was completed by BTTG using specialised test equipment on both male, female and all-gender garments. MFRS officers were present at the testing as observers.
15. A presentation was made to Scrutiny Committee on the 12th January 2023 describing the evaluation process, emphasising the Wearer Trials and the Manikin burn testing.

16. A further Wear Trial was conducted on the 4th February 2023 to address issues that had been identified in November 2022. The highest scoring bidder's garments were successful at the Wearer Trials as well as compatibility testing and the manikin burn testing. Consequently, there was no need to revert to either of the other two bidders.
17. Notices were sent to all bidders on the 22nd February 2023 stating that there was an intention to award a contract subject to Merseyside Fire and Rescue Authority ('the Authority') approval. The Notices also stated the duration of the standstill period, which ended on the 6th March 2023. The unsuccessful bidders were provided with feedback on their tender submission.

Equality and Diversity Implications

18. An Equality Impact Assessment (EIA) has been completed, see Appendix A.
19. Before the wearer trials in November the Operational Equipment Team reached out to the Gender Network to assist with the trials and ensure full consultation.
20. The Team liaised with a crew and appliance from St Helens consisting of 2 male and 2 female firefighters as requested for to participate in the trials at LFRS training centre. Positive feedback from the crew was received about the firecoats and overtrousers following the trials.

Staff Implications

21. Officers from all NWFRS were represented throughout the process with the development of the specification and participation in wearer trials.
22. The specification required that bidders had to supply firecoats and overtrousers that was male fitting, female fitting and all-gender fitting, in a comprehensive range of sizes to satisfy the needs of a diverse workforce.
23. By providing staff with fit for purpose structural firecoats and overtrousers this mitigates firefighters' risk exposure when tackling compartmental fires.

Legal Implications

24. The route to market was compliant with the PCR (2015), meaning that any pursuant contract would also be compliant.
25. The call-off contract terms are those derived from the YPO's framework agreement.
26. As the potential value of orders over the life of the contract will exceed £250k further to paragraph 28 of this report the Authority is required to approve the award.

27. The Authority has a duty of care to its employees to provide sufficient PPE for the risk related activity and such a rigorous tendering process has identified suitable garments for it to comply with this duty, as well as all others NWFRS that wish to use this contract.

Financial Implications & Value for Money

28. The cost of purchasing MFRS's firecoats and overtrousers can be contained within the £315k clothing budget. An estimated expenditure of £200k is forecast for firecoats and overtrousers during 2023/24, given a similar recruitment programme to that undertaken in the previous financial year.
29. Value for Money has been secured by following a competitive process.

Risk Management, Health & Safety, and Environmental Implications

30. In order to progress in the competitive process all bidders had to complete and pass a technically demanding specification. The specification's parameters had to be tested, verified and certified by a third party organisation, BTTG.
31. Meeting the performance levels within the recognised standards as stated in the specification document was not sufficient as some of the performance levels had to exceed those of the standards.
32. The preferred bidder's garments are required to meet compatibility testing and be successful at wearer trials. Furthermore, the garments had to pass flame exposure testing
33. The call-off contract has clauses that manage risk including provisions for Liability, Indemnity and Insurance, Health and Safety.

Contribution to Our Vision: *To be the best Fire & Rescue Service in the UK.*

Our Purpose: *Here to serve, Here to protect, Here to keep you safe.*

34. The new garments represent a step forward from the previous version and can be considered to be best in class following a rigorous competitive exercise.
35. Having the assurance of working with the best equipment that also delivers on value for money benefits both the Authority and the Community.

BACKGROUND PAPERS

CFO/56/22 Identification and Procurement of Operational Kit and Equipment

GLOSSARY OF TERMS

MFRA	Merseyside Fire and Rescue Authority is the physical and legal entity. When writing reports MFRA is the “object”.
MFRS	Merseyside Fire and Rescue Service is the service provided by MFRA. When writing reports MFRS is the “action”
BTTG	BTTG TESTING & CERTIFICATION LTD - a third party testing house used by bidders to test and certify garments
NWFRS	North West Fire and Rescue Services
PPE	Personal Protective Equipment
PCR (2015)	Public Contracts Regulations 2015
YPO	Yorkshire Purchasing Organisation (a public buying organisation in public ownership)