

**ORIGINATOR: STRATEGIC CATEGORY  
MANAGER**

**DECISION NUMBER:** 3-2018

**REASON FOR SUBMISSION: FOR DECISION**

**SUBMITTED TO: SUFFOLK POLICE AND CRIME COMMISSIONER**

**SUBJECT: NATIONAL FRAMEWORK AGREEMENT FOR THE  
SUPPLY OF MOBILE PRELIMINARY DRUG  
TESTING DEVICES**

**SUMMARY:**

1. Following the introduction of Section 5A of the Road Traffic Act 1988 the Home Office had to seek a device/s that could test for illegal substances at the roadside.
2. To be legally compliant forces can only use devices that have Type Approval from the Centre of Applied Science and Technology (CAST); a rigorous but expensive process for which only two Mobile Preliminary Drug Testing Devices have been approved.
3. The anticipated national spend on these devices exceeds the thresholds of forces contract standing orders and in aggregate the EU Supplies threshold.
4. At the direction of National Police Procurement Executive (NPPE) it was recommended that a national approach to tendering for a framework agreement should be undertaken. Suffolk and Norfolk Constabularies led the tender process.
5. This provision of a framework agreement will provide a legally compliant route to market for all contracting authorities involved in the tender.

**RECOMMENDATION:**

1. That the PCC approves the award of a multi-supplier framework agreement, featuring both Type Approved devices allowing individual contracting authorities to create their own contract with either/both suppliers through a direct award decision.

**APPROVAL BY: PCC**

The recommendation set out is agreed.

**Signature** *Tina Pannone*

**Date** *17th January 2018.*

## **DETAIL OF THE SUBMISSION**

### **1. KEY ISSUES FOR CONSIDERATION:**

- 1.1 Usage of Mobile Preliminary Drug Testing Devices has increased dramatically over the past two years. With only two devices available and such a high barrier to entry for potential competitors, the cost of devices and contracting arrangements have not been controlled or managed by the police service.
- 1.2 Section 5A of the Road Traffic Act 1988 has provided additional scope to police forces to act upon intelligence. The devices are becoming an essential part of the approach to screen drivers for driving under the influence of illegal drugs.
- 1.3 Results to date between Norfolk and Suffolk have been extremely positive. The devices are widely used by the Roads Policing and Firearms Operations Unit and Scorpion Teams, and are now under trial within certain response divisions of both forces. Similar growth has been experienced nationally.
- 1.4 Spend on devices for forces has reached levels which exceed their contract standing order thresholds and therefore forces would need to carry out tendering exercises in order to comply with Public Contract Regulations 2015 in order to continue to procure devices. Given that there are only two providers and one being a Small and Medium Size Enterprises (SME), the demands to respond to tenders from individual forces would create an additional overhead and considerable extra work.
- 1.5 The framework will allow contracting authorities to have a legal and compliant route from which to procure devices; it effectively saves duplication of effort.
- 1.6 The framework agreement is available to the following contract authorities: police forces and other associated organisations.
- 1.7 The framework agreement is designed as such that it can be re-tendered after two years to allow for any new type approved devices (emerging suppliers) to be considered. Should there be no change within the device market the framework agreement may be extended by a further two annual increments.

### **2. FINANCIAL IMPLICATIONS:**

- 2.1 The indicated national spend profile for devices is £2m to £4.5m depending on an extension option being exercised. This is based on current volume estimates supplied by 44 Police Forces and organisations (spend data collated by Suffolk Constabulary).
- 2.2 It is anticipated that Suffolk's and Norfolk's joint requirements for devices spend will exceed £70k per annum.

### **3. OTHER IMPLICATIONS AND RISKS:**

- 3.1 The framework agreement provides a compliant route to market and does not commit the Commissioner or framework agreement participants to any given quantities or purchases. Each contracting authority will create its own contract by the placing of a purchase order or other arrangements against this framework agreement and will be liable for that contract.
- 3.2 In relation to the framework agreement the PCC will be acting as the administrator which includes price reviews and adjustments; management information and dispute resolution. Instructions and guidance on how participating authorities can procure


and direct award will also be issued and maintained during the duration of the framework agreement.

**4. RECOMMENDATIONS**

4.1 That the PCC approves the award of a multi-supplier framework agreement, featuring both Type Approved devices allowing individual contracting authorities to create their own contract with either/both suppliers through a direct award decision.

<b>ORIGINATOR CHECKLIST (MUST BE COMPLETED)</b>	<b>PLEASE STATE 'YES' OR 'NO'</b>
Has legal advice been sought on this submission?	NO
Has the PCC's Chief Finance Officer been consulted?	YES
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	YES
Have human resource implications been considered?	NO
Is the recommendation consistent with the objectives in the Police and Crime Plan?	YES
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	YES
Has communications advice been sought on areas of likely media interest and how they might be managed?	NO
Have all relevant ethical factors been taken into consideration in developing this submission?	YES

**APPROVAL TO SUBMIT TO THE DECISION-MAKER**

<b>Chief Executive</b>	
I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.	
Signature: 	Date 17 January 2018