

**DMPC Decision – PCD 539**

**Title: Consolidated Contract Renewals FY19-20**

**Executive Summary:**

This paper presents for approval a consolidated list of contracts which will require renewal during the next year, to streamline the approvals process. This is designed to eliminate potential problems with tight turnaround times required for some contract renewals. This consolidated approach is only applied where there are no immediate alternative arrangements feasible or possible. In Digital Policing there are a number of supplier contract arrangements where no immediate alternative exists, where the supplier is the only route to market (single tender actions) and where the service is required on an ongoing basis.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the renewal of existing IT contracts detailed in the 2019/20 consolidated contract summary in Part 2 up to a total limit of £26.4M per year, fully funded within the new draft Digital Policing elements of the MPS Budget with MOPAC for approval in early 2019.
2. Approve delegated authority for the Director of Commercial Services to complete each of the contracts during 2019/20 within the limits detailed in the contract summary.

And to note:

- Approval is required by March 2019 to allow renewal of those contracts detailed in the consolidated contract summary due to expire at the end of March 2019.
- If there are unforeseen material changes in business requirements, changes to the service provision or available contracting routes during 2019/20 for contracts covered by the contract summary the applicable contract will be brought back for specific approval where it exceeds the limits in this 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**

*John Hinde*

**Date**

12/03/19

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

### **1. Introduction and background**

- 1.1. In Digital Policing there are a number of supplier contract arrangements where no immediate alternative exists, where the supplier is the only route to market (single tender actions) and where the service is required on an ongoing basis.
- 1.2. Many suppliers are unwilling to enter into long term arrangements nor negotiate on price until the end of the contract. As a result, Digital Policing and Commercial Services often have limited time between the contract end and the submission deadlines for the appropriate Governance meetings to secure best value for money.

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

- 2.1. The requested consolidated approval would be subject to the renewals being for terms of no longer than three years, being contained within a total of £26.4M p.a. and where there is no material change to the existing provision.
- 2.2. There are two alternative procurement options that are not recommended as they will not provide any additional value and would be both resource intensive and time consuming:
  - Conduct individual OJEU tender exercises. As there is an absence of competition for the requested renewals, undertaking OJEU tender exercises would not generate any additional value and would be extremely time consuming and not a satisfactory use of resources.
  - Utilise a Crown Commercial Service or other framework agreement. Although using a framework represents a quicker route to market than an OJEU process, there is still an absence of competition due to technical reasons.

### **3. Financial Comments**

- 3.1. Funding and or cost implications in this request are fully funded within the new draft Digital Policing (DP) elements of the MPS Budget with MOPAC for approval in early 2019.
- 3.2. This consolidated list of selected IT contracts assumes the impact of inflation will be no more than £1.3M (5%) fully funded in the Digital Policing budget.
- 3.3. The actual future costs and constituents of the consolidated contract renewals will vary depending on price changes but also the evolution of the technical estate, as services are retired, evolved and new services brought into operation.

### **4. Legal Comments**

- 4.1. The Mayor's Officer for Policing Crime 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 £181,302 or above will 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 requests to go out to tender for contracts of £500,000 or above.
- 4.3. Paragraph 7.23 of the Scheme provides the Director of Strategic Procurement has consent to approve the award of all contracts, with the exception of those called in through the agreed call in procedure.

## **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. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the renewals meet its compliance requirements.

## **6. Equality Comments**

- 6.1. As this is an extension of existing services this work does not change any aspects relating to equality or diversity

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

- 7.1. Report

**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>
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
<b>Legal Advice:</b> Legal advice is not required.	✓
<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 as this is a continuation of existing contracts.</li> </ul>	✓
<b>Director/Head of Service:</b> The Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

**OFFICER APPROVAL****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.

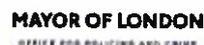
**Signature**

*R. Lawrence*

**Date**

*12/03/2019*





**Consolidated IT Contract renewals FY19/20**

**MOPAC Investment Advisory Meeting 01/03/19**

**Report by Angus McCallum on behalf of the Deputy Commissioner**

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

***EXECUTIVE SUMMARY***

This report requests approval to renew selected existing IT service contracts. All the contracts are single tender actions as there are no immediate alternative arrangements feasible or possible. Maximum approval requested is £26.4M p.a. This will be funded from existing or planned budgets.

**Recommendations**

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

- 1. Approve the renewal of existing IT contracts detailed in the 2019/20 consolidated contract summary in Part 2 up to a total limit of £26.4M per year, fully funded within the new draft DP elements of the MPS Budget with MOPAC for approval in early 2019.**
- 2. Approve delegated authority for the Director of Commercial Services to complete each of the contracts during 2019/20 within the limits detailed in the contract summary.**

And to note:

- Approval is required by March 2019 to allow renewal of those contracts detailed in the consolidated contract summary due to expire at the end of March 2019.
- If there are unforeseen material changes in business requirements, changes to the service provision or available contracting routes during 2019/20 for contracts covered by the contract summary the applicable contract will be brought back to IAM for specific approval where it exceeds the limits in this paper.

### **Time sensitivity**

A decision is required from the Deputy Mayor by 15/03/2019. This is because a number of contracts require renewal on 01/04/2019.

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

### **1. Introduction and background**

- 1.1 In Digital Policing there are a number of supplier contract arrangements where no immediate alternative exists, where the supplier is the only route to market (single tender actions) and where the service is required on an ongoing basis
- 1.2 Many suppliers are unwilling to enter into long term arrangements nor negotiate on price until the end of the contract. As a result, Digital Policing and Commercial Services often have limited time between the contract end and the submission deadlines for the appropriate Governance meetings (PIB / IAM) to secure best value for money.

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

- 2.1 The requested consolidated approval would be subject to the renewals being for terms of no longer than three years, being contained within a total of £26.4M p.a. and where there is no material change to the existing provision.
- 2.2 There are two alternative procurement options that are not recommended as they will not provide any additional value and would be both resource intensive and time consuming.
  - Conduct individual OJEU tender exercises. As there is an absence of competition for the requested renewals, undertaking OJEU tender exercises would not generate any additional value and would be extremely time consuming and not a satisfactory use of resources.
  - Utilise a Crown Commercial Service or other framework agreement. Although using a framework represents a quicker route to market than an OJEU process, there is still an absence of competition due to technical reasons.

### **3. Contributes to the MOPAC Police & Crime Plan 2017-2021**

- 3.1 These contracts provide a range of digital services that underpin the MOPAC Police and Crime Plan, for example access to Microsoft services such as email, word, excel; Access to Digital Interview Recording etc.

#### **4. Financial, Commercial and Procurement Comments**

- 4.1 Funding and or cost implications in this request are fully funded within the new draft DP elements of the MPS Budget with MOPAC for approval in early 2019.
- 4.2 This consolidated list of selected IT contracts assumes the impact of inflation will be no more than £1.3M (5%) fully funded in the Digital Policing budget.
- 4.3 The actual future costs and constituents of the consolidated contract renewals will vary depending on price changes but also the evolution of the technical estate, as services are retired, evolved and new services brought into operation.

#### **5. Legal Comments**

- 5.1 The Mayor's Officer for Policing Crime 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 £181,302 or above will be procured in accordance with the Regulations.
- 5.2 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 requests to go out to tender for contracts of £500,000 or above.
- 5.3 Paragraph 7.23 of the Scheme provides the Director of Strategic Procurement has consent to approve the award of all contracts, with the exception of those called in through the agreed call in procedure.

#### **6. Equality Comments**

- 6.1 As this is an extension of existing services this work does not change any aspects relating to equality or diversity.

#### **7. Privacy Comments**

- 7.1 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.
- 7.2 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
- 7.3 The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the renewals meet its compliance requirements.

## 8. Real Estate Implications

8.1 As this is an extension of existing services this work does not change any aspects relating to real estate.

## 9. Environmental Implications

9.1 As this is an extension of existing services this work does not change any aspects relating to the environmental impact.

## 10. Background/supporting papers

10.1 Report 'Consolidated IT Contract renewals FY19/20'

Report author: Jamie Hewitt, Director of Applications and End User Services, Digital Policing

**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 'Consolidated IT Contract renewals FY19/20' is exempt from publication for the following reasons:

- It contains information on the value of individual contracts which, if published, may negatively impact the organisations ability to obtain best value in future sourcing work.

The exemption is covered under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests). The paper will cease to be exempt once the information is no longer commercially sensitive, likely 2 years after the contracts renewed in this paper have ceased.