

**DECISION NUMBER: PCCG-2018-040**

**OFFICE OF THE POLICE AND CRIME COMMISSIONER**

**LEAD CHIEF OFFICER:** Nigel Stephens – Assistant Chief Officer, Resources

**TITLE:** Provision of Cleaning Services

**DATE:** 21/08/2018

**TIMING:** URGENT

**PURPOSE:** For decision

**1. RECOMMENDATION**

1.1 To vary the contract to re-introduce **Risca Police Station** top floor cleaning.

1.2 To extend the contract with Solo Service Group Ltd which expires on the 30/09/2018, for six (6) months with an option to extend for a further one (1) month.

**2. INTRODUCTION & BACKGROUND**

2.1 A Gwent Police Official Journal of the European Union (OJEU) procurement exercise was conducted for the Provision of Cleaning Services contract and resulted in a contract being awarded for an initial period of 01/10/2013 to 30/09/2016 with an option to extend for 2 years.

The extension option was utilised, which is now due to expire on the 30/09/2018.

2.2 The original cleaning contract included all of **Risca Police station**, however a contract variation removed the services to the top floor as it was no longer required.

**3. ISSUES FOR CONSIDERATION**

3.1 The Domestic Violence team have moved into the **Risca Police Station** top floor, therefore 5 hours of additional cleaning for that station is required.

3.3 Due to unforeseen Procurement staff movement there was a lack of availability to compete a new tender process prior to the end of the current contract. As a result of a successful recruitment campaign available resource is now available to take this forward.

3.4 All extension options have already been taken up under the original Cleaning Contract. The request for unforeseen extension is to allow time for a compliant tendering process to occur.

<b>4.</b>	<b><u>NEXT STEPS</u></b>
4.1	<p>On approval of the report, contract extension documents, including contract variation documentation for Risca Police Station, will be issued to the Solo Service Group Ltd.</p> <p>The required compliant mini competition via the National Procurement Services (NPS) Facilities Management Service Lot 1 will be the route to market to award the next contract. In addition to the cleaning requirements of all Gwent stations the following additional requirements will be built into the specification documentation:</p> <ul style="list-style-type: none"> <li>- Pest control</li> <li>- Window Cleaning</li> <li>- Ground Maintenance</li> </ul>
<b>5.</b>	<b><u>FINANCIAL CONSIDERATIONS</u></b>
5.1	The variation cost will result in an additional charge of £218.53 per month, therefore the total charge (including the cost of the existing contract) for <b>Risca Police Station</b> will be £655.59 (Excl. VAT) per month. The total cost for the six month extension period will be £3,933.54.
5.2	The cost of the full 6 month extension will be £292,170.72 (monthly charge of £48,695.12), see 'Annex A – 6 month extension' for the breakdown. The additional (7 <sup>th</sup> month) estimated charge is £50,983.79, see 'Annex B – 7 <sup>th</sup> month estimated cost'.
<b>6.</b>	<b><u>PERSONNEL CONSIDERATIONS</u></b>
6.1	There will be no internal staffing/personnel implications above and beyond the normal requirements of the current service provided.
<b>7.</b>	<b><u>LEGAL IMPLICATIONS</u></b>
7.1	As the original Cleaning Contract included all of <b>Risca Police Station</b> , a standard contract variation is permitted under contract regulations (subject to comments below).
7.2	The proposed six month extension period is not provided for under the terms of the original contract and therefore any further extension is not permitted under the Public Contract Regulations. This would therefore amount to an illegal direct award (please see Risk section).
<b>8.</b>	<b><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></b>
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.
8.2	In preparing this report, consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the

	Human Rights Act 1998.
<b>9.</b>	<b><u>RISK</u></b>
9.1	The original Cleaning Contract included all of <b>Risca Police Station</b> , therefore there is no legal risk in reintroducing this element (albeit subject to the comments below with regards the overall extension).
9.2	There is however a risk that this 6+1 month extension may be challenged by a competitor to our contracted provider on the basis that it is an illegal direct award.
9.3	<p>In order to mitigate this risk, we will publish a Voluntary Ex Ante Transparency (VEAT) Notice which will provide the market with advance notice of the proposed extension and they will then have a designated 10 day period to raise any concerns. If no concerns are raised in this time, they cannot challenge the award thereafter.</p> <p>In the event the extension was challenged, the available remedy to an aggrieved tenderer is that an award of damages could be made against the Police &amp; Crime Commissioner for Gwent (as the contract has already been awarded the remedy of the contract being set aside is not available). However, the aggrieved tenderer would need to demonstrate their loss.</p> <p>Such risk is minimal in such circumstances as we would seek to mitigate the risk with the VEAT Notice and also due to the fact that the extension is to permit a Public Contract Regulations compliant tender which tenderers can tender.</p>
<b>10.</b>	<b><u>PUBLIC INTEREST</u></b>
10.1	No sensitive information contained in this report.
<b>11.</b>	<b><u>CONTACT OFFICER</u></b>
11.1	Huw Pearce, Senior Procurement Officer
<b>12.</b>	<b><u>ANNEXES</u></b>
12.1	Annex A – 6 month extension Annex B – 7 <sup>th</sup> month estimated cost

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**Office of the Chief Constable**

I confirm that the Provision of Cleaning Services Contract report has been discussed and approved at a formal Chief Officers' meeting.

It is now forwarded to the OPCC for approval purposes.

**Signature:**



**Date: 04/09/18**

**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:**

24/9/18