

DELEGATED POWERS REPORT NO.

1643

SUBJECT: Authority to enter into a 3 year contract with RA Information Systems for the use of the Tree Management Database, Ezytreev

Control sheet

All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to the Governance Service for publishing

All reports		
1. Governance Service receive draft report	Name of GSO Date	Andrew Charlwood 17/04/2012
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Andrew Charlwood 19/04/2012
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Jayne Fitzgerald 20/04/2012
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	Not applicable
5. Strategic Procurement clearance obtained (<i>report author to complete</i>)	Name of SPO. Date	Lesley Meeks 20/04/2012
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Philippa Dieobi 25/04/2012
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 18/04/2012
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Andrew Nathan 18/04/2012
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Pam Wharfe 30/04/2012
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Chidilim Agada 30/04/2012
11. Report published by Governance Service to website	Name of GSO Date	Chidilim Agada 4/05/2012
12. Head of Service informed report is published	Name of GSO Date	Chidilim Agada 4/05/2012
13. Expiry of call-in period	Date	Not applicable
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	Not applicable Not applicable

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER
(EXECUTIVE FUNCTION)**

Subject	Authority to enter into a 3 year contract with RA Information Systems for the use of the Tree Management Database, Ezytreev
Officer taking decision	Interim Director for Environment, Planning and Regeneration
Date of decision	30 April 2012
Summary	This report seeks authority to enter into a contract with RA Information Systems as a single source supplier due to requirements needed by the Ezytreev modules for maintenance, upgrading, support and training.
Officer Contributors	Jenny Warren, Greenspaces Service Manager Andy Tipping, Principal Tree Officer Frederic Micoud, Tree Officer
Status (public or exempt)	Public
Wards affected	All
Enclosures	None
Reason for exemption from call-in (if appropriate)	Not applicable

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Serial No. 1643

1. RELEVANT PREVIOUS DECISIONS

- 1.1 Delegated Powers Report 1113 - Acceptance to purchase the Ezytreev Management system dated 26th July 2010 and continue with a yearly licence.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The Councils Corporate Plan 2012-2013 identifies as one of its Corporate Priorities the need to ensure Barnet's continued success as a prosperous place where people want to live and at the same time preserve and enhance our Greenspaces as identified as part of "A successful London suburb". The database holds extensive records of the borough's tree stock, supporting forward financial planning and effective risk management and customer focussed service delivery across a wide range of areas.

3. RISK MANAGEMENT ISSUES

- 3.1 Full support of this contract enables the council to continue to provide the current level of service to the borough in regard to managing the wide range of trees it is responsible for. Failure to enter into this agreement will leave officers without essential support, maintenance and training for the system.
- 3.2 The relatively low value of the maintenance and support contract and the absence of other suppliers able to supply this service for the Ezytreev Tree Management System renders the likelihood of challenge minimal.
- 3.3 I have considered whether the issue involved are likely to raise significant levels of public concern or give rise to policy considerations and they do not.

4. EQUALITIES AND DIVERSITY ISSUES

- 4.1 The Equality Act 2010 requires the Council and all other organisations exercising public functions on its behalf to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristic and those without; promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.
- 4.2 Effective tree management benefit all sectors of the community by improving the local environment and responding to user and Member enquiries.

5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 5.1 The total estimated value for a 3 year maintenance, support, upgrade & training contract would be £10,890. This includes an estimated cost including Annual

Increase and a separate module addition over the next two years following this year.

5.2 There are no further resource implications.

6. LEGAL ISSUES

6.1 For the purposes of the European procurement rules, the contract falls below the threshold set by the Public Contracts Regulations 2006 and does not have to follow the full European procurement regime. However, even when contracts are below the threshold and exempt from the Regulations or are classified as Part B services contracting authorities must comply with the fundamental principles of the TFEU such as equal treatment, fairness and transparency. Rule 6.5 of the Contract Procedure Rules also requires all tender opportunities to be advertised before the contract is awarded.

6.2 The parties are required in accordance with the Council's Contract Procedure Rules, to enter into formal contract to document the terms and conditions for the provision of the maintenance, upgrade and training services.

7. CONSTITUTIONAL POWERS

7.1 Constitution Part 3 – Responsibility for functions, section 6, item 6.1. Chief Officers (i.e. the Chief Executive, Directors and Heads of Service as listed in Article 12) can take decisions, in consultation with the Cabinet Member concerned (or without consultation where it is a decision authorised to be taken by the Chief Officer under the Contract Procedure Rules or it involves the implementation of policy or earlier decision of the Council or Cabinet or Committee or it is in respect of operational matters within the Chief Officer's sphere of managerial or professional responsibility and is not significant in terms of budget or policy).

7.2 Contract Procedure Rules – Single source suppliers. 6.11 – Where the Director/Head of Service is satisfied, following the making of suitable investigations that there is only one supplier in the market for the required supplies/services/works, the competitive tendering provisions will not apply provided that:

7.3 The Director/Head of Service and Commercial Director approve the entry into the contract with the single provider; and

7.4 There is compliance with the Authorisation and Acceptance procedures.

7.5 The value of works is within the acceptance threshold for Director/Head of service. However, the requirements to request two written quotations is requested to be retrospectively waived given the information detailed below.

8. BACKGROUND INFORMATION

8.1 Ezytreev was procured following due process as detailed in previous report. RA Information Systems have established Ezytreev as the most comprehensive and professional tree management database available in the UK and it met all the system requirements.

- 8.2 Ezytreev was purchased in 2011 and came with one years support and upgrades as is industry standard in software supply, annual maintenance fee was detailed in previous report.
- 8.3 Professional asset databases require upgrading, training and support from the supplier as the data changes on a daily basis. As this is specialised software beyond the scope of internal IT support.
- 8.4 Permission is sought to enter into a contract with RA Information Systems for three years, this term chosen to reflect the existing time on the Arboricultural contract, due to end in 2014.
- 8.5 RA Information Systems own the copyright and exclusive rights to Ezytreev and are therefore the sole supplier who can supply the support required.

9. LIST OF BACKGROUND PAPERS

- 9.1 None.

10. OFFICER'S DECISION

I have consulted with Commercial Director as the market has identified a single supplier for this requirement and to seek concurrence for the use of RA Information Systems as a single supplier in this delivery and authorise the following action:

- 10.1 That authority is given to enter into a 3 year contract for the purchase of the full support package undertaken by RA Information Systems.**

Signed **Pam Wharfe**

**Interim Director for Environment ,
Planning & Regeneration**

Date **30 April 2012**
