

DMPC Decision – PCD 1430

Title: Consolidated IT Contract Renewals FY23/24

Executive Summary:

This decision seeks approval to renew or extend selected existing IT contracts that expire in 2023-24 where there are no immediate alternative arrangements feasible or possible. This is not requesting approval for additional funding and will be funded from within existing MOPAC approved budgets.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to approve:

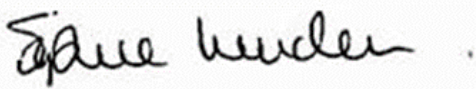
1. The renewal or extension of existing IT contracts with an estimated value of £65,400,000 per year. The expected costs are fully funded within MOPAC approved budgets or will be subject to subsequent decisions to secure further budget as required.
2. Delegated authority under the MPS Commercial Services Scheme of Delegation to award and sign each of the contracts during 2023/24 within the parameters detailed in the contract summary.

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

13/04/2023

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

1. Introduction and background

1.1. In Digital, Data and Technology (DDaT) and other business units of the Met there are a number of supplier contracts where for the following reasons:

- For exclusive rights reasons, such as the supplier exclusively owning the intellectual property rights in the software and therefore no other supplier is able to provide it;
- For technical reasons, such as there is simply no other supplier who provides a the same of equivalent product which meets the MPS's requirements;
- For economic/technical/compatibility reasons, such as infrastructure and Police operations cannot be re-engineered or re-designed to accommodate a different software/product without incurring disproportionate service disruption and/or unacceptable costs;

no alternative therefore exists, and either MPS:

- procure the supplier software licences via existing contracts (including framework agreements and value added reseller contracts) which MPS/MOPAC have access to; or
- extend the existing contract for economic/technical/compatibility reasons; or
- (where there is no other viable alternative) conduct a negotiated procedure without prior publication competition (for exclusive rights or technical reasons.

2. Issues for consideration

2.1. The requested consolidated approval would be subject to the renewals being for terms of no longer than described in the Part 2, being contained within a total of £65.4m p.a. and where there is no material change to the existing provision.

3. Financial Comments

3.1. This consolidated list of selected IT contracts assumes the impact of inflation will be no more than 10%, which is fully funded in the relevant business unit budget.

3.2. Separate approvals will be required to meet any costs above existing approved budgets.

3.3. The actual future costs and constituents of the consolidated contract renewals will vary depending on price changes but also on increases in officer numbers and the evolution of the technical estate, as services are retired, evolved and new services brought into operation.

4. Legal Comments

- 4.1. The Mayor's Officer for Policing Crime 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 (as per the PCR regs 1st January 2022) or above will be procured in accordance with the Regulations.
- 4.2. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve all unforeseen variations and extensions to contracts with an original value of £500,000 or above, when the variation or extension is greater than 10% of the original value and/or is for a period of more than 12 months
- 4.3. Paragraph 4.14 of the Scheme provides that the DMPC reserves the right to call in any proposal to award a contract valued at £500,000 or above.
- 4.4. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent to approve all proposals to award of all contracts with the exception of those called in through the agreed call in procedure.
- 4.5. Contracts shall be procured or extended in accordance with the Public Contracts Regulations 2015, either via existing compliant routes to market (direct call-off from an existing framework or value added reseller agreements) or in accordance with Regulation 32 or 72 of the Public Contracts Regulations 2015.
- 4.6. Regulation 32(2)(b) of the Public Contracts Regulations 2015 permits a negotiated procedure without prior advertisement where the works, supplies or services can be supplied only by a particular supplier only where:
 - Competition is absent for technical reasons, and
 - The protection of exclusive rights, including intellectual property rights.
- 4.7. Regulation 72(1)(b) of the Public Contracts Regulations 2015 permits existing contracts to be extended up to 50% of the original contract value for technical and inconvenience, duplication of costs reasons.
- 4.8. The provisions of Regulation 32 and 72 are strictly applied and Digital Policing shall ensure the appropriate justification for application of these Regulations is evidenced. Where required, Digital Policing and Commercial shall seek legal advice to ensure compliance.
- 4.9. Other compliant routes for procurement may include use of existing framework contracts (if the relevant supplier can supply under any such existing framework). Where possible and commercially appropriate use of existing frameworks which name MPS as a user would be compliant with the Public Contracts Regulations 2015.

5. Commercial Issues

- 5.1. There are existing routes to market available for some of these contracts (but not all), for example via direct award under an existing frameworks and third party re-seller

contracts whereby the existing supplier is already named on the framework or can be procured by the re-seller. There are good value for money benefits as well as the benefit of legal compliance of using these existing routes to market. Wherever possible MPS shall seek to procure via these compliant existing routes to market.

- 5.2. Alternatively and where alternative procurement approaches are justified, procurements shall be conducted in accordance with the Public Contracts Regulations 2015 (see Legal Implications).
- 5.3. The renewal of these contracts contributes to the London Anchor Institutions charter through continuing employment in London and the wider area for those involved in delivering the services and providing a range of technology to support the Met in keeping the people of London safe.

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 renewals meet its compliance requirements.
- 6.4. The contracts do not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

7. Equality Comments

- 7.1. As support arrangements for the selected systems are already in place, there are considered to be no negative equality or diversity implications arising from this request. Where appropriate an Equality Screening Exercise (ESE) will be conducted to identify any negative equality impact between the implementation and renewal, with an Equality Impact Assessment undertaken if negative impact is identified.

8. Background/supporting papers

- 8.1. Report

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 – YES

ORIGINATING OFFICER DECLARATION

Tick to confirm statement (✓)

Financial Advice:

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

✓

Legal Advice:

The MPS legal team has been consulted on the proposal.

✓

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.
- A DPIA is not required.

✓

Drafting Officer

Craig James has drafted this report in accordance with MOPAC procedures.

✓

Director/Head of Service:

The Chief Finance Officer 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



Date 03/04/2023

