

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3959
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Department:	Commercial and Operations
Contact:	Paul Dales (Job Title: Food and Health & Safety Manager, Email: paul.dales@nottinghamcity.gov.uk, Phone: 0115 8761479)
Subject:	New 12 month Authority Public Protection 'Flare' Contract
Total Value:	£90,701.00 (Type: Capital and Revenue)
Decision Being Taken:	To enter into a 12-month contract with Civica from 1 October 2021 - 30 September 2022 for the Public Protection 'Flare' Contract, at a cost of no more than £90,701, and delegate authority to the Head of Community Protection to sign the contract.

Reasons for the Decision(s) Community Protection require a new contract for Civica's Authority Public Protection 'Flare' system, the current supply contract ends 30/09/2021, it cannot be extended. Following negotiation with Legal, Procurement and IT Contracts officers, Civica have offered a 12-month fixed term contract via the CCS Data and Application Solutions Framework under Lot 1, whereby Nottingham City Council can compliantly direct award the contract to Civica as the existing system is intrinsically linked to the new contract requirements. The contract is to supply 200 user licenses, alongside continuing application support and maintenance. The Council must continue to meet its Statutory Community Protection duties, and that is not possible without a computer system that can record, monitor, allocate resources, act and report to Local Courts and Central Government on the following range of statutory duties and powers. Anti-Social Behaviour Crime & Policing Act 2014; Clean Air Act 1993; Consumer Protection Act 1987; Consumer Rights Act 2015; Environmental Protection Act 1990; Explosives Act 1875; Explosives Regulations 2014; Fireworks Act 2003, Petroleum (Consolidation) Act 1928; Fraud Act 2006; Gambling Act 2005; Highways Act 1980 (Section 130); Housing Act 2004 Housing Conditions. Inspect houses, take enforcement action; Immigration and Asylum Act 1999; Licensing Act 2003; Licensing and Management of Houses in Multiple Occupation Regulations 2007; Noise and Statutory Nuisance Act 1993; Public Health Act 1936 (noxious matter, verminous articles & persons). nb. this is not an exhaustive list. The current system APP Flare supplied by Civica PLC is coming to the end of its life, and so a project was initiated to i) Assess the business requirements, ii) Tender for an alternative system, then iii) Migrate to the new system. The project was on-track to deliver by September 2021. However, when the Covid-19 pandemic struck project resources were moved support the Council's response, and no agreement could be reached on how to fund the the project to its conclusion. The project board decided to hibernate the project and extend the use of APP Flare for a further year. This new contract will allow the council sufficient time to complete the move to a new system, now planned to complete by September 2022.

Briefing notes documents: DAS Catalogue Entry APP Contract Extension v2.xlsx, MRSP Briefing Note on Project Hibernation DRAFT v0.3.docx

Other Options Considered: 1. Do Nothing. This was rejected as the risk of the Council not being able to meet its statutory regulatory service duties becomes almost certain. 2. Revert to using manual methods to complete all the requisite processes. The Council has neither the people or storage space to use the methods last seen in the 1980's. 3. Extend the current contract with Civica. After Legal & Procurement reviews alongside Crown Commercial Services this was rejected. The current contract is on a 3 year (+ 2 year extension option) framework, which explicitly states no further extension is possible. Contract Procedure Rules 4.1.2 "The council needs to comply with CPR 4.1.2 in any procurement of goods/services/supplies where the value exceeds £50,000" 4. Push ahead with the current project in an accelerated manner, to meet the contract deadline. It is not possible to advance the project until the Council agrees a method to fund the new system and migration project.

Background Papers: Minutes from the monthly project board

Unpublished background papers: Project Board Decision Meeting Minutes 24.06.20.docx, 05 Project Board (Flare Replacement) Minutes 27.05.20 (1).docx, 04 Project Board (Flare Replacement) Minutes 24.04.20 (1).docx

Published Works: None

Affected Wards: Citywide

Colleague / Councillor Interests: None

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: The system under discussion is used to record and support the work of the Anti-Social Behaviour Teams, and the Community Protection Officers.

Equality: EIA not required. Reasons: There is no proposed change to the existing system of information gathering or usage.

Social Value Considerations: No social value considerations.

Any implications affecting IT: Yes

Decision Type: Portfolio Holder

Subject to Call In: No
The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: Cllr Anne Peach

Consultation Date: 14/08/2020

****The contract provider has imposed a deadline (21 August) for the Council to commit by, which could not be achieved if the call-in period proceeds, and could result in a detrimental financial impact on the authority

Advice Sought: Legal, Finance, Procurement, IT

Legal Advice: The decision sought raises no significant legal issues. The proposal to award a direct contract under the CCS Digital Application Solutions framework is in compliance with procurement legislation and the council's Contract Procedure Rules. Advice provided by Sarah O'Bradaigh (senior solicitor) on 07/08/2020.

Finance Advice: This decision seeks approval to incur total expenditure of £90.7k in respect of a new temporary 12-month contract to support the Flare IT system, following expiry of the current arrangement, which cannot be extended.

The IT approved budgets in Strategy and Resources include £29k for Flare system support payments to Civica. The remaining £61.7k is currently unfunded. It is proposed that the £61.7k cost is allocated to the service areas and teams accessing this system in order to reflect the true cost of service.

The temporary contract will be awarded under the Direct Award System Framework which ensures best value for the Council.

Purchasing this temporary system support allows the Council to consider options and scope of a replacement system when Flare is no longer supported for continued use. Failure to proceed with this temporary arrangement would cost more in order for the Council to deliver its statutory duties as outlined in the decision.

Advice provided by Maria Balchin (Finance Analyst) on 12/08/2020.

Procurement Advice: The report author has already engaged with the Procurement Team to ensure compliance with the Council's financial regulations and contract procedure rules to undertake a tender via a compliant CCS framework. On this basis there are no procurement concerns with the approach. Advice provided by Mabs Karim (Procurement Officer) on 07/08/2020.

IT Advice: The IT Service support the proposals made within this delegated decision. Continuing the use of the Civica APP (Flare) application system with a support contract from the supplier, Civica, represents no technical change for the City Council and so is a low technical risk approach. The system currently operates on a technical platform that is in support and sustainable.

The IT Service notes that the functions delivered by the services using the Civica APP (Flare) application system are statutory services and that they would be unable to deliver these services without a functioning IT application system such as Civica APP (Flare). The additional support contract is required to enable the services to continue operations with an adequately supported system whilst a new system is sought.

Advice provided by Paul J. Burrows (IT Change, Projects & Strategy Manager) on 23/07/2020.

Signatures

Neghat Khan (PH Employment and Community Protection)
SIGNED and Dated: 17/08/2020
Katherine Kerswell (Interim Chief Executive)
SIGNED and Dated: 19/08/2020