

## DMPC Decision – PCD 968

### Title: Supply of DNA Sampling Kits

#### Executive Summary:

The supply and use of DNA kits enables the MPS to retrieve vital DNA information from arrested individuals, elimination samples from persons with legitimate access, vetting samples from recruits and also to maintain the Officer and Staff elimination databases. This enables the MPS to either eliminate that individual from further enquiries or through matches within the National DNA database help to solve crime by linking scenes and individuals.

In order to provide a national procurement route, the National Police Chief Council (NPCC) Forensic Capability Network (FCN) have set up a national DNA Sampling Kit framework on behalf of all police forces in England and Wales.

This is a request to approve the award of a contract for the supply of DNA Sampling Kits, via the FCN national framework, to WA Products Ltd t/a Scenesafe. The contract duration is 2 years with the option to extend for a further 2 terms of 1 year. The total value of the contract including extension options is £693,450.

#### Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the award of a contract for the supply of DNA Sampling Kits, via the FCN national framework, to WA Products Ltd t/a Scenesafe. The contract duration is 2 years with the option to extend for a further 2 terms of 1 year. The total value of the contract including extension options is £693,450.

#### 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 19/03/2021

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

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

- 1.1. The supply and use of DNA kits enables the MPS to retrieve vital DNA information from arrested individuals, elimination samples from persons with legitimate access, vetting samples from recruits and also to maintain the Officer and Staff elimination databases. This enables the MPS to either eliminate that individual from further enquiries or through matches within the National DNA database help to solve crime by linking scenes and individuals.
- 1.2. DNA analysis is extremely sensitive due to constantly improving scientific techniques, this has increased the sampling opportunity from crime scenes, with more items now being suitable for examination, increasing the chance of solving the crime. Due to the sensitive analysis, the initial results are often mixed profiles that require further analysis and the removal of any legitimate profiles from persons such as the victim. Elimination samples are also often required from visitors/technicians/contractors who attend DNA sensitive areas within Police Buildings. The capability to retrieve and then process DNA is integral to collation of evidence in many of the most serious crimes as well as more minor offences.
- 1.3. The MPS currently purchases DNA Kits from the FCN framework. Utilising a national contract for the purchase of these consumables ensures that all Police Forces are using the same specification which ensures consistency in DNA sample collection and continued compliance with national DNA policy. In addition a national approach with all Police Forces volumes provides better value and competitive pricing due to national volumes of scale.

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

- 2.1. The contract award is being made via the national DNA Sampling Kit framework set up by the National Police Chief Council (NPCC) Forensic Capability Network (FCN) on behalf of all police forces in England and Wales.
- 2.2. The award of the new framework was made in November 2020 and the outcome shared with police forces in the same month. The MPS' current contract, made through the previous FCN framework, expires at the end of March 2021.
- 2.3. The impact of COVID-19 has introduced greater uncertainty and risk through the supply chain. This has resulted in increased costs compared to the previous national framework.

### **3. Financial Comments**

- 3.1. The contract commencement date is 1st April 2021. The contract duration is 2 years with the option to extend for a further 2 terms of 1 year. The total value of the contract including extension options is £693,450.00.
- 3.2. The anticipated additional costs as a result of the price increase of £44,960 per annum will be managed within existing budgets across the Met.
- 3.3. Forensic Services manages the contract on behalf of the MPS and the majority of products are purchased on demand.
- 3.4. Whilst Forensics manage the overall contract, each business group will monitor the costs within their own revenue budgets.

#### **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 ("the Regulations"). All awards of public contracts for goods and/or services valued at £189,330 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.
- 4.2. Use of a compliantly procured Framework Agreement for sourcing a requirement will amount to a compliant route to market when: (1) The MOPAC is an eligible user of the Framework Agreement, (2) the MOPAC's requirements are within the technical and financial scope of the Framework Agreement, and (3) the ordering processes for the Framework Agreement are followed. Section 4 of this report confirms that these criteria have been met.
- 4.3. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that Deputy Mayor for Policing and Crime has delegated authority to approve the procurement strategy for all revenue and capital contracts of a total value of £500,000 or above.
- 4.4. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.

#### **5. Commercial Issues**

- 5.1. The MPS will be procuring nationally approved DNA Sampling Kits through the recently awarded FCN national framework. The framework was awarded to one supplier, WA Products t/a Scenesafe. The OJEU Notice published by the FCN specifically named the MPS as one of the legal entities to which the framework is available to use and the MPS's volumes were included in the tender documents and in calculating the contract value awarded.

- 5.2. Due to the impact of COVID-19 creating uncertainty and risk within the supply chain, all police forces will experience a price increase compared with the previous national framework.
- 5.3. By having a standardised national specification for these kits and running a national procurement, all police forces including the MPS are still ensuring the best value for money is achieved from the marketplace at the time of going to tender.

## **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.
- 6.5. DNA sampling kits are purchased from the supplier to be used by the MPS, these kits are then submitted to the MPS's Managed Service Provider for forensic services and analysis. No data or DNA samples are shared with the supplier of the kits. DNA samples taken using these kits are taken in accordance with PACE. The storage, submission and analysis is conducted in accordance with PACE and is dealt with under the contract between MO4 - Forensic Services and the Managed Service Provider, this is also in accordance with the Forensic Regulators Code of Practice.

## **7. Equality Comments**

- 7.1. MPS Strategic Diversity & Inclusion have been consulted on this contract award. The supplier will be agreeing to National Framework Terms & Conditions as part of this purchase, which places an obligation on the supplier to comply fully with all applicable equality and diversity policies as well as any specific MPS policies (the supplier is already obligated to do so as part of other contracts the MPS holds with them).

## **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: 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**

*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.

✓

**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 11/03/2021



## SUPPLY OF DNA SAMPLING KITS

**MOPAC Investment Advisory & Monitoring meeting 5<sup>th</sup> March 2021**

**Report by the Director of Forensic Services 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*

The supply and use of DNA kits enables the MPS to retrieve vital DNA information from arrested individuals, elimination samples from persons with legitimate access, vetting samples from recruits and also to maintain the Officer and Staff elimination databases. This enables the MPS to either eliminate that individual from further enquiries or through matches within the National DNA database help to solve crime by linking scenes and individuals.

In order to provide a national procurement route, the National Police Chief Council (NPCC) Forensic Capability Network (FCN) have set up a national DNA Sampling Kit framework on behalf of all police forces in England and Wales.

This Business Justification concerns a request to approve the procurement strategy of utilising the national DNA Sampling Kit Framework (set up by the National Police Chief Council (NPCC) Forensic Capability Network (FCN) on behalf of all police forces in England and Wales, and the award of a contract for the supply of DNA Sampling Kits to WA Products Ltd t/a Scenesafe. The contract commencement date is 1<sup>st</sup> April 2021. The contract duration is 2 years with the option to extend for a further 2 terms of 1 year. The total value of the contract including extension options is £693,450.

### **Recommendations**

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

- Approve the procurement strategy utilising the national DNA Sampling Kit Framework (set up by the National Police Chief Council (NPCC) Forensic Capability Network (FCN) on behalf of all police forces in England and Wales.
- Approve the award of a contract for the supply of DNA Sampling Kits, via the FCN national framework, to WA Products Ltd t/a Scenesafe. The contract duration is 2 years with the option to extend for a further 2 terms of 1 year. The total value of the contract including extension options is £693,450.

## **Time Sensitivity**

To ensure contractual continuity, a decision is required by the DMPC by 26<sup>th</sup> March 2021.

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

### **Introduction and background**

1. The supply and use of DNA kits enables the MPS to retrieve vital DNA information from arrested individuals, elimination samples from persons with legitimate access, vetting samples from recruits and also to maintain the Officer and Staff elimination databases. This enables the MPS to either eliminate that individual from further enquiries or through matches within the National DNA database help to solve crime by linking scenes and individuals.
2. DNA analysis is extremely sensitive due to constantly improving scientific techniques, this has increased the sampling opportunity from crime scenes, with more items now being suitable for examination, increasing the chance of solving the crime. Due to the sensitive analysis, the initial results are often mixed profiles that require further analysis and the removal of any legitimate profiles from persons such as the victim. Elimination sample are also often required from visitors/technicians/contractors who attend DNA sensitive areas within Police Buildings. The capability to retrieve and then process DNA is integral to collation of evidence in many of the most serious crimes as well as more minor offences.
3. The MPS currently purchases DNA Kits from the FCN framework. Utilising a national contract for the purchase of these consumables ensures that all Police Forces are using the same specification which ensures consistency in DNA sample collection and continued compliance with national DNA policy. In addition a national approach with all Police Forces volumes provides better value and competitive pricing due to national volumes of scale.

### **Issues for consideration**

1. The contract award is being made via the national DNA Sampling Kit framework set up by the National Police Chief Council (NPCC) Forensic Capability Network (FCN) on behalf of all police forces in England and Wales.
2. The award of the new framework was made in November 2020 and the outcome shared with police forces in the same month. The MPS' current contract, made through the previous FCN framework, expires at the end of March 2021.
3. The impact of COVID-19 has introduced greater uncertainty and risk through the supply chain. This has resulted in increased costs compared to the previous national framework.

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

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



1. DNA sampling kits are essential to supporting police activity in the investigation of crime and delivery of the MOPAC Police and Crime Plan. DNA sampling kits provide the Police with a method to obtain biometric material from persons of interest and eliminate innocent parties from enquires. DNA kits ensure that the National DNA Database is current and complete with the relevant information, which enables the investigation and solving of crimes. The recruitment of Police Officers and relevant Police Staff requires biometric vetting of candidates and accurate/current Officer and Staff elimination databases.

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

1. The MPS will be procuring nationally approved DNA Sampling Kits through the recently awarded FCN national framework. The framework was awarded to one supplier, WA Products t/a Scenesafe. The OJEU Notice published by the FCN specifically named the MPS as one of the legal entities to which the framework is available to use and the MPS's volumes were included in the tender documents and in calculating the contract value awarded.
2. Due to the impact of COVID-19 creating uncertainty and risk within the supply chain, all police forces will experience a price increase compared with the previous national framework.
3. By having a standardised national specification for these kits and running a national procurement, all police forces including the MPS are still ensuring the best value for money is achieved from the marketplace at the time of going to tender.
4. The contract commencement date is 1<sup>st</sup> April 2021. The contract duration is 2 years with the option to extend for a further 2 terms of 1 year. The total value of the contract including extension options is £693,450.00.
5. Forensic Services manages the contract on behalf of the MPS and the majority of products are purchased on demand.
6. The Commercial Case sets out the anticipated additional costs as a result of the price increase. This small increase of £44,960 per annum will be managed within existing budgets across the Met.
7. Whilst Forensics manage the overall contract, each business group will monitor the costs within their own revenue budgets

## **Legal Comments**

1. The Mayor's Office for Policing and Crime ("MOPAC") 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 £189,330 or

above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.

2. Use of a compliantly procured Framework Agreement for sourcing a requirement will amount to a compliant route to market when: (1) The MOPAC is an eligible user of the Framework Agreement, (2) the MOPAC's requirements are within the technical and financial scope of the Framework Agreement, and (3) the ordering processes for the Framework Agreement are followed. Section 4 of this report confirms that these criteria have been met.
3. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that Deputy Mayor for Policing and Crime has delegated authority to approve all requests to go out to tender for contracts valued at £500,000 or above.
4. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.

### **Equality Comments**

1. MPS Strategic Diversity & Inclusion have been consulted on this contract award. The supplier will be agreeing to National Framework Terms & Conditions as part of this purchase, which places an obligation on the supplier to comply fully with all applicable equality and diversity policies as well as any specific MPS policies (The supplier is already obligated to do so as part of other contracts the MPS holds with them).

### **Privacy Comments**

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.
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.
3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
4. The project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.
5. DNA sampling kits are purchased from the supplier to be used by the MPS, these kits are then submitted to the MPS's Managed Service Provider for

forensic services and analysis. We do not share any data or DNA samples with the supplier of the kits. DNA samples taken using these kits are taken in accordance with PACE. The storage, submission and analysis is conducted in accordance with PACE and is dealt with under the contract between MO4 - Forensic Services and the Managed Service Provider, this is also in accordance with the Forensic Regulators Code of Practice.

### **Real Estate Implications**

1. There are no Real Estate implications.

### **Environmental Implications**

1. The MPS's Environmental Management team has been consulted as part of this contract award.
2. The supplier has an Ethical Sourcing policy and a Sustainability policy. These policies were provided as part of the tender process and evaluated by the Forensic Capability Network (FCN) prior to award of the national framework.
3. As an existing supplier for the MPS's main forensic consumables contract, the supplier's waste management and environmental policies have also been assessed at the time of that contract award.

### **Background/supporting papers**

1. None.

Report author: Mark French, Contracts Manager MO4 – Forensic Services.

**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 SUPPLY OF DNA SAMPLING KITS 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 relevant sections under the FOIA that would exempt this information from disclosure, for example:
  - Commercial Interest Section 43

The paper will cease to be exempt until or retain for a minimum of 6 years according to the MPS Records Management Policy.