

DMPC Decision – PCD 975

Title: Construction Frameworks for Professional Services and Works

Executive Summary:

This paper seeks approval to initiate procurement for the re-provision of frameworks for the supply of professional services and physical works in relation to construction for projects or programmes of work valued up to £5m. The frameworks will be of a four year duration from 2021 to 2025 and will have estimated total values of £40m and £200m respectively. The procurement route will be by way of open procedure competitive tender exercises. Approval of these recommendations does not commit MOPAC to any expenditure.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the procurement of two new construction frameworks of a four-year duration:
 - a. Construction professional services framework, with multiple consultants, providing building design, project management and technical services
 - b. General building works framework, with multiple contractors, for various construction works
2. Approve the financial capacity of the frameworks at £40M for construction professional services and £200M for general building works
3. Approve the procurement route via a public procurement tender process in accordance with UK Public Contract Regulations 2015
4. Delegate authority to the Director of Commercial Services to enter into framework agreements with successful suppliers as identified by the tender process.

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 Warden

Date 19/4/2021

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

1. Introduction and background

- 1.1. The existing MPS Professional Services Framework and Construction Works Framework, both expire by the end of 2021. This paper seeks authority to undertake the procurement to re-provide these services.

2. Issues for consideration

- 2.1. The proposed frameworks support the Police and Crime Plan by providing fit for purpose workplaces from which staff and officers can provide better services to residents of and visitors to London. This will enable the Met to achieve its vision to 'Keep London Safe for Everyone'.
- 2.2. The proposed frameworks will support the delivery of design services and construction works to support the planned investments in the estate. The proposed values for the frameworks have been aligned to the MOPAC capital investment plan and allow for collaborative procurement as well.

3. Financial Comments

- 3.1. The value of the proposed 4 year frameworks are estimated at £40m for the professional construction services and at £200m for the building works framework. The frameworks do not commit the MPS to any expenditure.

4. Legal Comments

- 4.1. The MPS assure that the proposed route to market is legal and within the Public Contracts Regulations.
- 4.2. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve all requests to go out to tender for contracts of £500,000 or above.

5. Commercial Issues

- 5.1. This paper seeks the approval to re-procure the supply of professional construction services such as building design, project management, engineering and technical services, and works such as refurbishment, alteration, extension, decoration, mechanical and electrical installation, and asbestos removal.
- 5.2. An evaluation by the MPS of existing alternative frameworks and the proposed procurement of MOPAC/MPS specific frameworks determined that the most economic and effective method was MOPAC/MPS specific frameworks. Further detail is set out in the restricted section of the report.

- 5.3. The new frameworks will provide for a multi-supplier call-off mechanism to undertake design, project management, construction, refurbishment and remedial works for projects or programmes of work valued up to £5m. MOPAC is not required to only use these frameworks for procurement of these services. For projects in excess of £5m, the MPS will use existing compliant and accessible external frameworks.
- 5.4. Both frameworks will be open to GLA Group authorities, 'Bluelight' emergency services public bodies such as the City of London Police, the National Crime Agency (NCA) and South East police forces. The financial capacities of the new frameworks are recommended and include provision for the support of wider collaborative procurement by GLA Group and other emergency services as well as the MPS requirements.
- 5.5. The MPS confirm that they 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.

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 this project does not use personally identifiable data of members of the public and 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 considered to be no negative equality or diversity implications arising from this procurement process. The 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 a suppliers to MOPAC.

8. Background/supporting papers

- Appendix 1 Re-procurement of Construction Frameworks

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 Commercial issues are covered in the body of the report. The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
GDPR/Data Privacy GDPR compliance issues are covered in the body of the report.	✓
Director/Head of Service: The 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 14/04/2021



MOPAC

MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

Re-procurement of Construction Frameworks

MOPAC Investment Advisory & Monitoring meeting 09/04/2021

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 paper sets out the strategy to re-procure two new Construction Frameworks for the Metropolitan Police Service, in support of the delivery of the Mayor's Office for Policing And Crime (MOPAC) draft Estates Strategy and draft Capital Programme 2022-2025. The new frameworks will replace the existing MPS Professional Services Framework and Construction Works Framework, both of which expire by the end of 2021.

The paper requires approval from MOPAC to initiate a public procurement exercise for the new frameworks and delegate authority to the Director of Commercial Services to enter into framework agreements with successful suppliers.

Recommendations

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

1. **Approve** the procurement of two new construction frameworks of a four-year duration:
 - a) Construction professional services framework, with multiple consultants, providing building design, project management and technical services
 - b) General building works framework, with multiple contractors, for various construction works
2. **Approve** the financial capacity of the frameworks at £40M for construction professional services and £200M for general building works
3. **Approve** the procurement route via a public procurement tender process in accordance with UK Public Contract Regulations 2015
4. **Delegate authority** to the Director of Commercial Services to enter into framework agreements with successful suppliers as identified by the tender process.

Time sensitivity

A decision is required from the Deputy Mayor by 19/04/2021. This is to provide sufficient time to undertake a compliant procurement process and mobilisation period prior to expiry of the existing frameworks in October 2021.

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

Introduction and background

1. This paper sets out the strategy to procure two new Construction Frameworks for the Metropolitan Police Service on behalf of the Director of Property Services, in support of the delivery of the Mayor's Office for Policing And Crime (MOPAC) draft Estates Strategy and draft Capital Programme 2022-2025. The new frameworks will replace the existing MPS Professional Services Framework and Construction Works Framework, both of which expire by the end of 2021.
2. A public procurement tender process is recommended to enter into two new compliant MPS frameworks for:
 - a) Construction professional services framework, with multiple consultants, providing building design, project management and technical services
 - b) General building works framework, with multiple contractors, for various construction works
3. The paper evaluates three possible options for accessing the required services:
 - a) Utilise existing 3rd party frameworks,
 - b) Re-procure MPS specific frameworks
 - c) Procure each project individually, outside of any frameworks
4. Option b) is recommended.

Issues for consideration

5. **Requirements:** The new frameworks will support delivery of design services and construction works, and the financial capacities have been aligned to the capital plan. The current construction professional services framework expires end of December 2021 and the general building works framework expires end of October 2021. There is no option to extend these frameworks.
6. **Funding:** No funding is requested as part of this business case to procure the new frameworks. Although the proposed framework financial capacities are proposed at £40m for professional services and £200m for building works, there is no contractually binding financial commitment for MOPAC/MPS. Each individual contract called-off from the frameworks will be subject to award via the MPS Scheme of Delegation or subsequent to PIB, MOPAC and the Deputy Major's approval to the full project funding.
7. **Duration:** The proposed framework term is four years (November 2021 to October 2025). Individual contracts are to be completed within two to four years of the expiry of the framework in accordance with best practice and the Public Contract Regulations. Framework agreements and call-off contracts have clauses to protect MOPAC/MPS commercial interests with provisions to withhold, suspend or

terminate services.

8. **Partnering:** As per our existing arrangements, both frameworks will be open to GLA Group authorities, 'Bluelight' emergency services public bodies such as the City of London Police, the National Crime Agency (NCA) and South East police forces. The financial capacities of the new frameworks are recommended to support wider collaborative procurement by GLA Group and other emergency services as well as the MPS requirements.
9. **Justification:** Extensive research has been undertaken to formulate the PSD requirements for construction professional services and general building works. 24 compliant and accessible external frameworks were identified and evaluated against the PSD requirements to assess their suitability for MPS/MOPAC. The conclusion is that our own frameworks provide the most economic and effective method to deliver the MPS/MOPAC specialist requirements. There will, however, be no exclusivity in using these frameworks and these other mechanisms will also be available, if ever required. This is discussed in the Economic Case. The proposed service lots for our two proposed frameworks are discussed in the Management Case.
10. **Individual project values:** The new frameworks will provide for a multi-supplier call-off mechanism to undertake design, project management, construction, refurbishment and remedial works for projects or programmes of work valued up to £5m. For projects in excess of £5m, the MPS will use the compliant and accessible external frameworks. The pipeline of works shows the majority of project volume is beneath the £5m value.

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

11. The Property Services Department (PSD) is managing a significant capital investment in the MOPAC estate as part of the ongoing delivery of the draft Estates Strategy. The PSD Construction team and supply chain work to provide fit for purpose workplaces that support the Met to deliver vital services to the citizens of London. This will enable the Met to achieve its vision to 'Keep London Safe for Everyone'.
12. The operational objectives of the Met have been at the core of the Estate Strategy and workspace design to create working environments that support the Met to:
 - a) Focus on what matters most to Londoners
 - b) Work more closely with partners and the public
 - c) Achieve the best outcomes in the pursuit of justice and support of victims
13. As a result, the Met will provide value for money while ensuring staff and officers feel valued and have places of work from which they can provide better services to residents of and visitors to London.
14. As part of its delivery of the Estates Transformation Programme and Estates Strategy, PSD Real Estate Development team are managing a significant capital investment in the estate and will be tasked to support delivery of further programme of works in line with the draft Estates Strategy 2021-2025. The support of compliant

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

routes to market and an established supply chain of pre-qualified suppliers offering value for money is essential to deliver the MOPAC capital programme and so enhance and maintain the MOPAC Estate.

Financial, Commercial and Procurement Comments

15. It is intended to run two Open Procedure competitive tender exercises requiring the publication of a Contract Notice using the UK's "Find a Tender Service". This will include a comprehensive tender pack including pre-qualification requirements plus technical and price based tender criteria. This will be followed by an evaluation and tender acceptance recommendation stage, with a mandatory standstill period prior to entering into framework agreements, all in accordance with Public Contract Regulations 2015.
16. Bidders will be requested to submit a range of fees, rates and indicative costs in response to the invitation to tender to enable the MPS to form a baseline of tender prices.
17. The invitation to tender pricing schedules will allow for various cost models dependant on the project requirements, such as lump sum fixed prices or Overhead and Profit and site Preliminaries costs for the Construction Works framework. For the Professional Services framework, cost models will include project value percentage fees, day rates and RIBA Work Stages discipline or multi-disciplinary consultancy services. Volume discounts rates will be asked for where appropriate.
18. Frameworks provide 'non exclusivity' provisions which allow for further competitions outside the arrangement for specific projects in consideration of changing market conditions and ensuring we are achieving value for money, particularly for larger projects.
19. This procurement will contribute to the MOPAC/MPS commitment to the GLA's Responsible Procurement Policy and the commitments within.
20. The construction professional services contract will have a value of £40M, of which it is estimated £36M relates to capital expenditure and £4M revenue expenditure. The proposed value of the framework will provide sufficient headroom to undertake BAU activities within the Real Estate Development, and Operational Support Teams and to deliver schemes within the approved capital programme. It also includes a 10% contingency for unforeseen events, potential new priorities in the capital programme and to enable the GLA group and other emergency services to access the framework.
21. The general building works framework has a value of £200M which relates purely to capital expenditure. This will provide sufficient headroom to deliver schemes within the approved capital programme. It also includes a 10% contingency for potential new priorities within the capital programme and to enable the GLA group and other emergency services to access the framework.
22. It is important to note that the frameworks do not commit the MPS to any expenditure. All expenditure will subject to approval in line with the MOPAC Scheme of Consent and Delegation as noted in the Legal Comments below.

Legal Comments

23. Section 6 of the Police Reform and Social Responsibility Act 2011 (“the Act”) provides the MOPAC must secure the maintenance of the Metropolitan Police Service, and secure that the Metropolitan Police is efficient and effective.
24. In carrying out its functions, the MOPAC may, under paragraph 7, Schedule 3 of “the Act” “do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office”. This includes, entering into contracts and other agreements, in addition to acquiring and disposing of property (including land). The MOPAC has the power to dispose of surplus properties (including land) under paragraph 7 (2) (b) of Schedule 3 of “the Act”.
25. Paragraph 4.7 of the MOPAC Scheme of Delegation and Consent provides the DMPC has delegated authority for the approval of MOPAC expenditure, income and funding of annual revenue budgets and capital programme.
26. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides the DMPC has delegated authority to approve the procurement strategy for all requests to go out to tender for contracts valued at £500,000 or above.
27. Under PCD 778 the scheme provides the Chief Executive Officer and Chief Finance Officer has delegated authority to sign and to affix the common seal of MOPAC once they have been properly approved, to those contracts, agreements or transactions which need or are considered by MOPAC to need to be executed by way of deed, including all documents which grant or convey an interest in land or under which no consideration passes.
28. Paragraph 7.23 provides the Director of Strategic Procurement has consent to approve the award of all contracts, with the exception of those called in through the agreed call in procedure.
29. Legal support for this project is available by external legal advisers under the management of the Directorate of Legal Services (DLS).
30. The Mayor’s Office for Policing and Crime is a contracting authority as defined in the Public Contract Regulations 2015. All awards of public contracts for goods and/or services valued at the threshold set must be procured in accordance with those regulations. The MPS confirm that the approved procurement strategy and any subsequent recommendation to enter into framework agreements will be as a result of a compliant procurement action undertaken in accordance with the Public Contract Regulations 2015.
31. The MOPAC scheme of delegation and consent provides that the Deputy Mayor for Policing and Crime has delegated authority to approve the procurement strategy of, and requests to tender for, contracts valued at £500,000 or above. Individual projects to be procured under the two frameworks will seek governance approvals as appropriate in line with the Scheme of Delegated Authority.

Equality Comments

32. There are considered to be no negative equality or diversity implications arising from

this procurement process. The 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 a 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.

33. 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.

Privacy Comments

34. 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.
35. 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.
36. This project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

Real Estate Implications

37. Please refer to paragraphs 5 to 21 above.

Environmental Implications²

38. The two new construction frameworks will be aligned with government policy drivers including sustainable design and environmental considerations. The commercial principles that underpin the procurement activity include reducing the adverse environmental impact of service delivery and assisting the reduction of carbon emissions across the estate.

Background/supporting papers

39. There are no supporting papers beyond the Part 2 business case.

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² <https://www.london.gov.uk/WHAT-WE-DO/environment/environment-publications/draft-london-environment-strategy>

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 'Re-procurement of Construction Frameworks' 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:
 - Commercial Interest Section 43

The paper will cease to be exempt until after both frameworks have been awarded.