

DECISION NUMBER: PCCG-2019-013	
<u>OFFICE OF THE POLICE AND CRIME COMMISSIONER</u>	
LEAD CHIEF OFFICER:	Nigel Stephens, Assistant Chief Officer - Resources
TITLE:	Framework for the Provision for the Destruction and Disposal of Protectively Marked Waste
DATE:	28th February 2019
TIMING:	Urgent
PURPOSE:	Approval
1.	<u>RECOMMENDATION</u>
1.1	<p>It is recommended that the following be extended for a further six (6) months, 1st April to 31st October 2019 in accordance with paragraph 124(b) of the standing orders relating to contracts within the Manual of Corporate Governance:</p> <p>1. The Framework for the Provision for the Destruction and Disposal of Protectively Marked Waste.</p> <p>Gwent Police's call-off contract under this framework also be extended for the same duration.</p>
2.	<u>INTRODUCTION & BACKGROUND</u>
2.1	Gwent Police (GP) created this National UK Police Force Framework which was awarded on the 1 st April 2015 until 31 st March 2018, with a twelve (12) month extension until 31 st March 2019.
2.2	The permissible extension has been utilised.
3.	<u>ISSUES FOR CONSIDERATION</u>
3.1	The new National Framework iteration, which GP would utilise, is being constructed by South Wales Police (SWP). However there has been a delay with the tender process and GP has been asked to extend the current provision to allow sufficient time for a replacement Framework to be completed.
3.2	The request for this unforeseen extension is to allow time for a compliant tendering process to occur.
4.	<u>NEXT STEPS</u>
4.1	On approval of the report, an extension for both the Framework and for GP contract will be issued to Shred-It Ltd and will need to be signed by both parties.
4.2	A notice will be placed on 'BlueLight' database informing other Police Forces

	of the Framework extension, allowing them to seek their own approvals should they wish to extend their own Call-Offs.
5.	<u>FINANCIAL CONSIDERATIONS</u>
5.1	There are 15 Police Forces currently using the framework, total spend from 2015-18 currently stands at £1,704,344.45. There is no guarantee how many forces will use the framework extension, GP has spent £56,541.40 (2015-18).
5.2	The incumbent has agreed to hold the current framework rates if we extended the Framework by six months.
5.3	Based on the previous 12 months spend and factoring in the recent Estates required changes, the estimated extension value for GP is £3,712.
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).
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.
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.
9.	<u>RISK</u>
9.1	There is a risk that this six (6) month extension may be challenged on the basis that it is an illegal direct award.
9.2	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. In the event the extension was challenged, the available remedy to an aggrieved tenderer is for an award of damages could be made against the Police and 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.

	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 PCR compliant tender being undertaken. The risk of challenge is increased the more VEAT notices being issued
10.	<u>PUBLIC INTEREST</u>
10.1	This document can be made available to the public after the ten day VEAT standstill period.
11.	<u>CONTACT OFFICER</u>
11.1	Huw Pearce, Senior Procurement Officer
12.	<u>ANNEXES</u>
12.1	N/A

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Office of the Chief Constable

I confirm that the Assistant Chief Officer, Resources has reviewed the report and recommends approval of the contract extension for the Destruction and Disposal of Protectively Marked Waste.

Signature:



Date: 26/2/19

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:

28/2/19