

DMPC Decision – PCD 814

Title: Initiation of a New Tendering Exercise for the Support and Maintenance for the MPS CCTV Control Rooms and for the MOSAIC Terminals

Executive Summary:

The Metropolitan Police Service (MPS) is seeking approval to initiate a new tendering exercise for Support and Maintenance for the MPS CCTV Control Rooms and for the MOSAIC Terminals.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

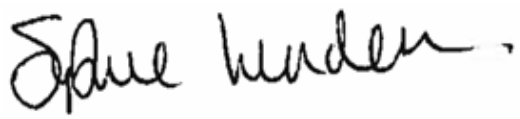
1. Approve the use of the existing MPS National Police and Emergency Services Electronic Security, Control Room Systems and Audio Visual Systems Framework (SS3/16/145) (Lot 2) Building Technology Systems and Services, in order to conduct a mini-competition exercise for the requirement.

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

10/09/2020

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

1. Introduction and background

- 1.1. The funding for the requirements are held within existing budgets.
- 1.2. The requirement is broken down into two Lots: Lot 1: the Support and Maintenance for MPS CCTV Control Rooms and Lot 2: the Support and Maintenance for the MOSAIC Terminals. Bidders on the Framework Agreement can bid for one or both Lots.
- 1.3. The estimated total four year value of the contract is £2.7m (ex VAT) based on historical spend.
- 1.4. This paper is not requesting new funding.
- 1.5. Lot 2 on the Framework Agreement includes the category: CCTV Image Presentation and Control Room Systems, installation and support and maintenance.
- 1.6. Through utilising the Framework Agreement the contract will provide value for money in terms of:
 - The suppliers on the Framework Agreement were selected as a result of an OJEU Restricted tendering exercise evaluating financial status, past experience, capability and indicative pricing.
 - Labour rates will be fixed.
 - Rebates will be paid back to the MPS in terms of throughput from resulting contract awards.
 - By utilising the Framework Agreement there will be an internal and external saving both to the MPS and to the external supplier base as there will be no requirement to undertake further OJEU tendering processes for each requirement, as the Framework Agreement is a mechanism to conduct compliant mini competitions.
 - Supplier's service engineers will be pre MPS security cleared.

2. Issues for consideration

- 2.1. The current MPS contracts for the requirements expire on 30 April 2021: CCTV Control Rooms support and maintenance contract and 29 December 2021: MOSAIC Terminals support and maintenance contract.
- 2.2. There are currently no other existing suitable Framework Agreements available to the MPS that covers the scope of services that the requirement demands.
- 2.3. The requirement currently sits outside of the Service Integration and Management (SIAM) Towers model, the contract (once awarded) will be managed internally by Covert Intelligence (MO3).

3. Financial Comments

- 3.1. The total value of the four year contract (based on historical spend) is estimated at £2.7m. Costs will be met from existing 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, and modifications to, public contracts for goods and/or services valued above £189,330 shall be subject to compliance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold. Accordingly, the Regulations are engaged.
- 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. Points 1, 2 and 3 are met.
- 4.3. Purchasing through a compliant Framework Agreement will comply with the Regulations where the contract is within the scope of the Framework Agreement. The report confirms the extent of services available under Lot 2.
- 4.4. Regulation 33(8) provides that where a Framework Agreement is concluded with more than one provider and not all the terms governing the provision of services are laid down, a contracting authority must re-open competition amongst the providers which are parties to the Framework Agreement. The report confirms a competition between all providers on Lot 2 is to be undertaken.
- 4.5. The Regulations do not specify the duration of call-off contracts under a Framework Agreement. Government guidance provides that call-off contracts may be longer than four years and may extend beyond the expiry date of the Framework Agreement. The guidance also provides that such decisions must be proportionate and not done in order to circumvent the EU procurement rules. It is advised that call-off contracts should be awarded in line with the normal ordering patterns under the Framework Agreement. DLS is not instructed specifically in this regard but, on the face of it, a call-off contract for four years awarded within two years of the framework agreement expiring is likely to be compliant if the intention is for best value reasons and the award is not designed to avoid competition.
- 4.6. Four years would be a standard operating period for this type of support and maintenance contract taking into account implementation and run off for exit. A shorter contract term is likely to result in increased charges (as supplier's will have a short "run" period during which implementation and capital costs can be recouped). However, to ensure value for money is achieved during the whole life of the contract MPS can exit should better value for money be achievable elsewhere as we are agreeing to a 2 + 1 + 1 contract allowing MPS to exit after 2 or 3 years.

4.7. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that Deputy Mayor for Policing and Crime has authority to approve “all requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest”.

5. Commercial Issues

5.1. The MPS will conduct a mini-competition via Lot 2 of the Authority’s/MPS existing National Framework Agreement entitled ‘Electronic Security and Control Room System’ (ES & CR). The award is for a period of two years with a two year extension available option. The extension will be taken should an alternative, compliant and collaborative framework offering demonstrable financial benefits not be in place.

5.2. The Framework Agreement provides the MPS (Authority) with a compliant route to market for all purchases relating to Electronic Security Equipment, Systems and Services.

5.3. The Framework Agreement was tendered through an OJEU process in 2017/2018 and awarded for a period of four years, commencing 3 November 2019 expiring on 2 November 2022 and has an estimated value of £44 million.

5.4. Any contracts awarded as a result of mini competitions run via the Framework Agreement, can be let for up to a maximum of four years at any time during the term of the Framework Agreement.

5.5. Lot 2 includes the following two suppliers:

- 1) Tyco Ltd
- 2) Eurovia Ltd

5.6. The terms of the Framework Agreement allows the two Lot 2 suppliers to be invited to bid for the requirements.

5.7. Lot 2 includes the following, but is not limited to the design, supply, installation, decommission, support and maintenance of the following categories:

- Automatic Number Plate Recognition (ANPR) and Operational Camera Systems, Supply, Installation and Support.
- Command and Control Rooms;
- CCTV and Audio Systems using Propriety and Bespoke Software;
- Drag and Drop Graphical User Interfaces (GUI’s);
- Digital Mapping Systems;
- Digital and Internet Protocol (IP) Video and Audio Control Systems;
- Television Network Protocol (TVNP) and Digital Video Network Protocol (DVNP) Systems;
- Open Network Video Interface Forum (ONVIF) Systems;
- Video Recording and Image Capture Systems;

- Analogue and Digital Video Matrices and Interfaces;
- Maintenance and Support of existing CCTV Systems;
- Failover Resilient Systems.

5.8. Two members of the MO3 will independently conduct the technical evaluations and HQ Commercial Services will separately evaluate the commercial/pricing responses.

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) became 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 contract 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. The CCTV Control Rooms and MOSAIC Terminals that will be supported by this project will hold personal data; however, the requirements under the General Data Protection Regulation are met in regards to the Data Protection Impact Assessments, in that both CCTV and ANPR have existing DPIA's. This project however does not affect or change these.

7. Equality Comments

7.1. There are considered to be no negative equality or diversity implications arising from this procurement process at this stage. Key questions in terms of compliance with the equality and diversity policy and with the Equality Act 2010 were included within the Supplier Selection Questionnaire (SSQ) initial stage of the evaluation tender process for the Framework Agreement with each supplier appointed to the Framework Agreement passing this key stage.

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	<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 The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
GDPR/Data Privacy <ul style="list-style-type: none"> • 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 19/08/2020





Initiation of a New Tendering Exercise for the Support and Maintenance for the MPS CCTV Control Rooms and for the MOSAIC Terminals

MOPAC Investment Advisory and Monitoring meeting 23 July 2020

Report by Lee Kitchen 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 Metropolitan Police Service (MPS) is seeking approval to initiate a new tendering exercise for Support and Maintenance for the MPS CCTV Control Rooms and for the MOSAIC Terminals.

Recommendations

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

1. To approve the use of the existing MPS National Police and Emergency Services Electronic Security, Control Room Systems and Audio Visual Systems Framework (SS3/16/145) (Lot 2) Building Technology Systems and Services, in order to conduct a mini-competition exercise for the requirement.

Time sensitivity

A decision is required from the Deputy Mayor by August/September 2020. This is because the MPS intend to commence the mini-competition exercise during this period.

Introduction and background

1. The funding for the requirements are held within existing budgets.
2. The requirement is broken down into two Lots: Lot 1: the Support and Maintenance for MPS CCTV Control Rooms and Lot 2: the Support and Maintenance for the MOSAIC Terminals. Bidders on the Framework Agreement can bid for one or both Lots.
3. The estimated total four year value of the contract is £2.7m (ex VAT) based on historical spend.
4. This paper is not requesting new funding.

5. Lot 2 on the Framework Agreement includes the category: CCTV Image Presentation and Control Room Systems, installation and support and maintenance.
6. Through utilising the Framework Agreement the contract will provide value for money in terms of:
 - The suppliers on the Framework Agreement were selected as a result of an OJEU Restricted tendering exercise evaluating financial status, past experience, capability and indicative pricing.
 - Labour rates will be fixed.
 - Rebates will be paid back to the MPS in terms of throughput from resulting contract awards.
 - By utilising the Framework Agreement there will be an internal and external saving both to the MPS and to the external supplier base as there will be no requirement to undertake further OJEU tendering processes for each requirement, as the Framework Agreement is a mechanism to conduct compliant mini competitions.
 - Supplier's service engineers will be pre MPS security cleared.

Issues for consideration

7. The current MPS contracts for the requirements expire on 30 April 2021: CCTV Control Rooms support and maintenance contract and 29 December 2021: MOSAIC Terminals support and maintenance contract.
8. There are currently no other existing suitable Framework Agreements available to the MPS that covers the scope of services that the requirement demands.
9. The requirement currently sits outside of the Service Integration and Management (SIAM) Towers model, the contract (once awarded) will be managed internally by MO3.

Contributes to the MOPAC Police & Crime Plan 2017-2021

10. The subsequent award of this contract for the Support and Maintenance for CCTV Control Rooms and MOSAIC Terminals will underpin the key themes within the MOPAC Police and Crime Plan, for example: The support and maintenance of these systems are key to delivering a safer London, improved accountability and to improve our fight against crime and more importantly the threats posed by terrorism.

Financial, Commercial and Procurement Comments

11. The total estimated value of the four year contract (based on historical spend) is estimated at £2.7m Costs will be met from existing budgets.

12. The MPS will conduct a mini-competition via Lot 2 of the Authority's/MPS existing National Framework Agreement entitled 'Electronic Security and Control Room System' (ES & CR). The award is for a period of two years with a two year extension available option. The extension will be taken should an alternative, compliant and collaborative framework offering demonstrable financial benefits not be in place.
13. The Framework Agreement provides the MPS (Authority) with a compliant route to market for all purchases relating to Electronic Security Equipment, Systems and Services.
14. The Framework Agreement was tendered through an OJEU process in 2017/2018 and awarded for a period of four years, commencing 3 November 2019 expiring on 2 November 2022 and has an estimated value of £44 million.
15. Any contracts awarded as a result of mini competitions run via the Framework Agreement, can be let for up to a maximum of four years at any time during the term of the Framework Agreement.
16. Lot 2 includes the following two suppliers:
 - 1) Tyco Ltd
 - 2) Eurovia Ltd
17. The terms of the Framework Agreement allows the two Lot 2 suppliers to be invited to bid for the requirements.
18. Lot 2 includes the following, but is not limited to the design, supply, installation, decommission, support and maintenance of the following categories:
 - Automatic Number Plate Recognition (ANPR) and Operational Camera Systems, Supply, Installation and Support.
 - Command and Control Rooms;
 - CCTV and Audio Systems using Propriety and Bespoke Software;
 - Drag and Drop Graphical User Interfaces (GUI's);
 - Digital Mapping Systems;
 - Digital and Internet Protocol (IP) Video and Audio Control Systems;
 - Television Network Protocol (TVNP) and Digital Video Network Protocol (DVNP) Systems;
 - Open Network Video Interface Forum (ONVIF) Systems;
 - Video Recording and Image Capture Systems;
 - Analogue and Digital Video Matrices and Interfaces;
 - Maintenance and Support of existing CCTV Systems;
 - Failover Resilient Systems.
19. Two members of the MO3 will independently conduct the technical evaluations and HQ Commercial Services will separately evaluate the commercial/pricing responses.

Legal Comments

20. 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.
21. 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, and modifications to, public contracts for goods and/or services valued above £189,330 shall be subject to compliance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold. Accordingly, the Regulations are engaged.
22. 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. I can confirm that points 1, 2 and 3 are met.
23. Purchasing through of a compliant Framework Agreement will comply with the Regulations where the contract is within the scope of the Framework Agreement. The report confirms the extent of services available under Lot 2.
24. Regulation 33(8) provides that where a Framework Agreement is concluded with more than one provider and not all the terms governing the provision of services are laid down, a contracting authority must re-open competition amongst the providers which are parties to the Framework Agreement. The report confirms a competition between all providers on Lot 2 is to be undertaken.
25. The Regulations do not specify the duration of call-off contracts under a Framework Agreement. Government guidance provides that call-off contracts may be longer than four years and may extend beyond the expiry date of the Framework Agreement. The guidance also provides that such decisions must be proportionate and not done to in order to circumvent the EU procurement rules. It is advised that call-off contracts should be awarded in line with the normal ordering patterns under the Framework Agreement. DLS is not instructed specifically in this regard but, on the face of it, a call-off contract for four years awarded within two years of the framework agreement expiring is likely to be compliant if it the intention is for best value reasons and the award is not designed to avoid competition.
26. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that Deputy Mayor for Policing and Crime has authority to approve "*all requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest*".

Equality Comments

27. There are considered to be no negative equality or diversity implications arising from this procurement process at this stage. Key questions in terms of compliance with the equality and diversity policy and with the Equality Act 2010 were included within the Supplier Selection Questionnaire (SSQ) initial stage of the evaluation tender process for the Framework Agreement with each supplier appointed to the Framework Agreement passing this key stage.

Privacy Comments

28. 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.
29. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) became mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
30. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the contract meets its compliance requirements.
31. The project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered. The CCTV Control Rooms and MOSAIC Terminals that will be supported by this project will hold personal data; however, the requirements under the General Data Protection Regulation are met in regards to the Data Protection Impact Assessments, in that both CCTV and ANPR have existing DPIA's. This project however does not affect or change these.

Real Estate Implications

32. Not applicable.

Environmental Implications

33. There is no impact in terms of delivering the Mayor's London Environment Strategy. Environmental questions were included within the Supplier Selection Questionnaire (SSQ) initial stage of the evaluation tender process for the Framework Agreement with each supplier appointed to the Framework Agreement passing this key stage.

Background/supporting papers

34. Not applicable.

Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

35. Section 2 **Strategic Case** details specific locations which presents risk to key infrastructure. Therefore this section is considered to be “Official Sensitive”
36. Classification and suitability for publication to be reviewed 6 Months from Publication.
37. The exemption from publication under the Freedom Of Information Act which is applicable to this paper is covered under Section 31 - Law Enforcement.

Report author: Lee Kitchen - ICT Category Manager, HQ Commercial Services
(Telephone: 0207 161 1578).