

**DMPC Decision – PCD 1550**

**Title: Vertical Real Estate – Single Tender Action – Telecoms Consultancy**

**Executive Summary:**

This paper seeks approval to a single tender action for the award of a contract to Hub Telecoms Consultancy Limited for the provision of advice in relation to telecoms masts on the MOPAC estate. The award is for an initial two year term with an optional 1 year extension at a value of upto £150,000 per annum.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to:

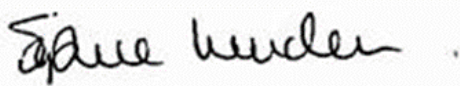
1. Approve a Single Tender Action (STA) request with 'Hub Telecoms Consultancy Ltd (Hub) for the provision of specialist vertical real estate advice. The duration of the requested STA is for 2 years with the option to extend for a further year at an estimated annual value of £150,000.

**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**

15/11/2023

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

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

- 1.1. Under delegated authority the MPS has a contractual relationship with this supplier. This request is for the longer-term provision of the service.

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

- 2.1. The legislation applicable to this proposal are the Digital Economy Act 2017, which introduced a new Electronics Communications Code into Schedule 3A of the Communications Code Act 2003, and the Product Security and Telecommunications Infrastructure Act. These gave telecoms operators wide ranging statutory rights to facilitate the rollout of 5G.
- 2.2. These rights could present security risks and sensitivity issues for MPS and co-located partners. Hub Telecoms has previously supported the MPS in seeking and obtaining an “exemption” from certain elements of the Electronic Communications Code to protect law enforcement and national security.
- 2.3. Hub’s knowledge and experience of the very complex and emerging legislation that underpins the Mobile Network Operator (MNO) rights in the Code and similar legislation has proven invaluable. Hub are considered in the industry to be one of the leading agents acting on behalf of landlords in the country. The proposed appointment of Hub Telecoms is sought to protect MOPAC/MPS interests in relation to access to the estate, subletting, communications interference and use of roof space.

### **3. Financial Comments**

- 3.1. The estimated three year value of the contract is £450,000. The MPS has existing budgets of £60,000 for this period, and will identify alternative Property Services budget to meet the shortfall, or will seek corporate funding to address any shortfall.

### **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. MPS Legal Services assure that as no other specialist vertical real estate provider could provide the expertise and continuity of service that the award of contract is permitted within the Public Contract Regulations 2015 Regulation 32(2)b(ii). This allows for the award of a contract by a negotiated procedure without prior publication;
  - where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:—

- (i) the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,
- (ii) competition is absent for technical reasons

4.3. 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 contract exemptions for £100,000 or above.

## **5. Commercial Issues**

5.1. The MPS assure that Hub Telecoms is uniquely placed to meet this requirement. The services to be provided includes the provision of strategic telecoms/real estate advice. The commercial rates that have been negotiated against this commission are commensurate with other specialist advisors employed by the MPS on behalf of the MOPAC. Any court proceedings that are awarded in favour of the MOPAC as a direct result of the support from HUB will allow recovery of fees.

5.2. Hub Telecoms are a Small/Medium Enterprise (SME) and so fall within the criteria of the London Anchor Institute charter, a sector of the market that MOPAC is encouraging to bid for services and goods the MPS requires. In addition, Hub have committed to employing 2 further London-based employees and sub-contracting to other London-based SMEs.

## **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 the contract does not use personally identifiable data of members of the public and so there are no GDPR issues to be considered. In addition, the MPS assure that the MPS have reviewed their current security provisions relating to premises and data following the recent suspected MPS supplier data breach. These provisions will be reviewed and included within terms and conditions relating to the commissioning of the service provider.

## **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 are no significant equality or diversity implications arising from this process negating the requirement to present any mitigation.

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

- Appendix 1 MPS Report - Single Tender Action for Specialist Vertical Real Estate Consultants

**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? YES

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	<i>Tick to confirm statement (✓)</i>
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
<b>Legal Advice:</b> The MPS legal team has been consulted on the proposal.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.	✓
<b>Commercial Issues</b> Commercial issues are covered in the body of the report.	✓
<b>GDPR/Data Privacy</b> GDPR compliance issues are covered in the body of the report.	✓
<b>Drafting Officer</b> Alex Anderson has drafted this report in accordance with MOPAC procedures.	✓
<b>Director/Head of Service:</b> The interim 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 13/11/2023**