

DMPC Decision – PCD 1345

Title: Lambeth HQ Car Park Ramp Repairs

Executive Summary:

This paper seeks approval for further investment in the Lambeth HQ building car park ramps repair project. The cost of the additional investment is £509,371 which will be funded from within the MPS capital Forward Works budget. The procurement will be via a compliant direct award.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Provide delegated authority to the Director of Property Services to spend an additional £509,371 from the Forward Works (FW) Budget within 2022/23 approved capital plan, bringing the total project budget to £859,371.

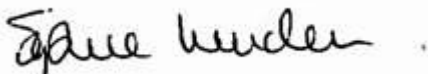
Deputy Mayor for Policing and Crime

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 29/11/2022



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

1. Introduction and background

- 1.1. Under delegated authority the MPS awarded a contract for essential repairs to four Lambeth HQ building car park ramps. The contract value was £350,000 and the works were expected to take 6 weeks.

2. Issues for consideration

- 2.1. Due to the heavy use of the ramps at this critical HQ building an intrusive survey was not possible prior to the works starting. The consultant had to complete a visual inspection, along with a technical representative specialist in concrete repairs and coatings, to review the areas and ascertain the extent of repairs required.
- 2.2. The MPS anticipated that upon starting the works that some additional activity might be identified and expected that the cost would be contained within its delegated budget. Between the initial surveys and actual works commencement, due to the fragile state of the ramps surfaces and constant use by vehicles they had deteriorated further, and subsequently the works requirement had grown.
- 2.3. It should also be noted, that in the time from the original inspections, to now, works, materials and labour costs have been affected dramatically by economic disturbance and industry inflation.
- 2.4. The proposed direct award for the works contract and approval for fees and staff costs will minimise the time the ramps are out of service, and traffic control measures are in place on the remaining ramps. It will also avoid further delay in the project and the potential for additional costs if a re-procurement was undertaken.

3. Financial Comments

- 3.1. The estimated cost of the additional works is £509,371 which the MPS will fund from within the existing capital Forward Works budget.

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 (inclusive of VAT) or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceed this threshold and therefore the Regulations apply.
- 4.2. The MPS assure that the use of a compliantly procured Framework Agreement constitutes a compliant process

- 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)
 - All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).
- 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.

5. Commercial Issues

- 5.1. The procurement associated with this proposal is for the additional works to repair the car park ramps at a cost of £379,371. The procurement route is a direct award to the bidder awarded the original contract for the works.
- 5.2. The MPS assure that value for money is achieved due to the competitive process for suppliers to be included in the framework.
- 5.3. The MPS assure that the contractor is from the Building Works framework that included commitments to address the London Anchor Institution charter objectives.

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 there are no negative equality or diversity implications and that approved suppliers have been 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.

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 the project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

8. Background/supporting papers

- Appendix 1 MPS Report – Lambeth Ramp Repair

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	<i>Tick to confirm statement (✓)</i>
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 and Director of Corporate Services 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 24/11/2022

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Lambeth Ramp Repair, BJP

MOPAC Investment Advisory & Monitoring meeting via PIB EXTREMIS – November 2022

Report by Vince Fihosy 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 repair of H&S and structural issues with the carpark ramps at Lambeth HQ Building. Works have commenced on site and require urgent approval to spend above the delegated authority level (<£500k) to complete the works addressing the H&S and structural issues to the ramps and the associated ceilings.

This paper was handled via the MPS **PIB Extremis** assurance route in advance of MOPAC review, with timeline advice provided to MPS Strategy Senior Leads in advance of their approval.

Recommendations

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

- 1. Provide delegated authority to the Director of Property Services to spend an additional £509,371 from the Forward Works (FW) Budget within 2022/23 approved capital plan, bringing the total project budget to £859,371.**

To Note

The works will be undertaken as a direct award new contract, under the Commercial Services scheme of delegation, to Axis Europe, who are currently the contractor completing the works on site. These works are urgently required due to health and safety concerns which have emerged during the course of the works.

Time sensitivity

A decision is required from the Deputy Mayor by Friday 25th November in order to avoid significant operational disruption, resolve the health and safety concerns and avoid further costs for demobilising, retendering and remobilising the contractor. This paper was handled via the MPS **PIB Extremis** assurance route in advance of MOPAC review, with timeline advice provided to MPS Strategy Senior Leads in advance of their approval.

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

Introduction and background

1. A contract in the sum of £350,000 was let on 30th September 2022 under existing delegated authority limits to carry out minor repairs to the four ramps (two ramps on both levels) used to access car parking areas at Lambeth HQ. These works were expected to be completed in 6 weeks. It was always envisaged that, as works progressed, and intrusive investigations occurred, a clearer view of the ramp condition would be obtained and additional essential repair works might be identified. It was originally expected that these additional works would have been minor and

managed within current delegated authority levels. However, during the enabling works to open up the structure and the detailed hammer testing, it has become clear the works required are much more significant.

Issue for consideration

2. It is critical to obtain a decision by Friday 25th November, via the **PIB extremis route**. Urgent approval will enable the contractor to continue on site to minimise the time the ramps are out of service, and traffic control measures are in place on the remaining ramps. Providing the decision by this date will avoid significant further disruption to operational teams at the Met's main command & control centre and forensic service HQ.

1.

Contributes to the MOPAC Police & Crime Plan 2022-25¹

3. The Mayor wants London both to be a safer city and for Londoners to feel safer. To deliver this vision the Police and Crime Plan sets out some key areas for action which include: Reducing and preventing violence; Increasing trust and confidence; Better supporting victims. Delivery of urgent works required at Lambeth HQ will help ensure staff are kept safe delivering their various essential duties. Without these repairs there is a risk of falling concrete, and risks posed to officers and staff through vehicle damage caused by the exposed reinforcement bars in the ramps themselves.

Financial, Commercial and Procurement Comments

4. A contract in the sum of £350,000 was let on 30th September 2022 under existing delegated authority limits to carry out minor repairs to the four ramps (two ramps on both levels) used to access car parking areas at Lambeth HQ. These works were expected to be completed in 6 weeks. It was always envisaged that, as works progressed, and intrusive investigations occurred, a clearer view of the ramp condition would be obtained and additional essential repair works might be identified. It was originally expected that these additional works would have been minor and managed within current delegated authority levels. However, during the enabling works to open up the structure and the detailed hammer testing, it has become clear the works required are much more significant. In particular, it is now clear that the extent of loose and broken concrete and exposed reinforcement is far more extensive than expected. To complete these works an additional budget of £509,371 is required, taking the total project cost over the £500k delegated authority level. In addition, the timeline for repairs will extend to 12 weeks, with planned completion at the end of December. A new contract in the sum of £379,371 is proposed to be let to the same contractor as a direct award under the Commercial Services scheme of delegation.

5. A new contract to the sum of £379,371 will be let as a direct award from the Building Works Framework (BWF) to Axis Europe, the contractor currently on site undertaking the works, to enable the contractor to complete the additional repairs required. Construction works and professional services (design) required by PSD are appointed using the Construction Professional Services Framework, and Building Works Framework (BWF). Contractors will comply with MPS access policy and meet the requirements of current MPS security clearance policy.

6. Value for money is assured on all MPS frameworks by virtue of open market competition with respect to quality and cost at framework award and then subsequent lot mini-competitions for each subsequent package of works >£50k thereafter. The funding for these works will be provided from the existing approved budget for forward works and no additional funding is required.

7. **Contribution to the London Anchor Institutions' Charter²**: As part of a compliant framework call off approach to appoint the main contractor, the tender process the MPS have followed include requesting and assessing the tenderers commitments to specific actions to address the LAIC objectives. The contracts encourage the use of London supply chain specific

initiatives including: apprenticeship levies; adherence to modern slavery and London Living Wage obligations.

Legal Comments

8. 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 (inclusive of VAT) or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceed this threshold and therefore the Regulations apply.

9. The use of a compliantly procured Framework Agreement will constitute a compliant process where the Framework Agreement's ordering processes are followed.

10. 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); and
- All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).

11. 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.

Equality Comments

12. There are considered to be no negative Equality or Diversity implications arising from this process negating the requirement to present any mitigation at this stage. Approved suppliers have been 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.

13. In addition, it should be noted that the MPS support the Mayor's Responsible Procurement Policy including: Enhancing Social Value, Encouraging Inclusion, Diversity and Equality, Embedding fair employment practices, Enabling skills, training and employment opportunities, promoting ethical sourcing practices and improving environmental sustainability.

Privacy Comments

14. 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.

15. 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.

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

17. 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

18. This is a Property Services Directorate authored and owned proposal. Real Estate implications are outlined throughout the proposal.

Environmental Implications

19. There are no additional Environmental impacts of this work. The contractor will consider the Environment Policy and Sustainable Design Guide.

Background/supporting papers

20. NONE

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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 OPERATIONAL

Part 2 of the Lambeth Ramp Repair, BJP is exempt from publication for the following reasons:

- Exempt under Article 2(2)(c) of the Elected Local Policing Bodies (Specified Information) Order 2011
- The relevant section under the FOIA that would exempt this information from disclosure is Law Enforcement - Section 31 (1).

The paper will cease to be exempt 31 December 2022 .