

DMPC Decision – PCD 1729.

Title: Catering Contract Value Uplift.

Executive Summary:

This paper seeks approval for a contract value uplift for the Catering Services Contracts to Lot 1 and Lot 2. The increase is required to maintain projected levels of spending due to increased demand for the services.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

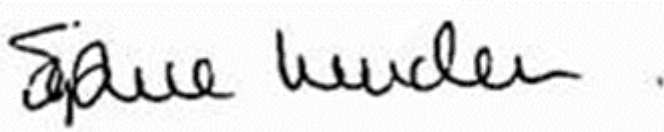
1. To approve a contract value uplift by £451,737 to fund the increased demand for the provision of Borough Catering and Hospitality (Lot 1).
2. To approve a contract value uplift by £2,807,803 to fund the increased expenditure for the provision of Detainee and Operational Feeding (Lot 2).

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 17/10/2024

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

1. Introduction and background.

- 1.1. The provision of catering services is managed by Operational Support Services (OSS/MO9) at currently over 30 detention suites, 3 operational feeding sites, 4 Staff Restaurants, Hospitality sites, and 89 sites through automated services.
- 1.2. Funding for onsite catering is through devolved Metropolitan Police Service (MPS) budgets. However, increased demand for hospitality services driven by operational demand and external market pressures that were not anticipated, when the current contracts were awarded in October 2022 (PCD1219) has put pressure on contract thresholds.

2. Issues for consideration.

- 2.1. There is a risk the contract value ceiling will be reached before the end of the contract, due to increased demand for operational feeding driven by protests since 2023, renewed focus on community engagement events to support with building trust and catering to a broader range of dietary requirements to improve officer and staff well-being and creating a more inclusive workforce.
- 2.2. The uplift is based on current spend and will ensure there is sufficient headroom for the remainder of the contract to cover projected business as usual spending, and enable continuous service improvement to meet officer, staff, and detainee dietary requirements.
- 2.3. The MPS acknowledges that, an increase in demand for catering means there is a need to reduce spend elsewhere. So, close collaborative working is ongoing with all suppliers and, expenditure monitoring guidelines have been reissued with in the MPS business groups to reduce costs.
- 2.4. The MPS assures that costs have been reduced in other areas due to the introduction of national leading Police and Criminal Evidence (PACE) compliant ambient meals for Detainee Feeding which are better quality and ensure MPS remains compliant with statutory requirements (Previously, multiple meals and snacks were required to ensure that detainees received their calorie intake).

3. Financial and Commercial Comments.

[OBJ]

- 3.1. The requested uplift of £3,259,540 will be funded from approved budgets to ensure there is sufficient headroom to cover projected business as usual spending for the remainder of the contract.

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.

- 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, where 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. Regulation 72 of the Public Contracts Regulations 2015 permits MOPAC to modify a contract in limited circumstances. Specifically, regulation 72(1) (a) provides that contracts and framework agreements may be modified without a new procurement procedure (up to 50% of contract value):

Where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses;

- State the scope and nature of possible modifications or options as well as the conditions under which they may be used, and
 - Do not provide for modifications or options that would alter the overall nature of the contract or the framework agreement.
- 4.4. Commercial and Property Services have provided assurance that the Contracts allow for the requested increases, and they can be approved.
 - 4.5. Regulation 72(3) provides the MOPAC shall publish a modification notice where a contract is modified in accordance with regulation 72(1) (b) or (1)(c).

5. GDPR and Data Privacy

- 5.1. 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.
- 5.2. 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.
- 5.3. 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. The service does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

- 5.4. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

6. Equality Comments

- 6.1. 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.
- 6.2. The MPS assures that an equality screening exercise was completed. There is no impact to any of the protected characteristic groups negating the completion of a full EIA at this time.

7. Background/supporting papers

- 7.1. MPS Paper Catering Services Contract Value Uplift.

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 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

*Tick to confirm
statement (✓)*

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 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



Date 15/10/2024

