

ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	MANAGEMENT COMMITTEE
DATE OF MEETING	6 DECEMBER 2022
SUBJECT	ICT WAIVER
LEAD OFFICER	NIKKI RICHARDS, DEPUTY CHIEF EXECUTIVE/ DIRECTOR OF CORPORATE SERVICES
LEAD MEMBER	N/A
EXEMPT INFORMATION	NONE
ACTION	AGREE

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide members with the necessary information to reach a decision to support the management recommendation to agree a waiver to support the procurement of a new interface between Airwave and the SSS Public Safety Ltd DS3000, Integrated Command and Control System (ICCS) which is part of the mobilising system for Thames Valley Fire Control.

2. RECOMMENDATION

That Management Committee:

- 2.1 **AGREE** to waive competition under the RBFA Contract Regulations CR16 due to the following reasons:-

- Effective competition is prevented due to government control
- The supply or service is unique to a single supplier such as proprietary or patented goods or is deemed necessary due to the requirements of operational alignment and there is no satisfactory alternative
- The service or works are of a specialist nature and can only be carried out by one supplier
- If the goods or services are not procured there is a risk of danger to life or property or a major impact on the Authority of the public

3. REPORT

- 3.1 There are three critical elements involved in our end to end communication system for delivering our emergency response capability and it all has to work together to allow us to be able to safely respond to emergency incidents.
- 3.2 Airwave is the secure communications network used by all emergency services and access is regulated by the Home Office.
- 3.3 Airwave currently uses a SANH interface to connect to a SSS Public Safety Ltd (abbreviated to SSS hereafter), DS3000 Integrated Command and Control System (ICCS), which is integrated with the SSS Vision 4 Mobilising system.
- 3.4 The SANH is at end of life and Airwave are already operating a 'best endeavours' approach to support its ongoing use, there is a significant risk to maintaining the service. Airwave has released a replacement for the SANH which is called DCS and this hardware is supplied at no additional cost.
- 3.5 However, in order to maintain the connection between the new DCS and remainder of the communications and mobilising system, an interface between the new DCS and the ICCS is required to be purchased.
- 3.6 In order to connect to Airwave through DCS, suppliers were required to produce a design solution to the Home Office, which then required accreditation from Government Communications Headquarters (GCHQ). Each supplier produced the solution for their own ICCS. SSS (as our ICCS supplier) are therefore the only organisation which has the required approval and accreditation to connect the Thames Valley Fire control ICCS to Airwave via the DCS.
- 3.7 Any failure of the connection could result in us not being able to mobilise appropriate resources during emergency incidents.
- 3.8 At this time, there are no plans in the next 4-5 year of changing either the ICCS or the mobilising system. For us to continue to work effectively we must connect the DCS to the ICCS.
- 3.9 In accordance with Regulation 32 (2), (b), (ii) and (iii) Public Contract Regulations 2015, as competition is absent for technical reasons, the Authority must issue a VEAT notice (Voluntary Ex-Ante Transparency) to waive competition and award directly to SSS.
- 3.10 The current quote for the necessary interface from SSS is £198,557 excluding VAT, across the three Thames Valley Services and RBFA will need to pay £66,185.
- 3.11 As RBFA will be the contracting authority, agreement is required from Management Committee for the full contract amount.

- 3.12 There is a risk the contract value could rise due to the length of the procurement process. With the current economic climate quotes are only valid for a limited period.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Commitment 2 – We will ensure a swift and appropriate response when called to emergencies.

5. FINANCIAL IMPLICATIONS

- 5.1 RBFA are required to pay one third of the total cost of this interface and this will come from existing budgets.

6. LEGAL IMPLICATIONS

- 6.1 To allow us to be legally compliant with PCR 2015 we must publish a VEAT Notice (Voluntary Ex-Ante Transparency Notice). This is a requirement when a Contracting Authority requires to waive competition under PCR Regulation 32 (2), (b), (ii) and (iii) as competition is absent for technical reasons as a direct award route to market and is over the financial threshold of £213,000, inclusive of VAT.
- 6.2 The VEAT is open to challenge and will be advertised for 10 days on the government website Contracts Finder. If we receive a challenge the mitigation for the risk is we could not proceed with the waiver and we would need to run an open tender process.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no significant EDI implications of this waiver request.

8. RISK IMPLICATIONS

- 8.1 If we cannot maintain a connection between the Airwave network and the mobilising system it will significantly impact our ability to mobilise crews and officers to incidents.
- 8.2 With the current economic climate quotes are only valid for a limited period, we need to comply with the regulations for public sector procurement but there is a risk that the value of the quote will increase before we can place the order, we are using existing relationship to try to assure the value of the quote won't rise but until we go through the process we are not able to confirm purchase price.
- 8.3 The risk of legal challenge to the VEAT notice is significantly low as it is unlikely any other supplier would or could challenge the contract award due to the bespoke connection interface for each supplier.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 This interface will initially support the three services supported by Thames Valley Fire Control, but in due course it will also be used by Northamptonshire FRS and Warwickshire FRS.

10. PRINCIPAL CONSULTATION

- 10.1 Chief Fire Officer/Chief Executive RBFRS – Wayne Bowcock
10.2 Head of Finance and Procurement – Conor Byrne
10.3 Monitoring Officer- Graham Britten

11. BACKGROUND PAPERS

- 11.1 The interface and DCS implementation as been include in a number of verbal briefings provided to the A&G committee over recent years regarding the implementation of the Emergency Service Mobile Communication project (ESMCP)

12. APPENDICES

- 12.1 None.

13. CONTACT DETAILS

- 13.1 Nikki Richards – Deputy Chief Exec/ Director of Corporate Service
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