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**To: Finance, Resources and Customer Services Policy Board**

**On: 08 June 2023**

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**Report by: Chief Executive and the Director of Finance and Resources**

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**Heading: Idox Software and Associated Software Maintenance (RC-CPU-22-206)**

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**1. Summary**

- 1.1 The purpose of this report is to request that the Finance, Resources and Customer Services Policy Board homologate a decision of the Head of Economy and Development Services and Head of Policy and Commissioning to award a Contract on 3 April 2023 for the provision of Idox Software and Associated Software Maintenance Services.
- 1.2 A Direct Award for the provision of Idox Software and Associated Software Maintenance Services was awarded outside the board cycle under a current Framework Agreement (Crown Commercial Services Data and Application Solutions (RM3821) Framework) to ensure continuity of the service and meet the Council's requirement for licenses.
- 1.3 A Contract Strategy for this contract was approved by the Head of Economy and Development and the Strategic Commercial and Procurement Manager on 17 March 2023.

- 1.4 The requirement to award the contract outside Finance, Resources and Customer Services Policy Board cycle was discussed and agreed with the Convener and the Depute Convener of the Finance, Resources and Customer Services Policy Board.
  - 1.5 This procurement exercise was conducted in accordance with the Call-Off Award Procedure for the Crown Commercial Services (CCS) Framework for Data and Application Solutions (RM3821), Lot 2b (Environmental and Planning).
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## 2. **Recommendations**

It is recommended that the Finance, Resources and Customer Services Policy Board:

- 2.1 Homologate the action taken by the Head of Economy and Development Services and the Head of Policy and Commissioning to award the contract for the Provision of the Idox Software and associated Software Maintenance to Idox Software Ltd;
  - 2.2 Noting that the contract value will be up to £340,000.00 excluding VAT; and
  - 2.3 Noting that the contract Call-Off Start Date was 1<sup>st</sup> April 2023 and the expiry date will be on 31<sup>st</sup> March 2026, or 31<sup>st</sup> March 2027 if optional 12-month extension is exercised.
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## 3. **Background**

- 3.1 The Council had a requirement for licences, support/maintenance, and additional EDS module to undertake planning, building standards and property gazetteer management tasks. The Idox Technical Managed Service provides a fully managed technical upgrade and patch management service to ensure the Council remains at the most up to date versions of available software.

- 3.2 Due to the technical complexity and interoperability requirements, a Direct Award to Idox Software Ltd under the Crown Commercial Services (CCS) Framework for Data and Application Solutions (RM3821), Lot 2b (Environmental and Planning) was identified as a fully compliant route to procure, and one which would secure Best Value for the Council.
- 3.3 The original contract strategy for renewal, prepared in November 2022 recognised that the RM3821 Framework Agreement end date of 23 February 2023 meant that a call off contract could not be placed under this framework agreement for a contract to commence on 1<sup>st</sup> April 2023. It is not possible to start a call off contract after the original framework agreement has expired and our current contract was not due to expire until 31 March 2023, it is also not possible to have two contracts for the same requirement running concurrently.
- 3.4 On 15 February 2023, CCS advised that they had extended the RM3821 Framework Agreement until 22 May 2023. This now provided a fully compliant route for the Council to procure a longer-term contract with Idox Software Limited which would represent better value than short term options.
- 3.5 The procurement timescales required to ensure that the contract could be awarded on 3 April 2023 did not align with the timelines of the Finance, Resources and Customer Services Policy Board on 30 March 2023.
- 3.6 The proposed route to contract was discussed and agreed with the Convener and the Depute Convener of the Finance, Resources and Customer Services Policy Board, the Head of Economy and Development Services and the Head of Policy and Commissioning.
- 3.7 The Framework permits Direct Awards to be made where the requirement of the Buyer are intrinsically related to an existing system and the offering is available on the Government eMarketplace. The Idox Technical Managed Service was available under this eMarketplace platform.
- 3.8 The Contract (Call-Off Contract) is subject to the conditions of contract as stated in the Order Form issued following the Framework Call-Off Award Procedure and the Supplier's own specific terms relating to software licenses, support training and training all of which are permitted under the Framework.

3.9 The Contract costs will be met by the Revenue budget. The Payment Profile will be:

Year 1 costs £85,000.00 were payable on 1 April 2023

Year 2 costs £85,000.00 are payable on 1 April 2024

Year 3 costs £85,000.00 are payable on 1 April 2025

Year 4 costs £85,000.00 are payable on 1 April 2026 (Optional Extension Period)

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### Implications of the Report

1. **Financial** - Costs in respect of this Contract are funded from the Planning Revenue Budget.
2. **HR & Organisational Development** - No TUPE implications have arisen or are anticipated.
3. **Community/Council Planning –**
  - **Working together to improve outcomes** – this Contract will ensure the Council continues to provide good quality services.
4. **Legal** - This procurement was carried out in accordance with the Call-Off Award Procedure under the Crown Commercial Services Framework Agreement for Data and Application Solutions (RM3821). Homologation is required as the contract value requires approval of this policy board or the Council.
5. **Property/Assets** - None
6. **Information Technology** – will align with the Council's ICT Strategy.

7. **Equality & Human Rights -**
- (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report.
8. **Health & Safety** – covered under the Crown Commercial Services Framework for Data and Application Solutions (RM3821)
9. **Procurement** - The procurement procedure outlined within this report ensure that the Council meets its statutory obligation to achieve Best Value. The procurement procedure was carried out in compliance with the requirements of the Public Contracts Regulations 2015 and in accordance with the Call-Off Award Procedure under the Crown Commercial Services Framework Agreement for Data and Application Solutions (RM3821).
10. **Risk** – Idox Software Ltd's insurance policies were assessed by Crown Commercial Services as part of the evaluation for the Framework. All Suppliers on the Framework are expected to maintain the relevant insurance policies for the duration of the Framework period and any call-Off Contract awarded under it. The Council will require to monitor the insurance levels after the Framework expires.
11. **Privacy Impact** - No Privacy Impact Assessment requirements were identified within this procurement.
12. **Cosla Policy Position** – No Cosla Policy Position implications have arisen or are anticipated.
13. **Climate Risk** – The level of impact associated with provision of this service is considered to be low risk.

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### List of Background Papers

none

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