

DMPC Decision – PCD 929

Title: Property Service – Initiate Procurement – Marquees and Tents

Executive Summary:

This paper seeks approval to initiate the procurement of a framework for the supply of marquees and tents via a competitive open procedure, and to approve the delegation of the award of framework and call-off contract. The estimated value of the 4 year framework is £1,215,000 and the estimated contract call off by Metropolitan Police Service (MPS) for a term of upto 7 years is £935,000.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

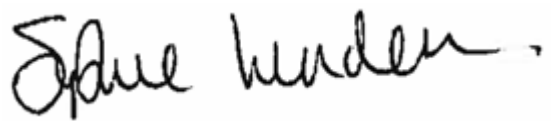
1. Approve the re-tender activity for the contract delivering The Supply and Hire of Temporary Facilities Marquees and Tents via a competitive open procedure under the Public Contract Regulations (PCR 2015) for a four year framework up to a value of £1,215,000, and call off contract for a up to seven year period estimated at a value of £935,000
2. Approve the award of a Framework and Call-Off Contract for the tendered service line on the proviso that the tendered contract values are within 10% of the budgets contained within the Business Justification 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

18/02/2021

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

1. Introduction and background

- 1.1. The current contract for the provision of year-round hire, supply and erection of marquees and tents for operations and events expires in May 2022. This paper seeks approval to initiate the re-procurement of this service.

2. Issues for consideration

- 2.1. There remains an on-going requirement for this service - for large national events with specific venues sometimes known in advance, but on rare occasions, urgent response will be requested for the hire and erection of equipment at short notice.

3. Financial Comments

- 3.1. The estimated value of the 4 year framework is £1,215,000 and the estimated contract call off by Metropolitan Police Service for a term of upto 7 years is £935,000. The actual spend on the contract will be subject to demand for the service.
- 3.2. The estimated MPS contract call off value of £935,000 can be met from within the existing resources of the MPS.

4. Legal Comments

- 4.1. The MPS confirm that the proposed route to market is compliant with the Public Contract Regulations. They also confirm that the proposed duration of a call-off contract is for a possible seven years in total and that Call-off contracts based on framework agreements may be longer than four years, and may extend beyond the expiry date of the framework.
- 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 Commercial Services 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 proposed procurement is for the supply, hire and erection of marquees and tents for operations and events.
- 5.2. The procurement route will be via a competitive procedure under the Public Contract Regulations (PCR 2015) and in line with the GLA responsible procurement requirements.
- 5.3. Financial capacity will be made available within the framework to enable other bodies to access the framework including the GLA and its functional bodies.

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 project 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 report that as this is a re-procurement of an existing service this work does not change any aspects relating to equality or diversity

8. Background/supporting papers

- Appendix 1 MPS Report - Initiation and Award of the procurement for the Supply and Hire of Temporary Facilities Marquees and Tents

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

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

Commercial issues are covered in the body of the report.

✓

GDPR/Data Privacy

GDPR compliance issues are covered in the body of the report

✓

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



Date 10/02/2021



Initiation and Award of the procurement for the Supply and Hire of Temporary Facilities Marquees and Tents

MOPAC Investment Advisory & Monitoring meeting 5th February 2021

Report by Dawn Lewis (KBR) on behalf of the Chief of Corporate Services

Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC

EXECUTIVE SUMMARY

This paper concerns the initiation of the procurement activity under the Public Contract Regulations (PCR 2015) for the Supply and Hire of Temporary Facilities, Marquees and Tents. Also the subsequent contract award following a competitive tender exercise using the Most Economically Advantageous Tender (MEAT) criterion.

The key issues the Portfolio and Investment Board need to take account of are:

- The award of the tendered service line will be on the proviso that the tendered contract value is within 10% of the budgets contained within this paper
- The Current Contract awarded in May 2018 has utilised the Contract Extension years, and the Contract will expire without the option of extension in May 2022.

Recommendations

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

- 1. Approve the Re-tender activity for the contract delivering The Supply and Hire of Temporary Facilities Marquees and Tents via a competitive open procedure under the Public Contract Regulations (PCR 2015)**
- 2. Approve The award of a Framework and Call-Off Contract for the tendered service line on the proviso that the tendered contract values are within 10% of the budgets contained within the Business Justification Paper**

Time sensitivity

A decision is required from the Deputy Mayor by 26/02/2021 This is because the timeline to re-procure begins with a market engagement phase that is due to be released in March 2021, this will enable us to meet the project milestones for taking

the opportunity to market. We are restricted by the contract end date of the existing contract.

Non-confidential facts and advice to the Deputy Mayor for Policing and Crime

Introduction and background

1. To ensure operational continuity of the Service Line the opportunity will be required to go to market to allow for a fully compliant and competitive tender to be completed. KBR are recommending that the opportunity is taken to the Market via an Open Procedure in line with Public Contract Regulations (PCR 2015)
2. This contract was last awarded in 2018 on a 3 year plus an optional 1-year extension that has been exercised.
3. This ongoing requirement is for a year-round hire, supply and erection of marquees and tents for operations and events. Requirements for large national events with specific venues are sometimes known in advance, but on rare occasions, urgent response will be requested for the hire and erection of equipment at short notice

Issues for consideration

4. The Current Contract awarded in May 2018 has utilised the Contract Extension year, and the Contract will expire without the option of further extension in May 2022.
5. A further Market Engagement exercise is planned, this aims to re-test the Market, and to raise interest in the opportunity being bought to the market. This Market Engagement exercise will also focus further on updated actions / expectations in relation to Brexit and importantly will also look to establish how COVID-19 has affected the Market and individual suppliers.
6. The full Invitation to Tender (ITT) pack, evaluation and award criteria will be developed and presented to key stakeholders for approval prior to release, this will include as a minimum:
 - Contractual Terms and Conditions T&C's
 - Specification
 - Pricing mechanisms
 - Key Performance Indicator (KPI) model
 - ITT return documents
 - Supplier Guidance documents.
7. The initiation of a re-procurement activity and subsequent award of a Framework and Call off Contract following a full competitive tender exercise will be based on Most Economically Advantageous Tender (MEAT) criterion.

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

¹ [Police and crime plan: a safer city for all Londoners | London City Hall](#)

8. This ongoing requirement is for a year-round hire, supply and erection of marquees and tents for operations and events. Requirements for large national events with specific venues are sometimes known in advance, but on rare occasions, urgent response will be requested for the hire and erection of equipment at short notice.
9. All requirements will be reviewed with key stakeholders from both Metropolitan Police Services (MPS) Property Services Department (PSD) and Operational Service Group (OSG) to ensure the specification and ITT pack is inclusive of all requirements, relevant and suitable for the service line and market prior to being released for competition.

Financial, Commercial and Procurement Comments

10. The Procurement activity is in line with the GLA responsible procurement requirements
11. There are no available frameworks for the Authority to utilize that can deliver the Services as per the Requirements.
12. The award of a Framework does not commit the MPS to any spend activity
13. The Framework value of £1,215K is based on a 30% increase to the MPS requirement. This ensures that after the MPS spend is discounted from the framework, there is a reasonable value remaining available for other public sector organisations to access and utilise the Framework as required. It is anticipated that any call off on this Framework would be considerably smaller than that of the Authority and therefore the remaining value of circa £280k over 4 years will enable smaller value contracts or one off requirements by named participants to collaborate on this Framework.
14. Re-tender activity of the Supply and Hire of Temporary Facilities Marquees and Tents service line will be via a competitive procedure under the Public Contract Regulations (PCR 2015)
15. The estimated total value of the new contract based on a 7-year contract period is £935K. The proposed new contract value is based on the current annual spend of £105k and anticipated additional work making a contingency of £200k over the contract lifetime. However, it should be noted this is a guide, and Contract cost will be known once the Procurement Activity is completed.
16. An award paper would be presented should the Contract cost be outside of a 10% tolerance from the values outlined in this paper.
17. The potential increase in costs is estimated to be £29k p.a. (which equates to the contingency costs) can be met from existing resources within the Property Services Revenue budget.
18. The evaluation criteria will be based on:
 - Technical Capability
 - Commercial
 - Pricing
19. The further market engagement in addition to the previous market engagement should insight competition for the tender of this service line. A Prior Information Notice (PIN) will be released via the BlueLight portal, warning the market to an upcoming opportunity. Using these methods of Market Engagement KBR will be inviting competition for the re-tender of this Service Line driving value for money.

Legal Comments

20. This report confirms the proposed route to market is compliant with the Regulations. It also confirms the proposed duration of a call-off contract is for a possible seven years in total. Crown Commercial Services guidance on the use of framework agreements provides
21. "Call-off contracts based on framework agreements may be longer than four years, and may extend beyond the expiry date of the framework ... The length of call-offs, as with other contracts, should be appropriate to the purchases in question and should reflect value for money considerations. It may be the case that individual call-offs extend beyond the four-year term of the framework itself. However, this should not be done in order to circumvent the EU rules."
22. The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve:
 1. Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and
 2. 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).
23. Paragraph 7.23 of the Scheme provides that the Director of Commercial Services 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.

Equality Comments

24. As this is a re-procurement of an existing service this work does not change any aspects relating to equality or diversity.

Privacy Comments

25. The project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

Real Estate Implications

26. This service is field based and is unlikely to impact any future estates transformation.

Environmental Implications

27. There are no additional environmental risks arising from this request.
28. KBR has worked closely with the Authority's Environment and Sustainability Team to ensure that a supply chain is procured which has an environmental capability relating to service delivery aligned to Authority's sustainability programmes.

29. KBR and the Authority have developed a set of contractual provisions for suppliers working with the Authority, including a set of robust requirements relating to sustainability embedded in the contracts. In addition, KBR has developed a Contract Health, Safety and Environment plan which sets out how the contract will be delivered in a way which meets the Authority's sustainability standards and environmental compliance, and where applicable, industry best practice.

Background/supporting papers

30. There are no supporting papers included in part 1 or part 2

Report author: Dawn Lewis (KBR) – MPS Procurement Lead

Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:
OFFICIAL-SENSITIVE [COMMERCIAL]

Part 2 of Business Justification Initiation and Award of the procurement of the Supply and Hire of Temporary Facilities Marquees and Tents is exempt from publication for the following reasons:

- Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests).
- The relevant sections under the FOIA that would exempt this information from disclosure, for example:
 - Data Protection Section 40,
 - Commercial Interest Section 43
 - Legal Professional Privilege Section 42

The paper will be exempt until May 2029 – 7 years after the contract award .