

	<b>Officer Key Decision</b>
	<b>Report to the Strategic Director of Customer and Digital Services</b>
<b>AUTHORITY TO AWARD CONTRACT FOR THE UPGRADE OF THE ACOLAID SYSTEM TO IDOX CLOUD</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	One Appendix 1 Equalities Impact Assessment
<b>Background Papers:</b>	Acolaid decision report (report outlining the options and recommendations around the future of the Acolaid system) - Part Exempt – Paragraphs 3.3, 4.11,4.12, 4.13, 5.0 and Appendices 1 and 2 are exempt as they contain the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)
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## 1.0 Purpose of the Report

- 1.1 This report concerns upgrade of the Acolaid system to IDOX Cloud. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in tendering a contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

## 2.0 Recommendation(s)

That the Strategic Director of Customer and Digital Services in consultation with the Lead Member for Finance, Resources and Reform:

- 2.1 Approves the procurement of a call off contract for IDOX Cloud system for both public protection and built environment modules including all modules under the Crown Commercial Services Data and Application Solutions (DAS) framework agreement Lot 2b Environmental and Planning on the basis of the pre - tender considerations set out in paragraph 3.6 of the report.
- 2.2 Approves the award the contract to IDOX Software Ltd. to renew the Acolaid system to the successor IDOX Cloud system for both public protection and built environment modules including all modules for the sum of £737,152 ex VAT for a period of five years.
- 2.3 Confirms that there is sufficient budgetary provision for the proposed call-off contract detailed in Recommendation 2.2.

### **3.0 Detail**

- 3.1 The council requires an upgrade of its Acolaid system to the successor IDOX Cloud system for both public protection and built environment modules including all portals. The supplier for this is IDOX Software Ltd. ("IDOX"). An upgrade is required because the current system is very old and is becoming unfit for purpose. It is also likely that Acolaid will not be supported by IDOX in the future.
- 3.2 Officers have reviewed procurement options and have identified the Crown Commercial Services Data and Application Solutions (DAS) framework agreement Lot 2b Environmental and Planning as the most appropriate means of procuring the Acolaid upgrade to Idox Cloud. The DAS framework enables public sector organisations to buy, implement, test and deliver a broad range of software solutions, as well as essential hardware and professional services, in one procurement. It offers customers the choice to buy cloud and on-premise software or a combination of both under one agreement.
- 3.3 DAS is split into five groups to make it easier to search, with a 72 suppliers across 14 lots covering the following areas:
  - Enterprise applications
  - Local government
  - Health and social care
  - Police and emergency services
  - Education
- 3.4 Under the Framework Agreement contracts can be awarded by direct award, further competition or by using CCS complementary aggregation service. It is the council's intention to award this contract via a direct award to IDOX.

Direct award via this framework offers OJEU-compliant purchasing, without the need for further competition. The user guide instructions on direct award states that direct award should not be used if:

- a) You are looking to refine the basic Public Sector Contract terms and conditions or supplement them with special terms
- b) Your requirement is for new software not intrinsically linked to an existing system
- c) You require hardware to be provided as part of the service offering

3.5 Procurement and the project lead had a meeting with the CCS framework manager to discuss Brent's requirements and whether it met the direct award criteria via the framework. It was concluded that the council's requirement meets the grounds for direct award, the software is intrinsically linked to the council's existing system as IDOX Cloud is already used for Waste Enforcement and Licensing within Environmental Services.

3.6 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the Contract have been set out below for the approval by the Strategic Director:

Ref.	Requirement	Response	
(i)	The nature of the services / supplies / works.	An upgrade of its Acolaid system to the successor IDOX Cloud system for both public protection and built environment modules including all portals.	
(ii)	The estimated value.	£737,152 ex VAT.	
(iii)	The contract term.	5 years	
(iv)	The tender procedure to be adopted.	Direct award under the Framework	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Options appraisal	March 2022
		Panel evaluation	N/A
		Contract decision	15 March 2022

Ref.	Requirement	Response	
		Strategic Director approval	13 July 2022
		Contract Mobilisation	August 2022
		Contract start date	August 2022
(vi)	The evaluation criteria and process.	The Council requires an upgrade of the Acolaid system to the Idox Cloud system and only 1 provider could provide this system.	
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract. Financial Services and Legal Services have been consulted concerning this contract and have identified the risks associated with entering into this contract set out sections 4 and 5 of the report.	
(viii)	The Council's Best Value duties.	The use of a direct award process that identifies the most economically advantageous bidder from a Framework Agreement that has been procured under the Public Contracts Regulations 2015 will assist the Council in meeting its Best Value duties.	
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 9 below.	
(x)	Any staffing implications, including TUPE and pensions.	See section 8 below.	
(xi)	The relevant financial, legal and other considerations.	See sections 5 and 6 below.	
(xii)	Sustainability	As this is a direct call-off from a framework, it has not been possible to include Sustainability requirements.	
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the contract.	
(xiv)	London Living Wage	Given the nature of the contract, it is not appropriate to include provision requiring payment of the London	

Ref.	Requirement	Response
		Living Wage.
(xv)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the contract.

#### 4.0 Financial Implications

4.1 Part 3 of the Council's Constitution states that the Strategic Director of Customer and Digital Services has delegated authority to approve the award of contracts for services valued at less than £2 million. The estimated value of the Contract is £737,152.

4.2 The cost of the Contract will be funded from the Digital Programme capital; budget (for implementation costs of £198,800) and from the revenue budgets (annual licence costs of £107,670.40 over five years)

#### 5.0 Legal Implications

5.1 The value of the Contract over its lifetime is in excess of the Public Contracts Regulations 2015 (the "PCR 2015") threshold for services and the award of the Contract is therefore governed by the PCR 2015.

5.2 Officers recommend the use of a framework to renew the Acolaid system to the successor IDOX Cloud system for both public protection and built environment modules including all modules. The PCR 2015 allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full procurement process. Call offs under the framework agreement need to be carried out in accordance with the framework rules, to include using evaluation criteria specified in the framework agreement and utilising the terms and conditions set out in the framework agreement.

5.3 The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established by another contracting authority, where call off under the framework agreement is approved by the relevant Strategic or Operational Director and provided that the Director of Legal, HR, Audit and Investigations has advised that participation in the framework is legally permissible. The Director of Legal, HR, Audit and Investigations confirmed that participation in the Framework is legally permissible.

5.4 The award of the Contract is subject to the Council's own Standing Orders in respect of Medium Value Contracts. The Strategic Director has delegated

power to award Medium Value Contracts in accordance with paragraph 9.5 of Part 3 of the Constitution.]

- 5.5 As the procurement of the renewal of the Acolaid contract with an upgrade to IDOX Cloud is from a framework, there is no requirement for the Council to observe a 10 day standstill period under the PCR 2015

## **6.0 Equality Implications**

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

- 6.2 Under the Public Sector Equality Duty, having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

- 6.3 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 6.4 The proposals in this report have been subject to an equalities analysis - see Appendix 1 for details.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 The Heads of Service and Operational Directors affected by the system upgrade have been engaged and consulted and agree with the decision.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the Contract.

- 8.2 There are no property or accommodation implications

## 9.0 Public Services (Social Value) Act 2012

- 9.1 The Council is under a duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

**Report sign off:**

***Officer presenting report to Strategic Director***

Rehana Ramesh  
Head of Digital Transformation