

To: The Finance, Resources and Customer Services Policy Board

On: 31 March 2021

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

Heading: Contract Authorisation Report for the Provision of a GIS System

1. Summary

- 1.1 The purpose of this report is to seek approval of the Finance, Resources and Customer Services Policy Board to award a negotiated contract for the Provision of a GIS System.
 - 1.2 The procurement exercise was conducted in accordance with the Renfrewshire Council's Standing Orders Relating to Contracts and the Public Contracts (Scotland) Regulations 2015.
 - 1.3 The request to negotiate was approved by the Strategic Commercial Procurement Manager on 15 March 2021.
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2. Recommendations

- 2.1 It is recommended that the Finance, Resources and Customer Services Policy Board authorise the Head of Corporate Governance to:
 - 2.1.1 Award the contract for the Provision of a GIS System to Esri (UK) Limited;
 - 2.1.2 The Contract will be for a period of 3 years until 31 March 2024 to replace the existing contract for the provision of the GIS system which is due to expire on 31 March 2021.

2.1.3 The Contract value will be £255,000 excluding VAT.

3. Background - Framework

- 3.1 The Council currently utilise a suite of GIS software products which are produced by Environmental Services Research Institute Inc (ESRI Inc) and supplied under licence by their sole UK distributor ESRI (UK) Limited. As the products are bespoke to ESRI Inc, the Council conducted a negotiated procedure to purchase the Enterprise Licence Agreement from their national UK distributor ESRI (UK) Limited due to the protection of the exclusive rights held by ESRI Inc and their subsidiary.
- 3.2 ESRI use the name ArcGIS to refer to its suite of Geographical Information System (GIS) products, which operate on desktop server and mobile platforms to deliver data driven knowledge to all sectors and levels of the Council. The Council relies upon the GIS software to deliver geospatial services to citizens and external partners including mapping applications on our public website, vehicle routing functionality and gritter tracking while third parties use the mapping software for information and progress reporting on projects such as gully cleaning operations and the installation, commissioning and deinstallation of Christmas lights. ArcGIS also provides the survey platform used in public consultation and the Council's Open Data Portal.
- 3.3 This procurement for this Contract was conducted as a negotiated procedure in accordance with Regulation 33 (1)(b) (iii) of the Public Contract (Scotland) Regulations 2015 which states that "a contracting authority may award a public contract following negotiated procedure without prior publication of a contract notice or prior information notice in any of the following cases— (iii)the protection of exclusive rights, including intellectual property rights but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement."
- 3.4 Esri (UK) Limited were evaluated against a pre-determined set of criteria in the form of the Single Procurement Document (SPD) by representatives from the Council's Corporate Procurement Unit, Corporate Risk and Corporate Health and Safety and confirmed compliance with the minimum selection criteria set within the SPD.
- 3.5 The costs and charges in respect of this Contract will be funded by the GIS Budget.

Implications of the Report

1. **Financial** – costs and charges under this Contract will be funded by the GIS budget.
2. **HR & Organisational Development** - No TUPE implications for the Council have arisen or are anticipated.
3. **Community/Council Planning –**
 - **Working together to improve outcomes** – this Contract will ensure the Council takes advantage of new technologies to deliver better and more efficient services.
4. **Legal** – This procurement exercise was conducted under the negotiated procedure of The Public Contracts (Scotland) Regulations 2015 and the requirements of the Council's Standing Orders relating to Contracts.
5. **Property/Assets** – No property/assets implications have arisen or are anticipated as this will be a cloud based hosted system.
6. **Information Technology** – This contract will ensure continuation of the licensing of the GIS software system, avoiding disruption to the service should the current contract expire with no subsequent Contract in place.
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. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – no health and safety implications have arisen or are anticipated.

9. **Procurement** – The procurement procedures outlined within this report ensure that the Council meets its statutory requirements in respect of the EU regulatory requirements, the Council's Standing orders Relating to Contracts and the Council's Financial Regulations.
10. **Risk** – Esri (UK) Ltd's insurance documents were evaluated by Corporate Risk and met the Council's minimum requirements regarding insurable risk.
11. **Privacy Impact** - No Privacy Impact implication has arisen or is anticipated
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 has been assessed using the Scottish Government Sustainability Test and is considered to be low risk.

List of Background Papers

None

Author: Rachel O'Neill, Senior Procurement Specialist, 0141 618 4573