

**DMPC Decision – PCD 687**

**Title: National Framework Agreement for the Provision of Emergency Boarding Up and Locksmith Services – SS3/17/2**

**Executive Summary:**

This paper seeks approval to award a new Framework Contract (SS3/17/2) to the successful bidder, Boing Rapid Secure, the incumbent supplier to deliver Emergency Boarding Up and Locksmith services. This is a National Framework open to all police forces in England and Wales. The contract duration will be for an initial period of 2 years with two optional extension periods of 12 months each. The maximum contract duration shall not exceed 48 months. The current Contract expires on 31 January 2020 and approval is required to ensure continued provision of Emergency Boarding Up services in accordance with the Police and Crime Evidence Act 1984 (PACE).

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to approve the contract award for the provision of Emergency Boarding Up and Locksmith Services for a maximum duration of 48 months – an initial term of 24 months with the option to extend for two periods of 12 months each. The maximum value of the contract will be £7m of which £1.5m is the maximum spend of the MPS. The remaining £5.5m is made up of public spend and spend by other Forces.

**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**

*Spencer Henderson*

**Date**

*19/12/2019*

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

### **1. Introduction and background**

- 1.1. The MPS have a legal obligation under PACE code of Practice B paragraph 6.13(e) to secure property where forced entry has been made and where the home owner or occupier is not on scene.
- 1.2. Where police have used force to enter a property and the home owner is not on scene police will contact the Emergency Boarding Up service to secure the property pending a permanent repair by the home owner.
- 1.3. The MPS only pay for Emergency Boarding Up where the MPS have forced entry:
  - To execute a warrant;
  - To arrest a suspect;
  - To search a property after an arrest;
  - To comply with a Court Order;
  - To gain access to a suspected crime scene;
  - Life and Limb cases depending on the circumstances.
- 1.4. The home owner/occupier pays for the Emergency Boarding Up where the damage is the result of:
  - Criminal damage;
  - Burglary;
  - Insecure premises.
- 1.5. Award of this contract will ensure that service provision is maintained to support operational policing by ensuring a prompt response enabling officers to leave the scene secured.

### **2. Issues for consideration**

- 2.1. Failure to approve the award of the contract will result in the emergency boarding up services not being available which will potentially result in police officers being required to make their own arrangements at the scene with local firms which will be non-compliant; result in inconsistencies in pricing and standards across the MPS and result in police officer's remaining at the scene for longer than is currently the case.
- 2.2. By ensuring a reliable and consistent service across the MPS it will not be necessary for police officers to remain at scenes longer than required enabling them to continue with their operational responsibilities in accordance with the Police & Crime Plan.
- 2.3. The successful bidder will use recyclable materials wherever possible and dispose of materials in a suitable manner to reduce the environmental impact of the service.
- 2.4. Performance will be monitored by KPIs in relation to attendance at call outs; timeliness of attendance; the provision of before and after colour photographs and the provision of audit reports detailing work carried out. Complaints will be picked up in the Contract Management meetings where information gathered under the KPIs can be utilised e.g. the colour photographs can be used if there are complaints of poor workmanship.

### **3. Financial Comments**

- 3.1. The maximum value of the contract will be £7m, of which the MPS spend is estimated to be no more than £1.5m over the 4 year contract period. The MPS cost will be funded from existing MPS budgets. The remaining £5.5m is made up of public spend and spend by other Forces.

### **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 £181,302 or above must be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold. Accordingly, the Regulations are engaged.
- 4.2. Section 5 (Financial, Commercial and Procurement Comments) confirms the proposed award is compliant with the Regulations.
- 4.3. Paragraph 7.23 of the MOPAC Scheme of Delegation and Consent 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. Paragraph 4.13 provides the Deputy Mayor for Policing and Crime reserves the right to call in any MPS proposal to award a contract for £500,000 or above.
- 4.4. Paragraph 5.22 provides the Chief Executive Officer of MOPAC may affix the common seal of MOPAC to contracts that are £5,000,000 or above in value over the life of the Contract (in money or money's worth).

### **5. Commercial Comments**

- 5.1. A competitive tender process has been undertaken in accordance with the Public Contracts Regulations 2015 with a successful bidder being identified.

### **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 project does not use currently personally identifiable data of members of the public, so there are no current GDPR issues to be considered. If the project uses personally identifiable data of members of the public at a later date DPIAs will be completed as needed.

### **7. Equality Comments**

- 7.1. Equality and Diversity impact has been considered with no issues identified or foreseen. The successful bidder was evaluated on their ability to meet the MPS requirements under the Equality Act 2010 and responsible procurement guidelines. The evaluation considered their ability to act as a responsible employer and meet employment obligations in accordance with MOPAC objectives.

**8. Background/supporting papers**

8.1. None

**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

<b>ORIGINATING OFFICER DECLARATION</b>	<i>Tick to confirm statement (✓)</i>
<b>Financial Advice</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
<b>Legal Advice</b> The MPS legal team has been consulted on the proposal. OR Legal advice is not required.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.	✓
<b>Commercial Issues</b> The Contract Management Team has been consulted on the commercial issues within this report.	✓
<b>GDPR/Data Privacy</b> • GDPR compliance issues are covered in the body of the report	✓
<b>Director/Head of Service</b> The CFO has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

**Interim 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**

19/12/2019



**National Framework Agreement for the Provision of Emergency Boarding Up and Locksmith Services – SS3/17/2**

**MOPAC Investment Advisory & Monitoring meeting 28 November 2019**

**Report by Helen Johnson 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 seeks approval to award a new Framework Contract (SS3/17/2) to the successful bidder, Boing Rapid Secure, the incumbent supplier to deliver Emergency Boarding Up and Locksmith services. This is a National Framework open to all police forces in England and Wales.

The contract duration will be for an initial period of 2 years with two optional extension periods of 12 months each. The maximum contract duration shall not exceed 48 months. The current Contract expires on 31 January 2020 and approval is required to ensure continued provision of Emergency Boarding Up services in accordance with PACE.

**Recommendations**

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

- 1. Approve the contract award for the provision of Emergency Boarding Up and Locksmith Services for a maximum duration of 48 months – an initial term of 24 months with the option to extend for two periods of 12 months each.**
- 2. The maximum value of the contract will be £7m of which £1.5m is the maximum spend of the MPS. The remaining £5.5m is made up of public spend and spend by other Forces.**

**Time sensitivity**

A decision is required from the Deputy Mayor by 14 December 2019. This is because the new contract starts on 1 February 2020 and sub-contractors need to be selected and approved and information provided to the public needs to be agreed during the changeover period which needs to be completed prior to the implementation date.

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

**Introduction and background**

1. The MPS have a legal obligation under PACE code of Practice B paragraph 6.13(e) to secure property where forced entry has been made and where the home owner or occupier is not on scene.
2. Where police have used force to enter a property and the home owner is not on scene police will contact the Emergency Boarding Up service to secure the property pending a permanent repair by the home owner.
3. The MPS only pay for Emergency Boarding Up where the MPS have forced entry:
  - a. To execute a warrant;
  - b. To arrest a suspect;
  - c. To search a property after an arrest;
  - d. To comply with a Court Order;
  - e. To gain access to a suspected crime scene;
  - f. Life and Limb cases depending on the circumstances.
4. The home owner/occupier pays for the Emergency Boarding Up where the damage is the result of:
  - a. Criminal damage;
  - b. Burglary;
  - c. Insecure premises.
5. Award of this contract will ensure that service provision is maintained to support operational policing by ensuring a prompt response enabling officers to leave the scene secured.
6. Performance will be monitored by KPIs in relation to attendance at call outs; timeliness of attendance; the provision of before and after colour photographs and the provision of audit reports detailing work carried out. Complaints will be picked up in the Contract Management meetings where information gathered under the KPIs can be utilised e.g. the colour photographs can be used if there are complaints of poor workmanship.
7. The monitoring of customer satisfaction has been considered in the past. However, as the circumstances under which emergency boarding up is undertaken is likely to be traumatic it does not seem appropriate to send a survey or questionnaire to the home owner or occupier and an appropriate alternative method has not been identified.

### **Issues for consideration**

8. Failure to approve the award of the contract will result in the emergency boarding up services not being available which will potentially result in police officers being required to make their own arrangements at the scene with local firms which will be non-compliant; result in inconsistencies in pricing and standards across the MPS and result in police officer's remaining at the scene for longer than is currently the case.

### **Contributes to the MOPAC Police & Crime Plan 2017-2021<sup>1</sup>**

9. By ensuring a reliable and consistent service across the MPS it will not be necessary for police officers to remain at scenes longer than required enabling them to continue with their operational responsibilities in accordance with the Police & Crime Plan.

### **Financial, Commercial and Procurement Comments**

10. A competitive tender process has been undertaken in accordance with the Public Contracts Regulations 2015 with a successful bidder being identified. The MPS spend is estimated to be no more than £1.5m which will be funded from existing DLS budgets. Full details regarding costs is contained in the restricted section of the report.

### **Legal Comments**

11. 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 £181,302 or above must be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold. Accordingly, the Regulations are engaged.
12. Section 5 (Financial, Commercial and Procurement Comments) confirms the proposed award is compliant with the Regulations.
13. Paragraph 7.23 of the MOPAC Scheme of Delegation and Consent 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. Paragraph 4.13 provides the Deputy Mayor for Policing and Crime reserves the right to call in any MPS proposal to award a contract for £500,000 or above.
14. Paragraph 5.22 provides the Chief Executive Officer of MOPAC may affix the common seal of MOPAC to contracts that are £5,000,000 or above in value over the life of the Contract (in money or money's worth).

### **Equality Comments**

15. Equality and Diversity impact has been considered with no issues identified or foreseen. The successful bidder was evaluated on their ability to meet the MPS requirements under the Equality Act 2010 and responsible procurement

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



guidelines. The evaluation considered their ability to act as a responsible employer and meet employment obligations in accordance with MOPAC objectives.

### **Privacy Comments**

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.

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.

The project does not use currently personally identifiable data of members of the public, so there are no current GDPR issues to be considered. If the project uses personally identifiable data of members of the public at a later date DPIAs will be completed as needed.

### **Real Estate Implications**

16. . There are no implications in relation to Real Estate.

### **Environmental Implications**

17. The successful bidder will use recyclable materials wherever possible and dispose of materials in a suitable manner to reduce the environmental impact of the service.

### **Background/supporting papers**

18. There are no supporting papers for Part 1.

Report author: Helen Johnson, Head of Administrative Services, DLS, 767902

**Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication. The confidentiality of Part 2 should be reviewed in April 2020.**

The Government Security Classification marking for Part 2 is:  
OFFICIAL-SENSITIVE [COMMERCIAL]

Part 2 of National Framework Agreement for the Provision of Emergency Boarding Up and Locksmith Services – Contract Award 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