

**CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES  
11 APRIL 2011**

**REQUEST FOR EXEMPTION FROM RULE 13 OF THE CONTRACT  
PROCEDURE RULE – PURCHASE OF SOFTWARE FOR  
MANAGEMENT OF FIRE FIGHTER ROTAS**

**Report by Chief Fire Officer**

**Introduction**

1. This report seeks an exemption from Rule 13 of the Contract Procedure Rules, which requires that for contracts of more than £75,000 but less than the relevant EU Directive threshold in value, to submit tenders for the goods, services or works required by the Council.

**Background**

2. OFRS currently uses Gartan Technologies for managing our Retained Duty System (RDS) Firefighters availability for use at emergency calls and the production of performance management reports related to this.
3. When purchased, OFRS negotiated a discount for buying the system for more than one year and to reflect our development work on the system.
4. It is proposed and has been agreed at OFRS Strategic Leadership Team, that we purchase an additional Module (called Rota Management) to manage Wholetime and all other personnel rotas and to provide additional functionality, subject to approval.
5. In general, the additional Module would not remove one process completely but rather will make a number of, often complex or long winded processes much quicker and more easily achieved, monitored and audited. This will include the provision of both standard and bespoke reports as required, to all relevant personnel. In addition, the software provides immediate reports that can be run at any time of the day or night, regardless of close down dates etc.
6. In addition, with a reduction in the 'ridership factor' and therefore staffing at Banbury and Slade Park (in next years budgets), and as a result of the existing reductions in staff numbers at Abingdon and Didcot, an IT based system is more necessary so as to ensure effective management of all staff.
7. In considering this potential purchase, we have tried to consider the potential 'knock on' effects for other parts of OCC and the Service eg Shared Services are often involved, in a number of OFRS personnel related processes. Representatives of OCC teams that have been included in discussions include the following:-

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- Shared Services – Pay and Employee Information
  - Shared Services – Workforce Information
  - OFRS Fire Control
  - Regional Control Centre / Control ‘Plan B’ project team within OFRS
  - OFRS Organisational Development Team – for data that populates the ‘Views’ performance management system within OCC/ OFRS, both now and in the future
  - OFRS Service Delivery management
8. It is considered that the Rota Management Module could ( as a minimum ) improve the processes as shown in Table 1 below.

**Finances**

9. Currently each Gartan Module costs £7777 if purchased at the standard rate but we have been offered a discounted rate if we purchase the additional Module within the next few months.
10. The Module currently in use is funded within the OFRS budget and finances have been allocated to purchase the additional Module for the first year (possibly for 2 years dependant on the agreement reached). The F&RS ICT reserve (F40500 B4200) has £777 that was put aside for this purchase.
11. However, there will be ongoing, recurrent annual licence costs if the additional Module is purchased, which need to be factored into any decision. Once the Module is embedded into day to day activities, it would be difficult to revert without disruption and possible additional resources to replace the process changes adopted etc.
12. If the additional Module is not purchased, the cost of the existing Module will revert to the full cost ie £7777 per year currently.
13. Table 2 shows the expected costs and options available.

**Table 1**

Process / procedure	Current	Gartan Benefits
Wholetime rota	Paper records and e-rotas on Shared Drive	<ul style="list-style-type: none"> <li>• Electronic and visible to all</li> <li>• Provides full audit trail</li> <li>• Can be used to allocate resources between Stations</li> <li>• Can be used to predict future shortages</li> <li>• Can be used to predict future crewing implications of proposed changes eg in personnel, policies, procedures</li> </ul>

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		<ul style="list-style-type: none"> <li>• Could provide data to Control centres in required formats (based on current knowledge of requirements)</li> <li>• Can be used for competency based mobilising</li> <li>• Can be used to monitor Working Time Directive compliance</li> <li>• Can cater for competencies at specific stations</li> </ul>
Sickness monitoring and recording	Pro-forma and e-mail / paperwork via Oxfordshire Customer Services	<ul style="list-style-type: none"> <li>• Can send immediate and automated notifications via e-mail to relevant personnel / managers</li> <li>• Can allow immediate and accurate reports to be created</li> <li>• Can provide predictive crewing forecasts based on sickness details</li> <li>• Can be used to calculate and report on sickness data, including alerts to relevant Managers</li> </ul>
Leave	Rota book on station / e-rotas / staff recording	<ul style="list-style-type: none"> <li>• Can provide leave booking system that is based on pre-set rules</li> <li>• Allows a first come, first served booking process, if required</li> <li>• Allows audit trail of bookings made or amended</li> <li>• Can provide reports as required</li> <li>• Can cater for and monitor / manage Time Off In Lieu (TOIL) – both positive and negative</li> <li>• Caters for all leave types via pre-agreed codes</li> </ul>
CLG / Home Office reports	Manually and using SAP via staff from OFRS and Oxfordshire Customer Services	<ul style="list-style-type: none"> <li>• Has the 6 reports already set up within system – populates automatically</li> </ul>

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Non Uniformed staff & Control	Timesheets and Line Manager record / leave cards	<ul style="list-style-type: none"> <li>• Can do same as for Wholetime staff - see above</li> <li>• Will cater for flexi time and TOIL if required</li> </ul>
Fire Control	Paper or reliant on other systems in OFRS	<ul style="list-style-type: none"> <li>• Will allow competence based mobilisation</li> <li>• Will allow asset based mobilisation</li> <li>• Designed to match the previous requirements of the Regional Control Centre (RCC) in terms of data provision and mobilisation – should therefore be useable in any replacement system</li> </ul>

**Table 2 – Anticipated Costs**

	Year 1	Year 2	Year 3	Totals
Retained Duty (RDS) Module only	£////	£////	£////	£////
Wholetime (WT) Module only	£////	£////	£////	£////
Both Modules	£////	£////	£////	£////
Saving for purchasing both Modules	£////	£////	£////	£////

NB\* all prices will also be index linked.

**Reason for Requesting Exemption from Contract Procedure Rules**

14. This purchase is considered to be an upgrade of the existing Gartan system within OFRS. It essentially allows **all** OFRS personnel ( including Fire Control and non Uniformed ) to use the system rather than just the part time Firefighters currently using it. However, it also brings a number of additional functionalities that are considered to be of great benefit to the Service going forward and will reduce administrative procedures by automating parts or the whole. This will bring efficiency savings but because it will impact across a wide number of processes and teams, these will not be cashable savings.

**Probity and Value for Money**

15. OFRS are requesting exemption from the need to tender this purchase / contract. It is intended to cover 3 years from 1 October 2011 ( note – the purchase will be signed as soon as possible but the system will not be provided until 1 October 2011, from which date, the contract for 3 years will commence ).
16. See 2 above for benchmarking.

17. There are very few direct competitors to Gartan in that this is a bespoke system, designed to specifically meet the needs of Fire & Rescue Services (FRS's). It is designed to match the unique characteristics of their Terms & Conditions of employment eg rota patterns, leave entitlements and bookings, overtime arrangements, Working Time Directive rules etc and although there are a couple of similar systems that deal with some of these aspects, they are both expensive in comparison and normally originally designed for an office / factory environment. They would therefore require additional development work to ensure that they meet the needs of the Service and provide the requisite confidence. There is no guarantee that this development work would match our needs or be completed within a reasonable timescale and it would be at an unknown ( normally additional ) cost at this time. In addition, the system used for RDS staff would also need to be replaced for compatibility, with it's associated retraining and rewriting of policies and procedures.
18. There are currently 18 other UK FRS's and many more in Eire that have purchased Gartan, with others in the process of doing so this year. This provides the ability for shared development work (and costs) and compatibility eg for sharing services in the future.
19. All Gartan users have just been offered 80 hours 'free' development work per Module per year as part of their annual licence. This will allow OFRS either alone or in partnership with another user, to request development of their system to suit our unique needs. Most software applications / systems require expensive development work if any changes are needed. There is also a 'National User Group' where suggestions for improvements are made and good practice is shared. Where improvements are agreed by the majority, Gartan make these and offer clients the option to accept the upgrade or not, on a 6 monthly basis.
20. Buckinghamshire & Milton Keynes Fire Authority recently undertook a full tender for the same systems or their equivalent ie Rota Management and Availability Modules. They had only 2 offers – 'Gartan' and 'Work Place Systems'. Gartan costs were similar to our quotes – the latter would have cost approximately £100k per annum with a £20k set up cost and the system may have needed some additional development. These costs are of course only indicative but they are a similar sized FRS to Oxfordshire ie similar numbers of personnel, fire stations etc.

### **Consequences if the Proposed Action is not Approved**

21. If the proposed action is not approved, OFRS will need to consider a full tender process to cover the purchase of both Modules for a further 3 years. This will incur delays in implementation – although the system will not be delivered until 1 October 2011, there is a considerable amount of pre-delivery work that needs to be completed. A project team is being established but due to the scale of the implications on existing processes etc, work needs to be started now. If the delay is sufficient to affect a proposed implementation date of 1 January 2012, it will be necessary to run existing systems in tandem with

new ones eg for leave requests, rota patterns, availability – these will need to be run from 1 January 2012 in their current paper / e-mail form, as well as on Gartan, until we are satisfied that Gartan is stable and workable. If purchase is achieved in October 2011, we will be able to test systems, train personnel etc before implementing in line with leave years, training calendars etc.

22. In addition, if preparation work is not started in April, Gartan will be unable to deliver until 2012 at the earliest, due to their need to satisfy other customers' implementation dates. This would delay our own implementation until mid 2012 at the earliest.

### **Future Procurement Strategy**

23. This procurement will be to cover 3 years initially, as it is anticipated that with the demise of the National Fire & Rescue Service Regional Control Centre (RCC) project and the cutbacks in budgets in workplaces, there may be other providers that emerge, with more or enhanced functionality that may be even more suited to OFRS needs at that time. In addition, technology is emerging daily, that offers more / different functionality or better options / cost than those currently available and it would therefore be our intention to review this at the time.

### **Legal Appraisal and Financial Appraisal**

24. The legal and financial appraisals both support this exemption. The only proviso was from Legal that "When the contracts for the existing module (part-time) and the new module (Wholetime) expire in three years' time, it is important that you take into account the need to retender for these under the Contract Procedure Rules". This will be adhered to when appropriate. The Financial and Legal appraisals are shown in Appendix 1 with supporting e-mail confirmation details where appropriate.

### **RECOMMENDATION**

25. **The Cabinet for Safer & Stronger Communities is RECOMMENDED to approve this exemption from the Council's Contract Procedure Rules.**

DAVID ETHERIDGE  
Chief Fire Officer

Background Papers: Nil

Contact Officer: John Lloyd, Service Support Manager  
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March 2011

## **Financial Appraisal (by Tim Paul)**

This appraisal is prepared by the Finance Business Partner in conjunction with the Assistant Head of Finance (Procurement) covering whether the exemption proposal is sound from their viewpoint, concluding with a recommendation on whether the exemption should be granted or not.

**1. Background details in relation to overall financial and budgetary position. (FBP)**

Funding is available for Year 1 in the IT Reserve. FRS will be able to fund Year 2 and 3 (€ pa approximately) from the Retained Duty System (RDS) budget.

**2. Assessment of business case. (FBP)**

The availability module has already demonstrated its value in the management of RDS. The rota module should improve processes and provide better and more timely management information.

**3. Assessment of financial risk to the council. (FBP)**

If the two modules are not purchased, the quality of information required to manage the retained (RDS) pay budget will deteriorate and the information required to manage the full time pay budget will not be available or of sufficient quality. Purchasing an alternative to Gartan is likely to incur additional development costs.

**4. Assessment as to whether exemption specified is appropriate in terms of effective procurement by the council. (AHF (Proc))**

**5. Where necessary, identification of action to be taken before recommendation for exemption can be made in Financial Appraisal. (FBP/AHF (Proc))**

**6. Whether additional changes are necessary in procurement practice for future contracts. (AHF (Proc))**

**7. Recommendation as to whether exemption should be granted. (FBP and AHF (Proc))**

I recommend that exemption is granted for the reasons stated above. Tim Paul (FBP)

**Legal Appraisal (by Sarah Hayes)**

This appraisal is prepared by Legal Services and approved by the County Solicitor.

1. Appraisal of legal issues relevant to request, e.g. application of the CPRs, EU regulations, competition law.
2. Assessment of risk to the council of legal challenge.
3. Assessment of alternative courses of action and likely legal impact on the council.
4. Recommendation as to whether exemption should be granted and, if so, on what basis.

18 March 2011

Dear John

I have advised the County Solicitor on the exemption request attached and this is now approved.

When the contracts for the existing module (part-time) and the new module (wholetime) expire in three years' time it is important that you take into account the need to retender for these under the Contract Procedure Rules. Legal and Procurement can advise as to whether any exemptions could apply but exemptions would only apply in exceptional circumstances. I recommend that you should view this as very likely to require retendering and plan accordingly.

Kind regards

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