

DMPC Decision – PCD 1733

Title: Statutory Fire Risk Assessment Services Re-Procurement Report

Executive Summary:

This paper seeks approval for the re-procurement of the Statutory Fire Risk Assessment Services Contract. This will ensure continuity of service in the delivery of Fire Risk Assessment services across the MOPAC Estate, maintaining statutory requirements in compliance with the Regulatory Reform (Fire Safety) Order (RRO) 2005.

PSD have reviewed the current interim call-off arrangement, where Fire Risk Assessments are delivered through the Property Integrator Contract, and are seeking approval from MOPAC to commence re-procurement of Fire Risk Assessments through a discrete contract, delivered by a supplier specialising in Statutory Fire Risk Assessments.

Re-procurement will also ensure the new contract is structured to respond to future changes that may arise through the 'New Met for London' NMfL Plan.

Recommendation:

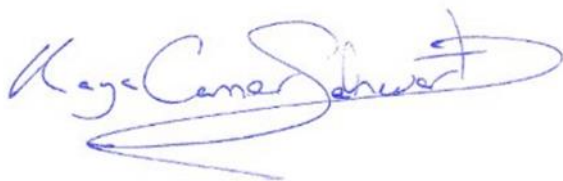
The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

1. Approve the re-procurement of the Statutory Fire Risk Assessment Contract with a proposed contract value of £2,420,851 over 5+1+1 years.
2. Approve the award of the contract to the successful bidder following a compliant competitive procedure within a 10% tolerance of the values outlined in this paper, with sign-off by the MPS Commercial Director under delegated authority.
3. Note that costs will increase annually in line with the contracted inflation rate.
4. Note that the requirement for this service is imposed on the MPS through a Statutory Act, and therefore the costs cannot be controlled beyond achieving the best value at the point of letting the contract. Any additional spend beyond the current available budget will require re-prioritisation of the wider PSD budget.

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.

A handwritten signature in blue ink, appearing to read "Kaye Cramer Schwartz", with a large, stylized flourish underneath.

Signature

Date 18/12/2024

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

1. Introduction and background

- 1.1. The provision of a risk-based Fire Risk Assessment Service is in full compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.
- 1.2. The contract will provide services across all 32 London Boroughs comprising the MOPAC estate.
- 1.3. A detailed review of the scope of all service lines was undertaken to identify any opportunity to in-source/self-deliver all or part of the Fire Risk Assessment program. The review concluded that while a small number of Fire Risk Assessments will be undertaken by the Property Services Compliance Team, largely associated with sensitive sites and very small properties e.g. Safer Neighborhood bases, the most viable delivery model would be one where the Fire Risk Assessments are undertaken by an external specialist supplier.
- 1.4. A further review of the Fire Risk Assessment contract requirements and scope will be undertaken during the preparation of the tender documents to ensure an optimum delivery model offering value-for-money is put to market.

2. Issues for consideration

- 2.1. A review was also undertaken to ascertain whether collaboration would be possible with another public sector organisation or via an existing Framework Agreement.
- 2.2. Framework agreements available for the following were reviewed:
 - ESPO
 - Crown Commercial services (CCS)
 - NHS Shared Business Services
- 2.3. Technical review of the available frameworks and the hourly pricing structure discounted the use of the frameworks as a viable option.
- 2.4. Collaboration opportunities have been carefully considered, reviewed, and discussed with the:
 - GLA Group - No suitable collaborations or framework agreements have been identified within the GLA member organisations that meets the specific operational demands of this contract that supports front line policing. The one available framework that includes Fire Services available through Transport for London is not suitable as the MPS would require significant changes to the Framework's Terms and Conditions. These include security vetting, system accreditation and specific control of data provisions. This would necessitate a material change and therefore the MOPAC will not be able to compliantly call from this.
 - Blue Light Commercial (BLC) - No suitable collaborations or framework agreements have been identified.

3. Financial Comments

- 3.1. The provision of Fire Risk Assessment services is funded and managed within the PSD REM Compliance budget, principally under Real Estate Management.
- 3.2. The annual contract spend varies from year to year depending on a risk assessment and subsequent frequency for FRA's to be undertaken. At Net Present Value, the gap

between the existing current available budget £0.875M over the proposed contract duration presents a maximum budget pressure of £1.546M (£2.421M - £0.875M).

- 3.3. The funding gap will be part-mitigated by the annual inflationary increase over the life of the contract and the expected increase in funding to deliver NMFL.
- 3.4. Costs will increase annually in line with the inflation rate in the contract. The MPS allocates additional budget on an annual basis in accordance with contractual inflation rates, so these increases will remain affordable. The requirement for this service is imposed on the MPS through a Statutory Act, and therefore the costs cannot be controlled beyond achieving the best value at the point of letting the contract. Any additional spend beyond the current available budget will require reprioritisation of the wider PSD budget; costs will be monitored and controlled through the monthly budget meeting and financial reporting.

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 £214,904 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold. This report confirms that MOPAC's route to market is compliant with the Regulations.
- 4.2. 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); and
 - 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).
- 4.3. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call-in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.

5. Commercial Issues

- 5.1. The Service lines will undergo a competitive tender process, with evaluation criteria based on a blend of the following:
 - Technical capability
 - Commercial compliance including social value
 - Pricing competitiveness
- 5.2. A contract term of 5 years with 2 optional 12-month extensions has been recommended following analysis of the industry standards and in recognition of mobilisation, vetting and information on compliance requirements. The duration of the contract being beyond 3 years is deemed to be a 'Long' contract under PCR 2015. Previous submissions requesting longer durations have not been supported. The proposed contract term is aligned to previously approved 'long' contract durations. A longer and therefore higher value contract may further limit opportunities for SME's to participate.

6. GDPR and Data Privacy

- 6.1. 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 in order to safeguard the rights and freedoms of individuals.
- 6.2. 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.
- 6.3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the contract change meets its compliance requirements.
- 6.4. The contract does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered. This is not a new project or programme and purely relates to the contract value of an existing contract.

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.

8. Background/supporting papers

None.

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/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>
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 Omo Okuonghae has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The 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

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Date 11/12/2024