

DMPC Decision – PCD 1090

Title: Vehicle Repair and Maintenance - Competitive Procedure with Negotiation

Executive Summary:

MOPAC approved an Outline Business Case paper in April 2021 via PCD 954 that provided for the Metropolitan Police Service to progress the activities to support the procurement of the fleet repair and maintenance services.

This paper seeks approval for the initiation of procurement for the vehicle repair and maintenance service using the competitive procedure with negotiation. There are five lots to be tendered three of which will have a initial seven year term with three 1-year optional extensions, and two lots will have a initial three-year term with two 1-year optional extensions. The estimated annual contract value is set out in the restricted section of this paper.

Recommendation:

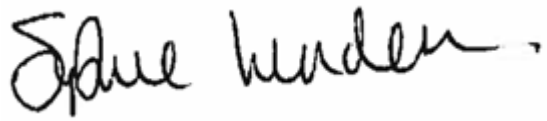
The Deputy Mayor for Policing and Crime is recommended to approve the initiation of procurements using the competitive procedure with negotiation for vehicle repair and maintenance services

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

15/12/2021

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

1. Introduction and background

- 1.1. MOPAC approved a Outline Business Case paper in April 2021 [PCD954] that provided for the Metropolitan Police Service (MPS) to progress the activities to support the procurement of the fleet repair and maintenance (R&M) services.

2. Issues for consideration

- 2.1. Following the further work by the MPS since April the recommended route for the procurement is competitive procedure with negotiation (CPN). This will allow the acceptance of initial tenders and the capability to negotiate if there are any shortcomings from the market.
- 2.2. The MPS assure that this procurement contributes to the MOPAC Police & Crime Plan 2017-2021 as the MPS fleet is a key enabler in the fight against crime directly supporting front line officers in protecting Londoners and keeping the city safe.

3. Financial Comments

- 3.1. There are no direct financial implications arising from the recommendation in this paper to use the competitive procedure with negotiation (CPN).

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 ("Regulations"). All awards of public contracts for goods and/or services valued at £189,330 or above shall be procured in accordance with the 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 the procurement strategy for all revenue and capital contracts of a total value of £500,000 or above, such determination to include decisions on the criteria and methodology to be adopted in the tendering process, any exemptions from procurement requirements, and any necessary contract extensions
- 4.3. 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.
- 4.4. The MPS Directorate of Legal Services assure that the competitive procedure with negotiation (CPN) may lawfully be used for this procurement.

5. Commercial Issues

- 5.1. The services include fleet management, collision repair and mobile support, and service, minor repairs and maintenance. The current contract expires at the end of October 2022, with an option to extend by 1 year. There are 5 lots to be tendered three of which will have a initial seven year term with three 1 year optional extensions, and two lots will have a initial three year term with two 1 year optional extensions.
- 5.2. The proposed route to market is a Competitive Procedure with Negotiation (CPN). The MPS intend to award contracts based on the initial tenders with the capability to use the negotiated procedure to address any market shortcomings.
- 5.3. The MPS assure that the vehicle repair and maintenance procurements will include stringent environmental requirements in support of HM Government's Decarbonising Transport: A Better, Greener Britain, the Mayor's London Environment Strategy, the Met's Environment Policy, and the Met's Environment and Sustainability Strategy 2019–21.
- 5.4. Further detail of the elements which could be negotiated are set out in the restricted section of the report.

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 the proposed use of the Competitive Procedure with Negotiation (CPN) does not have any GDPR implications.

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 an Equalities Impact Assessment has been completed at regular intervals throughout the Fleet Transformation Project, and that no equality or diversity issues relating to the use of the competitive procedure with negotiation have been identified at this stage.

8. Background/supporting papers

- Appendix 1 MPS Paper - Vehicle Repair and Maintenance Competitive Procedure with Negotiation

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.	✓
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 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 15/12/2021

**Vehicle Repair and Maintenance
Competitive Procedure with Negotiation**

**Operational Support Services Programme Board – 4 November 2021
Portfolio and Investment Board *In Extremis* – November 2021
Investment Advisory and Monitoring Meeting – 1 December 2021**

**Report by Marie Heracleous, Director of Operational Support Services,
and Sébastien Fivaz, Commercial Director – Vehicles,
on behalf of Robin Wilkinson, Chief of Corporate Services**

**Part 1 – This section of the report will be
published by MOPAC. It is classified as OFFICIAL.**

EXECUTIVE SUMMARY

This decision paper seeks approval to use the competitive procedure with negotiation for the vehicle repair and maintenance procurements. While the Met intends to award contracts based on initial tenders, this will give the flexibility to address any shortcomings from the market within the procurement procedure.

Decisions required

The Deputy Mayor for Policing and Crime is asked to:

- 1. Approve the initiation of procurements using the competitive procedure with negotiation for vehicle repair and maintenance services.**

Time sensitivity

A decision is required from the Deputy Mayor for Policing and Crime by 17 December 2021 to allow the first procurements to be published on time so services can transition before the expiry of the current vehicle repair and maintenance contract.

Background

1. In support of the Mayor of London's *Police and Crime Plan 2017–2021* and the Met's mission to keep London safe for everyone, Fleet Services maintains a fleet of 5,200 vehicles, 1,000 bicycles, and 24 marine vessels. The fleet is a workplace for our officers and staff, carries sophisticated policing equipment, and provides a safe environment for the transport of the public and prisoners. The Met is transforming in response to changes in crime, finances, and public expectations of policing – which has significant consequences for the fleet.

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Issues for consideration

2. The vehicle repair and maintenance contract is due to expire in October 2022, with an option to extend by one year to October 2023. As approved through the *Fleet Transformation Outline Business Case (PCD 954)*, it will be replaced with a multi-supplier model. Contract terms are either three years with two optional one-year extensions or seven years with three optional one-year extensions.
3. This decision paper seeks approval to use the competitive procedure with negotiation for the vehicle repair and maintenance procurements. While the Met intends to award contracts based on initial tenders, this will give the flexibility to address any shortcomings from the market within the procurement procedure.

Financial comments

4. This decision paper seeks approval to procure but not approval to spend, as that is managed through business-as-usual processes within the Fleet Services and recharged budgets. The *Fleet Transformation Outline Business Case (PCD 954)* explained the financial implications of these procurements in detail.

Legal comments

5. The Mayor's Office for Policing and Crime ("MOPAC") is a contracting authority as defined in the Public Contracts Regulations 2015 ("Regulations"). All awards of public contracts for goods and/or services valued at £189,330 or above shall be procured in accordance with the Regulations.
6. The *MOPAC Scheme of Consent and Delegation* ("Scheme") provides that the DMPC has delegated authority to approve:
 - a) 'Business cases for revenue or capital expenditure of £500,000 and above' (paragraph 4.8);
 - b) 'The procurement strategy for all revenue and capital contracts of a total value of £500,000 or above, such determination to include decisions on the criteria and methodology to be adopted in the tendering process, any exemptions from procurement requirements, and any necessary contract extensions' (paragraph 4.13); and
 - c) '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).
7. 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 provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.

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8. On the basis of the content of this report, DLS considers that the competitive procedure with negotiation may lawfully be used for this procurement.

Equality comments

9. MOPAC is required to comply with the public sector equality duty 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.
10. An Equalities Impact Assessment has been completed at regular intervals throughout the Fleet Transformation Project. No equality or diversity issues relating to the use of the competitive procedure with negotiation have been identified at this stage. This will be periodically considered and if any arise they will be mitigated. Project delivery equalities impacts will be assessed, monitored, and mitigated in accordance with established processes.

Data privacy comments

11. The Met 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 2018 (DPA). Both requirements place an obligation on the Met to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.
12. Under Article 35 of the General Data Protection Regulation (GDPR) and section 57 of the DPA, Data Protection Impact Assessments become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
13. The choice of procurement procedure has no privacy implications. The Information Assurance and Information Rights Units within the Met will be consulted when necessary to ensure that compliance requirements are met.

Real estate and environmental comments

14. The choice of procurement procedure has no real estate or environmental implications.
15. The vehicle repair and maintenance procurements will include stringent environmental requirements in support of HM Government's *Decarbonising Transport: A Better, Greener Britain*, the Mayor's *London Environment Strategy*, the Met's Environment Policy, and the Met's *Environment and Sustainability Strategy 2019–21*.

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Supporting paper: Vehicle Repair and Maintenance Competitive Procedure with Negotiation Part 2, which is not suitable for MOPAC publication. Disclosure under the Freedom of Information Act 2000 is exempt by section 43(2). Confidentiality should be reviewed after 2035.