

REQUEST FOR DMPC DECISION – PCD 69**Title: Telephone Interpreting Contract Extension****Executive Summary:**

The MPS is seeking a time-only approval for an extension to the current contract for Telephone Interpreting Services of twelve months. These services are mainly utilised by Police officers and front line services when interacting with the public in the event of a language barrier. The current contract term began 10th January 2011 and following previous extensions is now due to expire on 9th October 2016. The anticipated cost to be incurred over the next 12 months is within the revised value of the contract.

Recommendation:

The Deputy Mayor for Policing and Crime (DMPC) is asked to approve the extension to the current contract for Telephone Interpreting Services by twelve months at no additional cost to the existing contract.

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**

12/10/2016

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

Decision required – supporting report

1. Introduction and background

- 1.1. London is one of the most ethnically diverse cities with over 300 languages spoken in it and more than 50 different communities.
- 1.2. Due to this vast diversity of languages spoken within London, the MPS requires telephone interpreting services to allow relevant police officers and staff to communicate with individuals in situations where there is no common language spoken.
- 1.3. During the last financial year, the service was used by the MPS on 46,063 occasions, telephone interpreting provides a cost effective method to fulfil this requirement.

2. Issues for consideration

- 2.1. The MPS requires telephone interpreting services to allow relevant police officers and staff to communicate with individuals in situations where there is no common language spoken.
- 2.2. The proposed extension will provide adequate time to run a competitive tender process to procure the longer term replacement contract.
- 2.3. Continuity of the services are a legal requirement as the MPS are legally obliged to provide linguistic support for victims, witnesses and detainees via European Directive 64/10, E.C. Human Rights Act, Police and Criminal Evidence Act (PACE) 1984 and Equality Act 2010 which includes disability.
- 2.4. The intended route to market for a replacement contract was via a Crown Commercial Services (CCS) Framework. However there have been significant delays in CCS awarding a new Framework.
- 2.5. During this delay period alternative routes to market for the longer term have been identified via the National Collaboration Law Enforcement Procurement Programme which may allow the MPS to cover a wider scope of requirements under one contract including a managed service and communication for members of the public with impaired hearing.

3. Financial Comments

- 3.1. There will be no additional financial commitment for this contract extension as sufficient funds remain from the original award value, which will sufficiently manage the demand for the duration of the twelve months extension period being requested.

4. Legal Comments

- 4.1. It is a legal requirement under PACE 1984, Equalities Act 2010 and Human Rights Act to engage individuals in a language they understand.
- 4.2. 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 £164,176 (relevant threshold) or above, all contracting authorities must do so in accordance with the Regulations.

- 4.3. Section 6 of the PCR 2015 permits this request, Section 6 'Modification of contracts during their term' Clause 72 (1)(C)(iii), states the following: 'Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Part in any of the following cases where all of the following conditions are fulfilled: (iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement.'

5. Equality Comments

- 5.1. The MPS are legally obliged to provide linguistic support for victims, witnesses and detainees via European Directive 64/10, E.C. Human Rights Act, Police and Criminal Evidence Act (PACE) 1984 and Equality Act 2010 which includes disabilities.
- 5.2. Without this contract extension there will be no contractual cover or services available to those with language barriers and hearing impairments.

6. Background/supporting papers

- 6.1. None

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

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 – No

ORIGINATING OFFICER DECLARATION:

	<i>Tick to confirm statement (✓)</i>
Head of Unit: The Head of Operational Oversight has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Equalities Advice: Equalities and diversities issues are addressed in the body of the report.	✓

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

13/10/16

Request Approval of an Unforeseen Extension for: Provision of Telephone Interpreting (SS3/10/21)

Virtual Procurement Board

Report by Terry Hunt, Director Frontline Support Services within the Centrally Delivered Support Services.

EXECUTIVE SUMMARY

Approval is sought by the Centrally Delivered Support Services (CDSS) for an unforeseen time only extension to the current contract for Telephone Interpreting Services (SS3/10/21) by twelve months.

These services are mainly utilised by Police officers and front line services when interacting with the public in the event of a language barrier. The MPS requires telephone interpreting services to allow relevant police officers and staff to communicate with individuals in situations where there is no common language spoken. It is a legal requirement under PACE 1984, Equalities Act 2010 and Human Rights Act to engage individuals in a language they understand.

The current contract term began 10th January 2011 and was due to expire on 9th January 2015 for a period of four years but has subsequently been extended twice and now expires on 9th October 2016.

The intended route to market for a replacement contract was via a Crown Commercial Services (CCS) Framework. However there have been significant delays in CCS awarding a new Framework.

During this delay period alternative routes to market for the longer term have been identified via the National Collaboration Law Enforcement Procurement Programme (CLEP) which may allow the MPS to cover a wider scope of requirements under one contract including a managed service and communication for members of the public with impaired hearing.

A separate paper will be submitted detailing the strategy for the future supplier of services. As part of the procurement process we will compare the frameworks and the offerings.

The above extension will provide adequate time to run a competitive tender process to procure the longer term replacement contract.

A. RECOMMENDATIONS – Deputy Mayor for Policing and Crime

Approve the award of:

- 1) An unforeseen time only twelve month contract extension.

B. SUPPORTING INFORMATION

1. London is one of the most ethnically diverse cities with over 300 languages spoken in it and more than 50 different communities. Due to this vast diversity of languages spoken within London, the MPS requires telephone interpreting services to allow relevant police officers and staff to communicate with individuals in situations where there is no common language spoken. During the last FY the service was used by the MPS on 46,063 occasions, telephone interpreting provides a cost effective method to fulfil this requirement. Also, continuity of services are a legal requirement as we are legally obliged to provide linguistic support for victims, witnesses and detainees via European Directive 64/10, E.C. Human Rights Act, Police and Criminal Evidence Act (PACE) 1984 and Equality Act 2010 which includes disability.
2. The current contract term began 10th January 2011 and was due to expire on 9th January 2015 for a period of four years but was subsequently extended twice and now expires in 9th October 2016. The intended route to market for a replacement contract was via the Crown Commercial Services (CCS) and there have been significant delays whilst waiting for the award of the CCS framework, thus the previous extensions were required and a longer term contract could not be awarded.
3. During this period alternative routes to market for the longer term has been identified via the National Collaboration Law Enforcement Procurement Programme (CLEP) which may allow the MPS to cover a wider scope under one contract including a managed service and communication for members of the public with impaired hearing.
4. This extension to the telephone interpreting contract will allow Commercial and CDSS the appropriate time to review its Language provision and explore any commercial opportunities. It will allow the MPS to define their specification to reflect the managed service as well as incorporate a wider scope into the contract. Going forward this will include non-verbal communication e.g. Sign language for those with hearing difficulties as well as specialist translation services for the Digital Media Exploitation Unit within SO15. Translators are required within counter terrorism investigations where media devices and documents are seized and require translating which can then be used as evidence in court.
5. A separate paper will be submitted detailing the strategy for the future supplier of services As part of the procurement process we will compare the frameworks and the offerings

6. The MPS is part of the Collaboration Law Enforcement Procurement Programme (CLEP) who coordinate a national approach to language services. CLEP are fully supportive of the ESPO and CCS frameworks and collaborating with other organisations.
7. As part of the strategy for the replacement contract opportunities to collaborate with other organisations we be fully explored. This will not only take into consideration our current relationship with the City of London Police (CoLP) and British Transport Police (BTP) but will look at the wider Police Forces service and the GLA family. In facilitating collaboration with the wider GLA family we will engage with the GLA shared procurement function to identify the key stakeholders and explore opportunities.
8. As part of this work we will identify the best way to procure the service jointly whilst ensuring best value for all parties. The extension period will enable these opportunities to be fully explored prior to a business case requesting permission to initiate procurement.
9. Telephone interpreting provides an effective and cheaper method compared to use of Face to Face Interpreters for certain situations to fulfil this requirement as officers can simply dial into the provider's dedicated line. This can also be achieved by accessing the service via Aware radios for officers on patrol which allows quicker access to engaging with communities, improved support for Criminal Justice for victims, witnesses, detainee's as well as supporting MPS Mobility and smarter working by reducing officers extraction from patrol as previously they had to return to Police premises to utilise the services. These services allows the MPS to communicate with as many people as possible and engage in emergency situations and engage with communities which were previously inaccessible.

C. OTHER ORGANISATIONAL & COMMUNITY IMPLICATIONS

Equality and Diversity Impact (mandatory)

1. There are serious equality and diversity implications arising from the refusal of this contract extension. As per Section B point 1, continuity of services are a legal requirement as we are legally obliged to provide linguistic support for victims, witnesses and detainees via European Directive 64/10, E.C. Human Rights Act, Police and Criminal Evidence Act (PACE) 1984 and Equality Act 2010 which includes disabilities. Without this contract extension there will be no contractual cover or services available to those with language barriers and hearing impairments.
2. In regards to the longer term tender process which will be from a framework, the appointed supplier on the framework were assessed prior to entering into the current agreement to ensure compliance with all relevant legislation. It is the responsibility of user departments to ensure that the MPS Equality and Diversity policies are adhered to through the life of the contract. Procurement Services have a contract management toolkit that contains a section on Responsible Procurement which encourages contract managers to work with their suppliers, signposting them to support services.

Financial Implications / Value for Money (mandatory)

Not Protectively Marked

1. There will be no additional financial commitment for this contract extension as sufficient funds remain from the original award value, which will sufficiently manage the demand for the duration of the twelve months extension period being requested. The funding has been provided by CDSS and Finance have approved its continued availability, as per the form 1049. All rates within the current contract will remain the same for the extension period.
2. For the longer term contract we await for confirmed budgets and a form 1049. There will be no engagement with the market until this has been received. The budget will be provided by both business units CDSS and SO15/DMEU, CDSS providing the larger portion as they main user. Savings are expected following a tender process from the ESPO framework.

Legal Implications (mandatory)

1. 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 £172,514 (relevant threshold) or above, all contracting authorities must do so in accordance with the Regulations.
2. Section 6 of the PCR 2015 permits this request, Section 6 'Modification of contracts during their term' Clause 72 (1)(C)(iii), states the following: *'Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Part in any of the following cases where all of the following conditions are fulfilled: (iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement.'*
3. The governance for this request is determined by the MOPAC Scheme of Delegation. Section 4.13 – Procurement which dictates that the DMPC has delegated authority to: *'approve all unforeseen variations and extensions to contracts with an original value of £500,000 or above, when the variation or extension is greater than 10% of the original value and/or is for a period of more than 12 months'* This request represents a 50% uplift of the contract value thus is submitted to the DMPC for approval via Procurement Board.

Consultation undertaken (mandatory)

Consultation grid

Procurement – Mandy Chandar/ Debby Ebanks/Phil Ind	Supportive
----------------------------------------------------	------------

Risk (including Health and Safety) Implications (mandatory)

There is no Risk implication, including Health and Safety.

Background papers: None.