

## REQUEST FOR DIRECTOR DECISION – DD2569

**Title: Developing a post-construction monitoring platform by extending the GLA's London Building Stock Model: additional work**

### Executive summary:

The GLA is developing a post-construction monitoring platform to collect and display the reported energy performance data from new-build developments. This is in line with the 'Be Seen' element of the new London Plan Policy SI 2, which requires planning applicants to monitor and report on the energy performance of their developments for at least five years post-construction.

The Assistant Director of Environment and Energy approved (under cover of ADD2356 and DD2518) expenditure of up to £55,664. This included an original contract for £39,750 (ADD2356), plus £15,914 (DD2518) for additional consultancy services provided by UCL to support development of a post-construction monitoring platform using an existing GLA tool (London Building Stock Model (LBSM)) which UCL developed. The monitoring platform is aimed at supporting planning applicants to meet the new London Plan 'Be Seen' requirement. UCL has been awarded the contract.

There have been unexpected complexities in linking 'Be Seen' data submissions with the Planning London Datahub and the LBSM. The aim is to enable the data to be matched with the correct planning application and made public. UCL has identified additional work that is necessary to finalise this in the monitoring platform. This additional work will cost up to £20,000 and the total cost of this contract (including the previous work approved under ADD2356 and DD2518) would be up to £75,664. We propose to continue to use UCL to undertake this additional work, as it represents work that cannot be separated from the recent service UCL has provided.

### Decision:

That the Executive Director of Good Growth approves:

- i. expenditure of a further £20,000 on consultancy services to be provided by UCL to support the development of a post-construction monitoring platform using an existing GLA tool (the LBSM), thereby supporting planning applicants to meet the new London Plan's 'Be Seen' requirement, taking the total cost of this contract to £75,664
- ii. a related exemption from the GLA's Contracts and Funding Code so as to appoint UCL, in respect of the above expenditure, without a competitive tender.

### AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

**Name:** Philip Graham

**Position:** Executive Director, Good Growth

**Signature:**



**Date:**

**10/3/22**

## **PART I – NON-CONFIDENTIAL FACTS AND ADVICE**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. In December 2017 the GLA entered into a contract with UCL (approved under cover of DD2184 – London Building Stock Model) until October 2018, with a value of up to £120,000 for consultancy services to develop a new open-source, pan-London Energy Performance Certificate (EPC) data model (the LBSM). The tool provides a central database for presenting publicly available energy performance data (or estimates of performance) related to London's existing building stock. This was launched in September 2020. The tool is also intended to store carbon and energy data collected through the Mayor's Energy for Londoners programme and associated policies, and act as a single repository for all London's building performance data to inform policies and programmes.
- 1.2. As the purpose of the LBSM is to act as a single repository for building performance data, in August 2019, the Assistant Director of Environment (under cover of ADD2356) approved expenditure of up to £39,750 to contract UCL to undertake the development of the post-construction monitoring platform by extending the LBSM, effectively adding an additional layer for the 'Be Seen' policy. A single-source justification agreement was submitted to enter into a new contract with UCL to deliver the additional post-construction monitoring layer, as part of the LBSM, on the grounds that UCL has had previous involvement in the project; and to enable them to continue existing work that cannot be separated from the new project/work.
- 1.3. UCL was awarded the contract, and in January 2021 identified additional work that was necessary to finalise the post-construction monitoring platform. This was mostly down to the GLA's decision to host the LBSM (on the GLA's servers); and the lack of in-house tools and support regarding a user management system, both of which entail additional work for the post-construction monitoring platform. The initial work undertaken supported the GLA in the development of the 'Be Seen' methodology; delivered a reporting template; and set the basis for the development of a dynamic system that allows lodged reports to be directly displayed in the post-construction platform. The total cost for this additional work was estimated at up to £15,914 (DD2518) and was aimed to be completed by April 2021.
- 1.4. However, some further work has now been identified to finalise the post-construction platform. There are a number of reasons for the delay in identifying this. Firstly, there were unexpected complexities in linking 'Be Seen' data submissions with the Planning London Datahub and the LBSM, so that the data could be matched with the correct planning application and made public. The timing of this was such that there were significant resource constraints in the GLA Technology Group, due to the office move from City Hall to the Crystal. Furthermore, there was simultaneously a recruitment freeze and subsequent delays in being able to recruit when the freeze was over. This meant that there was no Climate team lead to progress the work and identify these issues for over five months. This has now been rectified as the post has been filled, and the office move is almost complete. The total cost for this additional work (covered in more detail in section 2) is estimated at up to £20,000, to be completed by March 2022. The total cost of this contract (including the previous work and this additional work) would therefore be up to £75,664.
- 1.5. Officers, therefore, propose that UCL is contracted to undertake the additional work associated with the development of the post-construction monitoring platform, as it represents work that cannot be separated from the recent service UCL has provided. It is not deemed an effective use

of time or resources to procure different contractors to finalise the integration of the new monitoring platform with the LBSM for the implementation of the new London Plan monitoring requirement, and the expertise required is not available in-house. Officers acknowledge that section 9 of the GLA's Contracts and Funding Code requires, where the expected value of a contract for services is between £10,000 and £150,000, that the services required should be procured competitively or called off from an accessible framework. Section 10 provides however, that an exemption from this requirement may be approved where the proposed contractor has had previous involvement in a project, or is to continue existing work that cannot be separated from the new project/work. Approval of an exemption from the requirements of section 9 of the GLA's Contracts and Funding Code is therefore sought.

- 1.6. The contract will be managed by GLA officers and its value has been based on ongoing discussions held with UCL to determine a detailed scope for this additional piece of work.

## **2. Objectives and expected outcome**

- 2.1. The objective of this additional work is to finalise all the necessary aspects of the post-construction monitoring platform; and finalise the extension of the LBSM tool to develop and publish the online platform.
- 2.2. A staged approach has been agreed with UCL with the tasks related to this piece of work, including the following:

### Phase 3 – Completion by March 2022

- Extracting data out from London Planning Datahub; coordinating with the Planning team to write and run the query; debugging the query and writing up the attempt, to understand the cause of discrepancy between data submitted by online web form and data submitted to the London Planning Datahub; extracting data from web forms, from the GLA system, to enable UCL access to write to the database
  - user management item, coordination and meetings around the options within the GLA for data submission and user management; and data extract by UCL to pass through to the LBSM
  - XML data extract from the GLA Amazon Web Services (AWS) system
  - catch-up and progress meetings with the GLA for the project, to discuss and resolve various difficulties in connecting to GLA systems.
- 2.3. The expected outcome is the development and finalisation of the post-construction monitoring platform, a tool that will allow public disclosure of energy performance data of new major developments in London and which will help better understand the performance gap in London to help inform future policy.

## **3. Equality comments**

- 3.1. Under section 149 of the Equality Act 2010, as public authorities, the Mayor and the GLA are subject to a public-sector equality duty and must have 'due regard' to the need to:
  - eliminate unlawful discrimination, harassment and victimisation
  - advance equality of opportunity between people who share a relevant protected characteristic and those who do not

- foster good relations between people who share a relevant protected characteristic and those who do not.

- 3.2. Protected characteristics under section 149 of the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status.
- 3.3. The equality impacts have been considered while developing this document, and ADD2356 and DD2518 documents, and it is not anticipated that the policy will have a bigger impact or unequal outcomes on certain groups. It is intended to capture real-life energy usage data to help raise awareness, for both developers and occupants, of actual energy performance; and enable a comparison to design standards. As such, this is an inclusive policy that will apply to all new major developments in London with a platform, which will also be made publicly available so that everyone can have access.
- 3.4. We do not, therefore, expect the policy to create any disadvantage to people with different protected characteristics.
- 3.5. Where this activity highlights issues where there may be a disproportionate effect on groups with protected characteristics, the GLA will address them to ensure compliance with its duty under the 2010 Equality Act.

#### 4. Other considerations

##### 4.1. Key risks and issues

Risk/ Likelihood/ Impact	Mitigating actions	R/A/G
1. Budget is insufficient to complete the development of the platform. This could cause delays until an extension of the contract is agreed. The likelihood of this happening is low.	<ul style="list-style-type: none"> <li>• Following the previous set of additional work, UCL has a deeper understanding of what is required to complete the online platform.</li> <li>• Regular catch-ups with UCL to ensure spend is on track.</li> </ul>	
2. Developing a platform that is difficult for applicants to understand and use. This may lead to the platform being underused and receiving bad feedback, which risks the GLA's reputation. The likelihood of this happening is low.	Extensive engagement with developers and other working groups has been undertaken to ensure that the methodology is available for trials and tests before formal issue and adoption. The proposed portal was presented to stakeholders as part of the wider consultation requirement for the 'be seen' policy, and this is now available for comments.	

- 4.2. This work links to the Mayor's Environment priorities, including the ambition for London to be zero-carbon by 2030. It also enables the implementation of the London Plan energy policies that will help ensure new buildings play their role in meeting the zero-carbon target.
- 4.3. This work is expected to involve the processing of energy performance data from residential buildings; and has been discussed with the Information Governance team. To ensure the GLA complies with the GDPR, data will be held and processed at an aggregated level: the energy data

will be per Class Use (i.e. area-weighted energy data for all residential uses within a development, rather than individual data per dwelling).

- 4.4. The GLA is not aware of any conflicts of interest present with appointing UCL to do the additional work required.
- 4.5. There are no conflicts of interest to declare from any officer involved in the drafting or clearance of this decision form.

## **5. Financial comments**

- 5.1. Permission is being sought for the expenditure of £20,000 for UCL consultancy services to further develop the GLA's LBSM. As such, this decision also seeks approval for an exemption from the GLA's Contracts and Funding Code, in order to appoint UCL without a competitive tender. The justification for this can be seen above, in section 1.
- 5.2. The additional funds will come from the Climate Change Mitigation team's 2021-22 budget, which will result in an overall project spend of £75,664 (ADD2356, DD2518 and this DD2569).
- 5.3. Payment to UCL will be made in arrears following evidence of achievement in milestones. Expenditure is expected to take place by March 2022.

## **6. Legal comments**

- 6.1. The decisions requested of the Executive Director (in accordance with the GLA's Contracts and Funding Code) concern the exercise of the GLA's general powers, falling within the GLA's statutory powers to do such things considered to further or that are facilitative of, or conducive or incidental to, the promotion of economic development and wealth creation, social development or the promotion of the improvement of the environment in Greater London; and, in formulating the proposals in respect of which a decision is sought, officers have complied with the Authority's related statutory duties to:
  - pay due regard to the principle that there should be equality of opportunity for all people
  - consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom
  - consult with appropriate bodies.
- 6.2. In taking the decisions requested, the Executive Director must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010; and to advance equality of opportunity, and foster good relations, between persons who share a relevant protected characteristic (race, disability, gender, age, sex, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment) and persons who do not share it (section 149 of the Equality Act 2010). To this end, the Executive Director should have particular regard to section 3 (above) of this report.
- 6.3. Section 9 of the Contracts and Funding Code (the Code) requires the GLA to seek a call-off from a suitable framework, where possible; or if not, undertake a formal tender process that will be managed by TfL in respect of the services. However, the director may approve an exemption from this requirement under section 10 of the Code upon certain specified grounds. One of those

grounds is that contractor has had previous involvement in a project or is to continue existing work which cannot be separated from the new project/work. Officers have indicated at paragraphs 1.10 and 1.11 of this report that this ground applies, and that the proposed contract affords value for money.

- 6.4. On this basis the director may approve the proposed exemption if satisfied with the content of this report. If so, **approved** officers must ensure that the contract is varied in accordance with its provisions before the additional services commence.

## **7. Planned delivery approach and next steps**

<b>Activity</b>	<b>Timeline</b>
Procurement of contract [for externally delivered projects]	March 2022
Delivery start date [for project proposals]	March 2022
Delivery end date [for project proposals]	March 2022
Project closure: [for project proposals]	March 2022

### **Appendices and supporting papers:**

None

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

**Part 1 – Deferral**

**Is the publication of Part 1 of this approval to be deferred? NO**

**Part 2 – Sensitive information**

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to  
confirm the  
following (✓)

**Drafting officer:**

Arun Rao has drafted this report in accordance with GLA procedures and confirms the following:

✓

**Assistant Director/Head of Service:**

Pete Daw has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

**Financial and Legal advice:**

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

**Corporate Investment Board**

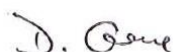
A summary of this decision was agreed by the Corporate Investment Board on 7 March 2022

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature**



**Date**

**10/3/22**