

Report to **Policy & Resources Committee**
Date **23 February 2023**
By **Performance and Projects Manager**
Title of Report **GIS Contract Procurement**

Decision

Recommendation: The Authority / Committee is recommended to:

- 1. Approve the commencement of a procurement process leading to the appointment of a contractor to undertake Geographic Information Systems (GIS) Services for the South Downs National Park Authority (SDNPA),**
 - 2. Delegate authority to the Chief Executive to award contracts for the above, following a competitive process as described in this report.**
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1. Introduction

- 1.1 The SDNPA has a contract in place for the delivery of GIS Services at a cost of £63,000 a year.
- 1.2 The current contract commenced in May 2018 and in December 2021 for a further two years until 30 June 2023, when the permitted extension expires.
- 1.3 Comprehensive GIS services are a fundamental part of the operation of the SDNPA. The SDNPA uses a considerable amount of map based information in the production of key documents such as, the Local Plan and the Partnership Management Plan. It is also used extensively for strategic decision-making and day to day procedures.

2. Policy Context

- 2.1 Although much of the public procurement law in the UK derives from EU directives, it is incorporated into English law through the Public Contract Regulations (2015) Act, which remains in force. The UK has joined the Government Procurement Agreement, within the World Trade Organisation, through which it commits to maintain access to Government contracts to other member states. A bill on public procurement, which sets out a direction of travel for the future, is currently going through Parliament, but if passed, this will not be implemented until late in 2023.
- 2.2 The indicative value for a new three year contract is £255,000 this is above the threshold set out in the Public Contracts Regulations (PCR) 2015 for services contracts. There will be an option to extend the contract for a further 2 years which if used would value the contract at £425,000. The Public Contracts Regulations (PCR) 2015 for services contracts threshold applying from January 2022 is £213,477 (including VAT).

- 2.3 The increase in cost from the current contract is largely due to a change in staffing at SDNPA; the departure of the Data Management Officer means additional services from this contract are now required.
- 2.4 Contract Standing Orders (CSO 11) applies to this contract. It is intended that an open process will be undertaken to procure the replacement contract, with a single stage tender being advertised in England through the government's 'Contract Finder' portal and on 'Find a Tender', the new high value portal which replaces OJEU.

3. Issues for consideration

- 3.1 Evaluation of the tenders is carried out in two stages.
- 3.2 The Selection Stage is where we evaluate the capability of the contractor to satisfactorily carry out the contract. This involves looking at the financial strength and other resources of the bidder, including its previous experience in carrying out similar works. There is no weighting or scoring in this stage of an open tender; contractors can either do the work or they can't, so this is judged on a pass or fail basis. As the selection criteria are described in the tender, it is unusual for bidders to fail at this stage, generally if they don't meet the criteria then they won't submit a bid.
- 3.3 The Award Stage is carried out using the Most Economically Advantageous Tender (MEAT) criteria for awarding the contract, using a combination of quality factors, for example Approach to the Contract and Project Resourcing as well as price. The evaluation panel will be looking at the sustainability aspects of any approach, as well as looking for proposals that will add social value to the contract.
- 3.4 Evaluation is carried out by a number of officers scoring independently, before meeting on a panel basis. The evaluation process will also allow for clarification questions to be received and responses produced on all aspects of bids before the award is made.

4. Options & cost implications

- 4.1 The existing contract delivers a range of GIS services. Following the reduction in resources and changes to the staffing structure, the new contract will need to provide additional services. These relate to data purchase, management, quality checking and licensing. Delivering these functions will increase the value of the contract.

5. Next steps

- 5.1 With Committee approval, it is intended to release the Invitation to Tender on Friday 24 February 2023. The tender process will remain open for 5 weeks, closing at the end of March 2023. Two weeks has been allowed for evaluation, including clarifications and due diligence, leading to award in mid April with a 10 day standstill period, ready for mobilisation and commencement of the contract at the beginning of July 2023, with a handover of 8 weeks. The long handover period is required to ensure that if there are new providers there is sufficient time to handover all work and files, so that GIS service can continue to be provided seamlessly for SDNPA staff.

6. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	SDNPA has sufficient resources in place, in terms of staff qualified to undertake the procurement exercise.
How does the proposal represent Value for Money?	The competitive tender process is aimed at delivering value for money.

Implication	Yes*/No
Which PMP Outcomes/ Corporate plan objectives does this deliver against	The contract for GIS services potentially contributes to the delivery of all PMP outcomes. It also potentially contributes to the delivery of all Corporate plan priorities.
Links to other projects or partner organisations	None although GIS services are often used as part of match funding for projects.
How does this decision contribute to the Authority's climate change objectives	SDNPA will require bidders to demonstrate how they minimise their carbon emissions, both as an organisation and in the delivery of this contract.
Are there any Social Value implications arising from the proposal?	Tenders will be evaluated on the bidders' approach to social value in terms of how they could improve economic, social and environmental well-being through the delivery of the contract.
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	The procurement and terms of this contract will meet the requirements of the Equality Act 2010 and SDNPA's EDI Mission statement. An EDI Impact Assessment form will be completed prior to issuing the invitation to tender.
Are there any Human Rights implications arising from the proposal?	The selection process will examine the bidders' compliance with the laws on Modern Slavery.
Are there any Crime & Disorder implications arising from the proposal?	The probity of bidders will be examined as part of the selection process.
Are there any Health & Safety implications arising from the proposal?	The bidders' Health and Safety policies and records will be examined during the selection process.
Are there any Data Protection implications?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy? 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly	The environmental policies of bidders will be examined during the selection process. Those bidders shortlisted will also need to demonstrate how their policies and experience in sustainability will influence their approach to the contract. This will be examined at the Award stage of the procurement process.

7. Risks Associated with the Proposed Decision

7.1 There are five well documented risks with any procurement as shown in the table below.

Risk	Likelihood	Impact	Mitigation
<p>Commercial Risk: that either the price objectives are not achieved up front, or there are other costs that arise during the contract that diminish the overall benefits.</p> <p>The contract will be carried out during a period of severe economic downturn and insolvency on the part of the contractor is a risk.</p>	<p>Unlikely</p> <p>Unlikely</p>	<p>2</p> <p>3</p>	<p>A thorough tendering process will keep the risk of hidden costs to a minimum. A detailed specification of requirements will enable the contractor to accurately calculate their costs and price the contract realistically, therefore keeping changes to costs at a minimum.</p> <p>There are provisions within SDNPA's Terms and Conditions of Contract to allow insolvency situations to be managed and financial standing will form part of the due diligence process. Neither of those is sufficient to eliminate this risk.</p>
<p>Technical Risk: this concerns the difficulty in being able to specify the desired outcome and on the market being able to deliver the specification.</p>	Rare	1	<p>This contract is being re-tendered and the current specification will be reviewed and refined to ensure it remains fit for purpose before publishing the invitation to tender.</p>
<p>Performance Risk: This concerns the ability of supplier to perform consistently over the life of the contract to deliver the planned benefits.</p>	Possible	2	<p>Relevant KPIs and associated targets will be agreed between SDNPA and the appointed contractor at the start of the contract, and regular contract management meetings held to ensure any performance issues are dealt with efficiently and effectively.</p>
<p>Contractual Risk: This covers things like being able to remedy the shortcomings in the contractors' performance without severely damaging the contract, and about avoiding reliance on the contracted</p>	Possible	2	<p>See mitigations for performance risk above. Proactive contract management should minimise performance issues. SDNPA's Legal Team would assist with any contractual issues if they arise.</p>

Risk	Likelihood	Impact	Mitigation
supplier as the contract develops.			
Legal Risk: In Public Procurement there is a legal risk, where a procurement is found unsound in law, either through the remedies directive or the public procurement rules.	Rare	2	The use of professional procurement staff will help ensure that the contract process complies with both the Public Contract Regulations and SDNPA procurement rules.

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Appendices – None

SDNPA Consultees Chief Executive; Director of Countryside Policy and Management; Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services, Head of Finance and Corporate Services

External Consultees None

Background Documents N/A

