

DMPC Decision – PCD 826

Title: Forensic Consumables Contract

Executive Summary:

Forensic consumables and equipment are a crucial component of effective Police Investigations of all crimes. The provision of which enables comprehensive forensic examination, analysis and results which allow the delivery of justice to the people of London. Effective and robust consumables and equipment provides reassurance on the integrity and continuity of all exhibits from the point of recovery to production at court. The availability of approved and quality assured items are vital to enable comprehensive investigation and exhibit retrieval at all crime scenes including victims, suspects, venues and vehicles. They are relied upon by crime scene examiners, forensic scientists, forensic practitioners and police officers. Forensic exhibits that are retrieved require examination and analysis within an ISO17025 accredited environment using validated and approved consumables. The quality of the consumables directly effects the ability to provide reliable, consistent results, which, will support the investigation and be accepted within court.

Request for approval to extend the current consumables contract for 12 months to cover personal protective equipment (PPE) and consumables provision during the current COVID19 pandemic at a value of £1.66m and a contract value “headroom” of £0.846m for a potential further spike in COVID19.

Request for approval to i) initiate a procurement exercise for a new forensic consumables contract at a value of £8.3 Million and ii) to delegate authority to the Director of Strategic Procurement Services to approve the award of contract (in accordance with the MOPAC Scheme of Delegation) subject to; the proposed contract being within the expected contract value of £8.3m and presenting low commercial risk to the MPS and MOPAC. The Proposed contract term is three years with an option to extend for one year and a further option to extend for another one-year period.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve a further contract extension for 1 September 2020 to 31 August 2021, with additional funds of £1.66m, due to COVID19 pandemic delaying procurement of the new Forensic Consumables Contract, £1.4m of the additional funds are funded in the Forensics revenue budget, however, the £0.26m due to the estimated officer uplift costs are not funded. No additional costs associated with the uplift in excess of the £1.4m budget will be incurred without agreement with the Growing the Met Programme.
2. Approve additional contract value of £0.846m, is requested as a “headroom”, should the MPS need to use this contract to purchase further PPE and Consumables for protection for its personnel due to a potential COVID19 spike. Any additional contract value increase will bring

the total contract uplift to 50% of the original contract value. Any spend required for Covid (within the contract value headroom) will be funded from local budgets within the MPS.

3. Approval request to i) initiate a procurement exercise for a new forensic consumables contract at a value of £8.3 Million and ii) to delegate authority to the Director of Strategic Procurement Services to approve the award of contract (in accordance with the MOPAC Scheme of Delegation) subject to;
 - a) the proposed contract being within the expected contract value of £8.3m and
 - b) presenting low commercial risk to the MPS and MOPAC.

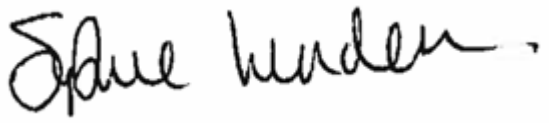
The Proposed contract term is three years with an option to extend for one year and a further option to extend for another one-year period.

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 25/09/2020

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

1. Introduction and background

- 1.1. MPS currently has an effective forensic consumables and equipment contract (SS2/14/17 - Supply and delivery of Scene of Crime Kits, Forensic Consumables and Exhibit Packaging) which is due to end 31st August 2020. The products (and services) provided under this contract are critical for MPS, as they are used at crime scenes to enable retrieval and examination of exhibits to support Police Investigations, as part of MPS custody procedures for detainees, and/or within Forensic laboratories. Moreover, COVID19 related PPE are used to protect Police Officers & staff.
- 1.2. Due to operational requirements across MPS and increased demand for PPE due to COVID19, a contract extension and retendering process must occur as soon as possible, to ensure continuity of supply from September 2020. Whilst the MPS is seeking a one-year extension, the intention is to award a new contract as soon as possible within that 12-month period.
- 1.3. The contract will encapsulate all of the following:

Goods

- A. Scene of Crime Kits - pre-assembled bespoke kits containing a set number of specific forensic consumables, instructions. This includes but is not limited to:
 1. Breathalyser consumables
 2. Evidential Drug Identification Testing (EDIT) Kits
 3. Gunshot Residue Kits (GSR) Testing Kits
 4. Serious Sexual Assault Kits
- B. General Forensic Consumables - all items relied upon by MPS Personnel for retrieval, packaging and storage of exhibits and subsequent examination within Forensic Laboratories.
 1. Forensic Laboratory Consumables
 2. Forensic Laboratory Chemicals
 3. Forensic Protective Wear
 4. Forensic Exhibit recovery products
 5. Forensic Exhibit Bags and Packaging - all exhibit bags and packaging required to hold various types of forensic exhibits.
- C. COVID19 related PPE

Services

- D. Stock Control, Storage and Routine Delivery to MPS central location in London.
- E. Emergency bespoke requirement - upon demand, urgent response to a significant incident to meet the demands bespoke to the situation for MPS.

2. Issues for consideration

- 2.1. Forensic Services manages the Forensic Consumables and Equipment Contract on behalf of the MPS, with expenditure coming from all areas. MPS requires all consumables to meet the specifications and requirements of the MPS, to ensure that the quality and the integrity of the evidence recovery is maintained to support a thorough police investigation.
- 2.2. MPS requires a robust Forensic Consumables contract from a supplier with the ability and experience to meet MPS demands and has a supply chain, which is able to meet current and future requirements of Forensic Regulations. The Forensic Science Regulator is due to obtain statutory powers, which will mandate adherence to stipulated ISO standards, which provides further justification for the sourcing of Forensic Consumables contract with a suitable supplier.
- 2.3. MPS requires a contract that can meet current & future operational and accreditation demands, and has the ability to react and support incidents where there is an urgent requirement for Forensic Consumables.

3. Financial Comments

- 3.1. The cost of the extension to the existing contract is as follows:
 - 3.1.1. Continuation of current contract: £1.4m funded from existing budgets
 - 3.1.2. Inclusion of uplift costs: £0.26m. No additional costs associated with the uplift in excess of the £1.4m budget will be incurred without agreement with the Growing the Met Programme.
 - 3.1.3. Headroom for potential Covid-19 spike: £0.846m. Any spend required for Covid (within the contract headroom) will be funded from local budgets within the MPS.
- 3.2. The cost of the new consumables contract from 1st September 2021 is expected to be £8.3 million for the entire contract duration of 3+1+1 years. The majority of consumable products are purchased on demand and the estimated annual BAU expenditure under the new contract will be £1,400,000 (£7m for 5 years). An estimated budget of £260,000 per annum (£1.3m for 5 years) is required for police (officer and staff) uplift demands.

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.

- 4.2. Paragraph 7.24 of the MOPAC Scheme of Delegation and Consent (“the Scheme”) provides that the Director of Strategic Procurement has consent to approve all variations and extensions for contracts, not elsewhere approved, with the exception of unforeseen variations and extensions with an original value of £500,000 or above that the Deputy Mayor for Policing and Crime (“DMPC”) is required to approve in line with the Scheme of consent.
- 4.3. Paragraph 4.13 of the Scheme provides that the DMPC has delegated authority to approve all unforeseen variations and extensions to contracts with an original value of £500,000 or above, when the variation or extension is greater than 10% of the original value and/or is for a period of more than 12 months.
- 4.4. Paragraph 4.13 of the Scheme provides that the DMPC has delegated 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.
- 4.5. Legal considerations are detailed in the Exempt section of this report.

5. Commercial Issues

- 5.1. The MPS has used its delegated powers to increase the contract value by 10%, in order to meet the increase in demand. Due to COVID19, there has and continues to be a case for ensuring continuity of service with the current supplier to ensure supply of PPE and consumables, which are critical to health & safety and service delivery.
- 5.2. Due to the current Covid-19 pandemic, it has not been possible to undertake the procurement process for the new consumables contract. Therefore, an extension of one year is required. Existing Forensics budget for this activity is £1.4m – however, it is requested that the contract is increased to £1.66m to cover the estimated additional officer uplift costs. No additional costs associated with the uplift in excess of the £1.4m will be incurred without consultation with the Growing the Met Programme.
- 5.3. In view of potential unexpected spike in Covid-19, an additional £0.846m (13.06% of the original contract value) is requested to be used as a “headroom” should the MPS need to use this contract to purchase further protection for its personnel, without seeking further DMPC approval. This will bring the total contract uplift to 49.50% of the original contract value. Any spend required for Covid (within the contract headroom) will be funded from local budgets within the MPS.
- 5.4. Recommendation 3 is for the re-procurement of a contract, which Forensics Services manages on behalf of the MPS; therefore, expenditure under this contract is shared across MPS. Forensics Services, MPS custody and other frontline operational units (e.g. S015), consumes the majority of expenditure.
- 5.5. A new procurement exercise will be initiated as soon as possible, with a future proofed Statement of Requirements, which aims to secure value for money for the MPS. It is expected that a new contract will be capable of being placed in a time period

significantly shorter than 12 months (between 6-9 months). However a maximum period of 12 months is being requested as a contingency in the event that an additional spike in Covid-19 cases occurs which would be likely to cause a delay to the procurement process whilst companies in this marketplace focus on the sourcing of additional PPE for the emergency services and other government bodies.

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 it is considered that, it is unlikely that there will be any GDPR issues to be considered.

7. Equality Comments

- 7.1. This business case has undergone initial equality screening. Due regard has been taken to the Equality Act's Public Sector Equality Duty. Real consideration has been taken to assess equality impact caused by the proposed business changes. As a result no positive or negative impact has been identified to any individual and/or group safeguarded by a protected characteristic and those who are not.
- 7.2. A new contract will revisit the equality impact assessment.

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 Interim 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

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Date 9/9/2020



MOPAC

MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

Forensic Consumables Contract

MOPAC - Investment Advisory & Monitoring meeting: 23rd July 2020

Report by Lisa Burke 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

Forensic consumables and equipment are a crucial component of effective Police Investigations of all crimes. The provision of which enables comprehensive forensic examination, analysis and results which allow the delivery of justice to the people of London. Effective and robust consumables and equipment provides reassurance on the integrity and continuity of all exhibits from the point of recovery to production at court. The availability of approved and quality assured items are vital to enable comprehensive investigation and exhibit retrieval at all crime scenes including victims, suspects, venues and vehicles. They are relied upon by crime scene examiners, forensic scientists, forensic practitioners and police officers. Forensic exhibits that are retrieved require examination and analysis within an ISO17025 accredited environment using validated and approved consumables. The quality of the consumables directly effects the ability to provide reliable, consistent results, which, will support the investigation and be accepted within court.

Request for approval to extend the current consumables contract for 12 months to cover personal protective equipment (PPE) and consumables provision during the current COVID19 pandemic at a value of £1.66m and a contract value “headroom” of £0.846m for a potential further spike in COVID19.

Request for approval to i) initiate a procurement exercise for a new forensic consumables contract at a value of £8.3 Million and ii) to delegate authority to the Director of Strategic Procurement Services to approve the award of contract (in accordance with the MOPAC Scheme of Delegation) subject to;

- a) the proposed contract being within the expected contract value of £8.3m and
- b) presenting low commercial risk to the MPS and MOPAC.

The Proposed contract term is three years with an option to extend for one year and a further option to extend for another one-year period.

Recommendations

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

1. Approve a further contract extension for 1st September 2020 to 31st August 2021, with additional funds of £1.66m, due to COVID19 pandemic delaying procurement of the new Forensic Consumables Contract, £1.4m of the additional funds are funded in the Forensics revenue budget, however, the £0.26m due to the estimated officer uplift costs are not funded. No additional costs associated with the uplift in excess of the £1.4m budget will be incurred without agreement with the Growing the Met Programme.
2. Approval of additional contract value of £0.846m, is requested as a “headroom”, should the MPS need to use this contract to purchase further PPE and Consumables for protection for its personnel due to a potential COVID19 spike. Any additional contract value increase will bring the total contract uplift to 50% of the original contract value. Any spend required for Covid (within the contract value headroom) will be funded from local budgets within the MPS.
3. Approval request to i) initiate a procurement exercise for a new forensic consumables contract at a value of £8.3 Million and ii) to delegate authority to the Director of Strategic Procurement Services to approve the award of contract (in accordance with the MOPAC Scheme of Delegation) subject to;
 - a) the proposed contract being within the expected contract value of £8.3m and
 - b) presenting low commercial risk to the MPS and MOPAC.The Proposed contract term is three years with an option to extend for one year and a further option to extend for another one-year period.

Time sensitivity

A decision is required from the Deputy Mayor by 07/08/2020. This is because the current contract is due to expire on the 31st of August 2020. If DMPC approves the recommendations in this paper, the one-year contract extension will commence on 01/09/2020.

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

Introduction and background

1. MPS currently has an effective forensic consumables and equipment contract (SS2/14/17 - Supply and delivery of Scene of Crime Kits, Forensic Consumables and Exhibit Packaging) which is due to end 31st August 2020. The products (and services) provided under this contract are critical for MPS, as they are used at crime scenes to enable retrieval and examination of exhibits to support Police Investigations, as part of MPS custody procedures for detainees, and/or within Forensic laboratories. Moreover, COVID19 related PPE are used to protect Police Officers & staff.
2. Due to operational requirements across MPS and increased demand for PPE

due to COVID19, a contract extension and retendering process must occur as soon as possible, to ensure continuity of supply from September 2020. Whilst the MPS is seeking a one-year extension, the intention is to award a new contract as soon as possible within that 12-month period.

3. The contract will encapsulate all of the following:

Goods

- A) **Scene of Crime Kits** - pre-assembled bespoke kits containing a set number of specific forensic consumables, instructions. This includes but is not limited to:
1. Breathalyser consumables
 2. Evidential Drug Identification Testing (EDIT) Kits
 3. Gunshot Residue Kits (GSR) Testing Kits
 4. Serious Sexual Assault Kits
- B) **General Forensic Consumables** - all items relied upon by MPS Personnel for retrieval, packaging and storage of exhibits and subsequent examination within Forensic Laboratories.
1. Forensic Laboratory Consumables
 2. Forensic Laboratory Chemicals
 3. Forensic Protective Wear
 4. Forensic Exhibit recovery products
 5. Forensic Exhibit Bags and Packaging - all exhibit bags and packaging required to hold various types of forensic exhibits.
- C) **COVID19 related PPE**

Services

- D) **Stock Control, Storage and Routine Delivery to MPS central location in London.**
- E) **Emergency bespoke requirement** - upon demand, urgent response to a significant incident to meet the demands bespoke to the situation for MPS.

Issues for consideration

4. Forensic Services manages the Forensic Consumables and Equipment Contract on behalf of the MPS, with expenditure coming from all areas. MPS requires all consumables to meet the specifications and requirements of the MPS, to ensure that the quality and the integrity of the evidence recovery is maintained to support a thorough police investigation.

5. MPS requires a robust Forensic Consumables contract from a supplier with the ability and experience to meet MPS demands and has a supply chain, which is able to meet current and future requirements of Forensic Regulations. The Forensic Science Regulator is due to obtain statutory powers, which will mandate adherence to stipulated ISO standards, which provides further justification for the sourcing of Forensic Consumables contract with a suitable supplier.
6. MPS requires a contract that can meet current & future operational and accreditation demands, and has the ability to react and support incidents where there is an urgent requirement for Forensic Consumables.

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

7. Forensic Consumables are essential to supporting policing activity in the investigation of crime and the delivery of the MOPAC Police and Crime Plan. Consumables and PPE provide health and safety protection to MPS employees and ensure that best evidence is preserved.

Financial, Commercial and Procurement Comments

8. The MPS has used its delegated powers to increase the contract value by 10%, in order to meet the increase in demand. Due to COVID19, there has and continues to be a case for ensuring continuity of service with the current supplier to ensure supply of PPE and consumables, which are critical to health & safety and service delivery.
9. Due to the current Covid-19 pandemic, it has not been possible to undertake the procurement process for the new consumables contract. Therefore, an extension of one year is required. Existing Forensics' budget for this activity is £1.4m – however, it is requested that the contract is increased to £1.66m due to cover the estimated additional officer uplift costs. No additional costs associated with the uplift in excess of the £1.4m will be incurred without consultation with the Growing the Met Programme.
10. In view of potential unexpected spike in COVID19, an additional £0.846 (13.06% of the original contract value) is requested to be used as a “headroom” should the MPS need to use this contract to purchase further protection for its personnel, without seeking further DMPC approval. This will bring the total contract uplift to 49.50% of the original contract value. Any spend required for Covid (within the contract headroom) will be funded from local budgets within the MPS.
11. The cost of the extension to the existing contract is as follows:
 - a. Continuation of current contract: £1.4m, which is funded from existing budgets

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

- b. Inclusion of uplift costs: £0.26m. No additional costs associated with the uplift in excess of the £1.4m budget will be incurred without agreement with the Growing the Met Programme.
 - c. Headroom for potential Covid-19 spike: £0.846m. Any spend required for Covid (within the contract headroom) will be funded from local budgets within the MPS.
12. Recommendation 3 is for the re-procurement of a contract, which Forensics Services manages on behalf of the MPS; therefore, expenditure under this contract is shared across MPS. Forensics Services, MPS custody and other frontline operational units (e.g. S015), consumes the majority of expenditure.
13. The cost of the new consumables contract from 1st September 2021 is expected to be £8.3 million for the entire contract duration of 3+1+1 years. The majority of consumable products are purchased on demand and the estimated annual BAU expenditure under the new contract will be £1,400,000 (£7m for 5 years). An estimated budget of £260,000 per annum (£1.3m for 5 years) is required for police (officer and staff) uplift demands.
14. A new procurement exercise will be initiated ASAP, with a future proofed Statement of Requirements, which aims to secure value for money for the MPS. It is expected that a new contract will be capable of being placed in a time period significantly shorter than 12 months (between 6-9 months). However a maximum period of 12 months is being requested as a contingency in the event that an addition spike in COVID19 cases occurs which would be likely to cause a delay to the procurement process whilst companies in this marketplace focus on the sourcing of additional PPE for the emergency services and other government bodies.

Legal Comments

15. 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.
16. Paragraph 7.24 of the MOPAC Scheme of Delegation and Consent ("the Scheme") provides that the Director of Strategic Procurement has consent to approve all variations and extensions for contracts, not elsewhere approved, with the exception of unforeseen variations and extensions with an original value of £500,000 or above that the Deputy Mayor for Policing and Crime ("DMPC") is required to approve in line with the Scheme of consent.
17. Paragraph 4.13 of the Scheme provides that the DMPC has delegated authority to approve all unforeseen variations and extensions to contracts with an original value of £500,000 or above, when the variation or extension is greater than 10% of the original value and/or is for a period of more than 12 months.

18. Paragraph 4.13 of the Scheme provides that the DMPC has delegated 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.
19. Legal considerations are detailed in the Exempt section of this report.

Equality Comments

20. This business case has undergone initial equality screening. Due regard has been taken to the Equality Act's Public Sector Equality Duty. Real consideration has been taken to assess equality impact caused by the proposed business changes. As a result no positive or negative impact has been identified to any individual and/or group safeguarded by a protected characteristic and those who are not.
A new contract will revisit the equality impact assessment.

Privacy Comments

21. 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.
22. 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.
23. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
24. The project does not use personally identifiable data of members of the public, so it is considered that, it is unlikely that there will be any GDPR issues to be considered.

Real Estate Implications

25. There are no Real Estate implications.

Environmental Implications

26. The bidders shortlisted will be required to provide detailed responses to responsible procurement, environment and sustainability questions in the Selection Questionnaire.

Background/supporting papers

27. None.

Report author: Lisa Burke, Research and Development Manager 020-8284-8623

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 Forensic Consumables Contract 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