

GIS Report 2023

Date: 8th March 2023

Report of: Head of DevOps

Report to: Chief Officer of Integrated Digital Services

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The purpose of this report is to set out the reasons for seeking approval to use Contract Procedure Rule (CPR) 10.2 and award a new contract under Regulation 32(2)(b)(ii) of the Public Contract Regulations 2015 - Negotiated Procedure without prior publication of a Contract Notice - to ESRI UK Ltd for Software licensing and support & maintenance of the Council's Geographic Information System (GIS) for the period 1st April 2023 to 31st March 2026, on the grounds that only ESRI software and services are proprietary, and as such only ESRI UK Ltd are able to provide them alongside on-going support & maintenance, upgrades and fixes.

Recommendations

The Chief of Integrated Digital Services is recommended to approve the use of Contract Procedure Rule (CPR) 10.2 and award a new contract under Regulation 32(2)(b)(ii) of the Public Contract Regulations 2015 - Negotiated Procedure without prior publication of a Contract Notice - to ESRI UK Ltd for Software licensing and support & maintenance of the Council's Geographic Information System (GIS) for the period 1st April 2023 to 31st March 2026 The total cost of the contract is £361,800k.

1. What is this report about?

The purpose of this report is to set out the reasons for seeking approval to use Contract Procedure Rule (CPR) 10.2 and award a new contract under Regulation 32(2)(b)(ii) of the Public Contract Regulations 2015 - Negotiated Procedure without prior publication of a Contract Notice - to ESRI UK Ltd for Software licensing and support & maintenance of the Council's Geographic Information System (GIS) for the period 1st April 2023 to 31st March 2026.

The Council currently has a contract with ESRI UK Ltd (DN325981 - ITS200969) for the provision of Software licensing and support & maintenance for its Geographical Information System (GIS). This contract is due to expire on 31st March 2022. There are no options to extend.

This software and services support a number of key solutions and statutory duties across the Council, for example: the corporate website (www.leeds.gov.uk), Customer Contact Centre transactional web services, Development & Planning Services, Environmental Action Services, Flood Risk Management, Highways Maintenance and the Local Land and Property Gazetteer.

To ensure the Council's continued use of and support & maintenance for ESRI services and software the Council must enter into contract with ESRI UK Ltd.

ESRI software and services are proprietary, and as such only ESRI UK Ltd are able to provide them alongside on-going support & maintenance, upgrades and fixes. Without a contract access to ArcGIS Online (AGOL) will cease approx. 30 days from 1st April, there will be no access to support or upgrades. This could have a detrimental effect on the availability and reliability of other key systems used across the Council. It could also lead to LCC failing to deliver statutory requirements.

IDS conducted a piece of work in August to briefly review the GIS functions at Leeds City Council (LCC). This review was given to the Digital Board in November where it was agreed to pursue a 3-year contract with ESRI incorporated. This was with a view to maintaining current service while providing time to migrate on prem services to the cloud and investigate the potential use of open-source products. These are currently in progress.

2. What impact will this proposal have?

Accepting this proposal will allow LCC to continue providing software and services to for key solutions and statutory duties across the Council. It will also provide the time to design, plan and conduct a migration from on prem to cloud hosted services and investigate open source alternatives.

3. How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

3.1 Health and wellbeing: Leeds will be a healthy and caring city for everyone.

GIS is used by the Finance Inclusion team in the "Healthy Holidays" programme to support schools providing meals to children during school holidays and has recently used in the "Warm Spaces" initiative to signpost people to warm public places in their community as a response to the cost of living crisis. It was used during the pandemic to analyse infection and vaccination rates and is used extensively by colleagues in Public Health Intelligence. The technology also supports Parks and Countryside's work, and LCC as a social landlord, helps us manage assets such as public green spaces and social housing. There is huge potential for GIS to support other health and wellbeing services, for example commissioning in both Adult social care and in Children's services within the council, and more widely with our NHS partners in the West Yorkshire ICB.

3.2 Inclusive growth: Leeds will have an economy that works for everyone.

GIS underpins much of the work undertaken Highways, Transportation, and Planning, the key services delivering development for the city. As well as supporting the creation and improvement of physical infrastructure, GIS offers insight about our communities through the mapping of demographics, socio-economic indicators such as income and employment, segmentation data, and so on. It also supports inward investment, for example it has been used to help plan events such as the Triathlon, and is used to highlight potential sites of employment, and the availability of brownfield sites. Post-pandemic it was used to analyse the distribution of business support grants and loans.

3.3 Zero carbon: Leeds will have made rapid progress towards carbon neutrality, reducing our impact on the planet and doing so in a fair way.

GIS is used to plan capital investment in our social housing, such as retro-fitting zero-carbon technologies to the existing stock and was used in the large-scale roof replacement programme by colleagues in Housing. It is being used by our innovative woodland creation team and is a key technology for many of the Parks and Countryside, and Natural Environments team, who are engaged in green space, natural restoration and biodiversity programmes. The Sustainable Energy and Air Quality team use GIS for a range of work, including energy efficient and air quality monitoring, analysing EPC data, and so on.

4. What consultation and engagement has taken place?

IDS conducted a piece of work in August to briefly review the GIS functions within LCC. This consisted of meeting key stakeholders, information gathering exercises and surveys across LCC. The aim being to gain greater insight into how GIS is currently used as well as how it could be used to greater affect. The results of this were collated into a presentation which was distributed to Digital Board in November 2022. The outcome being an agreement to pursue a 3-year contract with ESRI incorporated with the aim of migrating to the cloud alongside exploring the potential of open source products.

Wards affected:

Have ward members been consulted? Yes No

5. What are the resource implications?

As the ESRI suite of products is currently in use and is fully embedded in the Council's IT infrastructure, there are no resource implications related to the award of a new contract to ESRI UK Ltd.

Resourcing will be required to design, plan, and conduct a migration from on prem to cloud hosted services and investigate open source alternatives.

6. What are the key risks and how are they being managed?

ESRI software and services are proprietary, and as such only ESRI UK Ltd are able to provide them alongside on-going support & maintenance, upgrades and fixes. Without a contract access to ArcGIS Online (AGOL) will cease approx. 30 days from 1st April, there will be no access to support or upgrades. This could have a detrimental effect on the availability and

reliability of other key systems used across the Council. It could also lead to LCC failing to deliver statutory requirements.

7. What are the legal implications?

The decision to award a new 3-year contract to ESRI UK Ltd for the period 1st April 2023 to 31st March 2026 at a total cost of ££361,800k is a Significant Operational Decision and is not subject to call in. There are no grounds for keeping the contents of the report confidential under the Access to Information Rules.

The Council believes that the decision to award a new contract to ESRI UK Ltd to enter into a new three-year contract with ESRI UK Ltd for Software licensing and support & maintenance of the Council's Geographic Information System (GIS) for the period 1st April 2023 to 31st March 2026 is permitted pursuant to Regulation 32(2)(b)(ii) of the Public Contracts Regulations 2015 which states:

“32.-(1) In the specific cases and circumstances laid down in this regulation, contracting authorities may award public contracts by a negotiated procedure without prior publication.

(2) The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases: -

(b) where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons: -

(ii) competition is absent for technical reasons;

but only, in the case of paragraph (ii), 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;”

Details provided in this report sets out the technical reasons required by Regulation 32(2)(b)(ii) that the Council would rely on to justify its decision.

There is the potential risk of challenge that there are no real technical reasons justifying the use of Regulation 32(2)(b)(ii), and that the Council is simply seeking to circumvent the application of the rules. However, due to the reasons set out in this report the risk of such challenge is considered to be low.

In addition, these risks can be diminished somewhat by the publication of a voluntary transparency notice on Find a Tender immediately after the decision to award the contract has been taken and then waiting 10 days to see if any challenges are made. If no challenges are made the chances of a claim for ineffectiveness being brought are significantly reduced and would only be successful if the Council had used the negotiated procedure without publication of a notice incorrectly. Further, publishing such a notice will also start time running for any other potential claim for breach of the Regulations, which must be brought within 30 days of the date that an aggrieved party knew or ought to have known that a breach had occurred.

These comments should be noted by the Chief Digital and Information Officer/Chief Officer Strategy and Improvement in making the final decision and should be satisfied that doing so represents best value for the Council.

8. Options, timescales and measuring success

8.1 What other options were considered?

ESRI software and services are proprietary, and as such only ESRI UK Ltd are able to provide them alongside on-going support & maintenance, upgrades and fixes. Without a contract access to ArcGIS Online (AGOL) will cease approx. 30 days from 1st April, there will be no access to support or

upgrades. This could have a detrimental effect on the availability and reliability of other key systems used across the Council. It could also lead to LCC failing to deliver statutory requirements.

A 3-year contract will provide the circumstances where alternative options can be considered.

8.2 How will success be measured?

Key council services will continue to be delivered.

Within the contract term, GIS services will be migrated to cloud based infrastructure.

8.3 What is the timetable and who will be responsible for implementation?

There is a need to ensure service continuation, maintain support & maintenance on the GIS estate. This access to tooling and support is only available from ESRI UK Ltd.

Awarding a new contract to ESRI UK Ltd for the period 1st April 2023 to 31st March 2026 is the logical way forward to maintain current services while we to design, plan and conduct a migration from on prem to cloud hosted services and investigate open source alternatives.

Appendices

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Background papers

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