

Decision Maker: PORTFOLIO HOLDER FOR SUSTAINABILITY, GREEN SERVICES & OPEN SPACES

FOR PRE-DECISION SCRUTINY BY ENVIRONMENT AND COMMUNITY SERVICES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Date: 21 June 2022

Decision Type: Non-Urgent Non-Executive Non-Key

Title: ONLINE ENVIRONMENTAL REPORTING SYSTEM CONTRACT (FIXMYSTREET PRO & WASTEWORCS)

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Chief Officer: Colin Brand, Director of Environment & Public Protection

Ward: All Wards

1. REASON FOR REPORT

- 1.1 To seek approval for a direct award via exemption to competitive tendering for a new online environmental reporting system contract. The current contract for the Council's existing online environmental reporting system, FixMyStreet Pro and WasteWorks with SocietyWorks Ltd ends on 31st March 2023. This report provides an overview of the current contract, the business case and the commissioning strategy for the new contract.

2. RECOMMENDATION(S)

That Members fo the Environmental & Community Services PDS Committee:

- 2.1 Note and provide comment on the content of this report to the Portfolio Holder

The Portfolio Holder for Sustainability, Green Services & Open Spaces is asked to:

- 2.2 Approve the direct award, via exemption to competitive tendering, of a new online environmental reporting system contract to SocietyWorks Ltd for FixMyStreet Pro & WasteWorks at an annual

cost of £54k (£30k for FMS Pro & £24k for WasteWorks) commencing 1 April 2023 for eight years with an option to extend for two further years (estimated whole life value of £540k).

Impact on Vulnerable Adults and Children

1. Summary of Impact: FixMyStreet Pro and the WasteWorks module allows for the easy reporting and swift rectification of issues in streets and greenspaces, and our Waste Services. This ensures the local environment is kept safe and clean so that vulnerable adults and children are not exposed to unnecessary hazards.
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Corporate Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better 2021 to 2031 Priority: Resources and Efficiencies; Safe, Clean and Green.
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Financial

1. Cost of proposal: Estimated Cost : £54k per annum (£540k over 10 years)
 2. Ongoing costs: Recurring Cost : £54k p.a.
 3. Budget head/performance centre: Business Support & Markets and Waste Services – ICT Software
 4. Total current budget for this head: £73k
 5. Source of funding: Existing revenue budget 2022/23
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All Bromley residents
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 An effective online reporting system for environmental issues across Bromley is key to ensuring quick rectification and the provision of excellent environmental services for its residents.
- 3.2 FixMyStreet Pro (FMS) is Bromley Council's primary online reporting software for Environmental Services covering Street Scene and Greenspace; primarily highway faults; street lighting; street cleansing; blocked drains; grounds maintenance and trees. It is provided by software developer SocietyWorks Ltd (the commercial arm of technology charity mySociety). The software is well established in Bromley having launched as a two-way integration with Bromley's CONFIRM system in 2012.
- 3.3 In 2012, SocietyWorks was the preferred choice for partnering in developing an online reporting tool due to its ease of use, map-based reporting, use via a web browser (not limited to a smart phone application), and being a known and well-used site. Those core elements remain as part of the foundation of the software in 2022; meanwhile SocietyWorks have continued to develop the software, creating the FMS Pro version for Local Authorities and providing the software to a growing number of Councils across the country. Locally, Transport for London utilise FMS Pro for their online reporting and nationally, Highways England are working with SocietyWorks to cover their network. This growth and has brought considerable development in the software since Bromley's original go-live, bringing a suite of new functionality as standard.
- 3.4 In 2019, as part of the CRM Dynamics replacement project, the Council considered the software offerings both for the Contact Centre but also online reporting. With regard to the online reporting elements covered by FMS Pro there were no alternatives which offered a solution the Council wished to take up. The CRM Replacement Project concluded that the FMS Pro system should be retained alongside any CRM replacement.
- 3.5 Having previously been on a legacy agreement, in April 2020 the Council entered into a two-year contract for FMS Pro. The short contract length was due to the pending ICT changes associated with the CRM Replacement Project.
- 3.6 In 2021, the Council developed and launched a further module in partnership with SocietyWorks called WasteWorks for the online reporting of missed collections for Waste Services and to replace the interim reporting solution. The WasteWorks module has also been developed to provide a Direct Debit self-service option for the Green Garden Waste Collection subscription service, which was a long-standing service ambition.
- 3.7 Also in 2021 the use of FMS Pro was extended to include the Customer Contact Centre, taking advantage of the system's ability to be used directly by call centre agents. The use of FMS Pro replaced the CRM Dynamic 2012 system for StreetScene & Greenspace issues reporting and the WasteWorks module Waste Services reporting by the call centre.
- 3.8 In addition, the functionality within FMS Pro was improved by using the Ordnance Survey Mastermap to provide an enhanced level of detail for users, adding Parks as searchable assets (including their AKAs), expanding the categories that would be reported against for the public and the Contact Centre and some additional GIS layers for asset data.
- 3.9 With FMS Pro now operating alongside JADU Continuum as part of the CRM Replacement, and the WasteWorks module providing the front-end reporting for Waste Services, a new longer-term contract with SocietyWorks is sought to continue with and develop these.

Summary of Business Case

- 3.10 SocietyWorks have provided the FMS software for Bromley Council since 2012 and with the development of FMS Pro now provide the software to a growing number of Councils across the country. This has meant there is now a suite of new software functionality at no additional cost to Bromley.
- 3.11 The Council has also been a key development partner with SocietyWorks, most recently in 2021 to develop and implement the WasteWorks module, an online reporting service for Waste Services for which the Council and SocietyWorks have been shortlisted at the Local Government Chronicle Awards 2022. As a key development partner Bromley has enjoyed the benefits of these developments, both in helping set the scope and implementing them at reduced rates, which has offered Bromley real value for money.
- 3.12 SocietyWorks continues to develop the core software, with their development Roadmap incorporating suggestions and priorities from their Local Authority users. Internally there are a number of development opportunities with FMS Pro that Bromley has outlined to further take advantage of the software including the further use of GIS mapping layers to inform customer reporting and steer integration workflows.
- 3.13 Continuing with FMS Pro and WasteWorks through a direct award for a new contract over a longer period would better align with the contract periods for the services the online reporting software supports (i.e. Highways, Streets and Waste) and would provide the stability to take forward our medium-long term ICT development roadmap to further enhance and improve the offering both to Bromley residents. It also provides the opportunity to seek further efficiencies to the customer workflows and processes.
- 3.14 As an existing client entering into a longer term contract, SocietyWorks are offering a 15% discount on the current FMS Pro annual fee (£35k) and WasteWorks module (£28k) for the duration of the contract, with no annual increases for inflation during the contract term, further shielding the Council from future price increases.
- 3.15 The Council wish to make this direct award under regulation 32 (2) (b) (ii) of the Public Contract Regulations 2015. The technical integration between SocietyWorks, Bromley Council's and our contractor's systems is unique and cannot be switched out to another provider. The service, as established, cannot be provided by another supplier, as an alternative supplier would mean a wholly new integration and technical specification.

Service Profile / Data Analysis

- 3.16 FixMyStreet Pro is a 24/7 online service, allowing customers the ability to report predominately highway and street cleansing issues to Bromley Council. A two-way integration allows for the Line of Business system (CONFIRM) to provide updates back to the customer on the progress of their report.
- 3.17 The WasteWorks module is similarly a 24/7 online service, allowing a waste collection schedule look-up, and missed collections reporting. The module allowed for Self-Service ordering for recycling containers and Direct Debit payments for circa 40,000 Green Garden Waste subscribers. The module integrated directly with the Waste Contractor's Scheduling system (ECHO).

- 3.18 Since 2012 over 330,000 reports for Bromley have been logged via FMS Pro and WasteWorks, with over 10,000 submitted per month. Since FMS's launch in 2012, customer reporting of environmental issues has transitioned from 20% of reporting being completed online to over 85%. This represents a significant channel shift from telephone and face-to-face engagement over the last decade and is recognised as the preferred methodology for on-line reporting.
- 3.19 There is a well-established relationship with SocietyWorks and the software and provider have proven to be extremely reliable with no issues having presenting themselves during that period. Bromley currently has the FixMyStreet Pro Avenue Plan, the annual costs under the current prices are £35k per annum. As development partners for WasteWorks Bromley have enjoyed that module at no extra cost under the current contract. There are no user licensing costs with FMS or WasteWorks.

Options Appraisal

- 3.20 Do nothing/do not award a new contract – this would mean that the FMS Pro and WasteWorks software would fall out of contract. An alternative online reporting system would be required and need to be integrated. Given FMS's well established use, it is likely customers would continue to engage with the reporting of issues through the national site. Without integration this could lead to a significant number of reported issues reverting back to an email notification and requiring manual logging and response. The Council would also lose the integrated waste collection lookup and reporting under WasteWorks and the Direct Debit solution offered via that platform.
- 3.21 Seek alternative providers – FMS Pro is a well established part of Bromley's online presence and current workflows. Moving away from FMS Pro and WasteWorks would require an entirely new system with wholly new integretions and workflow designs. This would not provide value-for-money for Bromley as significant resource would be spent just on designing, integrating and implementing a new system just to get to a comparable state currently offered by FMS, rather than continuing to develop and improve the FMS system. Since 2012, approximately £240k has been spent with SocietyWorks for annual support, integration and development costs.
- 3.22 Undertake a direct award of a new contract with SocietyWorks to commence from 1st April 2023 which is aligned to the medium-long term development roadmap allowing us a continuation of service and starting position to take forward new developments.

Preferred Option

- 3.23 The preferred option is to directly award of a new contract with SocietyWorks is approved at a cost of £54k (£30k FMS Pro + £24 WasteWorks) per annum. SocietyWorks will continue to be a key development partner for Bromley's online reporting services through the new contract. The award of this contract will ensure there is no gap in the delivery of the online environmental reporting system for residents or internal users.

4. MARKET CONSIDERATIONS

- 4.1 Bromley undertook an extensive market comparison in 2012 ahead of integrating with FixMyStreet. There was also significant research undertaken more recently within 2019 as part of the CRM Dynamics replacement project and a look at the offerings both for the Contact Centre but also online reporting. With regard to the online reporting elements covered by FMS Pro there were no alternatives which offered a solution the Council wished to take up. The CRM

Replacement Project concluded it was better to continue with FMS Pro with any CRM replacement working in conjunction with, or alongside FMS Pro.

- 4.2 More recent soft market evaluation in early 2022 reviewing potential alternative suppliers of online reporting assessed SocietyWorks as offering the lowest overall cost for a customer reporting portal which could meet Bromley Council's requirements and development ambitions. It should also be noted that SocietyWorks and their online reporting platforms are among the market leaders and ahead of their peers on many aspects of similar software applications.

5. SOCIAL VALUE AND LOCAL / NATIONAL PRIORITIES

- 5.1 SocietyWorks Ltd (the commercial arm technology charity mySociety) are a SME who have grown their client base over the past few years and now providing FMS Pro as an online reporting tool for a growing number of Councils and organisations including Transport for London; Highways England; Bath & North East Somerset; Bristol; Westminster; Lincolnshire; Bexley; Royal Borough of Greenwich; Central Bedfordshire; Buckinghamshire; Northamptonshire; Oxfordshire; Peterborough City; and Rutland.
- 5.2 SocietyWorks have shown themselves to be responsive to the local requirements of different Councils, while using the growing National use of the software to push the broader RoadMap development and extend and enhance the system's functionality.

6. STAKEHOLDER ENGAGEMENT

- 6.1 There has been service engagement as part of the wider CRM Replacement Project which concluded that online reporting for Environmental Services was still best placed via FixMyStreet Pro.

7. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

- 7.1 **Estimated Value of Proposed Action:** £432k + £108k (£30k FMS Pro p.a. and £24k WasteWorks p.a. 8 years + 2 years).

The £30k p.a. FMS Pro costs would be met by cost code R60626~64412~000000~000000.
The £24k p.a. WasteWorks module costs would be met by cost code R64806~64412~000000~000000.

- 7.2 **Other Associated Costs:** These cannot be defined at this time but developments to the software requested by Bromley and beyond SocietyWorks planned works would be subject to a quote and cost based on developer time. The developer costs by SocietyWorks are in line with current market values. By way of context, small developments to the system could be expected to be in the region of £5-10k and larger developments such as new functionality or integrations in the region of £35-40k. We might expect to see one or two smaller developments per year and a larger scale piece of work once every two or three years. This would give an estimated potential cost of ~£320k over the course of ten years. Developments would be taken forward as projects with the costs identified by and allocated to the associated revenue service budget requesting them (e.g. street lighting developments charged to street lighting revenue budget). Developments incorporated into the existing software modules would remain as part of the established support charges. Should a development be a new module it may be subject to new support charges and this would need to be agreed through a variation to the contract.

It should also be noted that SocietyWorks are continuing to develop further modules for Local Authorities including FOI and License Applications management platforms. Any additional modules the Council may seek to engage with would increase the cumulative spend with SocietyWorks.

- 7.3 **Proposed Contract Period:** Eight-year contract from 1st April 2023 to 31st March 2031 with a two-year extension option of 1st April 2031 to 31st March 2033.
- 7.4 Next Steps: With approval for the direct contract award with SocietyWorks Ltd from 01 April 2023 onwards Bromley would seek to take forward the Council's development roadmap.
- 7.5 Given the wide scope of scale of use of FMS Pro and recent benefits from the new functions and developments and the discounted rate offered by SocietyWorks, this new longer-term contract would allow Bromley to engage both in our longer-term development roadmap to enable additional functionality and extract further value for money from the contract and improved online services for customers.
- 7.6 The option for an extension of two-years after the initial contract term would provide Bromley with the opportunity to review the contract in continuing to deliver as expected while also providing the ongoing stability for development if extended.
- 7.7 Further to extracting value for money from the contract through new functionality, scoping for additional services which would benefit from utilising FMS Pro as their online reporting tool could be undertaken, further homogenising the customer experience and journey.
- 7.8 Previous contracts with SocietyWorks have been under a G-Cloud arrangement, however as their framework is capped at 2 years with a 1+1 extension, a new longer term contract would be a bespoke SocietyWorks contract based on the G-Cloud framework.

8. IMPACT ASSESSMENTS

- 8.1 As a SME, Bromley have found SocietyWorks to be very adaptive and responsive to client needs and able to develop and adapt their product to meet the Council's need. SocietyWorks also have a strong focus on the customer journey and with FMS Pro as a public facing reporting tool for frontline services there could be a large impact both operationally and reputationally to the Council if the system was not responsive or user friendly.
- 8.2 As an online portal available 24/7 the FMS Pro and Wasteworks modules enable all residents to report issues within the street scene and waste services and track the progress and updates on those reports. The use of the modules by the Customer Contact Centre also means that the software indirectly supports those residents unable to access services online and are reporting issues to Bromley via telephone.
- 8.3 As there would be no specific changes to the current service provision with the award of this new contract, no further impact assessments are required at this stage. An impact assessment may be required as part of any future development of the system.

9. POLICY CONSIDERATIONS

- 9.1 The continued use of FMS Pro aligns with the Council's desire to improve and enhance the customer journey and a key Council ambition 'to manage our resources well, individually and collectively, providing efficient and effective services and excellent value for money for Bromley's residents.'
- 9.2 The use of FMS Pro supports the ECS Portfolio Plan Priorities, allowing residents to highlight issues across the borough's streets and greenspaces for the Council to respond to promptly. The use of WasteWorks delivers against the actions of improving customer access to waste information and the implementation of a Direct Debit facility for the Green Garden Waste Collection.

10. IT AND GDPR CONSIDERATIONS

- 10.1 FMS Pro is already an established IT system within the Council's ICT Architecture and a new contract award would not change that.
- 10.2 GDPR has already been considered as part of the existing contract with SocietyWorks. A new contract would not present any new GDPR considerations and SocietyWorks would work to review and strengthen GDPR provisions in line with the Council.

11. STRATEGIC PROPERTY

- 11.1 This would have no implications for the Council's estate and property.

12. PROCUREMENT RULES

- 12.1 This report seeks to award a contract to SocietyWorks for a duration of 8 years with the option to extend for a further 2 years, at a value of £540k (£30k FMS Pro p.a. and £24k WasteWorks p.a. 8 years + 2 years).
- 12.2 The Public Contracts Regulation 2015 allow award of contract via a negotiated route where competition is absent for technical reasons (Reg 32 (2) (b)).
- 12.3 This action is permissible under the general waiver power of the Council (CPR 3.1). The Council's specific requirements for authorising an exemption are covered in CPR 13 with the need to obtain the Approval of the Portfolio Holder following Agreement by the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance for a contract of this value. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 12.4 As the contract value is over £25k, an award notice will need to be published on Contracts Finder.
- 12.5 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

13. FINANCIAL CONSIDERATIONS

- 13.1 The cost of this contract award over 8 years will be £432k plus a further £108k if extended by 2 years.

13.2 The annual cost is £54k will be shared between Business Support & Markets (£30k) and Waste Services (£24k), and can be funded from the existing ICT Software budgets held in those services.

13.3 Progression of any further associated works as set out in 7.2 would be subject to identifying sufficient funding from within existing budgets.

14. PERSONNEL CONSIDERATIONS

14.1 This would have no personnel implications.

15. LEGAL CONSIDERATIONS

15.1 In order to comply with various Environmental and Community Service delivery functions, the Council has the implied power to procure the support of its Online Environmental Reporting System by way of a contract with the provider.

15.2 An Online Environmental Reporting System support contract is a public contract within the meaning of the Public Contracts Regulations 2015 (the Regulations). As the value is above the threshold, full adherence to the UK Regulations is required. However, Regulation 32 (2) (b) (ii) and (iii) provides an exemption and allows negotiated procedure without prior publication, where services can be supplied only by a particular economic operator because competition is absent for technical reasons or for the protection of exclusive rights, including intellectual property rights, where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.

15.3 The report explains the reasons for taking the negotiated procedure course through by way of a direct award, in particular for technical and for proprietary reasons which would appear to be justified in the circumstances.

15.4 The report recommendations are seeking a decision to approve an exemption from Council's Procurement Rules (CPR) 8.2 requiring a Competitive Procurement by way of an exemption under CPR 13. The decision is consistent with CPR 13.1 which requires the Approval of the Portfolio Holder following Agreement by the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance to authorise an exemption from the need for competitive tendering and the award of the new contract where the estimated cumulative value of the contract (including the value of all extensions) is from £100k upto £1m.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]