

DECISION NUMBER: PCCG-2019-059	
<u>OFFICE OF THE POLICE AND CRIME COMMISSIONER</u>	
LEAD CHIEF OFFICER:	Nigel Stephens, Assistant Chief Officer - Resources
TITLE:	Managed Service for the Provision of Agency Workers – Contract Extension
DATE:	04/11/2019
TIMING:	Urgent
PURPOSE:	For decision
1.	<u>RECOMMENDATION</u>
1.1	It is recommended that the above mentioned contract be extended for a further nine (9) months until 15 th August 2020. This is in accordance to Contract Standing Order paragraph 124(b),
2.	<u>INTRODUCTION & BACKGROUND</u>
2.1	Gwent Police (GP) facilitated a mini competition under the National Procurement Service (NPS) framework (ref NPS-PSU-0010-14) on behalf of South Wales Police (SWP) and Dyfed Powys Police (DPP). The contract commenced on 1 December 2015 for an initial term of three (3) years until 30 November 2018, with an option to extend for twelve (12) months until 30 November 2019.
2.2	The extension option was utilised but the full 12 months was not taken. The extension was taken and made to co-terminate with the NPS framework on 15 th November 2019. The NPS decided to terminate the framework earlier than planned.
2.2	To date, SWP have not utilised this contract, they will continue to use temporary staff sourced from their in-house recruitment pool. DPP have confirmed that they wish to be included within our extension request.
3.	<u>ISSUES FOR CONSIDERATION</u>
3.1	The framework ends on the 15 th November 2019, therefore extending this contract will be at GP risk. There has been a delay completing the required documentation by an internal GP business area. This extension will allow further time for the business area to provide the complete requirement documentation in order allow a compliant tendering process to be completed.
3.2	The incumbent supplier has confirmed that they are willing to accept an extension under the current terms and conditions of contract but beyond the life of the NPS framework agreement.

4.	<u>NEXT STEPS</u>
4.1	On approval of the report, a contract extension will be issued to the current supplier and signed by both parties.
4.2	The contract will be updated on the 'BlueLight' database and Dyfed Powys Police will be informed.
5.	<u>FINANCIAL CONSIDERATIONS</u>
5.1	The incumbent supplier has confirmed that they will apply the current rates and margins. Pricing will only change to reflect legislative changes or annual increments from both Forces.
5.2	The estimated cost of the extension period is: <ol style="list-style-type: none"> 1. Gwent Police - £927,152 2. Dyfed Police - £6,159.
6.	<u>PERSONNEL CONSIDERATIONS</u>
6.1	As part of this extension there will be no internal staffing/personnel implications above and beyond the normal requirements of the current service provided to the Commissioner.
7.	<u>LEGAL IMPLICATIONS</u>
7.1	The proposed extension period is not provided for under the terms of the original Framework and subsequent GP contract and therefore any further extension is not permitted under the Public Contract Regulations (PCR). This would therefore amount to an illegal direct award (please see Risk section 9).
8.	<u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u>
8.1	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. 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.
9.	<u>RISK</u>
9.1	There is insufficient time to retender the requirement, construct the necessary tender documentation.
9.2	Should this report not be approved the risks are: <ul style="list-style-type: none"> • spend for temporary agency staff would be non-compliant and in breach of the Commissioners Manual of Corporate Governance and the Public Contracts Regulations 2015
9.3	There is a potential risk that this further extension outside of NPS framework terms may be challenged by suppliers on the basis that it is an illegal direct award.
10.	<u>PUBLIC INTEREST</u>
10.1	This report will be made available on the Office of the Police and Crime Commissioner's website.

11.	<u>CONTACT OFFICER</u>
11.1	Huw Pearce, Senior Procurement Officer
12.	<u>ANNEXES</u>
12.1	N/A

For OPCC use only

Office of the Chief Constable

I confirm that Managed Service for the Provision of Agency Workers report has been discussed and approved at a formal Chief Officers' meeting.

It is now forwarded to the OPCC for approval purposes.

Signature:



Date: 05.11.2019

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:

8/11/19