

DMPC Decision – PCD 1417**Title: Boarding Up and Locksmith Contract****Executive Summary:**

This paper relates to the provision of a boarding up and locksmith service to secure property where forced entry has been made and where the home owner or occupier is not on scene. It seeks approval for a contract value uplift of £446,000 to take account of increased prices and demand for the remaining 12 months of the current contract, and to initiate procurement for a national framework for the re-provision of the service with effect from 1 March 2024. The estimated national framework value is between £6,400,000-£9,000,000 over a upto 4 year term, with the MPS estimated 4 year contract call-off value estimated at £2,200,000.

Recommendation:

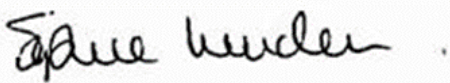
The Deputy Mayor for Policing and Crime is recommended to:

1. Approve a £446,000 uplift to the contract value to the MPS spend under the National Framework for the Provision of Emergency Boarding Up and Locksmith Services to cover spend in 2023/24.
2. Approve a new replacement tender for a National Service solution for the Provision of Emergency Boarding Up and Locksmith Services with an agreement value of £6,400,000 - £9,000,000 over the potential full four-year period (3+1).
3. To delegate authority to award to Commercial Services Director, following the successful conclusion of the new competition

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**

31/03/2023

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

1. Introduction and background

- 1.1. The MPS have a legal obligation under Police and Criminal Evidence (PACE) code of Practice B paragraph 6.13(e) to secure property where forced entry has been made and where the home owner or occupier is not on scene.
- 1.2. Where police have used force to enter a property and the home owner is not on scene police will contact the Emergency Boarding Up service to secure the property pending a permanent repair by the home owner.
- 1.3. The MPS only pay for Emergency Boarding Up where the MPS have forced entry:
 - To execute a warrant;
 - To arrest a suspect;
 - To search a property after an arrest;
 - To comply with a Court Order;
 - To gain access to a suspected crime scene;
 - Life and Limb cases depending on the circumstances.
- 1.4. The home owner/occupier pays for the Emergency Boarding Up where the damage is the result of:
 - Criminal damage;
 - Burglary;
 - Insecure premises.
- 1.5. The existing contract has incurred costs quicker than expected due to additional demand and higher costs. The contract for the supply of this service expires on 1 March 2024.

2. Issues for consideration

- 2.1. The additional demand and higher costs incurred in the first three years of the current contract arise from additional demand during Covid, primarily due to welfare checks, and increasing costs of raw material - reflecting the increase in price of wood by 20% and metal by 10% as a result of the war in Ukraine.
- 2.2. The London Fire and Rescue Service (LFRS) receive enhanced training and equipment which enables entry to a property for the 'collapse behind closed doors' call outs without causing any damage. The MPS will ensure that the new contract will continue to facilitate the current collaboration with LFRS and London Ambulance Service.
- 2.3. Award of this contract will ensure that service provision is maintained to support operational policing by ensuring a prompt response enabling officers to leave the scene secured.

3. Financial Comments

- 3.1. The estimated additional contract value required to maintain the service until the current contract expires on 1 March 2024 is £446,000 which the MPS has assured can be met from within existing budgets.
- 3.2. The estimated framework value over the upto 4 year contract term is between £6,400,000-£9,000,000, of which the MPS call-off contract value is estimated at £2,200,000. The MPS assure that these contract costs will be met from within existing budgets.

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, and variations to, public contracts for goods and/or services valued at £213,477 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract and uplift exceeds this threshold.

Request to increase value of current contract

- 4.2. Regulation 72 permits MOPAC to modify a contract in limited circumstances. Specifically, regulation 72(1)(b) provides MOPAC may modify a contract where:
 - It is not possible to change contractor due to technical or economic reasons; and
 - To change contractor would cause MOPAC to suffer significant inconvenience or substantial costs duplication.

provided the value of the modification does not exceed 50% of the value of the original contract. This report confirms the above are met (the value of the modification is 29.7% of the original contract value) and so compliant with the regulations.

- 4.3. The MOPAC Scheme of Delegation and Consent provides 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.

Request to go to market for new contract

- 4.4. The MPS Legal Services confirm the MOPACs various routes to market are all compliant with the Regulations.
- 4.5. 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).

4.6. Paragraph 7.23 of the Scheme provides that the Director of Commercial Services 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 Issues

- 5.1. This contract is for the provision of an emergency boarding up service to comply with the PACE requirement to secure properties where forced entry has been made and the owner/occupier is not on scene.
- 5.2. For the re-procurement action the MPS has already tested an existing Crown Commercial Services framework but no expressions of interest were received. The MPS will run a supplier engagement session to generate more interest in this proposed opportunity.
- 5.3. The MPS propose a open tender procurement exercise to establish a new national 4-year framework with a value between £6.4m and £9m. This will allow other police forces to collaborate and call-off contracts from this framework.
- 5.4. The MPS contract call off over a upto 4 year term from the framework is estimated at £2.2m, which equates to £550k p.a.
- 5.5. The MPS estimate that the re-tender exercise may not achieve cashable savings as the current prices are likely to increase due to the current challenging economic environment.

6. GDPR and Data Privacy

- 6.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.
- 6.2. The MPS assure that this 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 equality and diversity implications have been considered with no issues identified or foreseen, and that as the tender process will be driven by the MPS the tender documentation will include Social Value requirements, Sustainability & Environment Assessment to tackle economic inequality, ethical sourcing and sustainability to contribute to the London Anchor Institutions' Charter.

8. Background/supporting papers

- Appendix 1 MPS Report - National Framework Agreement for the Provision of Emergency Boarding Up and Locksmith Services – SS3/17/2

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

Commercial issues are covered in the body of the report.

✓

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

Manakucherd.

Date 28/03/2023