

**REQUEST FOR DMPC DECISION – PCD 487****Title: Pursuit Cars 2018- Contract Award****Executive Summary:**

The Metropolitan Police Service (MPS) are seeking to award a contract for the purchase of Pursuit Cars via the Crown and Commercial Services (CCS) Vehicle Purchase Framework Agreement.

- The framework period is from 2nd December 2014 to 1st December 2018, the contract is within the technical and financial scope of the framework. The duration of the contract will be 48 months commencing in November 2018.
- The contract is valued at £2.6M. This remains affordable within the overall approved Fleet Capital Programme 2018/19 to 2021/22.
- Approval to initiate procurement action was granted by the Deputy Mayor for Policing and Crime in September 2017, as part of the MPS Vehicle Replacement Programme 2018 to 2021/22.
- The fuel and emission strategy adopted for this tender was to target specify Diesel Euro 6 technology, to enable the replacement of large 4x4 diesel vehicles with vehicles that meet the latest emission standards and will comply with the forthcoming Ultra-Low Emission Zone.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to:

- Approve the award of the contract for the purchase of Pursuit Cars to be funded from the approved Fleet Capital Programme 2018 to 2021/22, for a four year period commencing November 2018 to BMW UK Ltd for £2.6M.

**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**

21/11/2018

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

### **Decision required – supporting report**

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

- 1.1. This contract will facilitate the purchase of replacement vehicles within 2018 and will enable Fleet Services to deliver operational vehicles as required to support the Vehicle Replacement Programme.
- 1.2. The DMPC approved the procurement initiation in September 2017 (PCD254) as part of the MPS Vehicle Replacement Programme 2018 to 2021/22.

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

- 2.1. The fuel and emission strategy adopted for this tender was to target specify Diesel Euro 6 technology, to enable the replacement of large 4x4 diesel vehicles with vehicles that meet the latest emission standards and will comply with the forthcoming Ultra-Low Emission Zone.

#### **3. Financial Comments**

- 3.1. The contract is valued at £2.6M over the four year period and is within the initial value approved by the DMPC in September 2017 (PCD254).
- 3.2. The funding for these contracts is incorporated in the approved Fleet Capital Programme 2018 to 2021/22.

#### **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 (PCR 2015). This report confirms the value of the proposed requirements exceed this threshold.
- 4.2. This report identifies a Crown Commercial Services (CCS) framework agreement as MOPAC's preferred procurement route. A compliantly procured framework agreement shall constitute a compliant route to market on the basis the framework is still in force, the MOPAC is identified as an eligible user of the framework, the MOPAC's requirements are within the technical and financial scope of the framework and the call-off procedure set out in the framework is followed. The Procurement Strategy and Tendering Process sections to this report confirm that the above are met.
- 4.3. This report also confirms the duration of the proposed call-off contract would be for four years and it will be placed in the final weeks of the term of the framework. Guidance on the use of framework agreements published by the CCS provides that call-off contracts may extend beyond the life of the framework itself however it should not be done in order to circumvent the EU procurement rules. It follows that a call-off contract within the

normal ordering patterns under the framework will be compliant. DLS has been provided with a guidance note contained within the call-off contract terms drafted by the CCS. It provides "The Crown Commercial Service recommends that the duration of the Call Off Contract Period should usually be no longer than four (4) years".

- 4.4. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent to award all contracts with the exception of those called in through the agreed call in procedure. Paragraph 4.14 provides that the DMPC reserves the right to call in all contract awards of £500,000 or above.

## **5. GDPR and Data Privacy**

- 5.1. The programme does not use personally identifiable data of members of the public therefore there are no GDPR issues to be considered.

## **6. Equality Comments**

- 6.1. There are no negative equality or diversity implications arising from this proposal.

## **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> The MPS legal team has been consulted on the proposal.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.	✓
<b>GDPR and Data Privacy</b> A DPIA is not required at this stage, but will be completed where required for constituent elements of the programme as it develops.	✓
<b>Head of Unit:</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** *20/11/2018*



## PURSUIT CAR 2018 – CONTRACT AWARD

**MOPAC Investment Advisory Meeting 17<sup>th</sup> October 2018**

**Report by Assistant Commissioner Sir Stephen House, Met Operations on behalf of the Deputy Commissioner**

### **Part 1 – This section of the report is suitable for MOPAC Publication**

#### *EXECUTIVE SUMMARY*

The Metropolitan Police Service (MPS) are seeking to award a contract for the purchase of Pursuit Cars via the Crown and Commercial Services (CCS) Vehicle Purchase Framework Agreement.

- The framework period is from 2<sup>nd</sup> December 2014 to 1<sup>st</sup> December 2018, the contract is within the technical and financial scope of the framework.
- The duration of the contract will be 48 months commencing in November 2018.
- The contract is valued at £2.6M.
- This remains affordable within the overall approved Fleet Capital Programme 2017/18 to 2021/22.
- Approval to initiate procurement action was granted by the Deputy Mayor for Policing and Crime in September 2017, as part of the MPS Vehicle Replacement Programme 2018 to 2021/22.
- Through the procurement activity of a mini-competition, contract savings of £496,264 have been achieved over the standard CCS pricing framework.

#### **Recommendations:**

The MPS Portfolio & Investment Board (PIB) is asked to:

- 1. Approve the submission of the report and seek approval from the Deputy Mayor for Policing and Crime to award this contract.**
- 2. The legal comments have been updated and PIB are asked to note this change in light of the framework expiring on 1<sup>st</sup> December 2018.**

If supported by the MPS Portfolio & Investment Board, the Deputy Mayor for Policing and Crime, via the Investment Advisory meeting (IAM), is asked to:

**Approve the award of the contract for the purchase of Pursuit Cars to be funded from the approved Fleet Capital Programme 2018 to 2021/22, for a four year period commencing November 2018 to:**

- 1. BMW UK Ltd for £2.6M.**

### **Time sensitivity**

A decision is requested from the Deputy Mayor for Policing and Crime on 2<sup>nd</sup> November 2018. This is to allow sufficient time to award call-off agreement and arrange agreement signatures before the Crown Commercial Framework RM1070 expires on the 1<sup>st</sup> December 2018, which will facilitate the timely replacement of the fleet

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

### **Introduction and background**

1. This contract will facilitate the purchase of replacement vehicles within 2018 and 2019 and will enable Fleet Services to deliver operational vehicles as required to support the Vehicle Replacement Programme.
2. The DMPC approved the procurement initiation in September 2017 (PCD254) as part of the MPS Vehicle Replacement Programme 2018 to 2021/22.

### **Issues for consideration**

3. This information is contained in the restricted section of this report.

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

4. The MPS operates a fleet of cars, vans, minibuses, motorcycles, large goods vehicles, marine vessels, along with items of plant and equipment. The fleet is supported by 2,067 pedal cycles, which are predominantly allocated to Territorial Policing.
5. The fleet profile and distribution across operational business groups supports the Police and Crime plan and enables the MPS to have a mobile workforce, which is capable of;
  - a) Responding to incidents
  - b) Protecting victims and vulnerable people
  - c) Transporting officers and equipment across London and the UK
6. In order to ensure a better police service for London the MPS is committed to;
  - a) Delivering policing where and when Londoners need it, in their communities, on the move, online at night and work
  - b) Increase protection for victims and vulnerable people
  - c) Ensure the MPS meets its national and international strategic policing requirements
  - d) Keeping children and young people safe
  - e) Tackling violence against women and girls
  - f) Standing together against hatred, intolerance and extremism

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

## **Air Quality Strategy**

7. Fleet Services have published an Air Quality Strategy 2017-2020 that supports the Mayor's commitment to improve air quality in London and compels the MPS to deploy over 550 ultra-low emission vehicles across the fleet by 2020, and aligns to the London Environment Strategy and the MPS Environment Policy. It is recognised that due to the varied and fast pace nature of policing, there is no single technology type that will meet all our requirements, as a result we have developed a mosaic approach and all fuel types and propulsion methods will be considered.
8. The introduction of the 550 ultra-low emission vehicles will be implemented in three phases and the first will target the five Mayor's Low Emission Neighbourhoods so that the MPS will contribute to tackling local air quality issues.
9. As part of our commitment to the London Environment Strategy May 2018, we have committed to the following air quality aspirations which will provide a longer term road map to reduce the emissions from our fleet and we will work towards achieving;
  - a) All general purpose cars being zero emission capable by 2025
  - b) All new cars and vans (less than 3.5 tonnes), including response vehicles, being zero emission capable from 2025
  - c) All heavy vehicles (greater than 3.5 tonnes) being fossil fuel-free by 2030
  - d) All vehicles operated being zero emission by 2050
10. The fuel and emission strategy adopted for this tender was to target specify Diesel Euro 6 technology, to enable the replacement of large 4x4 diesel vehicles with vehicles that meet the latest emission standards and will comply with the forthcoming Ultra-Low Emission Zone.

## **Procurement Strategy**

11. The procurement strategy was to conduct a mini-competition through the Crown Commercial Services (CCS) Vehicle Purchase framework RM1070 that was established in December 2014 and is valid until December 2018. The MOPAC are identified as an eligible user of the framework by reference to it in the OJEU notice 2015/S 008-009193. The requirement set out in this report is within the financial and technical scope of the framework. The procurement strategy has complied with the purchasing procedures set out in the framework.
12. The Framework consists of a total of 41 suppliers split through 9 lots and allows MOPAC as a participating authority to complete a call off agreement via a direct award or through mini competitions. This allows the business to be flexible and approach each procurement activity according to fleet category and demand.
13. MOPAC are signatories to the GLA Responsible Procurement Policy expects our supply chain to adhere to the requirements and we ensure that all suppliers have demonstrated this in their method statements at tender stage. The encompasses six themes:
  - Enhancing social value

- Encouraging equality and diversity
- Embedding fair employment practices
- Enabling skills, training and employment opportunities
- Promoting ethical sourcing practices
- Improving environmental sustainability - This includes a requirement to have in place a waste management policy, carbon reduction objectives and a commitment to reducing water consumption through their operations.

### **Tendering Process**

14. The Invitation to Tender (ITT) was issued to all 12 eligible suppliers on Lot 7 of the CCS Framework on 20<sup>th</sup> August 2018, with responses to be submitted by 21<sup>st</sup> September 2018.
15. For the purpose of this procurement, the operational requirements have been subject to a comprehensive review, in consultation with operational officers and the technical requirements for the duty have been confirmed.
16. The technical and commercial criteria was published on the CCS Framework Bluelight, EU Supply tendering portal by Procurement Services.
17. Of the 12 potential suppliers three provided responses. The technical response were evaluated by Fleet Services to confirm compliance with all mandatory requirements.
18. The commercial responses were then evaluated to rank the compliant Bidders using a whole life costing matrix to obtain the best value submissions. The bid prices were compared to the CCS Framework price for value for money benchmarking.
19. The supplier details can be found in Table 6.

### **Financial Comments**

20. The contract is valued at £2.6M over the four year period and is within the initial value approved by the DMPC in September 2017 (PCD254).
21. The funding for these contracts is incorporated in the approved Fleet Capital Programme 2018 to 2021/22.
22. Through the procurement activity of a mini-competition, contract savings of £496,264 have been achieved over the standard CCS pricing framework.
23. Value for Money information is contained in the Part 2 Section of the report.

### **Legal Comments**

24. The Mayor's Office for Policing and Crime (MOPAC) is a contracting authority as defined in the Public Contracts Regulations 2015 (the Regulations). When awarding public contracts for goods and services valued at £181,302 or above, all contracting authorities must do so in accordance with the Regulations. This report



confirms the value of the proposed requirements exceed this threshold.

25. This report identifies a Crown Commercial Services (CCS) framework agreement as MOPAC's preferred procurement route. A compliantly procured framework agreement shall constitute a compliant route to market on the basis the framework is still in force, the MOPAC is identified as an eligible user of the framework, the MOPAC's requirements are within the technical and financial scope of the framework and the call-off procedure set out in the framework is followed. The Procurement Strategy and Tendering Process sections to this report confirm that the above are met.
26. This report also confirms the duration of the proposed call-off contract would be for four years and it will be placed in the final weeks of the term of the framework. Guidance on the use of framework agreements published by the CCS provides that call-off contracts may extend beyond the life of the framework itself and may typically be for a period of up to four years provided it is not done to circumvent the EU procurement rules. DLS has been provided with a guidance note contained within the call-off contract terms drafted by the CCS which confirms call-offs of up to four years are permitted under the framework. DLS has no information to suggest that the proposal is against the normal ordering patterns under the framework.
27. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent requires that approval is obtained by the Deputy Mayor for Policing and Crime (DMPC) for all requests to go out to tender for contracts of £500,000 or above.
28. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent to award all contracts with the exception of those called in through the agreed call in procedure. Paragraph 4.14 provides that the DMPC reserves the right to call in all contract awards of £500,000 or above.

## **Equality and Diversity Implications**

29. The CCS Framework (RM1070) for Vehicle Purchase Agreements supports public sector bodies in being able to contract award ensuring Responsible Procurement has been considered. By utilising the framework the MPS benefits from being part of a national procurement solution but also ensures that it is supporting local economies and SME's. The suppliers on the framework are supporting public sector bodies through various approaches such as apprenticeship schemes where some lead into fulltime employment, supporting localised charities and SMEs for purchase of goods and/or services.
30. There are no negative equality or diversity implications arising from this procurement process. The Call Off agreement for the purchase of vehicles ensures suppliers adhere to perform their obligations in accordance with equality law.
31. To cater for the diverse workforce the technical criteria included a requirement for a range of adjustments in the following areas to accommodate a wide range of drivers and passengers;
  - Seat height and travel
  - Lumber support

- Steering column height and reach
32. Inclusion, diversity and equality screening section detailed at Table 4.

### **Privacy Comments**

33. The MPS' Information Shared Support Unit has been consulted. Completion of the Privacy Impact Screening Questions has confirmed that a Data Protection Impact Assessment (DPIA) is not required.

### **Real Estate Implications**

34. The new vehicles will replace part of the existing fleet as such no Real Estate issues are envisaged.

### **Environmental Implications and Compliance with Ultra Low Emission Zone**

35. The MPS operates in line with its Environment Policy and the procurement of Euro 6 vehicles will continue to support the MPS in the implementation of the MPS Environment and Sustainability Strategy 2017-2021 objectives around air quality and reducing carbon emissions, as aligned to the London Environment Strategy.
36. The implementation of the Ultra-Low Emission Zone is scheduled to be brought forward by 17 months to April 2019 and will affect all vehicles travelling within the existing congestion charge zone.
37. The emission standards required of the zone can be met by operating Euro 6 Diesel vehicles. The vehicles detailed within this tender will ensure that the non-compliant fleet is replaced and will ensure compliance with the zone.
38. The market has not yet sufficiently matured to offer alternatively fuelled vehicles capable of meeting the MPS requirements for the role of Pursuit Cars due to load carrying limitations with hybrid vehicles, as such the adoption of vehicles with Euro 6 Diesel engines detailed within this tender will result in a reduction in the emission of harmful pollutants over the previous vehicles in operational use. There will therefore be positive environmental impacts associated with the renewal process which are outlined in the environmental implications in Table 7.
39. Fleet Services continue to reuse vehicle parts internally prior to external recycling and disposal as per the objectives within the MPS Environment and Sustainability Strategy 2017-2021, resulting in significant savings to the MPS annually and this will be continued within this contract. The reuse of MPS vehicle parts for is to be captured and reported on an annual basis.

### **Background/supporting papers**

Part 2 Appendix 1

Table 1 - Procurement Route

Table 2 - Framework Agreement

Table 3 - Tender Information

Table 4 - Responsible Procurement

Table 5 - Contact Information

Table 6 - Tender Results

Table 7 - Environmental Implications

Report author: Jiggs Bharij, Head of Fleet Services