

Report to the Chief Officer, Resources and Strategy

Date: June 2016

Subject: Report to seek a waiver of CPR 8.1 and 8.2 to enter into a new contract with IHS Global Limited

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1. The council currently has a subscription to the Info4localgov portal (also known as Technical Indexes). This provides up-to-date online access to a virtual library of complete reports relevant to Building Control, Health and Safety, Highways, Environmental Health and other technical services.
2. Following a recent review, there is a strong desire to maintain the subscription, however, the total number of concurrent users will be reduced to give a saving of approximately £16,000 per year.
3. There is only one supplier who can provide the Council with these relevant reports on a subscription basis.

Recommendations

4. The Chief Officer Resources and Strategy is requested to:
 - i) Waive Contract Procedure Rule 8.1 and 8.2 – Intermediate Value Procurements – and approve entering into a new contract with IHS Global Ltd for the continuing support and maintenance of Info4localgov until 1 April 2017, with the option to extend this for a further two years, should it be required, without seeking competition.

1. Purpose of this report

- 1.1 This report is to seek approval to award a maintenance contract with IHS Global Ltd until 1st April 2017 for the support and maintenance service on the info4local system for the sum of £67374 (total value, two years) without seeking competition, with an option to extend by a further one year, should it be required.

2. Background information

- 2.1 Info4localgov provides Council Officers unlimited access to a library of reports, produced by a number of different providers such as National Building Standards and the Occupational Health & Safety Information Service.
- 2.2 Access to these reports enable the Council to:
- 2.2.1 Comply with statutory/legal requirements.
 - 2.2.2 Resolve contractual disputes.
 - 2.2.3 Increased quality control
 - 2.2.4 Specification of construction works
 - 2.2.5 Reduce costs compared to purchasing each report individually.
- 2.3 The subscription to the service is based on concurrent user access.
- 2.4 Following a previous review, users from services across the council were pooled into a single contract rather than separate contracts in order to achieve savings.
- 2.5 At this current time there over 200 employees with access to the solution.
- 2.6 An exercise was undertaken in order to determine current levels of usage to determine if the subscription was still necessary, taking into account a number of organisational changes over the previous 2 or 3 years.
- 2.7 This demonstrated that there is still a high demand for the info4localgov platform.
- 2.8 However, the extent to which the freedom of access contributes to higher than necessary usage is difficult to analyse and this will be explored further.

3 Main issues

- 3.1 The only supplier of this service is IHSGlobal. This has been researched recently and confirmed, therefore we are not able to obtain competing offers from other suppliers. Therefore approval must be given in order to waive Contract Procedure rules and directly award a contract to a single supplier.

Consequences if the proposed action is not approved

- 3.2 Subscription to the solution will have to cease and reports bought individually at a cost far exceeding the subscription value.

4 Corporate Considerations

4.1 Discussions have taken place with the Procurement Unit of PPPU and the Relevant Financial teams.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 This report does not impact upon Equality and Diversity/Cohesion and Integrity.

4.3 Resources and Value for Money

4.3.1 As there is only a single supplier in the market, the only other viable method of accessing these reports would be to buy them on an individual basis; this would both increase cost and officer time, based on recent usage patterns. Therefore, whilst the absence of a competing provider is a concern, the subscription is considered value for money.

4.4 Legal Implications, Access to Information and Call In

4.4.1 This is a significant operational decision and not subject to call-in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.

4.4.2 Awarding this contract directly to Info4localgov in this way could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency it should be noted that case law suggests that contracts of this value should be subject to a degree of European wide advertising if it could be of interest to providers in other Member States. It is up to the Council to decide what degree of advertising is appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc.) and the geographical location of the place of performance.

4.4.3 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 and 8.2, the above comments should be noted. In making their final decision, the Chief Officer Resources and Strategy should be satisfied that the course of action chosen represents Best Value for the Council.

4.5 Risk Management

4.5.1 If it was decided not to continue with the subscription, access to these reports would be on an individual basis (cost per report); based on historic usage this would far surpass the current expenditure whilst also hindering the discovery process of relevant reports.

5 Conclusions

5.1 As the subscription to this service is still required, and in the absence of any other supplier of the product, or equivalent products, a renewal of the contract should now be agreed.

6 Recommendations

6.1 The Chief Officer Resources and Strategy is requested to:

Waive Contract Procedure Rule 8.1 and 8.2 – Intermediate Value Procurements – and approve entering into a new contract with Info4localgov Global Software Ltd for the continuing support and maintenance of Info4localgov until 1st April 2017 , with the option to extend this for a further one year, should it be required, without seeking competition.