

DMPC Decision – PCD 1165

Title: Contract Termination and Interim Single Tender Contract Award

Executive Summary:

A MOPAC supplier has advised that it has gone into administration and as a result MPS seek approval for the termination of the contract. In order to maintain the service an interim 12 month single tender contract award at a value of up to £175,000 to a different supplier is proposed. During the 12 month period the re-procurement of the service will be undertaken.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the early termination of the contract with the supplier as set out in the exempt section of this report.
2. Approve the award by single-tender action of a contract with the supplier as set out in the exempt section of this report with a value of £175,000 and a term of one year.

Deputy Mayor for Policing and Crime

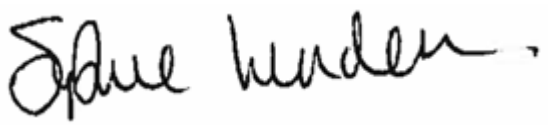
I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature

Date

25/03/2022



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

1. Introduction and background

- 1.1. A current Metropolitan Police Service (MPS) supplier has advised that it has gone into administration.

2. Issues for consideration

- 2.1. This paper seeks the early termination of the current contract, and the award of a interim 12 month contract under a single tender action with an alternative supplier at a cost of upto £175,000.
- 2.2. Due to commercial issues further detail is contained in the restricted section of this report.

3. Financial Comments

- 3.1. The detail of the costs associated with the termination are set out in the restricted section of this report. The MPS assure that the cost of the proposed single tender contract award of £175,000 over 12 months is affordable.

4. Legal Comments

- 4.1. MPS Legal assure that the termination of the current contract and the award of a interim contract are legally compliant.
- 4.2. The MOPAC Scheme of Consent and Delegation ("Scheme") provides that the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve the early termination of all contracts of £500,000, or where, irrespective of the value, the request is felt to be of an exceptional nature because of particular difficulties, sensitivities or potential public interest.
- 4.3. 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 contract exemptions for £100,000 or above.

5. Commercial Issues

- 5.1. A paper seeking the longer term re-procurement of this service will be submitted to MOPAC in due course.
- 5.2. Further detail is contained in the restricted section of this report.

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 MPS assures that a Data Protection Impact Assessment is not currently required.

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 has assured that there are no equality or diversity issues relating to changing supplier.

8. Background/supporting papers

- Appendix 1 MPS Report - Contract Termination

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: n/a

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>
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 .	✓
Drafting Officer Alex Anderson has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The interim 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 11/03/2022

**Contract Termination****Portfolio and Investment Board *in extremis* – March 2022****Report on behalf of Robin Wilkinson, Chief of Corporate Services**

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

EXECUTIVE SUMMARY

A MOPAC supplier is in administration. This decision paper seeks approval to terminate the contract early and to award a contract by single-tender action to another supplier to provide service continuity pending re-procurement.

Decisions required

Portfolio and Investment Board *in extremis* and the Deputy Mayor for Policing and Crime are asked to:

1. **Approve the early termination of a contract with a supplier as set out in the exempt section of this report.**
2. **Approve the award by single-tender action of a contract with a value of £175,000 and a term of one year to another supplier as set out in the exempt section of this report.**

Time sensitivity

A decision is required from the Deputy Mayor for Policing and Crime urgently to put in place a viable service.

Background

1. A current MOPAC supplier has advised that it is in administration.

Issues for consideration

2. This paper seeks the early termination of the current contract and the award by single-tender action of a contract with a value of £175,000 to another supplier at a cost of up to £175,000 to provide service continuity pending re-procurement.

Commercial implications

3. Commercial implications of the termination and award are set out in the exempt section of this report.

Financial implications

4. Financial implications of the termination and award are set out in the exempt section of this report. The award is affordable.

Legal comments

5. The contract termination and contract award are legally compliant. The MOPAC Scheme of Consent and Delegation ("Scheme") provides that the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve the early termination of all contracts of £500,000, or where, irrespective of the value, the request is felt to be of an exceptional nature because of particular difficulties, sensitivities or potential public interest. Paragraph 4.13 of the Scheme provides that the DMPC has delegated authority to approve all contract exemptions for £100,000 or above.

Equality and diversity implications

6. MOPAC is required to comply with the public sector equality duty 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. There are no equality or diversity issues relating to changing supplier.

Data privacy implication

7. The Met 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 2018 (DPA). Both requirements place an obligation on the Met to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.
8. Under Article 35 of the General Data Protection Regulation (GDPR) and section 57 of the DPA, Data Protection Impact Assessments are mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects. The Information Assurance and Information Rights Units within the Met will be consulted when necessary to ensure that compliance requirements are met. A DPIA is not currently required.

Supporting paper: Contract Termination Part 2, which is not suitable for MOPAC publication. Disclosure under the Freedom of Information Act 2000 is exempt by section 43(2).