



Author/Lead Officer of Report: Tim Dent /
Procurement and Supply Chain Manager

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Report of: Procurement and Supply Chain Manager
Report to: Executive Director, Resources
Date of Decision: 02 December 2021
Subject: Personal Protection Equipment (PPE) Contract Tender

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
- Expenditure and/or savings over £500,000	<input checked="" type="checkbox"/>	
- Affects 2 or more Wards	<input checked="" type="checkbox"/>	
Which Executive Member Portfolio does this relate to? Resources		
Which Scrutiny and Policy Development Committee does this relate to? Overview & Scrutiny Management Committee		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? 796		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>		

Purpose of Report:

This report seeks authority to re-procure and appoint the provider that submits the most economically advantageous successful tender to supply Personal Protection Equipment across Sheffield City Council. This is both an operational and commonly recurring requirement. The resultant contract will be used by all Council departments where Health and Safety legislation requires staff to wear or use PPE.

Recommendations:

That the Executive Director for Resources:

Approves the procurement and award of the contract to the successful tender submitted for the provision of Personal Protection Equipment across Sheffield City Council.

Delegates authority to the Director of Finance and Commercial Services and the Director of Legal and Governance take all other decisions necessary in order to meet the aims, objectives and outcomes of this report which are not already covered by existing delegations in the Leaders Scheme of Delegation.

Background Papers:



PPE - PS -
approved.docx

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Kayleigh Inman
	Legal: Marcia McFarlane Equalities: Adele Robinson
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission: Eugene Walker
3	Executive Member consulted: Cllr Cate McDonald
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	Lead Officer Name: Tim Dent Job Title: Procurement and Supply Chain Manager

Date: 03/11/2021

1. PROPOSAL

- 1.1 The Council has an ongoing legal requirement to provide Personal Protection Equipment (PPE) to departments where health and safety legislation and guidance require staff to wear/use PPE. The current contract for this provision is due to expire on 31 March 2022 with no formal extension periods available (a small extension may be required to enable us to complete the required procurement which is covered in the Procurement Strategy document). If this becomes necessary, the Council will require a waiver under the Contract Standing Orders.
- 1.2 There is considerable spend in this area with 2020/2021, invoices totalling around £475k which triggers a formal approach to the market under the new Finder a Tender Service (FTS) regulations (replacement for OJEU) that have been set up following the UK's exit from the European Union.
- 1.3 A formal approach to the market is a legal requirement but it will also enable us to review the products being used and facilitate an ongoing value for money service, taking into account the market intelligence and our internal customer experiences.
- 1.4 This procurement will be fully compliant with the Public Contracts Regulations 2015 in operation at the time, the Council's Contract Standing Orders and will have the benefit of allowing the Council to access pricing from a number of competent and competitive suppliers.
- 1.5 It is proposed that the resulting contract be let for 4 years with a core list of statutory products being in place to help control spend in light of the Council's budget deficit.
- 1.6 The procurement process will reflect the Council's commitment to Sustainability, Social Value and Ethical Procurement as other means of determining best value in a fully holistic manner using specific method statement questions and criteria.
- 1.7 The contract that results from this tender will be for the supply of PPE kit that meets the required protection standards for each item.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 This procurement is for commonly recurring goods which will affect all staff working in a role requiring PPE.
- 2.2 The supply chain will be tested via comprehensive method statement requirements which will seek commitment to deliver tangible Social Value, an understanding of where this supply chain is in respect of Ethical Procurement in addition to service delivery, continuous

improvement and ongoing value for money.

- 2.3 This procurement will also affect members of the public in a positive way due to Council staff undertaking their roles in a safe manner.
- 2.4 By using an open tender process rather than a 3rd party procurement framework we will be opening this opportunity to local suppliers which will potentially have benefits for the local economy and reduce the carbon footprint of the contract if they are successful.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 There has been consultation with relevant Council departments in development of the specification and product list.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 As this is a procurement of PPE goods only there is no equality of opportunity implications.

4.2 Financial and Commercial Implications

- 4.2.1 Spend on PPE in 19/20 was £119k. In 20/21 this amounted to £475k.
- 4.2.2 Whilst it is acknowledged that 20/21 was an exceptional year, with high levels of spend due to Covid, this indicative figure will be used for the tender process. This level of spend will not be guaranteed with any successful supplier.
- 4.2.3 All spend on the purchase of PPE needs to be managed within existing service area budgets. There is no central budget for the purchase of PPE.

4.3 Legal Implications

- 4.3.1 Regulation 4 Personal Protective Equipment at Work Regulations 1992/2966 (as amended) applies to the council; it puts an obligation on employers to ensure that suitable personal protective equipment is provided to employees who may be exposed to a risk to their health or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective. Employers also have an obligation to keep anyone who may use their premises safe. The council must have PPE available to fulfil this legal obligation.
- 4.3.2 The Council's procurement and award of contracts must sit within the

law. S111 Local Government Act 1972 (LGA) gives the council power to do anything calculated to facilitate or is conducive to or incidental to the discharge of its function; this power can be used to procure and award the contract; but in any event Localism Act 2011 allows the Council to do anything that an individual may do unless expressly limited by law. Proposals in this report are not limited by law so the Council can use powers in the Localism Act 2011 where powers given in the LGA are not sufficient.

- 4.3.3 The procurement and contract award processes must be compliant with the Public Procurement Regulations 2015 (as amended from time to time) and Contract Standing Orders, these processes must include safeguards to make certain PPE obtained are compliant with the relevant Health and Safety standards.
- 4.3.4 Council's Contract Standing Orders permit the granting of a waiver in limited circumstances and provided those are met it may be granted.
- 4.3.5 A full audit trail of tender activity should be made available through the Procurement platform.
- 4.3.6 Since this is a routine purchase of items that will enable the council's continuation of its day-to-day business the purchase is a commonly recurring item under the Council's Leaders Scheme of Delegation.

4.4 Other Implications

- 4.4.1 Not applicable.

5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 As this is third party spend at a level that triggers a procurement under the Public Contracts Regulations 2015 and the Standing Orders of the Council there is no opportunity to consider options other than the route to market.
- 5.2 There is an option to do nothing however, this will leave us without a compliant route to purchase PPE which will result in either no future protection equipment being available for staff or if colleagues continued to order with the current provider off contract could leave us open to risk and challenges from suppliers and the public under the Freedom of Information Act through the obligation to publish spend data.
- 5.3 Options considered have therefore been whether or not to do a full open tender in our own right or compete this via a further competition under a pre-existing compliant 3rd party framework such as YPO.

- 5.4 The option of a full tender run in-house will allow for a bid from the incumbent supplier and other local companies where a further competition under a framework would not.

5.5 The pre-existing 3rd party framework is only available for spend under £10k and is therefore not suitable for our requirements.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The Council has a legal obligation to ensure its staff are able to undertake their duties in a safe and protected manner.
- 6.2 The Council has a responsibility to the general public to ensure it undertakes its duties in a safe and protected manner.
- 6.3 The route to market is determined by the spend levels and the need to compete the requirement across an appropriate supply base.
- 6.4 By opting for a full tender over a 3rd party framework we will ensure we compete this procurement across a wider range of potential suppliers and that we are able to include local suppliers in the opportunity increasing the possibility of increases in the local economy and job opportunities for residents.