

## Performance and Resources Scrutiny Programme 2021

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

<b>Title of Report:</b>	<b>Transparency, Contracts and Tenders</b>
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<b>Chief Officer:</b>	<b>ACO Claire Medhurst, Director of Kent &amp; Essex Support Service</b>
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<b>Report from:</b>	<b>Essex Police</b>
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### 1.0 Purpose of Report

To inform progress of the steps being taken to improve compliance with regards transparency of contracts under £60,000.

### 2.0 Recommendations

- To note progress on steps being taken to address current non-compliance with transparency obligations for contracts under £60,000.

### 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 £60,000 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 £60,000 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 was 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
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;	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: <ul style="list-style-type: none"> <li>• the time by which any interested supplier must</li> </ul>

	<p>respond if it wishes to be considered;</p> <ul style="list-style-type: none"> <li>• how and to whom an interested supplier is to respond, with appropriate contact details; and,</li> <li>• any other requirements for participating in the procurement, (e.g. suitability requirements or explanatory information)</li> </ul>
	<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"> <li>• the full company name of the winning contractor;</li> <li>• the date on which the contract was entered into (award date);</li> <li>• the total value of the contract in pounds sterling; and</li> <li>• an indication of whether the contractor is an SME or a VCSE</li> </ul> <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</p>

	<p>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"> <li>• the specification;</li> <li>• terms and conditions (T&amp;Cs);</li> <li>• any associated schedules (which may include the winning tenderer's bid).</li> </ul> <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**

Atamis has been identified as the appropriate means to enable publication of sub £60k contracts and the plan to ensure roll out by 31<sup>st</sup> March 2023.

Training

Training has progressed well with 36 staff trained across Essex/ collaborative departments to date. The focus has been on those who raise orders regularly within the value threshold where publication is required. A breakdown of staff subject to training is as follows:

<b>Dept</b>	<b>No. Staff Trained</b>
Business Services	11
IT	9
Estates	5
Forensics	2
L&D	2
Corporate Comms	1
EOPFCC Essex PFCC Team	1
Intelligence	1

Media	1
Search & Marine	1
Specialist Operations	1
Stansted Airport	1

NB – it is worth noting that initial feedback from the training has been positive.

### System Access

The original plan was delayed due to an issue raised by the ICT/ Information Security teams in the region with regard to Single Sign On (integration with Active Directory (AD) which ensures that user administration is more tightly controlled) and wider Information Security issues. The force ICT/ Infosec teams and Atamis have been working together to resolve this, although it has taken longer than expected.

After some work and negotiation, Essex and Kent Infosec have agreed to allow the rollout of the quote functionality with the same user administration process as now (due to the limited numbers) pending the final AD integration. As a result, licences have now been issued to the K/E staff that have already been trained and they have had access to the system from 18/03/24.

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

### Overall Progress

As a result of the access issues, the plan has not moved quite as quickly as we would have hoped. However, this has now been resolved and, due to the fact that several staff are trained and ready to go, we are now back on track to meet the end of Financial Year target. It may take a short time for the new processes to bed in but our expectation is that by the end of the first quarter of 24/25 this will be fully embedded.

## **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.

## **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 24<sup>th</sup> May 2023, who endorsed the implementation of Atamis at quote level to address compliance and transparency requirements. COG agreed to proceed on 9 August 2024 and the approach was presented to Performance and Resources Scrutiny on 30 August 2024. Updates have been provided subsequently to COG and the PFCCs office by ACO Medhurst. Across the region 7 Force Commercial Services have trained staff in all key areas including IT and Estates as well as other areas that have a need to procure low value contracts.

**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**

Single Sign on technical integration work to be completed (meeting between ICT and Atamis on 19<sup>th</sup> March 2024)