



Hereford & Worcester Fire Authority

Record of an Authority decision delegated to an Officer as required under Regulation 7 of the Openness of Local Government Bodies Regulation 2014

Subject of decision	To procure a replacement Fire Drill Training Tower at Ross on Wye Fire Station without inviting competitive tenders, pursuant to paragraph 3.1(iii) of the Authority's Contract Standing Orders. By replacing the outdated tower will achieve new Working at Heights compliance standards without going to tender, on the basis that Crofton Engineering is deemed the only economic operator due to the protection of exclusive rights e.g intellectual property rights (IP); Public Contracts Regulations 2015 regs. 12(5) for the purpose of paragraph (1)(a) and (c).
Officer name	Lee Watson
Job title	Assistant Director/Area Commander -Assets
Date decision taken	11/10/2024
Reasons for the decision	As part of the extensive capital programme as set out in the Property Plan 2021-25 the Working at Height Training Facilities review has now been completed on all existing facilities and a programme of work identified to re-install working at height training facilities at all Fire Stations, where appropriate. As part of the new Capital build projects (Hereford & Redditch) Croftons Engineering were successful in being awarded the contract for the design, fabrication, delivery and erection of the new Working at Height training facilities. Croftons Engineering is sufficient and a suitably qualified Contractor who has been working in the Emergency Services sector since 1958. Croftons training towers are purpose built and their copyrighted designs and products are based on years of research and development. Due to Croftons being the IP author/creator of the new capital build projects they have already worked with the Authority on the design and installations of several training towers; so, the Authority is confident that the towers are compliant in adhering to the strict safety regulations and structural integrity required following independent structural verification.
Details of decision	It is imperative the Authority maintain consistency in our training across all sites so the direct award of the contract to Croftons via the negotiated procedure is therefore in accordance with the Public Contracts Regulations 20215 regs. 32(2) and 32(5)(b) (replacement of installations where a change of supplier would oblige the Authority to acquire supplies having different technical characteristics).

For decisions regarding spend of £100,000 and above

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	The cost of the work for the training tower at Ross on Wye will be £88,000, with an estimated 16-20-week work programme.
Details of alternative options considered and rejected (if any)	Due to the very specialist nature of the product and its limited market it is unlikely that an alternative Contractor would satisfy the Authorities brief in terms of warranties, insurance and maintenance requirements. The technical performance evaluations would also be difficult and not aligned due to the technical, commercial and strategic variables. It should also be noted that the Authority have obtained planning approval for the bespoke purpose-built fabrication of a Crofton Tower. To alter the design would result in the resubmitting of planning approval, thus delaying the project by up to a minimum of 4 months or so resulting in a disruption to operations in delivering service training. Further considerations would be the risk to rising costs as there would be no guarantee the Contractor would honour the costs quoted. An alternative Contractor structure (purpose built/off the shelf) would also be subject to an independent structural verification, for which there is no assurance. Waiving the Contract Standing Orders for this contract would allow work to progress; reduced disruption to operations whilst a maintain service delivery and expected levels of expenditure.
Any interests declared by a Member or Officer	N/A
Links to relevant background documents or information	• Property Plan 2021-25

Signed.....  Date.....11/10/2024.....

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