



THE POLICE & CRIME COMMISSIONER FOR CLEVELAND

DECISION RECORD FORM

REQUEST:

CPC-0001555 approval for the award of Niche Records Management

Title:

Niche Records Management

Executive Summary:

Cleveland Police Authority procured the Niche Records Management System in 2003 via a re-seller on the Office of Government Commerce (OGC) Catalyst Framework.

During review and re-negotiation of the contract before the end of the original five year term the Force was advised that licences and maintenance could no longer be supplied through a re-seller via OGC and a contract must be established direct. The contract was extended via a negotiated procedure without a call for competition and the current contract expires on the 31st March 2016.

Although there are other Records Management Systems, Niche is integrated into the working practices of the force and the cost of change at this time in line with other force priorities would be significantly more costly. The Force has no intention to change one of their core systems.

The Negotiated Procedure without a prior Publication of a Contract Notice (Direct Negotiation) was the chosen EU procedure for this procurement. This procedure allows public bodies to contract directly with a provider in exceptional circumstances without advertising the contract for expressions of interest.

Procedures available under Public Procurement Regulations for “technical or artistic reasons, or for reasons connected to the protection of exclusive rights whereby the contract may be awarded only to a particular economic operator”. Niche’s unique knowledge, expertise can be used as justification for contracting directly with them.

Decision:

The PCC is asked to approve the procurement methods used and award a contract to Niche for 3 years under the Negotiated Procedure without a call for competition.

OPCC Lead Officer:

Michael Porter

Contractor Details (if applicable):

Niche

Implications:

Has consideration been taken of the following:	Yes	No
Financial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Equality & Diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(If yes please provide further details below)

Decision Required – Supporting Information

Financial Implications: (Must include comments of the PCC's CFO where the decision has financial implications)

The price for Year 1 is £147,388 and is subject to change for years 2 and 3 based on officer numbers and the Retail Price Index. Estimated costs for the 3 year term are £442,164 based on current officer numbers and licence costs. The costs are lower than current budgets and therefore affordable with the current plans.

Legal Implications: (Must include comments of the Monitoring Officer where the decision has legal implication)

Terms and Conditions are those set out in previous contracts with Niche.

Having read this report and having considered such information as has been provided at the time of being asked to express this view, the Chief of Staff is satisfied that this report does not ask the PCC to make a decision which would (or would be likely to) give rise to a contravention of the law.

Equality and Diversity Implications

There are no diversity & equal opportunity implications associated with the award of this contract

Human Rights Implications

There are no Human Rights Act implications associated with the award of this contract

Sustainability Implications

There are no sustainability implications associated with the award of this contract


Risk Management Implications

A direct award under the negotiated procedure does present risk of challenge from competitors in the market and could result in the contract being set aside for ineffectiveness if the Courts do not agree with justification for using this procedure, however it is felt this risk is minimal based on previous history.

OFFICER APPROVAL

Chief Executive

I have been consulted about the decision and confirm that financial, legal, and equalities advice has been taken into account. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

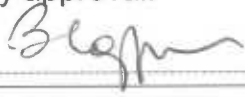
Signed: 

Date: 7 March 2016

Police and Crime Commissioner:

The above request HAS my approval.

Signed: _____

A handwritten signature in black ink, appearing to read 'B. [unclear]', written over a horizontal line.

Date: _____

7/3/16



Report of the Chief Constable to the Police and Crime Commissioner for Cleveland – February 2016

Status: For Decision

Procurement Report for the Niche Records Management System

1. Purpose

- 1.1 Cleveland Police Authority procured the Niche Records Management System in 2003 via a re-seller on the Office of Government Commerce (OGC) Catalyst Framework.
- 1.2 The original contract was for a five year term with an option to extend and the Authority is licensed based on the Home Office figures for warranted officers serving Cleveland and each year adjustments were made and an annual contract price agreed.
- 1.3 During review and re-negotiation of the contract before the end of the original five year term the Force was advised that licences and maintenance could no longer be supplied through a re-seller via OGC and a contract must be established direct. The contract was extended via a negotiated procedure without a call for competition and the current contract expires on the 31st March 2016.

2. Recommendations

- 2.1 The Recommendation to follow the negotiated procedure without a call for competition for the following reasons:
 - a) Technical reasons resulting in Niche being the only company capable of undertaking the work
 - b) Disruption and Cost of moving to a different system.
- 2.2 The Police and Crime Commissioner approve the procurement methods investigated and recommendations put forward.

3. Background

- 3.1 Although there are other Records Management Systems, Niche is integrated into the working practices of the force and the cost of change at this time in line with other force priorities would be significantly more costly. The Force has no intention to change one of their core systems.
- 3.2 The Negotiated Procedure without a prior Publication of a Contract Notice (Direct Negotiation) was the chosen EU procedure for this procurement. This procedure allows public bodies to contract directly with a provider in exceptional circumstances without advertising the contract for expressions of interest.
- 3.3 Only one supplier (Tenderer 1) was invited to submit a proposal for the provision of licences and maintenance for the Niche Records Management System as they are the sole provider.
- 3.4 Procedures available under Public Procurement Regulations for “technical or artistic reasons, or for reasons connected to the protection of exclusive rights whereby the contract may be awarded only to a particular economic operator”. Niche’s unique knowledge, expertise can be used as justification for contracting directly with them.
- 3.5 A direct award under the negotiated procedure does present risk of challenge from competitors in the market and could result in the contract being set aside for ineffectiveness if the Courts do not agree with justification for using this procedure.
- 3.6 A Contract award notice will be posted in the Official Journal of the European Union and the legislative 10 day standstill period will be applied prior to contract award.

4. Implications

4.1 Finance

- 4.1.1 The below proposed contract costs are for Year 1 only and will be revised in line with changes to Officer numbers and RPI.

	Current Contract	Proposed Contract
Licence Cost	£563.63	£570.39
No of Licence	1358	1292
Total Annual Cost	£153,082	£147,388

- 4.1.2 Savings for Year 1 are £5,694

- 4.1.3 The estimated contract value is £442,164 over the 3 years based on current warranted officer numbers and licence costs.

4.2 Legal

Terms and Conditions are those set out in previous contracts with Niche.

4.3 Diversity & Equal Opportunities

There are no diversity & equal opportunity implications associated with the award of this contract.

4.4 Human Rights Act

There are no Human Rights implications associated with the award of this contract.

4.5 Sustainability

There are no sustainability implications associated with the award of this contract.

4.6 Risk

A direct award under the negotiated procedure does present risk of challenge from competitors in the market and could result in the contract being set aside for ineffectiveness if the Courts do not agree with justification for using this procedure, however it is felt this risk is minimal based on previous history.

5. Conclusions

5.1 The procurement process has been completed in line with Procurement Legislation.

5.2 The recommendation is to award a contract for 3 years to Niche Technology.

Iain Spittal
T/Chief Constable