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Award

Department of Justice (DoJ) Provision of Electronic Monitoring (EM) Services 2021-2022

DEPARTMENT OF JUSTICE

F15: Voluntary ex ante transparency notice

Notice identifier: 2021/S 000-006884

Procurement identifier (OCID): ocds-h6vhtk-02a255

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Section I: Contracting authority/entity

I.1) Name and addresses

DEPARTMENT OF JUSTICE

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Belfast

BT3 9ED

Contact

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Telephone

+44 2890816414

Country

United Kingdom

NUTS code

UKN - Northern Ireland

Internet address(es)

Main address

www.justice-ni.gov.uk

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Department of Justice (DoJ) Provision of Electronic Monitoring (EM) Services 2021-2022

Reference number

DOJ DAC 05/21

II.1.2) Main CPV code

- 79710000 - Security services

II.1.3) Type of contract

Services

II.1.4) Short description

The Department of Justice (DOJ) will be awarding a short term interim contract for the provision of services for the Electronic Monitoring (EM) of offenders in Northern Ireland. Under Article 35 of Criminal Justice (Northern Ireland) Order 2008 a curfew requirement can include the provision of EM as a condition of court bail, post-release licence or range of community supervision orders for adults and young persons. The scope of EM is a public protection tool for both for the judiciary and for the criminal justice agencies monitoring offenders in the community.

II.1.6) Information about lots

This contract is divided into lots: No

II.1.7) Total value of the procurement (excluding VAT)

Value excluding VAT: £1,500,000

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKN - Northern Ireland

Main site or place of performance

Northern Ireland

II.2.4) Description of the procurement

Electronic tagging and monitoring services of offenders in Northern Ireland.

II.2.5) Award criteria

Price

II.2.11) Information about options

Options: No

II.2.14) Additional information

This is an interim contract to ensure continuity of services (October 2021-October 2022) whilst the contract is retendered. The procurement process was delayed due to the impact of COVID 19. The Department of Justice (DOJ) has initiated pre market engagement to inform the procurement process to award a new contract for the provision of services for the Electronic Monitoring (EM) of offenders in Northern Ireland. Under Article 35 of Criminal Justice (Northern Ireland) Order 2008 a curfew requirement can include the provision of EM as a condition of court bail, post-release licence or range of community supervision orders for adults and young persons. This demonstrates the scope of EM as a public protection tool for both for the judiciary and for the criminal justice agencies monitoring offenders in the community.

The anticipated Service Delivery Go Live date of the new contract 03 October 2022. The tender opportunity will be advertised in FTS in due course.

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the cases listed below

- The procurement falls outside the scope of application of the regulations

Explanation:

There are derogations under the Regulations to award a contract to a single supplier where the supplies or services can only be supplied by a particular supplier, in this case under Regulation (32(2) (c) in cases of extreme urgency brought about by events unforeseen or attributable to the contracting authority, where the time limits for the open, restricted or competitive procedures with negotiation cannot be complied with.

Due to the unforeseen pandemic and its impact, it de-stabilised all public sector activity as resources were redirected and delayed planned procurement activity, it further destabilised the market; in particular the security services sector where there is face to face contact required in a pandemic for essential services such as this.

There is no option to do nothing; under Article 35 of Criminal Justice (Northern Ireland) Order 2008 a curfew requirement can include the provision of EM as a condition of court bail, post-release licence or range of community supervision orders for adults and young persons. EM is an essential public protection tool for both for the judiciary and for the criminal justice agencies monitoring offenders in the community and therefore also in the public interest/public safety.

As it is a complex service, with high switching costs and high technical standards which must be robustly tested to ensure accuracy and confidence to all key stakeholders (including subjects and the criminal justice agencies); it is an unavoidable, longer process and a longer lead in time to test followed by the transition process to switch out equipment etc. In addition to testing it further includes TUPE and CTC clearance which need 3-6 months.

As equipment and installations are a large proportion of the contract, another derogation also applies; Regulation 32(5)(b) for additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance.

This contract is required to meet legislative and public safety obligations, therefore we are further applying the derogation under the EU DIRECTIVE 2014/24 whereby it is explicit under Provision 41 that : Nothing in this Directive should prevent the imposition or enforcement of measures necessary to protect public policy, public morality, public security, health, human and animal life, the preservation of plant life or other environmental measures, in particular with a view to sustainable development, provided that those measures are in conformity with the TFEU.

This is a short term interim contract to ensure continuity of services (October 2021-October 2022) whilst the contract is retendered.

The Department of Justice (DOJ) has initiated pre market engagement (PIN has been published in FTS) to inform the procurement process to award a new contract for the provision of services for the Electronic Monitoring (EM) of offenders in Northern Ireland.

The anticipated Service Delivery Go Live date of the new contract 03 October 2022. The tender opportunity and Contract Notice will be advertised in FTS in due course.

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

Section V. Award of contract/concession

Contract No

DAC 05/21

Title

DOJ Electronic Monitoring Services

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

1 April 2021

V.2.2) Information about tenders

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor/concessionaire

Withheld

Belfast

Country

United Kingdom

NUTS code

- UKN - Northern Ireland

The contractor/concessionaire is an SME

No

V.2.4) Information on value of contract/lot/concession (excluding VAT)

Initial estimated total value of the contract/lot/concession: £1,500,000

Total value of the contract/lot/concession: £1,500,000

Section VI. Complementary information

VI.3) Additional information

This VEAT is to give notice of the award decision and to commence a standstill period prior to award of contract. The contract award will not be entered into until after 14th April 2021.

VI.4) Procedures for review

VI.4.1) Review body

Construction and Procurement Delivery (CPD)

Belfast

BT3 9ED

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

There is no formal review body in Northern Ireland. Please contact CPD with any queries/issues via Donna.Williams@finance-ni.gov.uk