

DMPC Decision – PCD 1668

Title: Clinical & Offensive Waste Service Contract Award

Executive Summary:

This paper seeks approval for the award of a contract for the supply of a service for the collection and management of clinical and offensive waste. The estimated upto 5 year value is £1,487,420 which will be funded from within existing MPS budgets.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

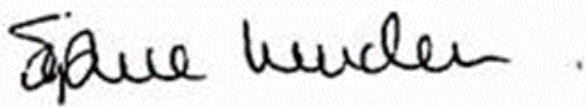
1. Approve the award of contract to the second place bidder (PHS Limited) on a 3+1+1 year term with a total contract value of upto £1,487,420.
2. Retrospectively approve the non-compliant extension of the existing contract to January 2025 to allow for MOPAC approval to award

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 18/07/2024

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

1. Introduction and background

- 1.1. The existing contract was due to expire at the end of April 2023. MOPAC approved the initiation of procurement for this service in April 2022 – see PCD1151.
- 1.2. The services include planned visits to MPS Custody Suites to remove bagged, clinical waste; provision and emptying of sharps bins; provision and regular emptying of feminine hygiene bins; provision and regular emptying of dog waste bins; and reactive services for the aforementioned if/when there is additional operational demand.

2. Issues for consideration

- 2.1. The MPS implemented a tender process and the top ranked tenderer was awarded the contract but then withdrew from the process.
- 2.2. As the second placed tended bid is in excess of the approved level for the service as set out in PCD1151 at £799,000 MOPAC is required to approved the contract award.

3. Financial Comments

- 3.1. The estimated 5-year contract value is upto £1,487,420. The MPS assure that this will be met from within the Property Services Directorate overall budget.

4. Legal Comments

- 4.1. MOPAC is a contracting authority as defined in the Public Contract Regulations 2015 (the Regulations). All awards of public contracts for goods and/or services valued at £213,477 or above shall be procured in accordance with the Regulations.
- 4.2. The MPS Directorate of Legal Services (DLS) assure that proposal is lawful.
- 4.3. Paragraph 4.14 of the MOPAC Scheme of Delegation and Consent provides that the DMPC has the right to call in:-
 - Any MPS proposal to award a contract for £500,000 or above.
 - All variations and extensions to contracts with an original value of £500,000 or above.

5. Commercial Issues

- 5.1. The services include planned visits to MPS Custody Suites to remove bagged, clinical waste; provision and emptying of sharps bins; provision and regular emptying of feminine hygiene bins; provision and regular emptying of dog waste bins; and reactive services for the aforementioned if/when there is additional operational demand.
- 5.2. The tender process was by way of competitive tender under the Eastern Shires Purchasing Organisation (ESPO) framework as per PCD1151. Under its delegated

authority the MPS approved a contract extension for the period from April 2023 to January 2024 while the negotiations to finalise the contract award were carried out.

- 5.3. The original proposed successful bidder withdrew from the tender process in October 2023 after the award of contract citing they had made an error in not understanding the extent and demands placed on them by the contract terms and conditions e.g. security clearance, data security etc. and advised that they were unable to deliver the services for the price they had bid.
- 5.4. As part of the negotiations with the second placed bidder (the incumbent) the MPS agreed a one-year interim contract to ensure continuity of service from the period January 2024 to January 2025.
- 5.5. As the second placed bidders price is in excess of the level approved by MOPAC in the paper initiating the procurement the contract award decision must be referred to MOPAC.

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, 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 the framework provider ESPO (Eastern Shires Purchasing Organisation) have completed all due diligence against their suppliers including Equality and Diversity. MPS have confirmed with ESPO that the London Living Wage must be used for this tender.

8. Background/supporting papers

- Appendix 1 – MPS Report - Property Services Department – Clinical & Offensive Waste Service Contract Award

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	<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 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 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

A handwritten signature in black ink, featuring a stylized 'S' or 'C' shape followed by a horizontal line.

Date 10/07/2024