

Sandwell Metropolitan Borough Council

Action To Be Taken Under Delegated Powers **Exemption from Procurement and Contract Procedure Rules**

Proposed use of the Manufacturer to **Service and Maintain Deaf alert Fire Alarm systems**

1. Summary Statement

- 1.1 In order to ensure compliance with the Council's Procurement & Contract Procedure Rules approval is sought to enter into a 5 year contract in accordance with the terms & conditions upon which Deaf Alerter PLC have quoted for their all-inclusive gold contract to begin 7th April 2017. (the first years maintenance forms part of the warranty.)
- 1.2 Exemption due to the fact that the manufacturer is the only company who can maintain these specialist systems.
- 1.3 Due to their bespoke nature and software, these systems can only be serviced and maintained by Deaf Alerter PLC.
- 1.4 The systems, which alert people with a hearing impairment when the fire alarm is activated, are installed in the following buildings
 - Sandwell Council House
 - Smethwick Council House
 - West Bromwich Town Hall
 - Wednesbury Town Hall
 - Providence Place
- 1.5 The Procurement Services Manager has been consulted and their advice is that this is the most suitable course of action as there is no benefit to be derived from conducting a procurement exercise.
- 1.6 The annual value of the agreement covering all 5 buildings, is £5,086.00 and will not increase for the duration of the contract

1.7 The gold contract agreement Includes the following

- Fault repair on all parts
- No charge out fee or labour on Deaf Alerter faults
- Loan equipment if faults not fixed on-site
- Fully BS5839 compliant
- Six monthly inspections
- Guaranteed response times – same or next business day
- National Roaming Licence and signage
- Ofcom Licence renewal
- 8:30am – 5pm Telephone support desk
- Software application upgrades
- Firmware upgrades
- Automatic Internet fault reporting

1.8 In accordance with the Council's Procurement and Contract Procedure Rules (Rule 15), an exemption from any Rule may be endorsed by the most senior Chief Officer, independent from the initial decision making process, confirming the Chief Officer is satisfied that the exemption is justified by special circumstances. The report must be approved by the Cabinet Member for Finance & Resources.

2 Recommendation

- 2.1 That the Council approves this exemption for a 5 year period to this specialist service provider commencing 7th April 2017 at a total cost of £25,430.
- 2.2 That any necessary exemptions be made to the Council's Procurement & Contract Procedure Rules to enable the course of action referred to in 2.1 above to proceed.

In accordance with the Council's Procurement and Contract Procedure Rules, I intend to take the action(s) recommended above.

I do/do not have an interest to declare in this matter

Jan Britton
Chief Executive
Date:

~~I do/do not have an interest to declare in this matter~~

Darren Carter
Interim Director of Resources (S151 Officer)
Date: 2-3-2017

~~I do/do not have an interest to declare in this matter~~

Cllr. Trow
Cabinet Member for Core Council Services
Date:

2 MARCH 2017

Contact Officers

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Title - Category Manager
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2 Procurement Implications

Deaf Alert Systems are classed as 'closed protocol' whereby due to the bespoke systems/software used Deaf Alerter PLC are the only company who can maintain the systems. Hence there is no benefit to be derived from conducting a procurement exercise.

3 Legal and Statutory Implications

3.1 N/A

4 Background Details

- 4.1 In accordance with Procurement and Contract Procedure Rule 15, an exemption to Procurement and Contract Procedure Rules is sought due to the following circumstances:
- 4.2 Urban Design and Building Services currently has an ongoing requirement to repair and service Deaf Alert fire warning systems in five Council Office Accommodation Buildings.
- 4.3 The systems were installed April 2016 in five council buildings to enable staff and visitors with a hearing impairment to be made aware of a fire alarm activation. Considering this is a Life protection system it was important that it complied fully with current British and European standards
- 4.4 Deaf Alerter PLC own the software to the Deaf Alert systems and will not permit use by others. It is a bespoke, closed protocol system. As only Deaf Alerter PLC can provide parts, codes and software for their equipment, the Deaf Alert Systems are classed as 'closed protocol'. Other Fire alarm contractors/manufactures could not provide competitive and timely maintenance to closed protocol equipment.
- 4.5 It is therefore requested that an extension until 6th April 2022 be granted because all other avenues for servicing and maintaining this critical system have been explored.

5 Source Documents

5.1 None

