

DECISION NUMBER: PCCG-2019-076

OFFICE OF THE POLICE AND CRIME COMMISSIONER

LEAD CHIEF OFFICER: Nigel Stephens - Assistant Chief Officer Resources

TITLE: Provision of Appropriate Adult Services

DATE: 13/03/2020

TIMING: Urgent

PURPOSE: For decision

1. RECOMMENDATION

1.1 To award a Contract for the Provision of an Appropriate Adult Service to Hafal. This is in accordance with paragraph 84-86 of the Manual Of Corporate Governance Part 3e Standing Orders relating to contracts.

2. INTRODUCTION & BACKGROUND

2.1 South Wales Police (SWP) awarded a framework for the provision of an Appropriate Adults (AA) service in 2017. Gwent Police (GWP) and Dyfed Powys Police (DPP) were named organisations to be able to access the framework. GWP commenced using the contract on the 15/02/2017 for an initial two years, with an option to extend for twelve months. The permitted extension was utilised and extended until the 14/02/2020. SWP further extended the framework until 12:00am on the 14/06/2020, to allow time for a replacement tender exercise to be completed (with the option to extend for one further month until 14/07/2020 if needed).

2.2 For the replacement tender exercise, GWP acted as the lead Force on an open tender exercise, on behalf of GWP, SWP and DPP for the ongoing required provision of an Appropriate Adult service for vulnerable adults detained in Police Custody, or questioned as a suspect in an investigation. The requirement was classified as a 'Social and other Specific Services' (Light Touch) and the corresponding Official Journal of the European Union (OJEU) notice was issued to the EU.
The new contract term is for a three year initial period, with the option to extend for a further twelve months.

2.3 A Collaboration Agreement was signed by GWP, SWP and DPP, in light of GWP acting as Procurement Lead on behalf of the three forces.

3. ISSUES FOR CONSIDERATION

3.1 The tender exercise was advertised as an OJEU light touch opportunity via Sell to Wales and Contracts Finder. The tender was completed on the eTender Wales web portal with a closing date of 04/03/2020.

	<p>Eleven suppliers viewed the opportunity on E Tender Wales. Two bids were received.</p> <p>The suppliers who did not bid were asked to clarify their decision. Only 2 suppliers have responded confirming:</p> <ol style="list-style-type: none"> 1. "As the membership body for services in England and Wales, we do not directly provide services. Our interest was in order to publicise the tender to our members." 2. "We felt, on reflection, that such a short turnaround for a significant level of delivery, with no TUPE of AA's from the current provider, might be tricky. We are experienced in recruiting locally and have developed a system which works quickly, but we would have been more confident if the contract implementation phase was slightly longer." 																
3.2	<p>The evaluation criteria published within the tender document was:</p> <table border="1" data-bbox="284 741 724 920"> <tr> <td></td> <td>% Weighting</td> </tr> <tr> <td>Qualification</td> <td>Pass/fail</td> </tr> <tr> <td>Technical</td> <td>50</td> </tr> <tr> <td>Commercial</td> <td>50</td> </tr> </table>		% Weighting	Qualification	Pass/fail	Technical	50	Commercial	50								
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3.3	<p>An evaluation of the qualification responses was completed by the Gwent Procurement Department.</p> <p>Evaluations of the Technical bids were completed on Tuesday 10th March 2020. The evaluation panel was made up of:</p> <ol style="list-style-type: none"> 1. GWP – Inspector, Custody Unit; 2. SWP – Sergeant Custody Services; and 3. DPP – Chief Inspector, Head of Custody Services. <p>GWP Procurement were also present to collate the comments and scores.</p> <p>The overall winner based on the Most Economically Advantageous Tender (MEAT) was supplier B (Hafal):</p> <table border="1" data-bbox="284 1413 1315 1585"> <thead> <tr> <th></th> <th>Weighting</th> <th>% Score Weighting - A</th> <th>% Score Weighting - B</th> </tr> </thead> <tbody> <tr> <td>Technical</td> <td>50%</td> <td>24</td> <td>36</td> </tr> <tr> <td>Commercial</td> <td>50%</td> <td>50</td> <td>46.51</td> </tr> <tr> <td>Grand Total %</td> <td></td> <td>74.40</td> <td>82.51</td> </tr> </tbody> </table>		Weighting	% Score Weighting - A	% Score Weighting - B	Technical	50%	24	36	Commercial	50%	50	46.51	Grand Total %		74.40	82.51
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3.4	<p>Within the advertised tender document, the notification to award date is the 24/03/2020, which would start a Voluntary Standstill Period of ten calendar days. The following is an extract from the published timetable within the tender document:</p>																

	7	OPCC Approval	17/03/2020 – 23/03/2020
	8	Notification of proposed Contract award to Tenderers	24/03/2020
	9	Standstill Period	25/03/2020 – 03/04/2020
	10	Annex 10 – Supplier questionnaire Vetting	06/04/2020 – 04/05/2020
	11	Contract Award Date	05/05/2020
	12	TUPE Consultation and hand over.	06/05/2020 – 07/06/2020
	13	Anticipated Commencement of Contract	08/06/2020
	14	Bid Validity Period	120 Days
	<p>Due to the following reasons the contract commencement date potentially could be sooner than planned/advertised, this will be agreed at the mobilisation meeting:</p> <ol style="list-style-type: none"> 1. The successful supplier is the incumbent provider of this service; and 2. Likelihood that TUPE does not apply. 		
3.5	The advertised length of contract for this requirement was for three initial years, with an option to extend for 12 months.		
4.	<u>NEXT STEPS</u>		
4.1	<p>Upon authorisation of this report, the intent to award letters and feedback to unsuccessful bidders can be issued, triggering the ten calendar day Voluntary Standstill Period.</p> <p>The Voluntary Standstill Period is not compulsory, as the requirement is classified as Light Touch and is not subject to the rigors of a normal OJEU requirement. However, it is recognised as good practice to provide a Voluntary Standstill Period.</p>		
4.2	<p>Should no issues be raised from the unsuccessful bidder and those suppliers who decided not to bid, then:</p> <ol style="list-style-type: none"> 1. The supplier security questionnaire will be issued to the supplier for completion; 2. Checks will be made that all the supplier staff involved in the contract are vetted to the required level and arrange any additional vetting to be completed; 3. GWP Custody team can hold an initial contract implementation meeting; and 4. Subject to satisfactory completion of points 1-3, the contract document will be finalised and signed by the supplier and the three forces. 		
5.	<u>FINANCIAL CONSIDERATIONS</u>		
5.1	The Commercial envelope is based on a half-hourly charge for a weekday and a weekend.		
5.2	The previous contract was charged on an hourly rate and costs for callouts would be rounded up to the nearest hour for charging purposes. This contract is being charged using a half-hourly rate. In comparison between the old and		

	<p>new rates (based on an hour charge) there is an increase of nine percent (9%) in the rates compared to the previous contract. The rate charges is an all inclusive charge which covers wages, travel and administration for the service. It is anticipated that the increase in charges will be mitigated by forces only being charged to the nearest half hour for each call out instead of to the nearest hour.</p>
6.	<u>PERSONNEL CONSIDERATIONS</u>
6.1	TUPE was identified as applicable to this contract, however as the incumbent supplier has been successful then this will no longer be an issue.
7.	<u>LEGAL IMPLICATIONS</u>
7.1	This tender was reviewed by the Joint Legal Services Department who drafted the Terms and Conditions for the contract. The contract was drafted requiring all three Police forces to sign the contract.
8.	<u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u>
8.1	<p>This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.</p> <p>Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report.</p>
9.	<u>RISK</u>
9.1	If this contract is not awarded, the forces would not have a provision of a service that is required by the Police and Criminal Evidence (PACE) Act 1984.
10.	<u>PUBLIC INTEREST</u>
10.1	This document should not be published until the award notices have been issued.
11.	<u>CONTACT OFFICER</u>
11.1	Huw Pearce, Senior Procurement Officer
12.	<u>ANNEXES</u>
12.1	None

For OPCC use only

Office of the Chief Constable

I confirm that **Provision of Appropriate Adult Services** report has been discussed and approved at a formal Chief Officers' meeting.

It is now forwarded to the OPCC for **approval** purposes.

Signature: 

Date: 13/3/2020

Police and Crime Commissioner for Gwent

I confirm that 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.

The above request has my approval.

Signature:


Date: 20th March 2020