

**Request to Waive Contract Standing Orders**

CSO Rule 9.1 (to obtain 3 quotes) or Rule 10.1 (to obtain 3 tenders)

Notes:

1. The total number of potential events + cost must be aggregated to determine overall cost.
2. For waiver requests below £5k, the on-line compliance check-list should be used in “web basket”.
3. For waiver requests of £5k and above then FS323 should be completed and attached to “web basket” as appropriate, to provide additional information and approvals.
4. Waivers cannot be requested/approved for contracts valued over the relevant Regulation threshold, because exemptions from Public Contract Regulations 2015 are not allowed.
5. Delete “text” in italics once the form is complete

|                      |                           |
|----------------------|---------------------------|
| <b>Reference:</b>    | EX 2012                   |
| <b>Originator:</b>   | [REDACTED]                |
| <b>Telephone No:</b> | [REDACTED]                |
| <b>Date:</b>         | 21 <sup>st</sup> May 2020 |

|   |   |
|---|---|
| <b>Subject:</b>   | <b>REQUEST TO WAIVE CONTRACT STANDING ORDERS IN RESPECT OF:</b> |
| Training and Development Centre – RFTB Mechanical, Electrical and Fabrication Works.  |   |
| <b>1. BACKGROUND</b> Explain the background circumstances   |   |
| <p>South Yorkshire Fire and Rescue (SYFR) make use of a realistic fire training building (RFTB) for operational crew to train in. The building has a number of scenarios, some of which involve burning gas and combustible materials. To create and manage some of these scenarios, gas is pumped in via gas process control valves and ignited. This is then monitored by a 14 sensor gas detection system whilst the training takes place. These two items form the mechanical and electrical (M&amp;E) systems in the RFTB.</p> <p>Over the last 18 months we have had several gas process valves replaced and the gas detection system repaired repeatedly due to its instability. If the rig detects faults with either of these systems, it automatically shuts down. The manufacturers of the gas valves do not advise on a life expectancy in terms of years, but in how many times the valve has been activated. Unfortunately, we have no way of monitoring how many times the valves have been activated. Our maintenance contractor has inspected the equipment and advised that as both the gas process control valves and the gas detection system are ten years old, they are well beyond their life expectancy and should be replaced.</p> <p>The majority of the gas valves sit in training scenarios. These are furniture items like beds and settees fabricated from steel. Due to the rapid and sustained heating and cooling and being in a wet environment, these items are now well beyond their life expectancy and are overdue replacement. One of the scenarios has had to be isolated as it is in such poor condition. Unfortunately, to replace these items, all of the M&amp;E kit has to first be removed, then the item replaced, then all of the M&amp;E kit needs to be replaced and recommissioned.</p> <p>There are also other items of fabrication work that need undertaking immediately.</p> |   |
| <b>Proposed Supplier:</b>   | KFT Fire Trainer GmbH   |
| <b>Estimated Contract Value:</b>  | £88,993.00  |

|                                  |           |
|----------------------------------|-----------|
| <b>Contract Start/End Dates:</b> | June 2020 |
|----------------------------------|-----------|

## **2: REASON FOR THE REQUEST AND RECOMMENDED COURSE OF ACTION**

The report must give the reasons why the request is being made and explain the recommended course of action; including sufficient information to enable the relevant people to make a decision.

SYFR has considered how to procure these two separate but co-dependent schedules of work.

It is not considered efficient to replace the M&E into the defective scenario furniture. Nor is it considered efficient to decommission the M&E systems, replace the defective scenario furniture and then replace and recommission the original M&E systems. Replacing both the M&E systems and undertaking the fabrication works simultaneously is therefore considered to be the only economical way to proceed with these schedules of work.

Due to the complex nature of designing, building/fabricating and commissioning these systems together with the expected pressure on the facility once the COVID-19 lockdown is over, appointing a contractor that is not familiar with the RFTB and SYFR is considered a high risk option. Appointing our existing maintenance contractor, KFT is considered a significantly lower risk option as they are familiar with SYFR, the RFTB and the design, build/fabrication and commission process. They are also a UK registered Gas Safe contractor which is a requirement of this work.

KFT have provided SYFR with a quotation price of £88,993.00 to undertake these works.

There are other companies in the market that could undertake the separate aspects of this work, however SYFR would need to manage this and be reliant on them being able to work to the same time scales e.g. if one over ran, this could have a knock on effect on the other and delay completion. Having one contractor design, undertake and commission both aspects of this work is considered a lower risk option. There are other secondary benefits for example:

- Under the current lockdown situation, it would be hard for a new contractor to familiarize themselves with how SYFR use the facility.
- KFT are based less than one hour from the facility. If there were to be any problems, it is likely that they would be able to react quicker than a contractor based further away.

Once the M&E systems and the fabrication works have been undertaken, downtime of the training facility will be reduced. With a more reliable system, training can be better planned. This will be more important than ever once the COVID-19 lockdown has ended as the facility will need to be intensively used for the first new recruits course starting 18<sup>th</sup> May 2020, second new recruits course, getting all operational crew who have been unable to train during lock down back up to speed/ticket and for PPV3 training.

## **3. CONSEQUENCES IF THE PROPOSED ACTION IS NOT APPROVED**

A statement should be included explaining the consequences of the proposed action not being approved.

SYFR continue as we currently do – arranging maintenance visits every time the system fails. If the scenario items are not repaired/replaced, they may fail their Gas Safe inspections and be isolated. The facility would then be out of use and operational crew would not be able to get their training tickets and may have to be sent out of area to get these.

The gas detection is a critical health and safety feature and is now well beyond its life expectancy. If there was to be an incident at the facility and the HSE became involved, they would request information on the age and maintenance schedules of the various items of M&E within the facility. With the M&E being beyond its life expectancy, this may be cause for concern for them.

#### 4. LEGAL IMPLICATIONS – to be complete by Procurement or Legal services

South Yorkshire Fire and Rescue's Contract Standing Orders allow in exceptional circumstances the appropriate authorised officer or Executive Team to make the decision to waive Contract Standing Orders.

*What risks might the authority be exposed to?*

*Is the recommended approach lawful and compliant with the principles of best practice?*

*Would the approach withstand scrutiny?*

**Subject:** REQUEST TO WAIVE CONTRACT STANDING ORDERS IN RESPECT OF:

Insert name of project / procurement

#### GATEWAY 1: PROCUREMENT TO CONSIDER ALL WAIVER REQUESTS

|  |   |
|--|---|
| Procurement Officer / Manager (print name) | D Nichols   |
| Signed:                                    |  |
| Date:                                      | 28 May 2020   |
| Comments:                                  | Agreed  |

**GATEWAY 2: UP TO £25k – Relevant Officer/Manager****ABOVE £25k - Executive**

|                                    |   |
|------------------------------------|---|
| Authorised Officer<br>(print name) | S booth   |
| Signed:                            |  |
| Date:                              | 28 May 2020   |
| Comments:                          | NA  |

**GATEWAY 3: £100,000 AND ABOVE - Barnsley MBC Treasurer**

|  |  |
|--|--|
| <b>The request to waive Contract Standing Orders as endorsed above, is approved.</b> |  |
| Print Name:  |  |
| Signed:  |  |
| On behalf of the South Yorkshire Fire and Rescue Authority                           |  |
| Date:  |  |
| Comments:  |  |