

DIRECTOR DECISION – DD 141

Title: APAS development management software upgrade and annual fee 2021 - 2023

Executive summary

This decision seeks approval for further expenditure to Agile Applications to continue to provide a maintenance contract for the 'APAS' development management software for financial years 2021/22 and 2022/23; and to upgrade the software to ensure that the statutory functions of the Planning Service can be maintained, and that the user (both OPDC officers and the general public) experience is improved.

Approval is also sought for an exemption from OPDC's Contracts and Funding Code to appoint Agile Applications via a single source route.

Decision

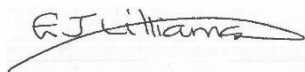
The Director approves:

- i. Expenditure of £20,000 (£15,300 in 2020/21 and £4,700 in 2021/22) to enable Agile Applications to upgrade OPDC's existing APAS development management software.
- ii. Expenditure of £27,800 (£13,900 in each of 2021/22 and 2022/23) to enable Agile Applications to continue the provision and maintenance of the APAS software for a further period of two years.
- iii. An exemption from the OPDC Contracts and Funding Code to appoint Agile Applications without a competitive exercise via a Single Source route.

Authorising Director

I do not have any disclosable interest in the proposed Decision. It is consistent with OPDC's priorities and has my approval.

Signature:



Date: 17/03/21

PART 1: NON-CONFIDENTIAL FACTS AND ADVICE

1. Background and context

- 1.1 The Old Oak and Park Royal Development Corporation (OPDC) is the statutory local planning authority for its administrative area. From 1 April 2015 it has received all planning applications submitted in the area and is responsible for validating, publicising, consulting on, assessing and determining those applications in accordance with the relevant legislation, principally the Town and Country Planning Act 1990, and the procedures set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. These include specific requirements in relation to statutory timescales for the determination of different types of applications, publicising applications for planning permission, undertaking consultation, and maintaining a public register of planning applications.
- 1.2 All local planning authorities use specialist software to manage the process of receiving, validating, consulting, reporting and determining planning applications and other development management functions including requests for pre-application advice, appeals, Environmental Impact Assessment (EIA) screening and scoping requests and enforcement cases.
- 1.3 Since its inception in 2015, the OPDC has used 'APAS' software, supplied by Agile Applications (formerly Swift Data Pro). This product supports all functions of a local planning authority, including importing planning applications from the Planning Portal (via the 1APP connector), managing the process of receiving, validating, consulting, reporting and determining planning applications, and facilitating web access to planning applications and the statutory register.
- 1.4 Decision reference GLA DD1313 authorised the procurement of the APAS software in 2015. The 'Decision' permitted a total spend of up to £135,000 over a period of 5 years (1/4/15 to 31/3/20). A competitive tender exercise was undertaken in order to select the software/provider and a 3 year contract was entered into.
- 1.5 A contract extension was sought and approved in 2018 to enable the continued provision and maintenance of the APAS software between 1/4/2018 and 31/3/2020. A further Decision was not required at that time, as the total expenditure authorised by GLA DD1313 (and the 5 year time period) were not exceeded.
- 1.6 Decision reference DD132 authorised the continued provision and maintenance of the APAS software for the period 1/4/2020 to 31/3/2021.
- 1.7 Total expenditure to date has been £65,156.29.

2. The proposal and how it will be delivered

- 2.1 The current contract with Agile Applications for the provision and maintenance of the APAS software will expire on 31/03/21. In order that the OPDC may continue to operate the software to carry out its statutory functions as a local planning

authority, authorisation is sought to extend the provision and maintenance through the payment of the annual maintenance subscription. Authorisation is sought for a period of two years, effective 01/04/2021, for two annual maintenance charges (of £13,900 each for financial year (FY) 2021/22 and 2022/23), in the interests of certainty, to reduce administrative costs, and for cost effectiveness in relation to the one-off software upgrade costs for which authorisation is also sought.

2.2 OPDC has used the same software package since 2015. In order to improve the user and customer experience, authorisation is sought to upgrade the software package. This requires a one-off charge of £20,000 to Agile Applications. In addition, the upgrade of the software would increase the annual maintenance payment by £2,400 per annum (this has already been reflected in the costs stated in paragraph 2.1 above).

2.3 The proposed upgrades of the software package are set out in the following table:

Upgrade / Service	Purpose / Benefit of Upgrade	Cost Elements FY 2020/2021	Cost Elements FY 2021/2022
Migration from the 'Uniface Anywhere' software to 'Agile SaaS'	Proposed software has improved functionality and is more user-friendly	£2,700	£0
Implementation of a 'Citizen Portal'	Provision of a user-friendly, customer web-interface accessing the planning register, with greater functionality than current provision	£4,500	£900
Implementation of 'Agile GIS'	Access for officers to essential information about planning constraints	£4,500	£900
Sharepoint implementation	Migration of documents to one secure place for security and ease of access	£3,600	£900
OPDC Development Management Officer training	To make effective use of the upgraded software	£0	£2,000
Total		£15,300	£4,700

2.4 An exemption from OPDC's Contract's and Funding Code is sought. See paragraphs 7.1 – 7.5 (below) for further information and the attached Single Source Justification form.

3. Objectives and expected outcomes

3.1 There are three key objectives relating to this decision:

- i. to ensure the continuation of the specialist software to manage the process of receiving, validating, consulting, reporting and determining planning applications and other development management functions including requests for pre-application advice, appeals, EIA screening and scoping requests and enforcement cases;
- ii. to improve the customer experience/ease of access to information by members of the public; and
- iii. to enable more efficient and effective determination of planning applications by officers.

3.2 The following outcomes are anticipated:

- Effective and efficient determination of planning applications by OPDC, thereby supporting the regeneration of the area in line with the Mayor's vision.
- Transparency and appropriate access to information ensuring effective engagement and public participation.
- Improved customer experience, with a fit for purpose website interface, reflective of the shift to and current reliance on the internet.
- A browser-based solution which would enable the system to be accessed from anywhere on any device (subject to security).
- Improvements to the GIS mapping system which will ensure that all map data is up to date, ensuring sound decisions.
- Secure storage of all planning documents currently stored in the APAS system.

4. **Strategic fit**

- 4.1 This decision supports timely management of planning applications, which is an important part of delivering the Mayor's vision for Old Oak and achieving targets for new homes and jobs.
- 4.2 This decision also supports access to information, inclusion and transparency, by making it easier for members of the public to engage in the planning process and gain access to planning documents and decisions.

5. **Project governance and assurance**

- 5.1 The OPDC Head of Planning - Development Management will be responsible for contract management, overseeing the successful upgrade of the software package and training of staff.
- 5.2 The OPDC Planning Support Officer will act as the day to day contact with Agile Applications and will report to the OPDC Head of Planning – Development Management.

Risks and issues

- 5.3 If the development management software system is not renewed, it will severely compromise the OPDC's ability to function efficiently and to meet its statutory obligations as a local planning authority. This could result in:

- reputational damage for the Mayor and the OPDC, both at Government level, among key stakeholders and the wider public; and
- risk of challenge (against planning decisions) and associated costs; and practical difficulties for members of the public and interested parties accessing information.

5.4 In relation to the proposed upgrade of the development management software, there is a risk of disruption to staff and temporary lack of public access to information if there are technical issues encountered during the upgrade process. This will be mitigated by ensuring the upgrade takes place when such issues would not have a critical impact on service delivery or affect significant consultation exercises.

5.5 The key risks associated with not upgrading the software are:

- Existing GIS data is out of date, leading to the possibility of mistakes and subsequent challenge or complaint.
- The existing online planning register does not offer a 'user friendly' experience to the public as end-users, which is particularly important currently, as the online register is the only method by which the public can access planning application data. This runs the risk of complaints and ineffective consultation.

6. Equality comments

6.1 Under Section 149 of the Equality Act 2010, as a public authority, OPDC must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation.¹

6.2 This duty has been considered by officers and it is not considered that there are any equality considerations arising directly from this decision. The APAS software enables members of the public to access the 'planning register' and there are no identified functional features of the software that would be considered to limit its use by persons with any protected characteristic.

7. Other considerations

Use and justification of single-source procurement route

7.1 As noted at paragraph 1.4 above, a competitive procurement exercise was conducted in 2015. The initial contract taken with Agile Applications (then Swift Data Pro) was for 3 years and this was extended for a further two year period under a contract extension in 2018. This contract expired and retrospective authority was granted under DD132 and associated SSJ to renew the software

¹ The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status. Fulfilling this duty involves having due regard to: the need to remove or minimise any disadvantage suffered by those who share a protected characteristic or one that is connected to that characteristic; taking steps to meet the different needs of such people; and encouraging them to participate in public life or in any other activity where their participation is disproportionately low. Compliance with the Equality Act may involve treating people with a protected characteristic more favourably than those without the characteristic. The duty must be exercised with an open mind and at the time a Decision is taken in the exercise of the OPDC's functions.

maintenance contract for a further year (to 31/03/2021). The intention at that time was that a new competitive procurement exercise would be undertaken during early 2021. However, in light of current covid-19 restrictions, this has not been appropriate. This is because, if the software supplier were to change, there would be a significant break in service whilst the relevant documents from the planning register are uploaded to the new software. During this time, the OPDC would be unable to carry out its statutory function of maintaining the 'planning register'. Under normal circumstances, this could have been managed by permitting customers to physically inspect plans and documents at the OPDC's offices. However, currently the OPDC does not have an office presence.

- 7.2 In light of the above, an exemption from OPDC's Contract's and Funding Code is sought as the service is a continuation of an existing service (albeit the software package is to be upgraded).
- 7.3 The current contract with the provider will expire at the end of March 2021, therefore it is not possible to delay this decision (until OPDC regains an office presence) to enable a competitive procurement exercise to take place. Furthermore, the proposed software upgrade is considered to be necessary now, as complaints have been received about the lack of functionality/poor user experience of the online planning register. In light of the current reliance on the internet, as a result of the pandemic, it is vital that the software be enhanced to ensure it remains fit for purpose.
- 7.4 It is expected that by the end of the proposed 2 year contract period, covid-19 restrictions will no longer be in place and the OPDC will have an office presence. At that point, a change in software supplier (and consequent break in service) would be able to be managed and consequently it is intended to carry out a new competitive procurement process prior to the expiry of the proposed 2 year contract in early 2023.

Obtaining value for money

- 7.5 Officers are confident that the extension of the existing service with Agile Applications offers good value for money (even taking into account the proposed upgrade). This is because, the chosen provider was identified as being significantly cheaper than its competitors in the 2015 procurement exercise, when it was concluded that there was no like for like competition for the basic functionality of software required by the OPDC (having regard to the relatively low numbers of planning applications received by OPDC in comparison with other local planning authorities).
- 7.6 The recent decision by the London Legacy Development Corporation (LLDC) to renew and upgrade its APAS software, supports the view that the APAS software remains good value for money.
- 7.7 It is proposed to extend the maintenance contract with Agile Applications for a period of 2 years, because this represents better value for money (in relation to the one-off software upgrade charge) than taking Agile Applications minimum 12 month contract term. The 2 years sought is considered to be an appropriate balance between securing good value for money and carrying out a new competitive procurement process in a reasonable time-frame.

8. Conflicts of interest

- 8.1 No one involved in the preparation or clearance of this form, or its substantive proposal, has any conflict of interest.

9. Financial comments

- 9.1 Expenditure of a total of £47,800 to be funded from the Development Management budget, which sits within the Planning directorate, broken down as: £15,300 in 2020/21; £18,600 in 2021/22; and £13,900 in 2022/23.
- 9.2 Further expenditure and contract variation are subject to the Corporation's decision-making process.
- 9.3 Any procurement undertaken should be in line with the Corporation's Procurement Guidance and the Contracts and Funding Code.

10. Legal comments

- 10.1 The report above indicates that the decision requested falls within OPDC's objective of securing the regeneration of the Old Oak and Park Royal area and its powers to do anything it considers appropriate for the purpose of its objects or purposes incidental to those purposes, as set out in the Localism Act 2011.
- 10.2 In taking the decisions requested, the 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 between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010). To this end, the director should have particular regard to section 3 (above) of this report.
- 10.3 Section 4.1 of the Contracts and Funding Code (the 'Code') requires OPDC to seek a call-off from a suitable framework, where possible, or if not, undertake a formal tender process which will be managed by TfL in respect of the services. However, the director may approve an exemption from this requirement under section 5 of the Code upon certain specified grounds. One of those grounds is that the approval of the exemption of continuation of an existing service. Officers have indicated at paragraph 7.1 of this report that this ground applies and that the proposed contracts affords value for money. On this basis the director may approve the proposed exemption if satisfied with the content of this report.

11. Summary timeline

Activity	Date
Signing of contract variation	asap
Delivery start date	22/03/2021

Continuation of provision and maintenance of software	01/04/2021
Software upgrade	22/03/2021 – 31/05/2021
Delivery end date	31/03/2023
Evaluation period	Continuous
Project closure	31/03/2023

Appendices

- Appendix A: Single Source Justification form

Other supporting papers

- None

PUBLIC ACCESS TO INFORMATION

Information in this Form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA). OPDC aims to publish the Form within three working day of approval.

If immediate publication risks compromising the implementation of the Decision (for example, impacting a procurement process), it can be deferred until a specific date (when it will be published). Deferral periods are kept to the shortest length strictly necessary.

Part 1 – Deferral

Publication of this Part 1 is to be deferred: **No**

The deferral is until: N/A

This is because: N/A

Part 2 – Confidential information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in or attached to any separate Part 2 Form, together with the rationale for withholding the information at this time.

There is a separate and confidential Part 2 Form: **No**

DECLARATIONS

Drafting officer: Roz Johnson has drafted this Form in accordance with OPDC procedures, including for handling conflicts of interests, and confirms that:



Advice: The Finance and Legal teams have commented on the proposal.



CONFIRMATIONS

Section 106 funding: This use of S106 to fund the expenditure proposal was approved via a Section 106 spend proposal form on N/A

SMT review: This Decision was circulated to the **Senior Management Team** for review on Friday 12 March 2021

Chief Finance Officer

Financial and legal implications have been appropriately considered in the preparation of this Form.

Signature:



Date: 17/03/21