

DMPC Decision – PCD 1534

Title: Early termination of part of the National Legal Services Framework (NLSF)

Executive Summary:

This paper seeks approval for the early termination of one of the contractors on the National Legal Services Framework (NLSF) (Lot 2 - Civil Litigation and Personal Injury) on basis of administration status.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the early termination of a contract part of the NLSF (Lot 2 – Civil Litigation and Personal Injury) for one of the contractors on the basis of administration status as set out in the exempt section of this report.

Deputy Mayor for Policing and Crime

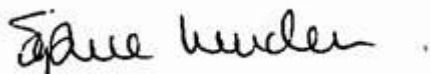
I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature

Date

26-10-23



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

1. Introduction and background

- 1.1. The Directorate of Legal Services (DLS) has become aware that one NLSF contractors, for Lot 2 (Civil Litigation and Personal Injury) has gone into administration.

2. Issues for consideration.

- 2.1. This request is for the contractor's contract to be terminated on the grounds that the contractor has gone into administration as set out in the exempt section of this paper.
- 2.2. Due to commercial issues further detail is contained in the restricted section of this report.

3. Financial Comments.

- 3.1. Notice of termination of a contractor's part of the NLSF due to a change in circumstances must be served on the contractor within six months of MOPAC being informed or becoming aware of the supplier going into administration.
- 3.2. The two remaining Lot 2 contractors have confirmed to DLS that they will have the resources to perform additional work

4. Legal Comments.

- 4.1. MPS legal assure that early termination of the contract is compliant with procurement law and the NLSF contract terms.
- 4.2. The MOPAC Scheme of Consent and Delegation ("Scheme") provides that the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve the early termination of all contracts of £500,000, or where, irrespective of the value, the request is felt to be of an exceptional nature because of particular difficulties, sensitivities or potential public interest.
- 4.3. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime has delegated authority to approve the early termination of all contracts of £500,000 or above.

5. Commercial Issues.

- 5.1. MPS legal recognises that reducing the number of Lot 2 contractors from three to two may have an adverse impact on resilience and competition. However, Legal Services assures that the two remaining contractors' continuous satisfactory presence and performance for the duration of the NLSF period (until 2025) should be sufficient to manage users' needs.

5.2. Legal Services and commercial are confident that there is enough capacity to handle ongoing demand and will keep this under constant review

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 assures that a Data Protection Impact Assessment is not currently required.

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.

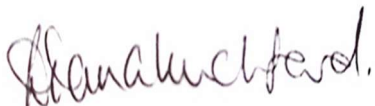
7.2. The MPS has assured that there are no equality or diversity issues relating to changing supplier

8. Background/supporting papers

8.1. MPS Report Early Termination of part of the National Legal Services Framework (NLSF)

<p>Public access to information</p> <p>Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC MPS website following approval.</p> <p>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.</p>
<p>Part 1 Deferral:</p> <p>Is the publication of Part 1 of this approval to be deferred? NO</p> <p>If yes, for what reason:</p> <p>Until what date:</p>
<p>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.</p> <p>Is there a Part 2 form –YES</p>

ORIGINATING OFFICER DECLARATION	<i>Tick to confirm statement (✓)</i>
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 <ul style="list-style-type: none"> • GDPR compliance issues are covered in the body of the report. • A DPIA is not required. 	✓
Drafting Officer Stephen Kalyango has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The Interim Chief Finance Officer and the Director of Corporate Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

<p>Chief Executive Officer</p> <p>I have been consulted about the proposal and confirm that financial, legal and equalities advice have 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.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 40%;"> <p>Signature</p>  </div> <div style="width: 40%; text-align: right;"> <p>Date. 25-10-23</p> </div> </div>
