

**DMPC Decision – PCD 1699.**

**Title: Novation of contracts from Police Digital Service to Blue Light Commercial**

**Executive Summary:**

This paper seeks approval to novate three National IT framework contracts from the Police Digital Service to Blue Light Commercial.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to:

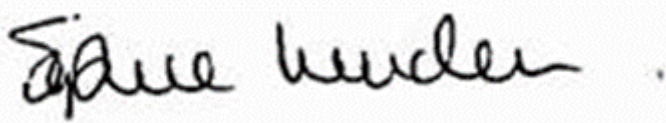
1. Approve the novation of the VMWare ELA licence, 12 IBM Analyst and Adobe Software licence contracts on the National IT framework from Police Digital Service (PDS) to Blue Light Commercial (BLC).

**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** 13/08/2024

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

**1. Introduction and background.**

- 1.1. The Metropolitan Police Service (MPS) has three National IT framework contracts with the Police Digital Service.

- VMWare ELA is a licencing agreement for provision of VMWare virtual machine capability, awarded in December 2021 for three years ref PCD 1160.
  - I2 IBM Analyst provides intelligence and analysis modelling capability, awarded in March 2022 for three years ref PCD 1160.
  - Adobe ETLA is a licencing agreement for Adobe products, awarded in April 2023 for a fixed three-year term ref PCD 1430.
- 1.2. However, the MPS has been notified by BLC that it will be taking responsibility for various national IT frameworks from the PDS. BLC is company limited by guarantee that was established jointly by the Home Office and the Policing sector and is a recognised contracting entity under the procurement regulations and acts as a lead entity on behalf of police forces for various commercial engagements.

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

- 2.1. This request is only for approval to novate the three contracts to the BLC framework. All aspects of the agreements will remain as contracted.

## **3. Financial and Commercial Comments.**

- 3.1. This is a novation of an existing contracts it does not change any agreed contractual commitments to cost, governance and responsible procurement.
- 3.2. The contracts will be coordinated via BLC following novation and the MPS will engage with the aggregation exercises coordinated by BLC for the re- contracting of the requirements as required.

## **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 public contracts for goods and/or services valued at £213,477 or above shall be procured in accordance with the Regulations. The value of the novation exceeds this threshold.
- 4.2. 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 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.

- 4.3. Paragraph 4.14 of the MOPAC Scheme of Consent and Delegation requires the Deputy Mayor for Policing and Crime (DMPC) to approve any contract novation of a contract value of £500,000 or above.
- 4.4. Regulation 72(1)(d) of the Public Contracts Regulations 2015, states that, contracts and framework agreements may be modified without a new procurement procedure where a new contractor replaces the one to which the contracting authority had initially awarded the contract as a consequence of universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the contract.
- 4.5. MPS assure that BLC fulfils the criteria to provide the services initially established under regulation 72(1)(d) (ii) of the Public Contracts Regulations 2015.

## **5. GDPR and Data Privacy**

- 5.1. 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.
- 5.2. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully to safeguard the rights and freedoms of individuals.
- 5.3. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
- 5.4. The project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

## **6. Equality Comments**

- 6.1. There are no equality implications.

## **7. Background/supporting papers**

- 7.1. MPS Paper Novation of Contracts from the Police Digital Service to Blue Light Commercial.

<b>Public access to information</b>
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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.

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 –No.

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> The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
<b>GDPR/Data Privacy</b> <ul style="list-style-type: none"> <li>GDPR compliance issues are covered in the body of the report.</li> <li>A DPIA is not required.</li> </ul>	✓
<b>Drafting Officer</b> Stephen Kalyango has drafted this report in accordance with MOPAC procedures.	✓
<b>Director/Head of Service:</b> The 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.	✓

**Chief Executive Officer**

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.

**Signature**

A handwritten signature in black ink, featuring a circular loop followed by a series of connected, slightly wavy lines extending to the right.

**Date** 05/08/2024

