

Performance and Resources Scrutiny Programme 2023

Report to: the Office of the Police, Fire and Crime Commissioner for Essex

Title of Report:	Transparency, Contracts and Tenders
Classification of Paper:	Official
Agenda Number:	9.0
Chief Officer:	ACO Claire Medhurst, Director of Kent & Essex Support Service
Date Paper was Written:	4th August 2023
Version Number:	1
Report from:	Essex Police
Date of Meeting:	30th August 2023
Author on behalf of Chief Officer:	Dave Levy, 7 Force Director of Commercial Services
Date of Approval by Chief Officer	August 2023
COG meeting date / date of approval (Please indicate whether paper presented to COG or not)	9th August 2023 – paper presented with COG recognising the need for transparency and recommended tiered approach to resolving as set out in section 2 of report

1.0 Purpose of Report

To inform the PFCC of the current situation regarding transparency of contracts and tenders.

2.0 Recommendations

- To note steps being taken to address current non-compliance with transparency obligations.
- To note the COG decision of a tiered approach starting with the largest spend areas of ICT, Estates and Media. 7 Force Commercial services will roll out the system to these areas over the next 6 months (estimated to cover approximately 70% of requirements) and explore a simple non bureaucratic approach for the remaining 30%.
- To review progress in six months.

3.0 Executive Summary

The publication of contract opportunities and awards are covered by two key pieces of legislation - The Elected Local Policing Bodies (Specified Information Order) 2011 (as amended) (hereafter referred to as SIO) and The Public Contracts Regulations 2015 (as amended) (hereafter referred to as PCR). These require the publication of contract opportunities in defined circumstances and contract award information over value thresholds of £30,000 VAT inclusive in PCR, and £12,000 VAT inclusive in SIO.

In accordance with the Contract Standing Orders all procurement for contracts above £50,000 are subject to tender (unless an existing compliant contract/framework agreement exists) and managed by 7 Force Commercial Services (7FCS). 7FCS use an e-tendering system, Atamis, to publish their tenders and this automatically publishes to the national Contracts Finder system. At this contract value Policing Bodies in the eastern region are compliant with their transparency obligations and links to Contracts Finder are available on Force/P(F)CC websites.

Sub £50,000 procurements are carried out locally by Policing bodies and not the responsibility of 7 Force Commercial Services. Until recently there was no process to publish information about contract awards at this level to Contracts Finder. This is in breach of current Transparency requirements of PCR 2015.

It has been agreed at Commercial Executive Board (May 2023) that the use of the Atamis system is extended to procurements below the tender threshold which will then enable the publication of contract award notices to Contracts Finder and therefore address compliance with the transparency requirements.

4.0 Introduction/Background

The SIO and PCR require the publication two types of information in relation to procurement activity to be published by both the SIO and PCR:

1. Procurement Opportunities – where an opportunity is advertised (i.e. a tender, **not** a quote, single tender action or use of a framework agreement or Dynamic Purchasing System) the following are required.

SIO	PCR
<p>a copy of each invitation to tender issued by—(i) the elected local policing body, or (ii) the chief officer of the police force maintained by the body, in relation to a contract which the body or chief officer (as the case may be) expects will have a value exceeding £10,000;</p>	<p>The following information should be published as a minimum; however In-Scope Organisations are advised to check the PCR 2015 to ensure that all the necessary requirements have been met:</p> <ul style="list-style-type: none"> • the time by which any interested supplier must respond if it wishes to be considered; • how and to whom an interested supplier is to respond, with appropriate contact details; and, • any other requirements for participating in the procurement, (e.g. suitability requirements or explanatory information)
	<p>offer unrestricted and full direct access free of charge to any relevant procurement documents or, for below-threshold procurements, contract (tender) documents and to specify in the information published on Contracts Finder the internet address at which those documents are accessible. This would include the invitation to tender, specification, evaluation framework including all criteria and applicable sub criteria, terms and conditions,</p>

2. Contract award information.

SIO	PCR
<p>a list of every contract with a value not exceeding £10,000 to which— (i) the elected local policing body, or (ii) the chief officer of the police force maintained by the body, is or is to be a party, including the value of the contract, the identity of every other party to the contract and the purpose of the contract.;</p>	<p>In-Scope Organisations are required to publish at least the following information on Contracts Finder</p> <ul style="list-style-type: none"> • the full company name of the winning contractor;

	<ul style="list-style-type: none"> • the date on which the contract was entered into (award date); • the total value of the contract in pounds sterling; and • an indication of whether the contractor is an SME or a VCSE <p>This information is also required to be published in relation to contracts awarded as a result of a Framework Agreement (e.g. as a result of a mini competition) as well as awards that have not been openly competed (e.g. where quotations have been sought, single tender action has been undertaken etc).</p>
<p>a copy of each contract with a value exceeding £10,000 to which-(i) the elected local policing body, or (ii) the chief officer of the police force maintained by the body, is or is to be a party;</p>	<p>In-Scope Organisations should publish the awarded contract documents with the awarded opportunity notice on Contracts Finder within 30 calendar days after the contract award date.</p> <p>The awarded contract documents would include the signed contract and other associated documents that may include:</p> <ul style="list-style-type: none"> • the specification; • terms and conditions (T&Cs); • any associated schedules (which may include the winning tenderer's bid). <p>NB Contract documents will be redacted as per the provisions of the Freedom of Information Act 2000 and Transparency Principles.</p>

5.0 Current Work and Performance

It has become apparent over a period of time that contracts in excess of £10,000 and less than £50,000 are not being published through any media. This is in contravention of Public Contract Regulations and the Specified Information Order.

Work is currently being undertaken by 7Force Commercial Services to roll out the Atamis E-Tendering solution across the seven forces which will mean that Policing

bodies using the system for invitations to quote will be able to publish resulting contract awards to Contracts Finder.

At the quote level it will remain the responsibility of CFOs to ensure compliance with Contract Standing orders and that the use of Atamis is mandated.

6.0 Implications (Issues)

There will be cost implications for supplying the licences which are currently approximately £40 for a light touch licence (5 logins per month) or £120 for a full access login. 7Force Commercial Support Team are currently working on the requirements for each Policing body.

There will also be a requirement for users to undergo training and some committed resource to provide Superusers. To mitigate the impact, we will focus initially on the areas with highest sub £50k spend (IT, Estates & Media) which equates to approximately 70% of all spend below the threshold. A simple non-bureaucratic approach will be explored for the remaining 30% which is spread across the Force.

Access to Atamis and training will be rolled out on a phased basis across the region.

6.1 Links to Police and Crime Plan Priorities

Whilst this work has no direct link to Police and Crime Plan Priorities it does support the principles of reducing business crime and fraud by ensuring all procurements are transparent.

It also opens up opportunities for collaboration when common areas of spend are visible across the Seven Forces.

6.2 Risks/Mitigation

The current situation is that we are in breach of both PCR 2015 Regulations and the Specified Information Order and the actions within this paper will assist in mitigating that risk.

6.3 Equality and/or Human Rights Implications

None.

6.4 Health and Safety Implications

None.

7.0 Consultation/Engagement

Issue raised through Commercial Executive Board on 24th May 2023, who endorsed the implementation of Atamis at quote level to address compliance and transparency requirements.

8.0 Actions for Improvement

As set out in section 3 – Executive Summary and Section 5 – Current Work and Performance.

Implementation to be complete by end March 2024.

9.0 Future Work/Development and Expected Outcome

Once finalised, a rollout plan for quote functionality for the Atamis E-Tendering system will be provided.