

DMPC Decision – PCD 1677

Title: MPS Repair and Maintenance Service for Overt Response and General Purpose Vehicles

Executive Summary:

Rivus Fleet Solutions Limited (Rivus) provide a full repair and maintenance service to the overt response and general purpose MPS vehicle fleet totalling 3,750 assets.

The service provided is critical for the MPS in Policing London. The priority vehicles that are covered by the service are; Armed and Protected Carriers, Station Vans, IRVs, Dog Vans and Specialist vehicles.

Rivus are due to file a Notice of Intention to appoint administrators in 20 June 2024.

Subsequent to this the MPS worked with Rivus and its external advisors to discuss ongoing provision of services in light of Rivus' worsening financial position.

Following detailed discussions and analysis regarding potential options to ensure continuity of service and critical support to London policing the MPS has decided, through Rivus' administrators, to acquire the trade and assets of Rivus in order to provide to itself the contracted services.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

Approve the insource of the Fleet Maintenance Service into Met Business Services MBS, invoking the MPS Contingency plan with specific requests to action, as follows:

- A. Approve the acquisition by MOPAC from Rivus the six contracts currently made between MOPAC and Rivus. This is to legally bring an end to the current service provision by Rivus and allow the MPS to provide the services to itself.
- B. Approve the use of existing earmarked reserves to fund up to £9.3m of one-off costs. This to be achieved through the re-purposing of existing reserves.
- C. Note that the ongoing costs (circa £2.4m per annum) will be built into the Medium-Term Financial Plan (MTFP)
- D. In respect of some of the current Rivus services that the MPS shall not provide to itself following insourcing, delegate to the MPS Director of Commercial consent to award contracts valued at £100,000 or above to third parties without competition (due to urgency), noting Commercial Services will report to MOPAC on a Quarterly basis the progress and health of all supplier relationships involved in the delivery of this service. The aim of this report will be to regularly update on supplier performance, contractual spend and identify areas for supplier optimisation.
- E. Approve the entering into for, and subsequently sealing of, agreements with the administrators of Rivus to enact the purchase of assets and provision of transitional services. Costings and details of which are contained in the accompanying Part 2 paper

- F. Delegate to the MPS Director of HR consent to complete appropriate TUPE arrangements and any potential settlements for inscope Rivus staff who will transfer to the Authority under the Transfer of Undertakings (Protection of Employment) Regulations 2006.
- G. Note the financial and legal risks and the mitigations in place which will be reported regularly to MPS ExCo, with MOPAC in attendance and, on at least a quarterly basis, to the Investment and Monitoring Meeting chaired by the Deputy Mayor for Policing and Crime.

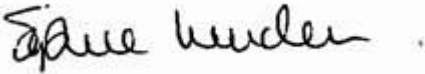
Issues to note

The specific terms of the insourcing referenced in this recommendations section are commercially sensitive and therefore contained in full in the accompanying not for publication Part 2 paper

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 20/06/2024

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

1. Introduction and background

Rivus Fleet Solutions Limited (Rivus) provide a full repair and maintenance service to the overt response and general purpose MPS vehicle fleet totalling 3,750 assets.

The service provided is critical for the MPS in Policing London. The priority vehicles that are covered by the service are: Armed and Protected Carriers, Station Vans, IRVs, Dog Vans and Specialist vehicles.

The total average weekly demand for this service is c600 repairs, if this service were to stop running, MPS would quickly fall below the minimum levels required to operate Frontline Policing and Public Order effectively.

Rivus are due to file a Notice of Intention to appoint administrators. Subsequent to this the MPS worked with Rivus and its external advisors to discuss ongoing provision of services in light of Rivus' worsening financial position.

Following detailed discussions and analysis regarding potential options to ensure continuity of service and critical support to London policing the MPS has decided, through Rivus' administrators, to acquire the trade and assets of Rivus in order to provide to itself the contracted services.

Following meetings with ExCo, the MPS has been developing a Contingency Plan to bring the services in house, to ensure continuity of service to maintain and repair the MPS's operational fleet, should an acceptable buyer not be found, or should Rivus enter administration before this happens.

The MPS has finalised the contingency plan to in-house the service and it is ready to execute (utilising a Transitional Services Agreement for 12 weeks to enable a smooth transition of the services).

The MPS has engaged UK Government Investment for advice on how to navigate the next steps. Additionally, the MPS engaged with a third-party specialist legal firm DAC Beachcroft to advise on contractual / legal options and TUPE liabilities as well as EY Parthenon who are industry experts.

2. Issues for consideration

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

Contributes to NMfL Plan via Fixing our Foundations, and to the MOPAC Police and Crime Plan.

3. Financial, Commercial and Procurement Comments

Commercial will report on a Quarterly basis the progress and health of all supplier relationships involved in the delivery of this service. The aim of this report will be to regularly update on supplier performance, contractual spend and identify areas for supplier optimisation.

Full financial, commercial and procurement comments are contained within to the accompanying Part 2 paper

4. Legal Comments

Full legal comments are contained within to the accompanying Part 2 paper

TUPE will need to be followed for applicable transferring employees of Rivus. MPS HR are actively engaged in this process.

Contractual documentation required to complete the acquisition are required to be executed by Deed and shall require the Chief Operating Officer for MOPAC affixes its common seal (paragraph 5.22 of the Scheme).

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 £214,904 or above shall be procured in accordance with the Regulations

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);
- 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); and
- Contract exemptions valued at £100,000 or above (paragraph 4.13)

Paragraph 4.12 of the MOPAC Scheme of Delegation provide the Deputy Mayor for Policing and Crime has delegated authority to approve of the financial settlements of employment tribunal cases, other employment related claims and grievances where:-

- They involve a high profile claimant including Commanders and above and police staff equivalents or MOPAC Senior Management Team, or
- There is a particular public interest in the case, or
- There is a real risk that MOPAC or MPS will be exposed to serious public criticism or serious weaknesses in the organisations or policies and procedures will be revealed.

Section 3 of the Police Reform and Social Responsibility Act 2011 provides that MOPAC must secure the maintenance of the MPS, and secure that the MPS is efficient and effective. Schedule 3 paragraph 7 also provides that MOPAC may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office which includes entering into contracts and other agreements (whether legally binding or not). The decisions requested in this decision form are consistent with the powers and functions conferred on MOPAC.

5. GDPR and Data Privacy

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. Equality Comments

The PSED requires MOPAC, in the exercise of all its functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Consideration of the PSED is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken, to ensure that equalities impacts are kept under ongoing review.

The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.

The equalities impact of this decision and its implementation will be kept under review particularly in relation to any TUPE issues arising.

7. Background/supporting papers

Background papers are set out in the restricted part of the 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? YES

If yes, for what reason: Pre-Election period

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>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: The MPS/TfL legal team has been consulted on the proposal. Independent legal advice has been obtained.	✓
Equalities Advice: There are no equality implications	✓
Commercial Issues Commercial Issues are set out in the report	✓
GDPR/Data Privacy GDPR compliance issues are covered in the body of the report.	✓
Drafting Officer Lisa Kitto 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



(Delegated CEO Authority)

Date 20/06/2024