
Decision Maker:	RESOURCES, COMMISSIONING AND CONTRACT MANAGEMENT PORTFOLIO HOLDER		
Date:	For pre-decision scrutiny by Executive, Resources and Contracts PDS Committee on Monday 27 November 2023		
Decision Type:	Non-Urgent	Executive	Non-Key
Title:	MODERN.GOV SYSTEM: ANNUAL SUPPORT CONTRACT		
Contact Officer:	Graham Walton, Democratic Services Manager Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk		
Chief Officer:	Tasnim Shawkat, Director of Corporate Services and Governance		
Ward:	All		

1. Reason for decision/report and options

- 1.1 The Modern.gov system enables the Council to publish meeting details, committee agendas, reports and minutes, and information about councillors. The system was purchased in 2009, becoming operational in 2010, and is supported via an annual maintenance contract with Civica. The support contract has now been in place for nearly fifteen years and authority to renew the annual support contract for a further five years is sought. Although the annual value of the contract is small at £13K, its long-term nature means that the cumulative value requires Portfolio Holder decision.

2. **RECOMMENDATION**

That the Portfolio Holder approves the annual renewal of the support contract for the Modern.gov system for a further five years, at an estimated cost of £13,800 per annum (£69k over period of authorisation for renewal).

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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Transformation Policy

1. Policy Status: Existing Policy:
 2. Making Bromley Even Better Priority:
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: Estimated Cost: £69k
 2. Ongoing costs: Recurring Cost: £13.8k pa
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £402k
 5. Source of funding: Revenue Budget
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Personnel

1. Number of staff (*current and additional*): 6
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable: Proposals will be scrutinised by ER&C PDS Committee
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Property

1. Summary of Property Implications: Not Applicable
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
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Impact on the Local Economy

1. Summary of Local Economy Implications: Not Applicable
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: Not Applicable
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Customer Impact

1. Estimated number of users or customers (*current and projected*): The system is used primarily by Democratic Services staff, but the report writing functionality is used by a wide variety of officers across the Council. The system is the Council's primary means of publishing information about decision making and councillors.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
 2. Summary of Ward Councillors comments: Not Applicable
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3. COMMENTARY

- 3.1 The Modern.gov system provided by Civica has been used since April 2010 to publish details to the Council website of the Council's meetings, including all agendas, reports and minutes, the Forward Plan and details of all Councillors, including their committee memberships and declarations of interest. The system can also publish a range of supporting documents and is used by officers to draft and approve committee reports. The system supports the publication of electronic document packs to mobile devices, reducing the requirement for paper copies. Since the system was introduced in 2010, the Council has been able to reduce its annual printing costs significantly, from around £35k in 2009/10 to less than £5k now.
- 3.2 In common with most IT systems, the Council pays for an annual maintenance and technical support contract, in this case with the Civica, the supplier. This includes successive upgrades as the system continues to be developed. When the system was purchased in 2009, it was anticipated that this contract would operate for ten years before review. In 2019, approval was given by the Portfolio Holder to renew the annual support contract for a further five years to March 2024.
- 3.3 The Modern.gov system is in use by hundreds of organisations in the UK, mainly (but not exclusively) local authorities, including most of the local authorities in London. The only alternative to procuring the Civica contract is to purchase and implement a replacement system which would involve considerable staff time and disruption which cannot be justified. There is one alternative system on the market, but it does not offer any significant advantages over Modern.gov and is used by only a small number of local authorities. Civica, with its large customer base, can ensure that Modern.gov is regularly upgraded.
- 3.4 The Modern.gov system is currently hosted on the Council's own servers, which will be de-commissioned early in 2024. It had been anticipated that Modern.gov would move to being hosted in Civica's cloud, which would have considerable benefits in terms of ease of upgrading and maintenance, but Civica is not in a position to offer this yet. Civica's aim is to move all its customers onto its own cloud-based systems in about 3-4 years' time, at which point a review of support arrangements may be required. In the interim, Modern.gov will continue to be hosted either on the Council's servers or in the new Azure cloud environment. Renewing the current support arrangements will enable this transition to be managed smoothly in the next few years.

4. TRANSFORMATION/POLICY IMPLICATIONS

- 4.1 The Modern.gov system supports Ambition Five of Making Bromley Even Better – To manage our resources well, providing value for money, efficient and effective services for Bromley's residents.

5. FINANCIAL IMPLICATIONS

- 5.1 There is budgetary provision of £12k pa to meet the costs of the Modern.gov support and maintenance contract within Democratic Services. The estimated cost of renewing the annual support contract for the Modern.gov system for a further five years will be £69k.
- 5.2 It should be noted that the cumulative spend on the system will be £214k should the renewal be agreed, as shown below: -

£'000

Cumulative spend to 31/3/24

145

Estimated contract value for a further 5 years of support

69

6. PERSONNEL IMPLICATIONS

- 6.1 The primary users of the Modern.gov system are the Democratic Services Team, but it is also used by report authors across the Council to write and circulate reports using the approved templates.

7. LEGAL IMPLICATIONS

- 7.1 This report requests the Portfolio Holder approve the renewal of the annual support contract for the Modern.gov system for a further five years, at an estimated total cost of £69,000..
- 7.2 These services are IT services which are defined as a services contract under the Public Contracts Regulations 2015 (the "Regulations"). The cost of the renewal is only £69,000 but the aggregate value of the contract is in excess of the financial thresholds. In the first instance, this is a contract which should be openly procured in accordance with the Regulations. Civica are, however, the suppliers and owners of the software so is not possible to procure this service from another supplier both for technical reasons and for reasons associated with the protection of their exclusive rights as there is no reasonable alternative or substitute which exists in the market to meet the Council's requirements. Regulation 32 (2)(b)(ii) permits the Council to enter into a negotiated procedure with a supplier for their services, "where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons.... (ii) competition is absent for technical reasons...(iii) the protection of exclusive rights, including intellectual property rights."
- 7.3 As this is an exemption from competition then the appropriate CPR 13.1 must be followed as detailed in the procurement implications below.
- 7.4 Once this renewal is approved then officers should ensure the correct contractual documentation is completed in order to correctly extend the contract.

8. PROCUREMENT IMPLICATIONS

- 8.1 This report seeks to authorise annual renewal of the existing contract via an exemption from competitive tendering to Civica for a period of 5 years at an annual value of £13,800, giving a whole life cost of £69,000. The Cumulative spend with Civica for Modern.Gov is £145,000, and this exemption will give a total contract spend of £214,000.
- 8.2 This is a service contract and the value of this procurement falls below the thresholds set out in Part 2 of the Public Contracts Regulations 2015, so is only subject to Part 4 of the Regulations.
- 8.3 The rationale for the exemption is set out in Section 3.
- 8.4 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.
- 8.5 As the contract value is over £30,000 including VAT, an award notice will need to be published on Contracts Finder.

- 8.6 As the value is above the thresholds set out in the PCR 2015, the justification cited at paragraph 3.4, is permissible under Regulation 32 (2)(b)(ii) of the same.
- 8.7 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.

9. CARBON REDUCTION AND SOCIAL VALUE

- 9.1 By providing on-line committee papers, Modern.gov contributes to the reduction of use of paper.

Non-Applicable Headings:	Impact on Vulnerable Adults and Children/Property/ Local Economy/Health and Wellbeing/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	Report to ER&C PDS Committee on 7/2/19 – "Modern.gov System: Annual Support Contract"