

DMPC Decision – PCD 1504**Title: Asbestos Management Services Contract Value Uplift****Executive Summary:**

This paper seeks a further contract value uplift in respect of the contract for the supply of asbestos management services. The increase of £291,958 is within the Public Contract Regulations and will be funded from within existing budgets.

Recommendation:

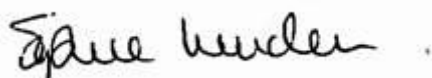
The Deputy Mayor for Policing and Crime is recommended to:

1. Approve an uplift in the value of Services with Pennington Choices Ltd by £291,958.49, which is 35% of the original contract value for the seven-year term.

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**

05/09/2023

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

1. Introduction and background

- 1.1. MOPAC approved the award of a contract for the supply of asbestos management services to Pennington Choices Ltd for the initial 5-year term from 1 March 2019 to 28 February 2024. Two 1-year optional extensions were allowed under the award.
- 1.2. Under delegation the MPS has exercised the first of the two 1-year extensions. In May 2022 MOPAC approved a contract value uplift of £393,660. 47% of the original contract award 7-year value.

2. Issues for consideration

- 2.1. Due to further volume use of the contract by both Property Services and other directorates such as Digital Policing and the benefits of a single point of asbestos management the MPS now seeks approval for a further contract value uplift of £291,958, 35% of the original contract award 7-year value.

3. Financial Comments

- 3.1. The MPS assure that the additional costs incurred under this contract value uplift will be met from within a range of 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 modifications 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 recommendations exceed this threshold.
- 4.2. Regulation 72 provides a limited number of circumstances when a contract shall be modified compliantly. An increase of 35% is within the limit of 50% in regulation 72(1)(b). This report also confirms the impacts of changing contractor and the technical challenges that would bring. DLS assure that on that basis, regulation 72(1)(b) would apply and be compliant.
- 4.3. Paragraph 4.13 of the MOPAC Scheme of Delegation provides that the Deputy Mayor of 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.

5. Commercial Issues

- 5.1. Approval of this contract value uplift request will enable the continued provision of a service to meet statutory and regulatory requirements and to support the effective

management of the MOPAC estate. The service will be re-procured with a start date of March 2025.

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. MPS assure that the contract 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 as this request relates purely to a value uplift for an existing contract there are considered to be no negative equality or diversity implications arising.

8. Background/supporting papers

- Appendix 1 MPS Report - Asbestos Management Services Purchase Order (PO) Uplift

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

Hanahuchford.

Date 22-8-23