

**DMPC Decision – PCD 1213**

**Title: Contract Award for 5.56 Operational Ammunition**

**Executive Summary:**

This decision requests approval for the award of a framework agreement for the supply of Operational 5.56 ammunition. The request for award follows a competitive tender exercise in accordance with the Public Contract Regulations 2015. The Metropolitan Police Service (MPS) has robustly tested as part of a tender process a wholly suitable ammunition to meet the armed policing challenges we face now and in the future.

The contract has an Estimated total value of £820,000 for the MPS and up to £3,270,000 nationally.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve award of a framework contract for Operational 5.56 ammunition to the recommended supplier (this information is contained in the restricted section of the report) for £820,000 (for MPS use) and a maximum of £3,270,000 nationally for a four (4) year term.

**Deputy Mayor for Policing and Crime**

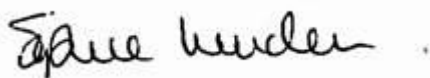
I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

**Signature**

**Date**

**13/07/2022**



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

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

- 1.1. The MPS provides an Armed Policing capability from several armed OCUs (Operational Command Units) each of whom provide a specialist role. Within these armed OCU's there are several weapon systems of various calibres that are employed to support these roles. Each calibre requires a specific ammunition type in order for it to be suitable for deployment within this role, with some OCUs requiring a more diverse range of ammunition types due to legal and environmental challenges that the AFO (Authorised Firearms Officer) may be deployed in. International and specialist UK deployments demand a smarter approach to the selection and use of our ammunition that minimises any reputational risk for the MPS.
- 1.2. The MPS are currently purchasing most ammunition and specialist natures via Single Tender Action (STA) transactions. Despite its suppliers honouring previously agreed contract pricing in order not to increase costs this is leaving the MPS exposed to supply chain risks. STAs should be seen as a short term solution only as the longer term fix is the award of a contract following competition.
- 1.3. The procurement process carried out for the award of this framework agreement included a robust evaluation and testing strategy which assessed the ammunition in four phases (in addition to the bidders' commercial and price offering). This has ensured that the optimal ammunition has been identified for the MPS' firearms.

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

- 2.1. The initial approval to carry out tenders was in accordance with decision PCD 259. There have been delays to carrying out the tenders due to insufficient bids in an original tender and then a further tender being delayed due to the impacts of Covid meaning significant delays to receiving appropriate volumes of ammunition for testing.
- 2.2. The framework agreement, once awarded, is open to Police Forces in England and Wales. It is estimated that the overall value of the framework agreement could be £3.27M.
- 2.3. The MPS has used its delegated authority to award framework agreements for 9mm operational ammunition and 7.62 Supersonic ammunition as the values of the call off contracts for the MPS are each below £500,000. Both frameworks will be available to Police Forces in England and Wales.
- 2.4. The ammunition is selected after significant testing to ensure its accuracy, performance and safety features.
- 2.5. The preferred bidder offers savings across the 4 year term when compared to the second placed bidder.

### **3. Financial Comments**

- 3.1. The Estimated Total upper Contract Value for the MPS is £820,000.
- 3.2. Various suppliers (this information is contained in the restricted section of the report) put forward a bid for this tender, the winning bidder offers savings compared to the second place bidder and scored the highest marks in technical tests as well as price.
- 3.3. The planned MPS use of this ammunition is funded within MPS revenue budgets for the commands concerned.

### **4. Legal Comments**

- 4.1. The Mayor's Office for Policing and Crime (MOPAC) is a contracting authority as defined in the Public Contract Regulations 2015 (the Regulations). All awards of public contracts for goods and/or services valued at £213,477 (inc. VAT) or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold. Accordingly, the Regulations are engaged.
- 4.2. Section 5 of this business case confirms that the MOPAC's proposed route to market is a restricted procedure which complies with the Regulations. Accordingly, the contract can be lawfully awarded.
- 4.3. The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8).
- 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 carried out a restricted procedure tender for operational ammunition. As part of the OJEU advert the MPS limited the number of bidders who would be selected from SSQ stage to ITT stage to the top 5 scoring bids. This was in view of the significant costs associated with testing of operational ammunition.
- 5.2. In total 7 bidders submitted an SSQ and were evaluated in respect of their experience and financial standing. Of the 7 bidders, 6 were selected to be invited to submit a tender as in total there were 5 top scoring bids (as two bidders scored the same result).

- 5.3. At tender stage 3, three bidders submitted bids. However one bidder withdrew from the process due to availability of ammunition to be supplied for testing.
- 5.4. Of the two bidders who submitted samples for testing there were three bullets types provided. All three bullets types were tested across four phases of technical testing (This information is included in the restricted section of the report).
- 5.5. The award of contract supports the London Anchor Institutions Charter through accelerating delivery of a cleaner, greener London.
- 5.6. The Supplier utilises cardboard packaging solution which is recyclable and reduced to the minimum amount that can safely and appropriately contain the ammunition. These are then contained within steel ammunition containers (which is in accordance with the Authority's specification).
- 5.7. All packaging can be returned to the Supplier for re-use where possible. If it is not possible to re-use the materials, then these shall be recycled through their appointed waste management vendor. The Supplier will also collect empty ammunition tins from MPS locations during the delivery of ammunition orders, these will be returned to the suppliers premises and reused in accordance with the company Environmental Management System principles.
- 5.8. The Supplier will use their own ULEZ compliant fleet for delivery of ammunition to the MPS.

## **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. Ammunition within itself presents no equality impacts for any users of the ammunition. The MPS follows specific health and safety guidance and advice regarding the proficiency of the user and also takes into account any potential health concerns for users when utilising firearms and operational ammunition. For example this includes prohibited use for personnel who are pregnant due to the potential risks for the user.

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

- 8.1. Decision PCD 259 (Ammunition and Specialist Natures) approving the procurement process was signed in February 2018.

**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

<b>ORIGINATING OFFICER DECLARATION</b>	<i>Tick to confirm statement (✓)</i>
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
<b>Legal Advice:</b> The MPS legal team has been consulted on the proposal.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.	✓
<b>Commercial Issues</b> The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
<b>GDPR/Data Privacy</b> <ul style="list-style-type: none"> <li>• GDPR compliance issues are covered in the body of the report.</li> <li>• A DPIA is not required.</li> </ul>	✓
<b>Drafting Officer</b> Craig James has drafted this report in accordance with MOPAC procedures.	✓
<b>Director/Head of Service:</b> The Interim 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 13/07/2022**

**Award of 5.56 Operational Ammunition****MOPAC Investment Advisory & Monitoring meeting 9<sup>th</sup> June 2022****Report by Emma Rice 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 paper requests approval for the award of a framework agreement for the supply of Operational 5.56 ammunition. The request for award follows a competitive tender exercise in accordance with the Public Contract Regulations 2015. The Metropolitan Police Service (MPS) has robustly tested as part of a tender process a wholly suitable ammunition to meet the armed policing challenges we face now and in the future.

The contract has an Estimated total value of £820,000 for the MPS and up to £3,270,000 nationally.

**1. Recommendations**

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

- 1.1 Award a framework contract for Operational 5.56 ammunition to the recommend supplier (this information is contained in the restricted section of the report) for £820,000 (for MPS use) and a maximum of £3,270,000 nationally or a four (4) year term.

**Time sensitivity**

A decision is required from the Deputy Mayor by the end of June 2022 in order to maintained continuity of supply for operational ammunition.

**Non-confidential facts and advice to the Deputy Mayor for Policing and Crime****2. Introduction and background**

Outlined below is the strategic and operational context for this proposal:

- 2.1 The MPS provides an Armed Policing capability from several armed OCU's (Operational Command Units) each of whom provide a specialist role. Within these armed OCU's there are several weapon systems of various calibres that are employed to support these roles. Each calibre requires a specific ammunition type in order for it to be suitable for deployment within this role, with some OCU's requiring a more diverse range of ammunition types due to legal and environmental challenges that the AFO (Authorised

Firearms Officer) may be deployed in. International and specialist UK deployments demand a smarter approach to the selection and use of our ammunition that minimises any reputational risk for the MPS.

- 2.2 The MPS are currently purchasing most ammunition and specialist natures via Single Tender Transactions (STA). Despite our suppliers honouring previously agreed contract pricing so not to increase our costs this is leaving the MPS exposed to supply chain risks. STAs should be seen as a short term solution only as the longer term fix is the award of a contract following competition.
- 2.3 The procurement process carried out for the award of this framework agreement included a robust evaluation and testing strategy which assessed the ammunition in four phases (in addition to the bidders commercial and price offering). This has ensured that the optimal ammunition has been identified for the MPS' firearms.

### **3. Issues for consideration**

- 3.1 The initial approval to carry out tenders was in accordance with PCD259. There have been delays to carrying out the tenders due to insufficient bids in an original tender and then a further tender being delayed due to the impacts of Covid meaning significant delays to receiving appropriate volumes of ammunition for testing.
- 3.2 The framework agreement, once awarded, is open to Police Forces in England and Wales. It is estimated that the overall value of the framework agreement could be £3.27M.
- 3.3 The MPS has used its delegated authority to award framework agreements for 9mm operational ammunition and 7.62 Supersonic ammunition as the values of the call off contracts for the MPS are each below £500,000. Both frameworks will be available to Police Forces in England and Wales.
- 3.4 The ammunition is selected after significant testing to ensure its accuracy, performance and safety features.
- 3.5 The preferred bidder offers savings across the 4 year term when compared to the second placed bidder.

### **4. Contributes to the MOPAC Police & Crime Plan 2021-2025<sup>1</sup>**

The supply of 5.56 operational ammunition contributes to the delivery of the Police and Crime Plan by:

- 4.1 Providing critical operational tactics, thereby assisting in various high-risk scenarios. The procurement of specialist ammunition that has been tested in MPS weapons systems and meets both environmental and legal requirements and will ultimately create a safer London.

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

#### **5.1 Summary of Costs**

---

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



5.1.1 The Estimated Total upper Contract Value is £820,000

5.1.2 Various suppliers (this information is contained in the restricted section of the report) put forward a bid for this tender, the winning bidder offers savings compared to the second place bidder and scored the highest marks in technical tests as well as price.

## **5.2 Funding**

The commands using the ammunition are charged accordingly and therefore, are funded within Met revenue budgets.

## **5.3 Procurement Route**

5.3.1 The MPS carried out a restricted procedure tender for operational ammunition. As part of the OJEU advert the MPS limited the number of bidders who would be selected from SSQ stage to ITT stage to the top 5 scoring bids. This was in view of the significant costs associated with testing of operational ammunition.

5.3.2 In total 7 bidders submitted an SSQ and were evaluated in respect of their experience and financial standing. Of the 7 bidders, 6 were selected to be invited to submit a tender as in total there were 5 top scoring bids (as two bidders scored the same result).

5.3.3 At tender stage 3, three bidders submitted bids. However one bidder withdrew from the process due to availability of ammunition to be supplied for testing.

5.3.4 Of the two bidders who submitted samples for testing there were three bullets types provided. All three bullets types were tested across four phases of technical testing (This information is included in the restricted section of the report).

## **5.4 Legal Comments**

5.4.1 The Mayor's Office for Policing and Crime (MOPAC) is a contracting authority as defined in the Public Contract Regulations 2015 (the Regulations). All awards of public contracts for goods and/or services valued at £213,477 (inc. VAT) or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold. Accordingly, the Regulations are engaged.

5.4.2 Section 5 of this business case confirms that the MOPAC's proposed route to market is a restricted procedure which complies with the Regulations. Accordingly, the contract can be lawfully awarded.

5.4.3 The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8).

5.4.4 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.

## **5.5 London Anchor Institutions Charter**

- 5.5.1 The award of contract supports the London Anchor Institutions Charter through accelerating delivery of a cleaner, greener London.
- 5.5.2 The Supplier utilises cardboard packaging solution which is recyclable and reduced to the minimum amount that can safely and appropriately contain the ammunition. These are then contained within a steel ammunition containers (which is in accordance with the Authority's specification).
- 5.5.3 All packaging can be returned to the Supplier for re-use where possible. If it is not possible to re-use the materials, then these shall be recycled through their appointed waste management vendor. The Supplier will also collect empty ammunition tins from MPS locations during the delivery of ammunition orders, these will be returned to the suppliers premises and reused in accordance with the company Environmental Management System principles.
- 5.5.4 The Supplier will use their own ULEZ compliant fleet for delivery of ammunition to the MPS.

## **6. Equality Comments**

- 6.1 Ammunition within itself presents no equality impacts for any users of the ammunition. The MPS follows specific health and safety guidance and advice regarding the proficiency of the user and also takes into account any potential health concerns for users when utilising firearms and operational ammunition. For example this includes prohibited use for personnel who are pregnant due to the potential risks for the user.

## **7. Privacy Comments**

- 7.1 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.
- 7.2 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.
- 7.3 The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
- 7.4 The project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

## **8. Environmental Implications**

- 8.1 In addition to the information set out in Section 5.5 above, the Supplier is currently

seeking ISO14001:2015 Environmental Management accreditation.

### **Background/supporting papers**

1. Not applicable

Report author: Emma Rice, Head of Commercial, 07554223135

### **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 **Award of 5.56 Operational Ammunition** 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 1<sup>st</sup> July 2028.