

DMPC Decision – PCD 682

Title: Funding Approval for Airwave radios and associated Equipment

Executive Summary:

This paper seeks MOPAC approval for the allocation and release of £7,677,329 of funding to cover the cost of replacing Airwave radio terminals and associated Equipment. This replacement is necessary for the following reasons:

- to ensure all users of Airwave continue to have fully supported and operational radios providing mission critical radio communications on the Airwave service until successful transition to the new Emergency Services Network (ESN)
- the Home Office ESN programme has suffered significant delays and the final delivery date remains uncertain, so the MPS are likely to be reliant on Tetra radios until at least the end of 2022, possibly 2025.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the purchase of Airwave radios and associated Equipment to replace the current Equipment at a cost of £7,677,329, made up of £5,819,806 capital (funded within the capital plan), £1,660,523 of capital (funded from NCTPHQ) and £197,000 project revenue (funded in the Digital Policing Project Revenue budget).
2. Approve the direct call off of radios totalling £6,106,879 from Sepura Ltd, using approved contract SS3/12/123 which included headroom to allow additional radio purchase orders
3. Approve the award of a direct call off contract to Motorola worth £936,200, for an initial period of 5 years, from February 2020 to February 2025 with an optional extension period of 12 months, for the supply of Software licenses and services from the Police ICT Company (PICTCO) National Tetra Framework Agreement.
4. Note the use of agreed conditions precedent, to allow a purchase order to be raised within the price drop window closing 31st December 2019 and realise the saving.

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

Spence Under

Date

18/12/2019

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

1. Introduction and background

- 1.1. The Home Office Emergency Services Network (ESN) programme has suffered significant delays to a point where the MPS (and potentially all UK emergency services) will remain dependent on the Airwave network until at least December 2022, probably longer.
- 1.2. The Police ICT Company (PICTCo) created a national police procurement framework in order to leverage the best prices for UK police forces. This framework was approved and price drop options published on 23rd November 2019. The two suppliers on that framework are Motorola and Sepura.
- 1.3. As a critical enabling technology it perfectly aligns with and supports the MPS Strategy in Protecting London from terrorism and Tackling serious and organised crime.
- 1.4. The replacement Tetra radio deployment will be planned and documented in detail and in a collaborative manner with OCU Commanders, Digital Policing, user site representatives and other National User Organisations. The project will review lessons learned and seek advice, from similar recent deployments, to ensure minimal business impact and a positive police officer experience.

2. Issues for consideration

- 2.1. This information is contained in the restricted section of the report.

3. Financial Comments

- 3.1. The planned spend of £7,677,329 consists of £5,819,806 capital (funded within the capital plan), £1,660,523 of capital (funded from NCTPHQ) and £197,000 project revenue (funded in the Digital Policing Project Revenue budget).

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 must be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds the threshold. Accordingly, the Regulations are engaged.
- 4.2. The Procurement Strategy and the proposed procurement route is to enter into a call-off contract under the Police ICT Buying Company (PICTCO) Framework Agreement (the National Airwave Terminal Framework Agreement) dated 15 November 2018. This Framework Agreement allows all Police Forces in the UK to directly enter into a call-off contract under LOT 1 for TETRA hand held terminals, vehicle terminals, accessories and associated services. The Framework Agreement has been compliantly procured by PICTCO in accordance with the Public Contracts Regulations 2015 and the MPS are a permitted user of the Framework Agreement. Therefore, this call-off contract is compliant with the Public Contracts Regulations 2015.

- 4.3. Paragraph 4.8 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve business cases for revenue or capital expenditure of £500,000 or above.
- 4.4. 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.
- 4.5. To ensure MOPAC are not bound to enter into a contract until it is ready to do so conditions precedent must be agreed. Conditions precedent are conditions agreed between the parties which must be met before the contract is entered into. In this case MOPAC will need to ensure that the conditions precedent include:
- all relevant requirements of MOPAC which must be met by Sepura;
 - confirmation that should the conditions precedent not be met within the required timescales then the purchase order can be invalidated by either party in writing and no payment shall be made; and
 - confirmation that MPS shall not be responsible for any costs or charges until such time as the conditions precedent are fulfilled and the contract is in force.
- 4.6. Paragraph 7.23 of the Scheme provides the Director of Strategic Procurement has consent to approve all proposals to award of all contracts with the exception of those called in through the agreed call in procedure. Paragraph 4.14 provides the DMPC reserves the right to call in any proposal to award a contract valued at £500,000 or above.

5. Commercial Issues

- 5.1. Value for money will be achieved by utilizing the national procurement framework developed by the Police Information and Communications Technology Company (PICTCo), ensuring the MPS attain the best possible price for hardware.

6. GDPR and Data Privacy

- 6.1. 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.
- 6.2. 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.
- 6.3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
- 6.4. 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. The work covered by the approval recommended in this paper is to replace end of life and out of warranty equipment. There are no Equality or Diversity impacts associated with this work.

8. Background/supporting papers

- 8.1. 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.

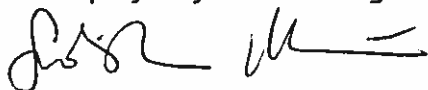
Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION	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 <ul style="list-style-type: none">GDPR compliance issues are covered in the body of the report.A DPIA is not required.	✓
Director/Head of Service The Interim 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

18/12/2019



MOPAC

MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

Funding Approval for Airwave radios and associated Equipment.

MOPAC Investment Advisory & Monitoring meeting December 2019

Report by Angus McCallum 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

- 1) This paper seeks MOPAC approval for the allocation and release of £7,677,329 of funding to cover the cost of replacing Airwave radio terminals and associated Equipment. This replacement is necessary for the following reasons:
 - to ensure all users of Airwave continue to have fully supported and operational radios providing mission critical radio communications on the Airwave service until successful transition to the new Emergency Services Network (ESN)
 - the Home Office ESN programme has suffered significant delays and the final delivery date remains uncertain, so the MPS are likely to be reliant on Tetra radios until at least the end of 2022, possibly 2025

Recommendations

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

1. Approve the purchase of Airwave radios and associated Equipment to replace the current Equipment at a cost of £7,677,329, made up of £5,819,806 capital (funded within the capital plan), £1,660,523 of capital (funded from NCTPHQ) and £197,000 project revenue (funded in the Digital Policing Project Revenue budget).
2. Approve the direct call off of radios totaling £6,106,879 from Sepura Ltd, using approved contract SS3/12/123 which included headroom to allow additional radio purchase orders
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4. The use of agreed conditions precedent, to allow a purchase order to be raised within the price drop window closing 31st December 2019 and realise the saving.

Time sensitivity

A decision is required from the Deputy Mayor by 31/12/2019. This is to secure a commercial discount

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

Introduction and background

The Home Office Emergency Services Network (ESN) programme has suffered significant delays to a point where the MPS (and potentially all UK emergency services) will remain dependent on the Airwave network until at least December 2022, probably longer.

The Police ICT Company (PICTCo) created a national police procurement framework in order to leverage the best prices for UK police forces. This framework was approved and price drop options published on 23rd November 2019. The two suppliers on that framework are Motorola and Sepura.

As a critical enabling technology it perfectly aligns with and supports the MPS Strategy in Protecting London from terrorism and Tackling serious and organised crime.

The replacement Tetra radio deployment will be planned and documented in detail and in a collaborative manner with OCU Commanders, Digital Policing, user site representatives and other National User Organisations. The project will review lessons learned and seek advice, from similar recent deployments, to ensure minimal business impact and a positive police officer experience.

Issues for consideration

This information is contained in the restricted section of the report'.

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

As a critical enabling technology it perfectly aligns with and supports the MPS Strategy in Protecting London from terrorism and Tackling serious and organised crime.

Financial, Commercial and Procurement Comments

The planned spend of £7,677,329 consists of £5,819,806 capital (funded within the capital plan), £1,660,523 of capital (funded from NCTPHQ) and £197,000 project revenue (funded in the Digital Policing Project Revenue budget).

Value for money will be achieved by utilizing the national procurement framework developed by the Police Information and Communications Technology Company

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

(PICTCo), ensuring the MPS attain the best possible price for hardware.

Legal Comments

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 must be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds the threshold. Accordingly, the Regulations are engaged.

The Procurement Strategy and the proposed procurement route is to enter into a call-off contract under the Police ICT Buying Company (PICTCO) Framework Agreement (the National Airwave Terminal Framework Agreement) dated 15 November 2018. This Framework Agreement allows all Police Forces in the UK to directly enter into a call-off contract under LOT 1 for TETRA hand held terminals, vehicle terminals, accessories and associated services. The Framework Agreement has been compliantly procured by PICTCO in accordance with the Public Contracts Regulations 2015 and the MPS are a permitted user of the Framework Agreement. Therefore, this call-off contract is compliant with the Public Contracts Regulations 2015.

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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.

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- all relevant requirements of MOPAC which must be met by Sepura;
- confirmation that should the conditions precedent not be met within the required timescales then the purchase order can be invalidated by either party in writing and no payment shall be made; and
- confirmation that MPS shall not be responsible for any costs or charges until such time as the conditions precedent are fulfilled and the contract is in force.

Paragraph 7.23 of the Scheme provides the Director of Strategic Procurement has consent to approve all proposals to award of all contracts with the exception of those called in through the agreed call in procedure. Paragraph 4.14 provides the DMPC reserves the right to call in any proposal to award a contract valued at £500,000 or above.

Equality Comments

The work covered by the approval recommended in this paper is to replace end of life and out of warranty equipment. There are no Equality or Diversity impacts associated with this work.

Privacy Comments

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.

The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

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

It is anticipated that the multi-battery charger units will occupy slightly less space (on walls and desks) than those currently deployed

Environmental Implications

It is anticipated that the multi-battery charger units will utilise less power than those currently deployed.

Report author: Ian Cunningham

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 [ORGANISATIONAL]

Part 2 of paper Funding Approval for Airwave radios and associated Equipment 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 paper will cease to be exempt until minimum 7 years from the date of the completion of the contract, and will be in accordance to the MPS Records Management Policy