

**DMPC Decision – PCD 627****Title: National Legal Services Framework – Extension to contract term****Executive Summary:**

This report outlines the proposed extension of the National Legal Services Framework contract by eight months to enable feedback to be incorporated from the current Collaborative Law Enforcement Programme consultation, following which a re-procurement exercise will take place.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to:

- Approve the extension of the National Legal Services Framework by eight months to 31 January 2021 to allow sufficient time to engage with all police forces in the re-procurement of the replacement National Legal Services Framework and to avoid any shorter extension period ending on Christmas/New Year.
- Note the estimated total expenditure under the current National Legal Services Framework for all eligible users was £24m and the extension will cause this figure to be exceeded. It is anticipated that the new Framework value will be no more than £33m, an increase of £9m of which the MPS spend is estimated to be no more than £5m. Any further expenditure under the Framework will be met from either existing Legal Services revenue budgets or from approved programme/ project budgets, as appropriate

**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***Sophie Hendon***Date***11/9/19*

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

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

- 1.1. The National Legal Services Framework (NLSF) contract was awarded in 2016, for the provision of legal services for a term of 4 years expiring on 31 May 2020.
- 1.2. Following a Home Office led review the legal services category is currently under review by the Collaborative Law Enforcement Programme (CLEP) to ascertain what improvements can be made nationally, from a quality, efficiency and value for money perspective, to ensure Police Forces are deriving the optimum value from their engagement with external solicitors. This engagement is ongoing and the findings will be incorporated into the renewal of the National Legal Services Framework.
- 1.3. As these consultations are ongoing and procuring legal services for national use is complex there is insufficient time to run a procurement exercise to have a replacement for the NLSF in place for 1 June 2020.

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

- 2.1. To enable any benefits identified by CLEP to be incorporated into the procurement process and to liaise with other Forces to communicate these benefits an extension to the existing contract to 31 January 2021 is requested.
- 2.2. Greater take up of the NLSF will benefit the MPS by achieving better pricing, more opportunities for added value and more choice in the bidders. Greater use of the NLSF should also benefit policing nationally by achieving greater value for money, through consistency in charge rates; shared learning, from the perspective of firms being able to share advice between forces and efficiencies in the procurement of external legal support.

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

- 3.1. Contract rules allow for an increase of up to 50% of the original contract value where certain criteria are met. The contract value of the original contract contained a range of £18m – £24m. Taking a cautious approach, a 50% increase would be £9m based on the lower end of this range. This would result in a new maximum value for the Framework of £33m. The MPS spend within this contract is estimated to be no more than £5m.
- 3.2. The MPS spend will be met from within existing Legal Services revenue budgets or from approved programme/ project budgets, as appropriate.

### **4. Legal Comments**

- 4.1. MOPAC is a contracting authority as defined in the Public Contract Regulations 2015 (the PCRs). All awards of public contracts for goods or services valued at £181,302 or more must be procured in accordance with the PCRs. This report confirms that the request exceeds the £181,302 threshold and therefore the PCRs are engaged.
- 4.2. Paragraph 4.13 of the Scheme provides the DMPC shall be required to approve all unforeseen extensions to contracts with an original value of £500,000 or above, when the

extension is greater than 10% of the original contract value and/or is for a period of more than 12 months.

- 4.3. The report confirms that the value of the proposed extension shall not exceed 50%.
- 4.4. There is further detail about the legal implications in the restricted part of the report.

## **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. As this request relates to an existing service the Information Assurance and Information Rights units within MPS were consulted at all stages to ensure the compliance requirements were met.
- 5.4. The service does not currently use personally identifiable data of members of the public, so there are no current GDPR issues to be considered.

## **6. Equality Comments**

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

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

- 7.1. 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? 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**

The proposal is in keeping with the GLA Group Responsible Procurement Policy.

✓

**GDPR/Data Privacy**

- GDPR compliance issues are covered in the body of the report.
- A DPIA is not required.

✓

**Director/Head of Service**

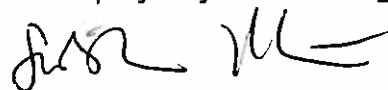
The Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

**Interim 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**

11/9/19

**National Legal Services Framework – Extension to contract term****MOPAC Investment Advisory & Monitoring meeting August 2019****Report by Helen Johnson 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**

In 2016 the MPS awarded the National Legal Services Framework (NLSF) for the provision of legal services for a term of 4 years expiring in May 2020. The purpose and scope of the NLSF is to ensure the MPS has an overflow facility to deal with "business as usual" legal work that cannot be dealt with internally. The NLSF is also used for specialist projects where it would not be cost effective to dedicate DLS lawyers solely to a single project and property law work in which DLS does not have specialism.

National consultation is currently being undertaken by the Collaborative Law Enforcement Programme (CLEP) to ascertain what improvements can be made to encourage more Forces to utilise the NLSF benefits. As these consultations are ongoing and procuring legal services for national use is complex there is insufficient time to run a procurement exercise to have a replacement for the NLSF in place for 1 June 2020.

This paper is submitted for MOPAC to approve an extension to the current NLSF of eight months, to 31 January 2021, to enable the next procurement to incorporate any recommendations resulting from CLEP's consultations.

Contract rules allow for an increase of up to 50% of the original contract value. Given that a range of 18m – 24m was published in the original contract notice a cautious approach is being taken with the 50% increase being applied to the lower end of this range resulting in a new maximum value for the Framework of no more than £33m.

**Recommendations**

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

1. **Approve the extension of the NLSF by eight months to 31 January 2021. The NLSF made up of the twelve framework agreements between MOPAC and the firms listed at paragraph 5**
2. **To note that the estimated total expenditure under the current NLSF for all eligible users was £24m and the extension will cause this figure to be**

exceeded, the new Framework value will be no more than £33m, an increase of £9m of which the MPS spend is estimated to be no more than £5m.

3. To note that an eight month extension is requested to allow sufficient time to engage with all police forces in the re-procurement of the replacement NLSF and to avoid any shorter extension period ending on Christmas/New Year.
4. To note the cost of legal advice sought under the extension will be met from either existing Legal Services revenue budgets or from approved programme/ project budgets, as appropriate

### **Time sensitivity**

A decision is required from the Deputy Mayor by 12<sup>th</sup> September 2019. This is because if the request is rejected an expedited procurement process will need to take place, however if this was necessary the MPS would not benefit from the national consultation.

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

### **Introduction and background**

1. In 2016 the MOPAC awarded the National Legal Services Framework (NLSF) for the provision of legal services for a term of 4 years expiring on 31 May 2020. The purpose and scope of the contract is to ensure the MPS has an overflow facility to deal with "business as usual" legal work that cannot be dealt with internally. Work typically sent out to supporting panel firms is low level work where in-house capability exists but where workflow peaks require additional external support; specialist projects where it would not be cost effective to dedicate DLS lawyers solely to a single project and property law work in which DLS does not have specialism.
2. The MPS expenditure, and value of the call off contracts awarded under the framework in regards to MPS legal work, was forecast at a maximum of £15.6m to cover business as usual work over the 4 years.
3. The current National Legal Services Framework is due to expire on 31 May 2020. Procuring legal services for national use is complex and requires significant consultation and engagement. Following a Home Office led review the category is currently under review by the Collaborative Law Enforcement Programme (CLEP) to ascertain what improvements can be made nationally, from a quality, efficiency and value for money perspective, to ensure Police Forces are deriving the optimum value from their engagement with external solicitors. This engagement is ongoing and the findings will be incorporated into the renewal of the National Legal Services Framework.
4. As has been said, procuring legal services for national use is complex, so to enable any benefits identified by CLEP to be incorporated into the procurement process and to liaise with other Forces to communicate these benefits an extension to the existing contract to January 31 2021 is requested.

5. The NLSF is made up of the following twelve separate framework agreements between MOPAC and law firms:

|   |  |
|---|--|
| <b>Lot 1</b><br>Procurement, Contract and Commercial,<br>Governance | TLT LLP<br>Michelmores<br>Capsticks              |
| <b>Lot 2</b><br>Civil Litigation and Personal Injury                | Weightmans<br>Plexus Law Ltd.<br>Clyde & Co.     |
| <b>Lot 3</b><br>Employment  | Capsticks<br>Michelmores<br>Gowling WLG (UK) LLP |
| <b>Lot 4</b><br>Commercial, Residential Property and PFI            | Michelmores<br>TLT LLP<br>Weightmans             |

#### Issues for consideration

6. Extending the contract term for benefits identified by CLEP to be incorporated will give time to work with other Forces to encourage them to use the NLSF. Greater take up of the NLSF will benefit the MPS by achieving better pricing, more opportunities for added value and more choice in the bidders. Greater use of the NLSF should also benefit policing nationally by achieving greater value for money, through consistency in charge rates; shared learning, from the perspective of firms being able to share advice between forces and efficiencies in the procurement of external legal support.

#### Contributes to the MOPAC Police & Crime Plan 2017-2021<sup>1</sup>

7. By having the facility to use the NLSF during periods of high demand DLS is better able to provide legal advice and support to the MPS to achieve the aims of the Police & Crime Plan and keep London safe.

#### Commercial and Procurement Comments

8. This information is contained in the restricted section of the report. As an extension to an existing service this work does not change any aspects relating to responsible procurement.

#### Financial Implications

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

9. Contract rules allow for an increase of up to 50% of the original contract value, where certain criteria are met. The contract value of the original contract contained a range of £18m – £24m. Taking a cautious approach, a 50% increase would be £9m based on the lower end of this range. This would result in a new maximum value for the Framework of £33m. The MPS spend within this contract is estimated to be no more than £5m.
10. The MPS spend will be met from within existing Legal Services revenue budgets or from approved programme/ project budgets, as appropriate.

### **Legal Comments**

11. MOPAC is a contracting authority as defined in the Public Contract Regulations 2015 (the PCRs). All awards of public contracts for goods or services valued at £181,302 or more must be procured in accordance with the PCRs. This report confirms that the request exceeds the £181,302 threshold and therefore the PCRs are engaged.
12. Paragraph 4.13 of the Scheme provides the DMPC shall be required to approve all unforeseen extensions to contracts with an original value of £500,000 or above, when the extension is greater than 10% of the original contract value and/or is for a period of more than 12 months.
13. The report confirms that the value of the proposed extension shall not exceed 50%.
14. There is further detail about the legal implications in the restricted part of the report.

### **Equality Comments**

15. As this is an extension of an existing service this request does not change any aspects relating to equality or diversity'.

### **Privacy Comments**

16. 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.

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.



As this request relates to an existing service the Information Assurance and Information Rights units within MPS were consulted at all stages to ensure the compliance requirements were met.

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

**Real Estate Implications**

17. Failure to approve the request may impact on the Real Estate Strategy if legal advice is not provided or delayed.

**Environmental Implications**

18. There is no impact to the Mayor's London Environment Strategy.

**Background/supporting papers**

19. There are no supporting papers.

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