



RECORD OF DELEGATED DECISION (OFFICER)

CONTRACT EXEMPTION

1. Decision Reference No.	CEX133	
2. Name/Title of Officer	Dawn Garton – Director for Corporate Services	
3. Email address of Officer	dgarton@melton.gov.uk	
4. Contract Title / Subject Matter:	Mod.gov Committee Management System	
5. Type of Decision:	Public	
6. Key Decision?	No	
7. Contract type:	<input type="checkbox"/>	Goods
	<input checked="" type="checkbox"/>	Services
	<input type="checkbox"/>	Works
8. Decision Taken:	<p>1. Authority to use a Contract Exemption as detailed below;</p> <p>2. Authority to award and enter into any necessary agreements with Civica/Modern.gov.</p>	
9. Contract Details		
Service area	Democratic Services	
Short contract description	Mod.gov Committee Management System	
Length of Exemption (months)	60	
Exemption start date	October 2021	
Exemption end date	September 2026	
Total exemption value (£)*	£9130 x 5 = £45,650	

Cumulative value of all previous Exemption requests (if applicable)

n/a

* Where the total value of the contract is £5,000 or more, the resultant contract must be added to the Contract Register to ensure compliance with Transparency Regulations.

An award notice is required on Contracts Finder for all Contracts with a total value of £25,000 or above. Welland Procurement is responsible for such award notices. Officers must formally advise Welland of the award details, so that they can publish the award notice.

10. Exemption Details

Type of Exemption:	<input type="checkbox"/> New Requirement <input type="checkbox"/> Change to Existing Requirement <input type="checkbox"/> Replacement to Existing Requirement <input checked="" type="checkbox"/> Other To formalise existing agreement
Which rule are you seeking an exemption from?	<input checked="" type="checkbox"/> To advertise <input checked="" type="checkbox"/> To follow a competitive process
Name of Proposed Provider:	Civica – Modern.gov
Has the requirement been subject to a previous Exemption?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes [If yes give details below]
Applicable Exemption:	<input checked="" type="checkbox"/> (1) No genuine competition: proprietary or patented goods or services; requirement of such a specialist nature that it can genuinely only be fulfilled by one person or organisation; compatibility with existing goods or services is required and where those existing goods or services can only be sourced from the same supplier.
<i>If the justification being relied upon is as detailed in here, the relevant Service Director will need to approve the exemption prior to it being submitted to the Director for Corporate Resources and the Director of Governance and Regulatory Services for approval.</i>	<input type="checkbox"/> (2) There is a sound business case and/or an independent review that there is no value for money in running a full procurement process. Supporting evidence will need to demonstrate market testing and enquiries to other suppliers. This should not be used to avoid competition or where decisions to procure have been postponed and there are insufficient timelines to procure.
	<input type="checkbox"/> (3) Genuine emergencies: critical preventative or remedial work where there is a real and imminent risk to the safety of people or property arising from hitherto unforeseen 'catastrophic' events or incidents, for example fire, bombing, landslide etc.

	<input type="checkbox"/>	(4) Urgent Situations not of the Council's own making: the urgency must have been reasonably unforeseeable (e.g. existing supplier going into liquidation) and genuinely be a case of time is of the essence. Urgency arising from the Council's own making (e.g. lack of planning) shall not justify an exemption. Where this exemption is used, a compliant procurement must be implemented as soon as possible.
	<input type="checkbox"/>	(5) Collaborative/Joint Procurement: where another authority/public body is acting as the 'lead buyer' and provided that the Officer can demonstrate those arrangements comply with relevant Regulations and best practice.
	<input type="checkbox"/>	(6) Grants which the Council may receive or make: except where the grant is the form of payment for a contract for services where the Council specifies the output or outcomes to be delivered. The awarding of grants by the Council or on behalf of the Council must be carried out under the principles of openness, fairness, non-discrimination and value for money. Officers cannot choose to treat procurement as a grant in order to avoid conducting a competitive process.
	<input type="checkbox"/>	(7) Contracts for the execution of either mandatory works or provision of goods or services which must be provided by Statutory Provider other than the Council. This includes but is not limited to public utility companies and other legal authorities.
Details of benchmarking or market testing carried out		There is one other known provider of bespoke Committee Management for Local Authority purposes which does not meet the requirements of the Council (in relation to functionality and integration).
How will value for money be secured?		Discussions have been had with the Account Manager regarding future efficiencies of using the system and the provision of additional training days. The Modern.gov committee management system enables what would otherwise be time consuming and resource intensive processes to be completed in a minimal number of easy steps reducing admin time from approx. 1 day to 1-2 hours per meeting.

			The system removes the duplication of effort, minimises the risk of errors, whilst supporting decision-making that is lawful, informed by objective advice, and transparent/consultative.	
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11. Reasons for Decision:

The Committee Management System was originally procured in 2016/17 in order to facilitate the creation and publication of Council/Committee Papers, Decision Notices, Forward Plan, Councillor Information, key statistics and other governance information on the website in accordance with Openness and Transparency requirements.

The contract exemption is required for the following reasons:

- There is only one known alternative supplier of bespoke Committee Management Software for Local Authority purposes
- Modern.gov/Civica are market leaders in the provision of Committee Management Software and used by 76% of councils in England and Wales
- All authorities across the ICT Partnership use Civica/Modern.gov and the ICT Partnership are well-versed in providing support for this software
- The current provider is able to provide all functionality required by the service, there is regular customer liaison, any issues are dealt with expediently, creative solutions are offered and where necessary bespoke applications can be designed, the current system is fit for purpose and integrated with the MBC website Corporate design
- The resource implications of switching provider would be significant and complicated as it would involve the transfer of a significant number of electronic records from one software supplier to another, there is also a risk that this could lead to a time period where provision of statutory information was unavailable on the website
- Any new provider would require IT to carry out website re-branding
- Any change in provider would also require re-training for a significant number of officers. All officers use the current mod.gov website pages to access information as well as members of the public

Civica Modern.Gov is the current provider. They are the trusted solution of 370 organisations, the vast majority of whom utilise a single instance of the system. A small number share a system which takes the number of system customers to 356. Modern.Gov is the market leader and used by 301 (approximately 80%) of these principal tier authorities across the UK.

The software provides the following features:

- Entirely automated web publication
- Complete electronic document creation for agendas, minutes and decisions
- Complete electronic distribution of documents to tablet devices via dedicated apps and websites
- Automatic notification of the publication of items of interest
- Simple management of Register of Interests, Declarations at Meetings and Gifts & Hospitality
- Self service notification of new material
- Self-service Members management
- Simplified management of outside bodies
- The capture all decisions in a combined register of decisions
- Management of a full forward plan/business plan, with plan items submitted by officers

- Automated report production with fully audited and bespoke review and sign off processes
- Joined up systems to simplify data management
- Integration with other third party solutions including the Xpress Election Management Solution, Public-i webcasting, Auditel and Audiominutes
- Support for remote/virtual meetings

12. Authority / Legal Power:

See below

13. Background Papers attached?

No

14. Alternative options available / rejected:

1. The alternative route is through a framework or via RFQ as contract value below £50k. These routes are not considered appropriate – It would not be possible to obtain 3 comparable quotes due to the limited number of like for like providers. The framework is not a viable / compliance route as the scope of the lots is not appropriate for the requirement.

15. Implications:

<p>Legal</p>	<p>The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1).</p> <p>The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK and EU legislation every contract entered into on behalf of the Council must also comply with the Council’s Contract Procedure Rules and the Council’s Financial Regulations. The Contract Procedure Rules provide exemptions but the exemptions listed do not apply to procurements valued above the relevant EU Threshold.</p> <p>Exemptions must be approved by the Director for Corporate Services and the Director for Governance & Regulatory Services and are subject to one of more of the criteria being fulfilled.</p> <p>Legal Approval 12 October 2021</p>
<p>Finance</p>	<p>The budget for the Committee Management System is contained within the Corporate and Democratic Core Budget.</p> <p>Finance Approval 12.10.21</p>
<p>HR</p>	<p>N/A</p>

16. Signature of relevant Service Director:

Signature redacted
Dawn Garton
Director for Corporate Services

17. Signature of Decision Maker with authority to sign	Signature redacted Dawn Garton Director for Corporate Services
18. Consultation with:	By email 12.10.21 Kieran Stockley Assistant Director for Governance & Democracy
19. Date:	12 October 2021

Please send all decisions for publication to: Democratic Services at democracy@melton.gov.uk. All decisions with exempt information should be referred to MonitoringOfficer@melton.gov.uk