

# Approval to procure new contracts for the supply of Personal Protection Equipment (PPE) and Corporate Workwear/Uniforms and Clinical PPE

Date: 11<sup>th</sup> September 2023

Report of: Jeff Thompson

Report to: Mariana Pexton Director of Strategy & Resources

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

1. The current contracts with our suppliers of PPE and workwear are due to expire on the 10 April 2024. These contracts have been extended for 12 months and there are no provisions for any further extensions.
2. Currently three providers of PPE and workwear are being used, these are Direct Corporate Clothing Plc, Arco Ltd and Arden Winch & Co Ltd.
3. The contracts for Emergency PPE established during the Covid 19 pandemic expired on 21 June 2022 and have not been re-procured.
4. The contract for Uniforms for Civil Enforcement Officers is due to expire on 30 April 2024.
5. It is anticipated that the procurement will be in three lots. One for PPE, one for workwear and uniforms and one for clinical PPE.
6. There is a statutory requirement for the Council to provide PPE and suitable workwear to its employees under the Health & Safety at Work etc Act 1974 and other associated Regulations.

## Recommendations

- a) It is recommended that the Director of Strategy & Resources approves the procurement of new contracts to supply PPE, workwear/uniforms and clinical PPE to the Council.
- b) The length of the contracts will be for 3 years with an option to extend for a further 12-month period.
- c) The estimated value of these contracts over a 4-year period is £3.84 million pounds.

### 1. What is this report about?

- 1.1 The purpose of the report is to obtain approval from the Director of Strategy & Resources to procure contracts for the supply of PPE, workwear/uniforms and clinical PPE.
- 1.2 There is a statutory requirement for the Council to provide PPE to its employees under the PPE at Work Regulations 2022 and the Health and Safety at Work Act 1974.
- 1.3 Under the Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations, Civil Enforcement Officers are required by law to wear uniforms at all times to ensure they are clearly visible to the public.
- 1.4 In addition to the above statutory obligations the Council also provides clothing and footwear to those employees that are engaged in certain tasks to ensure they have suitable and durable clothing for the type of task they are expected to carry out. This clothing follows a corporate style and carries a Leeds City Council brand identity.
- 1.5 The Council's current contracts for the provision of PPE, workwear and uniforms are due to expire in April 2024 with our current contracted providers.
- 1.6 In light of the Covid 19 pandemic, it is also proposed to include a Lot for clinical PPE, given the shortages and supply chain disruption experienced in 2020, in order to future-proof the Council against the recurrence of a similar crisis.
- 1.7 The new contracts will be awarded prior to 10 April 2024 and will be subject to a competitive tender under the Council's Contract Procedure Rules (CPRs) and the Public Contracts Regulations 2015.

## **2. What impact will this proposal have?**

- 2.1 As an employer the Council is legally required to provide its employees with suitable PPE that will protect them against potential health and safety risks and hazards that may exist whilst carrying out their employment activities.
- 2.2. The Council also has a duty to support its employees where they are engaged in certain manual tasks that would result in excessive wear and tear on their clothing and footwear. The Council also has a duty to protect staff where tasks may expose them to dust, dirt, liquids, grime and other similar substances, and/or variable weather conditions, by providing them with suitable and durable clothing and footwear to enable them to work effectively in these conditions.
- 2.3. The total spend on industrial PPE, clinical PPE & workwear & across all Council services is approximately £960,000k per year based on current spend.
- 2.4. The contract awards will be non - exclusive which will enable the Council to look to alternative providers should an urgent item not be available under contractual arrangements.

## **3. How does this proposal impact the three pillars of the Best City Ambition?**

Health and Wellbeing                       Inclusive Growth                       Zero Carbon

- 3.1. Procurement of new contracts by 10<sup>th</sup> April 2024 will ensure there is a continuation with the supply of PPE, Corporate Workwear & uniforms and the Council has providers to ensure that there is continuity of supplies for staff and service areas who use this service. Ensuring that clothing is adequate is essential for the health, safety and wellbeing of all users.

- 3.2. Having multiple contracted providers assists with the availability of products and competitive pricing ensuring that the Council spends its money wisely and seeking to achieve the best possible prices for these important products.
- 3.3. The provision of PPE, workwear/uniforms and clinical PPE contributes to the Best City Ambition ensuring that the health, safety and wellbeing of our staff is at the forefront of our planning and that they have access to the right personal protection clothing and equipment and other suitable workwear to carry out their duties.
- 3.4. It is acknowledged that the production of many of the products on the core lists for these contracts do involve the use of plastics and/or plastic based elements and that as many of the products are produced outside of the UK, they require packaging and transportation. In addition, many of the PPE products are single use items, adding to the need for these to be disposed of effectively.
- 3.5. The council wherever possible look for suppliers that are local to the region or have outlets within the region to promote local growth. Reducing travel distance for our employees to attend local sites and reducing delivery times and distances.
- 3.6. Due to the statutory and/or welfare requirements to purchase the majority of the products related to these contracts, the Council will look for suppliers that demonstrate a willingness to work with the Council through these contracts, and to look at ways to reduce the environmental impact that these products may have in terms of their production, transportation and ultimate disposal. This includes such as the desire to reduce the use of single use plastics in the products and packaging where possible, encourage the development of improved production methods within the supply chain to reduce energy, materials and water consumption. Improve facilities for disposal and recycling where possible and ensure that every effort is made to reduce the CO2 omissions in the transportation and delivery of items across the Council's estate.

#### 4. What consultation and engagement has taken place?

Wards affected: All wards		
Have ward members been consulted?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

- 4.1. Consultation and trials will be arranged with key stakeholders from service areas that utilise PPE, workwear and uniforms on a regular basis.

#### 5. What are the resource implications?

- 5.1. One of the key factors in the decision to centralise the contracts for PPE, workwear and uniforms was to harness all the spend from across all services, thereby ensuring that the Council is able to take full advantage of the economies of scale to achieve the best possible price from a competitive marketplace.
- 5.2. The contracts will be evaluated on a 60% pricing and 40% quality ratio to try and achieve savings throughout the life of the contract and also to ensure that our high cost & high usage items are purchased at the best possible price.
- 5.3. The existing contracts are being managed by the Purchasing Hub and this arrangement will continue with any new contracts. Therefore, there are no additional resource implications connected with procuring new contracts.
- 5.4. The Uniforms contract, however, will be managed independently in service areas.

## **6. What are the key risks and how are they being managed?**

- 6.1. The Council has a statutory obligation to provide PPE to its employees under the PPE at work Regulations 2022 and the Health and Safety at Work etc. Act 1974. It is therefore a considerable risk if adequate arrangements are not in place to support its employees, or it is unable to ensure that the equipment purchased to safeguard employees meets all the relevant health and safety standards.
- 6.2. If approval to procure new contracts is not given, for each service to access and purchase the PPE or workwear items they require, then services will be required to make their own arrangements to meet their statutory obligations and either buy goods off contract or look to set up alternative arrangements of their own when the current contracts expire. The level of risk associated with this is increased considerably if the contracts are not procured for the supply of PPE with reputable organisations who have a track record and extensive knowledge of the market.

## **7. What are the legal implications?**

- 7.1. The decision to procure these new contracts is a Key Decision. This request was added to the “list of forthcoming key decisions” on the 9 August 2023.
- 7.2. An Equality, Diversity, Cohesion and Integration Impact screening has been completed and appended to the Approval to Procure report and Approval to Award report.
- 7.3. The tender specification document will contain a requirement for products to be provided in a fit suitable for all body shapes for both men and women and across a wide range of sizes to meet the needs of all staff.
- 7.4. A Data Protection Impact Assessment Screening has been conducted. A copy is attached to this report.
- 7.5. The contracts will be procured in accordance with the Council’s Contract Procedure Rules and the Public Contracts Regulations 2015 via an Open tendering procedure.
- 7.6. The contracts are required to meet the Council’s statutory duty under the legislation and regulations cited in section 1 above.

## **Options, timescales and measuring success**

### **8. What other options were considered?**

- 8.1. If the contracts are not procured, then Council will no longer have established contracts for PPE, workwear & uniforms after the 10 April 2024.
- 8.2. Consideration was given to running a further competition under the ESPO 144\_19 framework for the Supply of Personal Protective Equipment (PPE) & Clothing. However, this framework expires in September 2023 and as yet there is no replacement framework.
- 8.3. Consideration was also given to the YPO 1022 framework and discounted as not meeting our requirements.
- 8.4. No other suitable frameworks have been identified.

### **9. How will success be measured?**

9.1. The Contract Manager will liaise with the successful organisations via quarterly performance meetings to discuss quality of products, lead times and produce regular management reports to monitor spend.

**10. What is the timetable and who will be responsible for implementation?**

10.1. New contracts will need to be in place before the 10 of April 2024 and the Health & Safety Service Manager is responsible for implementation of these contracts.

**11. Appendices**

Equality, Diversity, Cohesion and Integration Impact screening

Data Protection Impact Assessment

**12. Background papers**

There are no background papers