

Executive Decision Making by an Officer with Delegated Powers

Decision to be taken by:

Steve Mawson, Executive Director of Corporate Resources.

Pursuant to an Authorisation from: The Lead Cabinet Member for Finance and Change, 10th November 2020 – That the Lead Cabinet Member for Finance and Change delegates authority to the Executive Director of Corporate Resources to:

- a) Conduct a mini-competition procurement process under the Crown Commercial Service (CCS) Technology Products & Associated Services (TePAS) RM6068 framework agreement (Lot 3: Software and Associated Services) in respect of a three year call-off contract for the supply of a volume licensing program, including software assurance, known as Microsoft Enterprise;
- b) award such call-off contract to the preferred tenderer;
- c) authorise the Head of Legal Services to execute such contract by affixing the Council's seal thereto.

Report title: Award of a Contract for the renewal of the Microsoft Enterprise Licence Agreement contract commencing on the 1st April 2021.

The decision	<p>Following the conclusion of a mini-competition procurement process under the Crown Commercial Service (CCS) Technology Products & Associated Services (TePAS) RM6068 framework agreement (Lot 3: Software and Associated Services) pursuant to a Cabinet decision dated 10th November 2020:</p> <p>DECISION</p> <p>To award a three year call-off licence contract to Bytes Software Services Ltd for the supply of a volume licensing program, including software assurance, known as Microsoft Enterprise.</p>
Background documents	<p>https://glostext.gloucestershire.gov.uk/ieDecisionDetails.aspx?id=1562</p>
Reasons for the decision	<p>The current Microsoft Enterprise Agreement volume licensing contract will expire on 31/03/2021. To award a new call off contract will ensure the continued provision of the Microsoft Enterprise Licence Agreement for a period of three years from 01/04/2021 to 31/03/2024.</p> <p>The decision implements the authorisation given to the Executive Director of Corporate Services on the 10th November 2020.</p>
Resource implications	<p>The cost of the proposed Microsoft Enterprise Licence Agreement will be funded from the existing ICT Software revenue budget (501008).</p> <p>The total tender price received from Bytes Software Services Ltd for the proposed three year call-off Contract period is £4,821,595.43. The</p>

	<p>annual cost will vary depending on the true up process, extended security updates and Azure costs. However the said values will not exceed those approved by Cabinet as detailed below:</p> <p>Within this budget, £2.3 million p.a. is allocated for Microsoft spend on the following basis :-</p> <ul style="list-style-type: none"> • £794,333 p.a. approved in total, in the individual cabinet member decision report published on 26 January 2018 for procurement of a 3 year Microsoft Enterprise licence agreement, and, in the officer decision paper signed on 28 March 2018 to fund the variance in the cost of procuring a 3 year Microsoft Enterprise licence agreement; • £1,534,000 p.a. approved in the council's Medium Term Financial Strategy revenue growth bid for cloud readiness for Microsoft software awarded from financial year 2019/2020. <p>The estimated value of the proposed new Microsoft EA volume licensing contract was £6.9 million (i.e. £2.3 million per annum) based upon the volume requirements set out in the individual cabinet member decision report and in advance of the tendering process. The value of the proposed contract is well within the spending envelope approved by cabinet.</p>
<p>Who has been consulted?</p>	<p>Lead Cabinet Member Strategic Procurement ICT Legal Services Finance</p>
<p>What were their comments?</p> <p><i>If the value of the decision is £250k or above you must confirm here that you have consulted with the relevant Cabinet Member and record what they said.</i></p> <p><u>Lead Cabinet Member</u></p> <p>Cllr Stowe, Cabinet Member Finance and Change, has been briefed on the decision and proposals and has confirmed his agreement to the approach outlined.</p> <p><u>Strategic Procurement</u></p> <p>Strategic Procurement has been fully involved in the project. The procurement is compliant with the Crown Commercial Services, Technology Products and Associated Services Framework, RM6068</p> <p><u>Legal Services</u></p> <p>On the basis of the information provided in this report it is confirmed that the proposals set out herein meet public procurement law requirements.</p>	

Finance

Finance have been involved in the procurement and the value of this contract is included in the software budget in revenue for ICT.

Background/Context

Detailed background information was considered by Cabinet in October 2020 when making the decision to delegate authority to the Executive Director of Corporate Resources to award a call-off contract to the preferred tenderer.

Microsoft software is integral to the management, support and day to day operation of Council services. Microsoft Exchange is used for email between members, officers, partner organisations, suppliers, and Gloucestershire citizens. Microsoft Office (e.g. Word, Excel) is used extensively throughout the Council. The Microsoft Windows operating system is used on the majority of corporate devices and servers.

In accordance with the authorisation given by Cabinet the Council undertook a further competition under the CCS Technology Products and Associated Services Framework for the renewal of the Microsoft Enterprise Licence Agreement. All suppliers on Lot 3 (Software & Associated Services) were invited to tender. Three tender submissions were received by the tender submission deadline.

As a result of the tender process it is recommended that a contract is awarded to Bytes Software Services Ltd who were the highest ranked bidder and received the maximum marks available.

Alternative options considered and why they were rejected

Cabinet agreed a Procurement approach in October 2020 to conduct a further competition under the CCS Technology Products & Associated Services, Lot 3. The alternative options available were to award the call-off Contract to one of the other bidders, or to make the decision not to award the call-off contract to either bidder. These alternative options were both rejected as Bytes Software Services Ltd were the highest ranked bidder and received the maximum marks available in the evaluation of all of the submissions.

Risk Analysis

The use of the Crown Commercial Services framework ensured that a robust and transparent process was followed, under which all providers on the respective lot were given the opportunity to tender thereby reducing the risk of challenge to the Council.

If the call-off contract for the renewal of the Microsoft Enterprise Licence Agreement is not entered into, the Council will relinquish the rights to use all Microsoft software at 00:01 on 1st April 2021. This would have a severe impact on business continuity and existing service provision.

<p>Equalities considerations</p> <p>This call-off contract is for an ICT software enabling solution for council staff and elected members. All protective characteristics have been considered and no material impact has been identified on people or groups with a protected characteristic, therefore a Due Regard Statement is not considered necessary.</p>	
<p>Has a Due Regard Statement been completed? No</p>	
<p>Has any conflict of interest been declared by any Cabinet Member consulted on the decision?</p> <p><i>The council's Monitoring Officer should be consulted, in the first instance, if any conflict of interest is declared by a Cabinet Member.</i></p> <p>If any conflict of interest declared, was a dispensation granted by the Audit and Governance Committee of the Council?</p>	<p>Yes/No</p> <p>Date of dispensation:</p>
<p>Does this decision report form or any supporting papers provided contain confidential or exempt information?</p> <p><i>(Refer to Democratic Services Unit for advice if necessary)</i></p>	<p>Yes/No</p> <p><i>If Yes, please provide details of document(s) that are confidential or exempt</i></p>
<p>Does this decision need to be published on the GCC website?</p> <p><i>(Refer to guidance on "Executive Decisions taken by Officers").</i></p>	<p>Yes/No</p>

In coming to this decision I have given due and full regard to the requirements of the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 ("the Act") by reference to the law itself and also the relevant Due Regard Statement, which was/were prepared in accordance with the requirements of the Act.

Having fully considered all available information, I have decided to reject any alternative options and take the recommended decision(s), for the reasons set out in this report.



Signed

Steve Mawson

Executive Director of Corporate Resources

Date 26 March 2021

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(include relevant officer's contact details)

