

DMPC Decision – PCD 917

Title: Contract for the Supply of Fourier Transform Infrared Spectroscopy (FTIR) drug testing instruments

Executive Summary:

London has seen an overall drug offence increase of +15% (+6839 offences) and drugs trafficking increase of +19% (9082 offences) in the last rolling year (RY) to September 2020. These increases have resulted in delayed criminal justice outcomes and forensic analysis backlogs.

The MPS Drugs & Violence Board is addressing these issues by influencing the introduction of the Drug Focus Desks (DFD) across the 12 Borough Command Units. The DFDs will perform a focused drugs trafficking detection capability in order to increase the number of drugs traffickers remanded in custody, thereby enhancing the MPS's ability to prevent drugs related violence.

To provide the DFDs with the technical capability to achieve this, the MPS now seeks approval to award a contract, via single tender action, to Agilent Technologies LDA UK Ltd for Fourier Transform Infrared Spectroscopy (FTIR) drug testing instruments. The value of the contract is over £100,000 and therefore requires approval from the DMPC.

The funding for this contract is to be reimbursed by the Home Office Violence Surge Fund.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the award of a contract via Single Tender Action for Fourier Transform Infrared Spectroscopy (FTIR) drug testing instruments. The contract will commence in early January with delivery expected in late February/early March. The total value of the contract is £216,550.56. The Single Tender Action is compliant with the Procurement regulations.

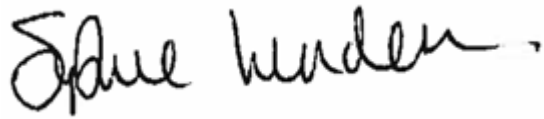
To note that this is to be funded from Home Office Violence Surge Fund which needs to be used by the end of March.

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

A handwritten signature in black ink that reads "Edue Henderson". The signature is written in a cursive style with a horizontal line underneath the name.

Date

15/01/2021

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

1. Introduction and background

- 1.1. London has seen an overall drug offence increase of +15% (+6839 offences) and drugs trafficking increase of +19% (9082 offences) in the last rolling year (RY) to September 2020. 1515 drug trafficking suspects by initial investigation, were linked to serious violent offences whilst 1175 were linked to further drugs offences. The MPS has reduced the rate at which it reclassifies drugs trafficking offences by 8% (RY to September 2020), maintaining 36% (3231) of drugs trafficking investigations however, the rate of reclassification to Crime Related Incident (CRI) – often resulting in suspects being released under investigation, remains high at 28% (2544). These increases have resulted in delayed criminal justice outcomes and forensic analysis backlogs.
- 1.2. The MPS Drugs & Violence Board is addressing these issues by influencing the introduction of the Drug Focus Desks (DFD) across the 12 Borough Command Units. The DFDs will perform a focused drugs trafficking detection capability in order to increase the number of drugs traffickers remanded in custody, thereby enhancing the MPS's ability to prevent drugs related violence.

2. Issues for consideration

- 2.1. The funding of Fourier Transform Infrared Spectroscopy (FTIR) has been sought and subsequently approved via the Home Office Violence Surge Fund. The impact of COVID-19 meant the funding approval was delayed until mid-2020. Furthermore, MPS Forensic Services resource was impacted by COVID -19 during this period. This led to a delay in submitting this paper for approval.
- 2.2. The funds are available until the 31st Mar 2021 – Not completing by this deadline means the project won't be fully delivered and the MPS will lose capability to provide a future evidential service using FTIR drug testing instruments.

3. Financial Comments

- 3.1. The funding of £216,550.56 for this initiative has been provided by the Home Office Violence Surge Fund and approved for spend should the Single Tender Action (STA) be approved.
- 3.2. This is a one off purchase. The equipment will owned and managed by Forensic Services with training and DFD deployment handled by the Central Drugs Team. The FTIR machines do not require maintenance or servicing, so there are no further costs.

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 at £189,330 or above shall be procured in accordance with the Regulations. This report confirms the value of the recommendations exceed this threshold.
- 4.2. Regulation 32(5) provides a contracting authority may use the negotiated procedure without prior publication for public supply contracts for additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance. On that basis the proposal is compliant.
- 4.3. This report confirms MOPAC requires a consistent approach of supplies in order to avoid incompatibility and disproportionate technical difficulties in operation and maintenance.
- 4.4. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime has delegated authority to approve contract exemptions valued at £100,000 or above.

5. Commercial Issues

- 5.1. The MPS will be awarding a contract for FTIR Drug Testing Instruments. The contract will be awarded via a Single Tender Action (in accordance with Regulation 32 (5) (b) of the Public Contract Regulations (2015)) to Agilent Technologies LDA UK Ltd with a value of £216,550.56 (including 5-year warranty).
- 5.2. In May 2019 a competitive tender process was run for FTIR drug testing instruments and awarded to Agilent Technologies LDA UK Ltd. The Agilent drug testing instruments represented the best value for money in terms of operational usability and price.
- 5.3. MOPAC requires a consistent approach of supplies in order to avoid incompatibility and disproportionate technical difficulties in operation and maintenance.
 - a. The effectiveness of these instruments depends on the MPS building and maintaining a library of drugs intelligence data on drug compositions. An alternative supplier's solution will therefore not have this information. Any change of instruments would mean initially losing this data history/intelligence significantly reducing the effectiveness of the DFD's.
 - b. The MPS needs to ensure a consistent forensic approach. Using equipment from two different manufacturers could potentially create inconsistencies and add risk to the process, as well as increasing the cost and time involved in training officers.

- 5.4. On that basis the proposal is compliant with Regulation 32 (5) (b) of the Public Contract Regulations (2015).
- 5.5. The contract will commence in early January and will expire upon successful delivery of the goods, expected in late February/early March.

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. MPS Strategic Diversity & Inclusion have been consulted on this contract award. The supplier will be agreeing to standard MPS Terms & Conditions as part of this purchase, which place an obligation on the supplier to comply fully with the Human Rights Act 1988 and the Equality Act 2010.

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 5/01/2021



MOPAC

MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

SUPPLY OF FOURIER TRANSFORM INFRARED SPECTROSCOPY (FTIR) DRUG TESTING INSTRUMENTS

MOPAC Investment Advisory & Monitoring meeting 18th December 2020

Report by Jonathan Roberts 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

London has seen an overall drug offence increase of +15% (+6839 offences) and drugs trafficking increase of +19% (9082 offences) in the last rolling year (RY) to Sep 20. 1515 drug trafficking suspects by initial investigation, were linked to serious violent offences whilst 1175 were linked to further drugs offences. The MPS has reduced the rate at which it reclassifies drugs trafficking offences by 8% (RY Sep 20), maintaining 36% (3231) of drugs trafficking investigations however, the rate of reclassification to CRI – often resulting in suspects being released under investigation remains high at 28% (2544). These increases have resulted in delayed CJS outcomes and forensic analysis backlogs.

The MPS Drugs & Violence Board is addressing these issues by influencing the introduction of the Drug Focus Desks (DFD) across the 12 Borough Command Units. The DFDs will perform a focused drugs trafficking detection capability in order to increase the number of drugs traffickers remanded in custody, thereby enhancing the MPS's ability to prevent drugs related violence.

To provide the DFD's with the technical capability to achieve this, the MPS now seeks approval to award a contract, via single tender action, to Agilent Technologies LDA UK Ltd for FTIR drug testing instruments. The value of the contract is over £100,000 and therefore requires approval from PIB and IAM boards.

The funding for this contract is to be reimbursed by the Home Office Violence Surge Fund.

Recommendations

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

- **Approve the award of a contract via Single Tender Action for FTIR drug testing instruments. The contract will commence in early January with delivery expected in late February/early March. The total value of the contract is £216,550.56.**

Time sensitivity

A decision is required from the Deputy Mayor by 11th January 2021. This is because the funding available to the MPS for this purchase from the Home Office Violence Surge Fund expires on 31st March 2021. There is approximately a 6-week lead time on delivery of the instruments.

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

Introduction and background

1. London has seen an overall drug offence increase of +15% (+6839 offences) and drugs trafficking increase of +19% (9082 offences) in the last rolling year (RY) to Sep 20. 1515 drug trafficking suspects by initial investigation, were linked to serious violent offences whilst 1175 were linked to further drugs offences. The MPS has reduced the rate at which it reclassifies drugs trafficking offences by 8% (RY Sep 20), maintaining 36% (3231) of drugs trafficking investigations however, the rate of reclassification to CRI – often resulting in suspects being released under investigation remains high at 28% (2544). These increases have resulted in delayed CJS outcomes and forensic analysis backlogs.
2. The MPS Drugs & Violence Board is addressing these issues by influencing the introduction of the Drug Focus Desks (DFD) across the 12 Borough Command Units. The DFDs will perform a focused drugs trafficking detection capability in order to increase the number of drugs traffickers remanded in custody, thereby enhancing the MPS's ability to prevent drugs related violence.

Issues for consideration

1. The funding of FTIR has been sought and subsequently approved via the Home Office Violence Surge Fund. The impact of COVID-19 meant the funding approval was delayed until mid-2020. Furthermore, MPS Forensic Services resource was impacted by COVID -19 during this period. This led to a delay in submitting this paper for approval.
2. The funds are available until the 31st Mar 2021 – Not completing by this deadline means the project won't be fully delivered and the MPS will lose capability to provide a future evidential service using FTIR drug testing instruments.

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

1. The forward facing of FTIR through the DFDs will directly contribute to the Police & Crime Plan by providing officers with a specialist capability and the skills/equipment needed in order to improve efficiency in dealing with complex crime – thereby transforming the way the organisation works through technology and protecting the vulnerable.

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

Financial, Commercial and Procurement Comments

1. The MPS will be awarding a contract for FTIR Drug Testing Instruments. The contract will be awarded via a Single Tender Action (in accordance with Regulation 32 (5) (b) of the Public Contract Regulations (2015)) to Agilent Technologies LDA UK Ltd with a value of £216,550.56 (including 5-year warranty).
2. In May 2019 a competitive tender process was run for FTIR drug testing instruments and awarded to Agilent Technologies LDA UK Ltd. The Agilent drug testing instruments represented the best value for money in terms of operational usability and price.
3. MOPAC requires a consistent approach of supplies in order to avoid incompatibility and disproportionate technical difficulties in operation and maintenance.
 - a. The effectiveness of these instruments depends on the MPS building and maintaining a library of drugs intelligence data on drug compositions. An alternative supplier's solution will therefore not have this information. Any change of instruments would mean initially losing this data history/intelligence significantly reducing the effectiveness of the DFD's.
 - b. The MPS needs to ensure a consistent forensic approach. Using equipment from two different manufacturers could potentially create inconsistencies and add risk to the process, as well as increasing the cost and time involved in training officers.

On that basis the proposal is compliant with Regulation 32 (5) (b) of the Public Contract Regulations (2015).

4. The contract will commence in early January and will expire upon successful delivery of the goods, expected in late February/early March.
5. The funding for this initiative has been provided by the Home Office Violence Surge Fund and approved for spend should MOPAC STA be approved.
6. This is a one off purchase. The equipment will owned and managed by Forensic Services with training and DFD deployment handled by the Central Drugs Team. The FTIR machines do not require maintenance or servicing, so there are no further costs.

Legal Comments

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 at £189,330 or above shall be procured in accordance with the Regulations.

2. This report confirms the value of the recommendations exceed this threshold.
3. Regulation 32(5) provides a contracting authority may use the negotiated procedure without prior publication for public supply contracts for additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance. On that basis the proposal is compliant.
4. This report confirms MOPAC requires a consistent approach of supplies in order to avoid incompatibility and disproportionate technical difficulties in operation and maintenance.
5. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime has delegated authority to approve contract exemptions valued at £100,000 or above.

Equality Comments

1. MPS Strategic Diversity & Inclusion have been consulted on this contract award. The supplier will be agreeing to standard MPS Terms & Conditions as part of this purchase, which place an obligation on the supplier to comply fully with the Human Rights Act 1988 and the Equality Act 2010.

Privacy Comments

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.
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.
3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
4. 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

1. There are no Real Estate implications.

Environmental Implications

1. The MPS will work with the supplier to ensure at end of life the equipment purchased under this contract will be disposed of in a responsible way, and where possible, ensure that parts and materials are reused.
2. Through MPS standard Terms & Conditions, the supplier is obliged to comply with all relevant Environmental laws.

Background/supporting papers

1. None.

Report author: Jonathan Roberts, Specialist Drugs Advisor – Central Drugs Team, 07423 525 813.

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 **SUPPLY OF FOURIER TRANSFORM INFRARED SPECTROSCOPY (FTIR) DRUG TESTING INSTRUMENTS** 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
 - Legal Professional Privilege Section 42

The paper will cease to be exempt until or retain for a minimum of 6 years according to the MPS Records Management Policy.