

## DMPC Decision – PCD 1194

**Title:** Procurement of Media Buying and Planning services

### Executive Summary:

This paper seeks approval for procurement actions in relation to the media planning and buying services to support corporate initiatives and police officer recruitment advertising. The proposed actions are to award a short term contract to maintain service provision for a 12 month period at a value estimated at upto £31,000,000, and to re-procure the service for the longer term – a period of upto 4 years – at a estimated value of £35,000,000.

### Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the award of a contract to Wavemaker for a period of 12 months, extending the existing service provision from the current 4 year term to allow a new tendering process to be completed.
2. Approve an increase to the maximum value of the call off agreement from £16.5m to £31m to accommodate the business requirement for the additional 12 month service contract period.
3. Approve that DMC can initiate procurement activity via the Crown Commercial Services Framework, with a view to procure a new media planning and buying services contract, to replace the current contract when it expires. The estimated contract value over 4 years is £35million.
4. Approve that the contract award continues to be delegated to the Director of Commercial Services following completion of the tendering process on the basis that the supply category being procured is neither novel nor contentious.

### 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

Edue Under

Date

06/05/2022

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

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

- 1.1. The MPS and National Counter Terrorism Police Head Quarters (NCTPHQ) currently obtain their media planning and buying services from a call off contract from a GLA-wide framework. The framework expired on 31 March 2022, and the current MPS call-off contract for the provision of this service expires on 23 April 2022. There is no further contract extensions available.

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

- 2.1. The GLA-wide collaborative procurement during 2021 to re-procure the existing framework for these services was unsuccessful. As a result the GLA has put in place a short term replacement framework to enable the continued provision of these services.
- 2.2. Awarding a 12-month call off contract from this short-term framework will enable the continued provision of these services which are vital, in particular to the recruitment of police officers as part of the Police Officer Uplift Programme, as well as other police advertising campaigns.
- 2.3. During this 12-month period MPS propose to re-procure the media planning and buying services for a upto 4-year period via a call off from the Crown Commercial Services (CCS) framework.

### **3. Financial Comments**

- 3.1. The estimated contract value for the 12-month call off contract is £31,000,000. This is higher than the previous contract value and that proposed for the future contract due to the peak in demand arising from the final year of the police officer uplift recruitment.
- 3.2. The estimated contract value for the longer term arrangement for four years is £35,000,000.
- 3.3. The proposals for extending the existing arrangements and procurement of a new call-off contract does not commit the MPS to any expenditure with the supplier in any particular year. The MPS assure that funding for the spend on these contract values will be met from within existing MPS resources.

### **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 £213,477 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contracts exceeds this threshold.

- 4.2. In respect of the short term arrangement the proposal is to call-off a 12 month contract from a short term temporary framework agreement set up for the members of the GLA to access in order to provide continuity of service following the procurement that did not achieve a contract award whilst procurements are conducted for the ongoing supply of services. Paragraph 4.14 of MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime reserves the right to call in any MPS proposal to award contracts for £500,000 and above. Further detail is set out in the restricted section of this report.
- 4.3. This report confirms the MOPAC's route to market for the longer term arrangement would be to procure the services through existing CCS framework agreements for the required services. This procurement route will be compliant with the Regulations.
- 4.4. Paragraph 7.23 of the MOPAC Scheme of Delegation and Consent provides that the Director of Commercial Services 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 4.13 of the Scheme provides the DMPC the right to approve the procurement strategy for all revenue and capital contracts of a total value of £500,000 or above.

## **5. Commercial Issues**

- 5.1. This paper is in relation to media buying and planning services for both MPS and the National Counter Terrorism Policing Head Quarters (NCTPHQ). The existing call off contract for these services from the GLA-wide framework expires on 23 April 2022. The GLA-wide framework expired on 31 March 2022.
- 5.2. The GLA-wide re-procurement during 2021 was not successful. The GLA has awarded a short term temporary framework to enable the continued provision of these services across the GLA. It has been awarded on the same terms as the previous call-offs - the current supplier has, for the 12 month term, agreed to honour the original rates that they offered in 2016. The MPS propose to call-off a contract from this short term framework for a period of 12 months whilst it re-procures the services for the longer term.
- 5.3. The MPS propose the procurement of the longer term provision of these services from the Crown Commercial Services (CCS) framework arrangements. The planned term is for a 4 year contract with an estimated value of £35,000,000.

## **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 assure that the Media Buying and Planning services for the Metropolitan Police Service (MPS) and Counter Terrorism Policing Headquarters CTPHQ) 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. 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 assure that there are no known negative equality or diversity implications arising from this process negating the requirement to present any mitigation. As this is an a continuation of service provision, this work does not change any aspects relating to equality or diversity.

## **8. Background/supporting papers**

- 8.1. MPS Report - Procurement of Media Buying and Planning services for the Metropolitan Police Service (MPS) and Counter Terrorism Policing Headquarters (CTPHQ).

**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**

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 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 25/04/2022**



MAYOR OF LONDON  
OFFICE FOR POLICING AND CRIME

## **Procurement of Media Buying and Planning services for the Metropolitan Police Service (MPS) and Counter Terrorism Policing Headquarters (CTPHQ)**

### **MOPAC Investment Advisory & Monitoring meeting - April 2022 via PIB Extremis**

**Report by Poli Stuart Lacey 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***

This Business Justification concerns the procurement of Media Buying and Planning services for the Metropolitan Police Service (MPS) and Counter Terrorism Policing Headquarters (CTPHQ).

### **Recommendations**

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

- 1. Approve the award of a contract to Wavemaker for a period of 12 months, extending the existing service provision from the current 4 year term to allow a new tendering process to be completed.**
- 2. Approve an increase to the maximum value of the call off agreement from £16.5m to £31m to accommodate the business requirement for the additional 12 month service contract period.**
- 3. Approve that DMC can initiate procurement activity via the Crown Commercial Services Framework, with a view to procure a new media planning and buying services contract, to replace the current contract when it expires. The estimated contract value over 4 years is £35million.**
- 4. Approve that the contract award continues to be delegated to the Director of Commercial Services following completion of the tendering process on the basis that the supply category being procured is neither novel nor contentious.**

### **Time sensitivity**

A decision is required from the Deputy Mayor by 18/04/2022. This is because the

contract provides crucial services to support our PC recruitment and a break in service provision would seriously impeded our ability to meet ambitious targets.

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

### **Introduction and background**

1. The provision of media planning and buying services for DMC covers both corporate and recruitment advertising. It also provides media buying and planning services for Counter Terrorism Policing Headquarters (CTPHQ) for their own campaigns, and may provide access on an ad hoc basis more widely across the MPS.
2. DMC utilise the services to manage Human Resources (HR) media planning and buying requirements for police officer roles i.e. new, experienced and volunteer police officers. The recruitment of new police constables is one of the MPS's biggest organisational priorities and the financial year 2022-2023 is potentially the most challenging as it is the final year of the uplift. During which time the organisation will need to recruit around 4000 police constables against the backdrop of the organisation facing significant reputational issues and a buoyant recruitment market. In addition DMC will also utilise the contract to develop behaviour change and awareness raising campaigns to support key operational priorities.
3. The current contract is a single supplier framework agreement (TFL 91209), which was procured by the GLA Collaborative Procurement Team in 2016 (CPT) on behalf of Transport for London (TfL) and the GLA Functional Bodies (FB) and expired in June 2020.
4. The intention was to re-tender the requirement to allow for a new agreement to be in place following expiration in March 2021. Unfortunately the procurement was unsuccessful, caused by the impact of the Covid-19 pandemic.
5. TfL's and the GLA's call-off contract is due to expire on 31 March 2022. The MPS' call-off contract is due to expire on 23 April 2022.

### **Issues for consideration**

1. The current Media Planning and Buying services contract (TFL 91209) commenced for TfL and the Functional Bodies on 16th December 2016 and expired on 31st March 2022.
2. The MPS awarded the Media Planning and Buying Services contract (SS3/17/51) to Wavemaker on 24<sup>th</sup> April 2018 and is due to expire on 23<sup>rd</sup> April 2022.
3. The MPS was part of a collaborative procurement process that launched on 21 June 2021 aiming to implement a new media buying and planning framework



agreement under the GLA joint procurement initiative. That procurement did not achieve a contract award and the GLA FB participating in the procurement paused to consider their options and to reassess their requirements.

4. TFL and the GLA FBs (including the MPS) participating in the procurement analysed potential options to determine a route to market in the short-term. Three available options were explored for the re-tender of a long-term agreement: a public procurement by MPS for MPS requirements, accessing CCS framework agreements or a collaborative procurement via the original method (restricted procedure). TFL and the GLA FBs have agreed to retender the requirement via the restricted procedure, while the MPS, in consultation with the GLA have reached the conclusion to utilise the CCS framework agreement to source these services.
5. To ensure business continuity the MPS need to put in place a further 12 month contract between MPS and Wavemaker to allow a new tendering process to be completed.
6. The provision of media planning and buying services for the DMC must cover both corporate and recruitment advertising.
7. The contract will be managed by DMC Campaigns and Marketing team, but also provides media buying services for Counter Terrorism Policing Headquarters (CTPHQ) and may provide access on an ad hoc basis more widely across the MPS.
8. Funding will be ring-fenced from within central budgets and is currently being worked through alongside other Police Uplift Programme budgets. Expenditure through this contract will be scaled accordingly and will not exceed the final agreed budget.

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

6. The procurement of a new media planning and buying services provider will enable the DMC to develop effective corporate and recruitment campaigns to support the Police and Crime Plan

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

9. Approval is sought to award a contract to the current supplier for the next 12 months and to conduct a longer term tender and contract award . Expenditure through these contracts will not exceed the final agreed budget. The proposed 12-month contract will increase the maximum value of the existing contract by £14.5m from £16.5m to £31m. Funding will be ring fenced from within central budgets and is currently being worked through alongside other Police Uplift Programme budgets. Expenditure through this contract will be scaled accordingly and will not exceed the final agreed budget.

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

10. The services to be procured from the existing supplier will be awarded via the TfL GLA Collaborative Framework for a period of 12 months. The Services beyond the 12 months will be procured via a Public Contracts Regulations compliant Crown Commercial Service framework agreement, led by the MPS, managed by the DMC and in liaison with the MPS Commercial department. The estimated contract value over 4 years is £35m. The budget requirement for the new contract will be confirmed by way of the annual budget setting process following the initiation of procurement activity.
11. London's Anchor Institutions' Charter will be supported by this paper in so far as the CCS framework includes suppliers that have a London presence and this will be explored during the procurements to further the economic benefit to the London economy and to support the city's Covid-19 recovery as part of the Mayor's Anchor Institutions.

### **Legal Comments**

12. TfL are to award a framework agreement to commence on 1 April 2022 for 9 months. The award of a short term temporary framework agreement set up for the members of the GLA to access is done in order to provide continuity of service following the procurement that did not achieve a contract award whilst procurements are conducted for the ongoing supply of services. Paragraph 4.14 of MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime reserves the right to call in any MPS proposal to award contracts for £500,000 and above.
13. MOPAC's route to market would be to procure the longer-term services through existing CCS framework agreements for the required services. This procurement route will be compliant with the Regulations (assuming all the requirements of the Regulations are respected).
14. Paragraph 7.23 of the MOPAC Scheme of Delegation and Consent provides that the Director of Commercial Services 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 4.13 of the Scheme provides the DMPC the right to approve the procurement strategy for all revenue and capital contracts of a total value of £500,000 or above.

### **Equality Comments**

15. There are no known negative equality or diversity implications arising from this process negating the requirement to present any mitigation. As this is an a continuation of service provision, this work does not change any aspects relating to equality or diversity'
16. In terms of the new tender CCS have conducted a procurement that follows accepted best practice and follows government policies leading to the award and during the framework agreement term. Any approved suppliers will be evaluated for acceptable equality and diversity statements, as well as their ability to meet

the MPS requirements under the Equality Act 2010 as suppliers to MOPAC. The evaluation exercise will consider their ability to act as a responsible employer and meet employment obligations deemed commensurate with wider GLA objectives.

17. In addition, it should be noted that the MPS support the Mayor's Responsible Procurement Policy including: Enhancing Social Value, Encouraging Equality and Diversity, Embedding fair employment practices, Enabling skills, training and employment opportunities, promoting ethical sourcing practices and improving environmental sustainability. Where possible to do so under the terms of the CCS framework agreements, the MPS will take further steps to influence the behaviours of the preferred suppliers to achieve these aims if they are not already doing so.

### **Privacy Comments**

18. 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.
19. 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.
20. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the Procurement of Media Buying and Planning services for the Metropolitan Police Service (MPS) and Counter Terrorism Policing Headquarters (CTPHQ) meets its compliance requirements.
21. Media Buying and Planning services for the Metropolitan Police Service (MPS) and Counter Terrorism Policing Headquarters (CTPHQ) does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

### **Real Estate Implications**

There are no real estate implications associated with this proposal.

### **Environmental Implications**

22. As part of the call offs from the current CCS Frameworks, where possible under the terms of the Framework Agreement, suppliers will be asked to outline the measure it will take to improve its positive environmental impacts and reduce its negative impacts over the lifetime of the contract. Suppliers shall be expected to demonstrate a proactive approach to environment and sustainability in the

delivery of the Contract Services and contribute to the objectives and targets of the MPS Environment and Sustainability Strategy in areas such as recycling and waste reduction, carbon emissions reduction, water management and responsible procurement.

**Background/supporting papers**

23. There are no supporting papers associated with this report.

Report author: Stephanie Day Head of Campaigns, Metropolitan Police Service  
0207 230 9750

**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 Procurement of Media Buying and Planning services for the Metropolitan Police Service (MPS) and Counter Terrorism Policing Headquarters (CTPHQ) 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 from 01/08/2023.