

**From:** Vincent Godfrey, Strategic Commissioner  
David Cockburn, Head of Paid Service

**To:** Peter Oakford, Deputy Leader and Cabinet Member for Finance,  
Corporate and Traded Services

**Subject:** **Key Decision No: 20/00050 - Continued bulk purchase of  
Personal Protective Equipment (PPE)**

**Classification:** Unrestricted

**Past Pathway of Paper:** N/a

**Future Pathway of Paper:** N/a

**Electoral Division:** All

**Summary:**

The use of Personal Protective Equipment (PPE) is essential in the emergency response to, and ongoing management of, the COVID-19 virus outbreak. KCC has been procuring and distributing PPE to its own staff and, working with the Kent Resilience Forum (KRF), providing mutual aid to those outside of the NHS acute and ambulance services where their supply chains have failed.

KCC has purchased £2.1m of PPE covered by Record of Decision 20/00035. Orders worth £1.1m are currently ringfenced for KCC and must be confirmed immediately to secure the supply through May and June. KCC will need to continue to place orders at short notice to secure supply up to an anticipated value of £5m.

**Recommendation(s):** That the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, agree to increase the funding allocation from £2m to £5m to support the PPE purchase arrangements set out in Key Decision 20/00035 and maintain the previous agreements and delegations set out in that decision, which were as follows:

- a) The purchase of bulk Personal Protective Equipment (PPE), including but not limited to masks, gloves, goggles, aprons, and hand sanitiser.
- b) The ongoing review and replenishment of KCC stocks of PPE as required to deal with the COVID-19 pandemic.
- c) Delegate authority to the Strategic Commissioner to take relevant actions, including but not limited to, reviewing and agreeing the necessary replenishment of stock over the course of the pandemic, placing orders and entering into relevant contracts and other legal agreements, as necessary to implement this decision

## 1. Introduction

- 1.1 The use of Personal Protective Equipment (PPE) is essential in the emergency response to, and ongoing management of, the COVID-19 virus outbreak. KCC has been procuring and distributing PPE to its own staff and, working with the Kent Resilience Forum (KRF), providing mutual aid to those outside of the NHS acute and ambulance services where their supply chains have failed. Mutual aid is for those who currently have close, unavoidable contact with confirmed or suspected Covid-19 cases, including highly vulnerable “shielded” groups. Furthermore, it is only for those in urgent need in vital services, where service providers have explored their usual routes for PPE and there remains an urgent need for additional stock.
- 1.2 Those eligible for mutual aid as determined by MHCLG and DHSC include: adult social care (including care homes, personal assistants, home care, and supported living); hospices and palliative care; prison hospitals; social care services for COVID-19 vulnerable groups; primary care providers such as GPs; pharmacists; emergency dentists; children’s homes; secure children’s homes; residential special schools; mental health community services; prison and court officers; police; mortuary and funeral services. These are referred to as “third parties” hereafter.
- 1.3 KCC did not stock some of the types of PPE now being required prior to the outbreak of COVID-19 such as face masks, and not the quantity of other items now being demanded such as gloves and aprons. Third parties have always been responsible for the provision of their own PPE.
- 1.4 The guidance from Public Health England on the appropriate use of PPE and the subsequent interpretation by employers has evolved and there have been several iterations as the outbreak of COVID-19 has ensued. This has driven surges in demand across the range of PPE. KCC staff now require PPE where prior to the outbreak of COVID-19 they did not, or they require higher grades of PPE. This has also been the case for the third parties.
- 1.5 The international, national and local demand for and scarcity of PPE has been widely covered in the media, as has the volatility in the chain. KCC and many of the third parties have been unable to meet their requirements for PPE without mutual aid. KCC has worked as part of the KRF to secure a robust supply of PPE both for itself and to provide mutual aid to the third parties.
- 1.6 Demand for PPE through KCC/KCS has increased rapidly. The average daily delivery of Type IIR masks for example, between 3<sup>rd</sup> April and 22<sup>nd</sup> April was 12,300 each, compared to 25,000 each, and 29,000 each delivered on the 23<sup>rd</sup> and 24<sup>th</sup> April respectively.
- 1.7 KCC has purchased £2.1m of PPE covered by Record of Decision 20/00035. Orders worth £1.1m are currently ringfenced for KCC and must be confirmed immediately to secure the supply through May and June. KCC will need to continue to place orders at short notice to secure supply up to an anticipated value of £5m. During this time the ongoing strategy for PPE can be considered with a further Key Decision.

## 2. Financial Implications

- 2.1 £3m additional funding (resulting in £5m total for the additional PPE purchasing programme). This decision provides for expenditure of £3m in addition to the £2m covered in Record of Decision 20/00035. A further decision will be made should expenditure need to exceed that. This is additional expenditure above the budget for 2020/21 agreed by full Council in February 2020. The expenditure has been identified as an additional financial commitment arising from the council's response to COVID-19. The expectation is that the government will fully reimburse the council for the costs it has incurred. The council has already received £39m emergency grant funding from the government. The original £2m for PPE has been recorded against the grant funding. The council has now been advised its next emergency grant allocation from the government will be £27.93m.

## 3. Legal implications

- 3.1 The Council has a legal obligation and duty of care to provide PPE to its employees. Whilst it does not have an obligation to supply it to providers and partners, the outbreak has caused PPE to be in very short supply and this means placing bulk orders and organising logistics is beyond many of them in the current circumstances, particularly the smaller and voluntary sector organisations. In order for them to continue to provide essential services e.g. care home placements, care in the community etc., KCC has to provide mutual aid.

### Procurement consideration:

The Council is applying Section 32 of the PCRs that specifically provides for the use of a negotiated procedure without prior publication as set out below (extract).

“32.—(1) In the specific cases and circumstances laid down in this regulation, contracting authorities may award public contracts by a negotiated procedure without prior publication.

### *General grounds*

(2) The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases:—

[...]

(c) insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.

[...]

(4) For the purposes of paragraph (2)(c), the circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority.”

The applicability of this provision has been confirmed in guidance issued by the Cabinet Office.

#### **4. Equalities implications**

4.1 No issues identified to date, note this will be reviewed as project continues.

#### **5. Other corporate implications**

5.1 Ongoing management arrangements for purchased PPE are being reviewed and further policy decisions will be required for longer term planning, distribution and financial co-ordination for KCC’s role in supporting the provision of PPE to those that require it during this pandemic

#### **6. Governance**

6.1 Delegate authority to the Strategic Commissioner to take relevant actions, including but not limited to, reviewing and agreeing the necessary replenishment of stock over the course of the pandemic, placing orders and entering into relevant contracts and other legal agreements, as necessary to implement this decision. The total funding allocation to support the ongoing purchase of PPE will be increased to £5m by this decision (£2m decision 20/00035 plus the £3m added by this decision).

#### **7. Conclusions**

a. The continuing demand for PPE requires KCC to make further purchases and additional funding is needed to facilitate this. The Cabinet Member is therefore asked to support this further allocation to build on the work achieved via Key Decision 20/00035.

#### **8 Recommendation:**

That the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, agree to increase the funding allocation from £2m to £5m to support the PPE purchase arrangements set out in Key Decision 20/00035 and maintain the previous agreements and delegations set out in that decision, which were as follows:

- a) The purchase of bulk Personal Protective Equipment (PPE), including but not limited to masks, gloves, goggles, aprons, and hand sanitiser.
- b) The ongoing review and replenishment of KCC stocks of PPE as required to deal with the COVID-19 pandemic.
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## 9. Background Documents

9.1 Key Decision 20/00035

<https://democracy.kent.gov.uk/ieDecisionDetails.aspx?ID=2332>

## 10. Contact details

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