

	<h2>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
<p style="text-align: center;">Title</p>	<p>Contract Award for Committee Agenda Publication Software to Civica UK Ltd (formerly Modern Mindset Ltd)</p>
<p style="text-align: center;">Report of</p>	<p>Executive Director of Assurance Head of Governance</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>None</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Salar Rida – Senior Governance Officer salar.rida@barnet.gov.uk – 0208 359 7113</p>

Summary

This report details the decision of the Executive Director of Assurance to award the contract for the Council's committee papers content management system to Civica UK Ltd (formerly Modern Mindset Ltd). The contract will be for a period of 3 +1 +1 years for the provision of the Modern.Gov content management system, this will include maintenance, support, external hosting and the provision of an extranet to enable Members to access restricted (exempt information) content via the associated app.

Decision

To authorise contract award to Civica UK Ltd (formerly Modern Mindset Ltd) for the supply of the Modern.Gov committee papers content management software, ongoing support, external server hosting and the provision of the extranet to access exempt information, for the period of 3 +1 +1 years from 23 February 2022 to 22 February 2027, as detailed in the report.

1. WHY THIS REPORT IS NEEDED

- 1.1 London Borough of Barnet (LBB)'s existing contract for the supply, installation, licensing, support and external hosting of the Modern.Gov content management system is due to

end in February 2022. LBB has exhausted extension options beneath the tender threshold. This existing agreement replaced the previous committee papers management system supplied by Cognite with Modern.Gov supplied by Modern Mindset Ltd. In 2018, Modern Mindset Ltd was acquired by Civica UK Ltd. With the contract end date in mind, a review has been undertaken which confirms the continuation of requirement and therefore a compliant engagement with market is required to commence a new contract.

- 1.2 The Modern.Gov software enables elected Members, the public and officers to access information relating to the democratic decision-making process particularly:
 - details of elected Members including the wards they represent;
 - committee agendas;
 - minutes;
 - reports;
 - delegated decisions;
 - work programmes;
 - the Constitution;
 - e-petitions;
 - schemes of delegation;
 - outside bodies; and
 - archived library documents
- 1.3 The software also has a downloadable app which enables elected Members, the public and officers to access most of the website content via an Android or iOS tablet and/or smartphone.
- 1.4 The Modern.Gov system enables residents and other stakeholders to interact with the Council via the web and access information about local decisions, democratic engagement and other key data relating to the Council's business. The system is expected to positively contribute to the Barnet Plan 2021 – 2025 target of supporting residents to get online wherever possible.
- 1.5 Following consultation with the Assistant Director Investment & Innovation and Director of Commercial & Customer Services, it has been agreed that a direct award through Crown Commercial Framework RM3821 Lot 2c as this confirmed compliancy with competitive engagement and supported business continuity and integration with existing committee papers content management system for the reasons set out in section 2.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The majority of local authorities (approximately 300 out of 380) currently use Civica UK Ltd Modern.Gov system. Officers are only aware of one other supplier of this type of software and the market is therefore limited. A competitive tender process is unlikely to deliver a new system which provides a service that represents better value for money particularly due to transition costs.
- 2.2 The Governance Service and other council officers (including Executive Assistants, Children's Services, etc.) have been trained on using Modern.Gov software and it is fully embedded in the organisation. Retaining the current software will mean that there would

be no requirement to implement a new system or train staff on a new system.

- 2.3 As there would be no requirement to migrate information between systems, there would be no risk of data loss when information was migrated from one system to another. In addition, there would be no costs associated with the migration of the data which would be chargeable by the current supplier and Capita who provide IT services to the Council. Therefore, there would be a quantifiable saving achieved through retaining the current system in comparison to moving to a new system/ software which would involve training, time and resource implications as well as risk to loss of data.
- 2.4 Currently many committee reports include hyperlinks to content on the Modern.Gov system for background information. If the Council moves to a new system there is a potential risk that by changing service provider, the hyperlinks included in committee reports would cease to function which could impact on the ability of users to link through associated decisions.
- 2.5 A number of officers and Members currently utilise the Modern.Gov application for accessing council committee reports digitally. Training sessions and a tailored video instructional guidance have been produced and delivered to Members and officers. A potential shift to a new system would also involve time and resource implications in terms of re-training and new set up for officers and Members.
- 2.6 The current contract with Civica UK Ltd (Modern.Gov) includes the optional digital access to exempt reports. As part of the training and guidance, officers and Members have been set up to digitally access restricted committee reports.
- 2.7 The Modern.Gov software is integrated with our current audio broadcast system (Audio Minutes). Any change to the software would involve set-up and testing for the integration with the audio broadcast system. Officers are in the process of procuring a new audio-visual webcasting system for Hendon Town Hall and the specification requires integration with the Modern.Gov system. The new audio visual webcasting system will be built and in operation prior to the commencement of a new contract. The timing supports achieving continued integration with Modern.Gov.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Council require a committee papers content management system to enable us to publish information relating to the democratic decision-making process online to meet our statutory obligations. It is therefore not recommended to let the contract lapse.
- 3.2 An alternative option is to undertake a competitive tender process for a committee papers content management system. This is not recommended for the reasons set out in sections 2.1 – 2.7 of the report.

4. POST DECISION IMPLEMENTATION

- 4.1 Following authorisation of the decision, officers will engage with the contract manager at Civica UK Ltd to support direct award call off from CCS Framework RM3821 lot 2c and subject to confirmation this will be for 3 +1 +1 years period.

- 4.2 HBPL will be instructed to finalise the contract, framework call of agreement, between the parties.
- 4.3 Performance will continue to be monitored and taken forward through yearly reviews with the appointed contract manager for the London Borough of Barnet.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The committee agenda content management system supports the Council's commitment towards transparency and improving customer services under the Barnet Plan 2021 – 2025.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The aggregated total contract value is £83,957 for the new contract period from 23 February 2022 for the period of 3 +1 +1 years. A breakdown of costs for the current contract up to 22 February 2022 and the proposed new contract from 23 February 2022 are set out in table 1 below. The existing contract has cost £155,328 which highlights that a further extension to support continued integration would not be feasible for a 5 year period as the forecast cost of £83,957 would exceed the threshold for conduct of tenders in accordance with Public Contract Regulations 2015.

- 5.2.2 The costs for the maintenance, hosting and support are met by CSG. The costs for the application, which has restricted access, are met by the Governance Service. For information, the contract was not novated to CSG, although the costs for the support, maintenance and hosting are met by CSG through the CSG agreement with the Council. Therefore, the contract remains between LB of Barnet and Civica UK Ltd (formerly Modern Mindset Ltd).

Table 1:

	Support	Hosting	Restricted Application	Total Cost:
Proposed New Contract from February 2022 for 3+1+1 years	3 years: £23,866 +1 year: £8,436 +1 year: £8,689	3 years: £13,168 +1 year: £4,654 +1 year: £4,793	3 years: £11,848 +1 year: £4,189 +1 year: £4,314	£83,957
	Subtotal £40,991*	Subtotal £22,615*	Subtotal £20,351*	

*Estimated annual inflationary increase of 3% applied across all elements

For information, the costs against the previous contract are set out below:

	Support	Hosting	Restricted Application	Total Cost:
Contract Years 1 – 5	£51,560	£24,000	0	£75,560
Current Contract Years 6 – 10	£37,768	£24,000	£18,000	£79,768

5.3 Legal and Constitutional References

5.3.1 The Council's Constitution, section 6.2 of the Contract Procedure Rules states that:

Where a competition has been undertaken and only a single bid has been received the Assistant Director Investment & Innovation and Director Commercial & Customer Services can approve the award of a Contract, subject to an appropriate review being undertaken and an audit trail being available for inspection.

5.3.2 The factors set out in sections 2.1 – 2.7 above have been taken into consideration as justification of the Single Tender Action. The proposal is to conduct direct award from CCS framework RM 3821 Lot 2c which has been subject to competition. The justification for direct award through the framework being the requirement is intrinsically linked to a system already within the customers organisation and the ModernGov Committee Management System is a product on Government eMarketplace.

5.3.3 In accordance with Contract Procedure Rules 6.2 Single Tender Action authorisation has been sought and granted from the Assistant Director Investment & Innovation and Director for Commercial & Customer Services.

5.3.4 In accordance with the Council's Constitution Contract Procedure Rules, Table B, the appropriate authorisation document for the direct call off and award of the contract with a value of £25,000-£189,329 is via an Officer Decision. However, it has been agreed for the purpose of this award decision and the details covered herewith to utilise the Officer Delegated Powers Report.

5.3.5 Section 9.3 of the Contract Procedure Rules states that Contracts and Framework Agreements must be sealed. Call-off Contracts from a Framework Agreement under the tender financial threshold do not require sealing and need only be signed by a Council Officer in accordance with the Scheme of Delegation.

5.4 Insight

5.4.1 N/A

5.5 Social Value

5.5.1 N/A

5.6 Risk Management

- 5.6.1 Implementing a new contract with Civica Ltd will mitigate against the risk of the council not having a Contract Procedure Rules compliant contract and will ensure that the Council continues to meet its statutory obligations to make available council and committee information online.
- 5.6.2 The performance and issues relating to the committee management software will be monitored and reported as appropriate via the contract manager and support helpline.

5.7 Equalities and Diversity

- 5.7.1 The Public Sector Equality Duty at section 149 of the Equality Act 2010 applies to local authorities who as public authorities must, in the exercise of their functions, have due regard to the need to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the 2010 Act. As well as advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are - age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
- 5.7.2 The committee management software enables users to access relevant information pertaining to the decisions of the Council including information on Councillors and archived documents. The webpages are also linked to the main council website which improves accessibility for users.

5.8 Corporate Parenting

- 5.7.1 None in the context of this report.

5.9 Consultation and Engagement

- 5.9.1 Previous reviews of the committee management system involved feedback from users which in turned was reported to the system operator to be imbedded as part of the new software release.
- 5.9.2 Engagement has taken place with the procurement team. Further engagement will take place in accordance with the timescale including with the Assistant Director Investment & Innovation and Director Commercial & Customer Services in respect of this decision as referenced under section 5.3.

6. BACKGROUND PAPERS

- 6.1 Action Taken Under Delegated Powers Officer – 29 January 2012 - Replacement Committee Papers Content Management System:
<https://barnet.moderngov.co.uk/documents/s2300/1554%20-%20Committee%20Papers%20Replacement%20System%20Public.pdf>
- 6.2 Summary DPR – 23 December 2016 - Extension of Contract with Modern Mindset Ltd

7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

Chief Officer: Clair Green

Signed:

A rectangular box containing a handwritten signature in brown ink. The signature is cursive and appears to read 'Clair Green'.

Dated: 03/11/21