

**DMPC Decision – PCD 1459****Title: MPS Digital Forensic Tender****Executive Summary:**

This paper seeks approval to increase the proposed tender values for the Digital Forensic Services (MO4) Tender for the Provision of Digital Forensic Services from £8,000,000 to a total of £16,000,000 over four years. The services to be provided are for the Forensic Analysis of Mobile phone, computers, audio, CCTV, other niche services as well as the carrying out cell site analysis in respect of evidence seized by the MPS.

**Recommendation:**

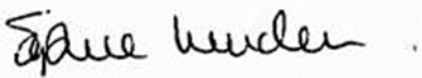
The Deputy Mayor for Policing and Crime is recommended to:

- To approve an increase in budget allocations within MO4 the proposed spend on outsourced Digital Forensic contracts will now be £16,000,000 over four years. This represents a 100% increase from the original approval given under PCD 1400 Digital Forensics Interim Contracts, October 2021.
- To approve delegated authority for the award of contracts in excess of £500k to the Director for Commercial Services.

**Deputy Mayor for Policing and Crime**

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

**Signature****Date**

16/06/2023

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC**

### **1. Introduction and background**

- 1.1. The Digital Forensic Managed Service (DFMS) contract was originally awarded in 2017 to MASS Consultants Ltd. and ran for 4 years but was exited earlier than anticipated as described in report Digital Forensic Managed Service - PCD 779 - July 2020.
- 1.2. Following the contract exit, a new strategy was put in place for interim arrangements and a competitive tender for Digital Forensics Services and was approved via BJP Digital Forensics Interim Contracts and DMPC Decision PCD 1400 in October 2021. Since the time of these decisions there has been some changes in circumstances and various external factors, most notably
  - Resourcing Challenges
  - Regulatory Changes
  - Continued Growth in Demand

Further detail is in the attached report.

- 1.3. As society becomes ever more digitally enabled, the threat from criminals is expanding as rapidly as the technological advances themselves. There are few crimes without some form of digital evidence 'footprint', due to the reality that criminals themselves are using digital products everyday, often to facilitate criminal behaviour. New technologies (such as storage capacity of devices) have also increased the length of time it takes to investigate physical crimes by increasing the volume of evidence to be examined. For digital investigations to progress and keep one step ahead of criminality the MPS needs to select the best and most suitable suppliers in the market.
- 1.4. The digital forensic analysis contract is essential for Digital Forensics to maintain an ability to support operational policing and continue to assist with the investigation of serious crimes, including terrorism related offences, murder, kidnap and serious sexual offences.
- 1.5. The intentions are that the tender process will be designed to ensure the contract will be split out into various 'lots' for the different specialists to ensure work is distributed within the market.

### **2. Issues for consideration.**

- 2.1. Digital Forensic services are business critical in enabling the MPS to carry out its objective of tackling crime and protecting the victims of crime and this supports the goals of the Commissioner's Turnaround Plan, More Trust, Less Crime and Higher Standards.
- 2.2. The investment detailed in this paper helps to enable the MPS to respond to the findings of the Casey Review through enabling timely public protection investigations through increasing the volume of digital forensics capability and throughput that the

MPS can process with the support of external forensic providers. This supports putting victims and the public first and is particularly relevant in relation to violence offences against women and girls.

- 2.3. The digital forensic analysis contract will ensure the MPS keeps pace with the changing nature of technology seized as evidence. This will enable the MPS to continually achieve the best outcomes in the pursuit of justice and ensure victims of crime are supported and receive a service they can have faith in.

### **3. Financial Comments**

- 3.1. The new revised estimated tender value is £16,000,000, from the previously approved £8,000,000. MPS Finance have confirmed that this increase in commercial value will be covered by existing revenue budgets in MO4 Digital Forensics. The MPS also have access to other funding streams, which have successfully been bid for previously, as and when they become available from MOPAC.

### **4. Legal Comments**

- 4.1. The Mayor's Office for Policing and Crime ("MOPAC") is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of public contracts for goods and/or services valued at £213,477 (inclusive of VAT) or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold and therefore the Regulations apply to each contract.
- 4.2. The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve:
  - Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and
  - All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).
- 4.3. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.

### **5. Commercial Comments**

- 5.1. The commercial strategy remains the same as previously approved to tender via call off from National Digital Forensics Framework or tender by the MPS in accordance with the PCR for a period of four years, as detailed in the prior report Digital Forensics Interim Contracts – PCD 1400.

### **6. GDPR and Data Privacy**

- 6.1. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.
- 6.2. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
- 6.3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the programme meets its compliance requirements.
- 6.4. The MPS assure that the project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

## **7. Equality Comments**

- 7.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. The MPS assure that there is no change to the equality assessment previously approved.

## **8. Background/supporting papers**

MPS Digital Forensics Tender – Update

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

**Part 1 Deferral:**

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date:

**Part 2 Confidentiality:** Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – No

**ORIGINATING OFFICER DECLARATION**

*Tick to confirm statement (✓)*

**Financial Advice:**

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

**Legal Advice:**

Legal advice is not required.

✓

**Equalities Advice:**

Equality and diversity issues are covered in the body of the report.

✓

**Commercial Issues**

The proposal is in keeping with the GLA Group Responsible Procurement Policy.

✓

**GDPR/Data Privacy**

GDPR compliance issues are covered in the body of the report.

✓

**Drafting Officer**

Alex Anderson has drafted this report in accordance with MOPAC procedures.

✓

**Director/Head of Service:**

The MOPAC Chief Finance Officer and Director of Corporate Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

**Signature**

*Hanahucherd.*

**Date** 12/06/2023