

DMPC Decision – PCD 1413

Title: Covert Policing Management Platform Extension

Executive Summary:

This decision seeks approval for the funding required to extend the Covert Policing Management Platform (CPMP) project to complete the delivery of the outstanding software required to support the centralised authorisation of covert activity and the management of assets involved, together with the necessary contract extension to support this.

Covert Policing Management Platform (CPMP) is a project delivering the Met Police Covert Authorities (MPCA) software application to centrally manage the authorisation processes and assets involved in covert activity to ensure compliance with current and future legislation. This corporate IT system will help maintain standards, evidence legality and improve trust in covert operations.

The purchase of this software solution was approved in April 2018 (PCD 364), but delays to the project now require additional funding and extensions to the contract to enable completion.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

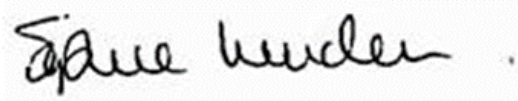
- Approve the allocation of an additional £630,000 from the 2023/24 Transformation Directorate Capital Plan to enable the project to continue through to completion.
- Note that the MPS working with legal advisors, TLT, in reviewing its contractual position in order to recover the costs and losses associated with the delay. Therefore the approval for the additional £630,000 capital funding is to underwrite the additional costs.
- Approve an extension of contract value from £903,238 to £1,066,334 for MPS instructed variations to requirements, which includes £50,000 contract headroom, and an extension of the contract term to March 2024 to accommodate delays in the delivery schedule.

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

Handwritten signature of Eline Hendriks in black ink on a light gray background.

Date: 13/03/2023

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

1. Introduction and background

- 1.1. Covert Policing Management Platform (CPMP) is a project delivering the Met Police Covert Authorities (MPCA) software application that will provide a corporate IT system to help maintain standards, evidence legality and improve trust in covert operations. As such, the application will manage:
- covert authorities for:
 - Part II Regulation of Investigatory Powers Act 2000 (RIPA), Directed Surveillance, Intrusive Surveillance, Covert Human Intelligence Sources and Undercover Operatives,
 - Part III Police Act 1997 (Property Interference)
 - Investigatory Powers Act 2016, Targeted Equipment Interference (TEI)
 - Prison Rules, OPT surveillance activity
 - Criminal Conduct Act 2021 for CHIS and UCO
 - Covert assets deployed in support of these authorities
 - the allocation, more efficient deployment and central governance of all covert resources on MPS investigations and operations
 - the risks associated with utilising covert assets and techniques.

2. Issues for consideration

- 2.1. This information is contained in the restricted section of the report.

3. Financial Comments

- 3.1. This request is for the approval of the £630k additional funds required to deliver the CPMP project. These funds are required to maintain the project delivery team for an extended period to the end of March 2024. The project has approved funding to operate, in its current form, until the end of March 2023. The additional costs in this decision are funded through an allocation from the Transformation Directorate capital plan.

4. Legal Comments

- 4.1. 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 £213,477.00 (inclusive of VAT) or above must be procured in accordance with the Regulations. This report confirms the proposed contract exceeds this value. Accordingly, the Regulations will be engaged.
- 4.2. Regulation 72 permits MOPAC to modify a contract in limited circumstances. This report confirms liability for the costs of all / part of the requested services is currently disputed with the contractor. Should it be determined the disputed costs are outside

of the original contract scope, 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.

- 4.3. 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 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 (paragraph 4.13).

- 4.4. The MPS is reviewing its legal position, as set out in the restricted section of this report.

5. Commercial Issues

- 5.1. Approval is required to extend the contract value from £903,238 to £1,066,334 including £50k contract headroom, representing an 18% uplift, as well as an extension to the contract term to March 2024 to account for project delays.

6. GDPR and Data Privacy

- 6.1. This information is contained in the restricted section of the report.
- 6.2. 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.
- 6.3. 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.
- 6.4. Information Assurance and Information Rights units within MPS have been consulted at all stages to ensure the project meets its compliance requirements.
- 6.5. A DPIA has been completed for this project.

7. Equality Comments

- 7.1. As this is an extension of an existing service this work does not change any aspects relating to equality or diversity'.

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 has been completed.

✓

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 13/03/2023

