



## Cabinet Supplement/Urgent Item

**Monday 12 December 2016 at 7.00 pm**  
Board Rooms 3, 4 & 5 - Brent Civic Centre

### Membership:

#### Lead Member Councillors:

#### Portfolio

Butt (Chair)	Leader of the Council
McLennan (Vice-Chair)	Deputy Leader
Farah	Lead Member for Housing and Welfare Reform
Hirani	Lead Member for Community Wellbeing
Mashari	Lead Member for Regeneration, Growth, Employment and Skills
Miller	Lead Member for Stronger Communities
W Mitchell Murray	Lead Member for Children and Young People
Southwood	Lead Member for Environment

**For further information contact:** Thomas Cattermole, Head of Executive and Member Services: 020 8937 5446; [thomas.cattermole@brent.gov.uk](mailto:thomas.cattermole@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

# Agenda

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<b>10 Phase 3 Primary School Expansion Programme – Update on Design and Build Contracts</b>	1 - 10
The contents of this additional information is restricted (refer to details under item 13.)	
<b>12 Reference of item considered by Scrutiny Committees (if any)</b>	11 - 14
This response has been prepared in regard to the recommendations submitted to this Cabinet from the Resources and Public Realm Scrutiny Committee, which met on 30 November 2016 following a call in of the Cabinet decision on 15 November 2016, in respect of the South Kilburn Regeneration Programme Carlton and Granville Centres Site – Development Options Report by the Council’s Strategic Director of Regeneration and Environment.	
<b>13 Exclusion of Press and Public</b>	
The following item(s) is/are not for publication as it/they relate to the following category of exempt information as specified in the Local Government Act 1972 namely: <i>Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding the information).</i>	
Not for publication:	
<ul style="list-style-type: none"><li>• Link &amp; Telephony Tender – Appendix B</li><li>• Phase 3 Primary School Expansion Programme – Full Report/Additional Information/Appendices</li><li>• Authority To Award A Contract For Microsoft Licences – Appendix 1</li></ul>	
<b>14 Any other urgent business</b>	15 - 24
<u>Urgent Item - Authority To Award A Contract For Microsoft Licences</u> This report requests authority to award contracts as required by Contract Standing Order No 88. This report summarises the process undertaken in selecting a supplier and, following the completion of the evaluation of the bids, recommends to whom the contract should be awarded. The Council’s urgency procedure has been followed in full in order for this decision to be heard with under clear working days’ notice.	

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Cabinet  
12 December 2016**

**Report from the Strategic Director of  
Regeneration and Environment**

For Information

**Reference of item considered by Scrutiny Committee -  
Response to the Resources and Public Realm Scrutiny  
Committee in regard to the Call In Report on South Kilburn  
Regeneration Programme – Carlton & Granville Centres Site  
– Development Options**

## **1.0 Summary**

- 1.1 This response has been prepared in regard to the recommendations submitted to this Cabinet from the Resources and Public Realm Scrutiny Committee, which met on 30 November 2016 following a call in of the Cabinet decision on 15 November 2016, in respect of the South Kilburn Regeneration Programme Carlton and Granville Centres Site – Development Options Report by the Council's Strategic Director of Regeneration and Environment.
- 1.2 It should be noted that the Resources and Public Realm Scrutiny Committee determined that the decisions reached by Cabinet in November should stand and not be referred back to Cabinet and that those decisions could be implemented as decided by Cabinet. In addition to that main decision, the Resources and Public Realm Scrutiny Committee also made additional supplementary recommendations which are also set out below along with an officer response to each recommendation.

## **2.0 Recommendations**

- 2.1 That the Cabinet note and endorse the responses set out below to the recommendations submitted to Cabinet by the Resources and Public Realm Scrutiny Committee.

## **3.0 Detail**

- 3.1 The main recommendation from the Resources and Public Realm Scrutiny Committee (R&PRS) was that the committee determined that the decisions not be referred back to Cabinet and could take immediate effect.

- 3.2 **Response** – This recommendation is noted and, in accordance with the original Cabinet decision, officers are now taking forward the original Cabinet decisions.
- 3.3 The R&PRS also recommended as follows:
- 3.4 The support of the R&PRS for the continued use / occupation of the Carlton and Granville Centres Site by Granville Plus Nursery School be noted.
- 3.5 **Response** – This support is noted and welcomed and mirrors the intention of Cabinet as set out in the November report.
- 3.6 That the use of the Carlton and Granville Centres Site by the Granville Plus Nursery School be paramount to any discussions regarding the future of the site.
- 3.7 **Response** – The Nursery School is recognised as providing a valuable community and educational service to the families and children of South Kilburn and beyond. Therefore, it is appreciated that any proposals brought forward must seek to protect and ideally enhance this provision. The Nursery School, alongside other existing organisations, will be a member of the project board which will be formed to bring forward and implement the November Cabinet decisions.
- 3.8 That the Granville Plus Nursery be fully involved regarding the design of the facility.
- 3.9 **Response** – The engagement of Granville Plus Nursery School is considered crucial to the success of any proposals regarding the future use and development of the Carlton and Granville Site. Alongside the Nursery School, the council will also fully engage with other stakeholders currently on the site and, additionally, this will include the South Kilburn Trust, as the future main occupier, and the Greater London Authority, as funding body for Phase 1. The intention is that this engagement will be a collaborative process which will seek key stakeholders involvement at the earliest stage possible to assist in bringing forward a design brief which will inform any options that may be presented to Cabinet concerning the future for this site.
- 3.10 That a twelve-month timetable detailing the collaborative process for determining the future development and use of the site, engaging all key stakeholders, be produced as soon as possible in association with the council's partners in the project – The South Kilburn Trust and the Greater London Authority.
- 3.11 **Response** – This recommendation is accepted and will be implemented by officers as part of the project board mentioned above. Furthermore, it is proposed that the Strategic Director of Regeneration and Environment will act as Project Champion and will chair an oversight board as and when deemed appropriate, or as requested by any of the key stakeholders. This project will also be managed as a capital project within the existing council governance structure for managing and monitoring significant capital projects.

#### 4.0 Financial Implications

- 4.1 There are no new financial implications arising from this referral.

## **5.0 Legal Implications**

5.1 There are no new legal implications arising from this referral.

## **6.0 Diversity Implications**

6.1 There are no new diversity implications arising from this referral.

## **7.0 Staffing/Accommodation Implications**

7.1 There are no new staffing/accommodaton implications arising from this referral.

### **Background Papers**

None

### **Contact Officers**

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Amar Dave  
Strategic Director Regeneration and Environment

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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 12 December 2016</p> <p style="text-align: center;"><b>Report from the Strategic Director of Resources</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p style="text-align: center;"><b>Authority To Award A Contract For Microsoft Licences</b></p>	

**Appendix 1 of this report is Not for Publication**

## **1.0 Summary**

- 1.1 This report requests authority to award contracts as required by Contract Standing Order No 88. This report summarises the process undertaken in selecting a supplier and, following the completion of the evaluation of the bids, recommends to whom the contract should be awarded.

## **2.0 Recommendations**

- 2.1 That Members award a contract for Microsoft Licences for a period of three years from 1 June 2017 to Bytes Software Services Ltd.

## **3.0 Detail**

### ***Background***

- 3.1 Brent Council uses a number of Microsoft software products for the provision of desktop services to staff. These include the Windows Operating System, Office, Exchange, Lync, SharePoint, Project and Visio.
- 3.2 The current licences for these products comes to an end on 31 May 2017. The licensing is on a subscription basis, and without the

subscription the Council will not have use of the products. Therefore a new licensing arrangement needs to be in place from 1 June 2017.

- 3.3 The licences have been tendered in advance of the start date of 1 June 2017 in order to avoid anticipated 22% price increases in Microsoft products, which will come into effect in the new year.

### ***The selection process***

- 3.4 Officers reviewed the options for the procurement of Microsoft licences and determined that the use of a national framework agreement offered the most appropriate and effective means of procurement. Officers identified the Crown Commercial Service Framework RM3733 Technology Products - Lot 2 Software (the “Framework”) as meeting the Council’s needs.
- 3.5 Microsoft licences are purchased through a reseller – the Framework is a vehicle whereby licences can be procured competitively from resellers, and in particular this Framework was selected because:
- The maximum allowable uplifts on Microsoft pricing are highly competitive (0% in some cases), and a further competition exercise ensured that the best possible prices are obtained.
  - The process for access requires minimal resources.
  - There is no cost to the Council for its use.
- 3.6 The use of the Framework requires that the new contract will be let using the Crown Commercial Service Framework standard terms and conditions. This will be for a period of 3 years.
- 3.7 The 22 suppliers on Lot 2 of the Framework were invited to submit a bid for the Council’s requirements. The Crown Commercial Service eSourcing portal was used for the process.
- 3.8 As permitted by the Framework, the bidding instructions stated that the contract would be awarded on the basis of 90% price and 10% quality. The quality element was evaluated based on added value offered by the suppliers.

### ***Evaluation process***

- 3.9 The evaluation of bids received was carried out by representatives of Digital Services and the Procurement Unit.
- 3.10 All bids had to be submitted electronically on 8<sup>th</sup> December 2016. Bids were opened on 8<sup>th</sup> December 2016 and three valid bids were received.
- 3.11 Officers from Digital Services and the Procurement Unit met following



the tender submission deadline on 8<sup>th</sup> December 2016 and carried out evaluation of price and quality aspects of the submissions.

3.12 The names of the bidders are contained in Appendix 1 and their submitted prices, the scores attributable to those prices and their quality scores are contained in Appendix 2. . It will be noted that Tenderer A was the highest scoring tenderer. Officers therefore recommend the award of the contract to Bytes Software Services Ltd.

3.13 The contract will commence on 1<sup>st</sup> June 2017.

#### **4.0 Financial Implications**

4.1 The Council's Contract Standing Orders state that contracts for supplies, services or works exceeding £500k shall be referred to the Cabinet for approval of the award of the contract.

4.2 The value of this contract is £380k per annum. The total value of the contract could vary depending on the number of licences that are used and so at this point in time the contract is valued at £1,140k over the 3 year contract term.

4.3 The previous cost of the contract was £352k per annum, which is an increase of £28k or 8%.

4.4 The cost of the contract and the increase above the current budgeted costs will be funded from the existing Digital Services budget.

4.5 The Council has a contract savings target of 10% and thus would have expected to make approximately £35k per annum savings. Unachieved savings on this contract will need to be made up on other contracts.

#### **5.0 Legal Implications**

5.1 The estimated value of this contract over its lifetime is higher than the EU threshold for Supplies and the award of the contracts and therefore is governed by the Public Contracts Regulations 2015 (the "EU Regulations"). The award is subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations.

5.2 As indicated in paragraphs 3.4 – 3.11, Officers have used a framework agreement to select a bidder. The EU Regulations allow the use of framework agreements and prescribe rules and controls for their procurement. Contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full EU process. Also, there is no requirement for the Council to observe a mandatory minimum 10 calendar day standstill period before the contract can be awarded when using a framework.

5.3 The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a framework agreement established by another contracting authority, where call off under the framework agreement is approved by the relevant Chief Officer and provided that the Chief Legal Officer has advised that participation in the framework is legally permissible. Legal Services have reviewed the Framework and are able to confirm that participation in the Framework is legally permissible.

## **6.0 Diversity Implications**

6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

## **7.0 Staffing/Accommodation Implications**

7.1 There are no implications for Council staff or accommodation arising from retendering the contract.

### **Contact Officers**

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## APPENDIX 2

<b>Contractor</b>	<b>Price</b>	<b>Price Score (Max 90%)</b>	<b>Quality Score: Added value (Max 10%)</b>	<b>Total Score</b>
Contractor A	£1,142,551.93	90.00%	10.00%	100.00%
Contractor B	£1,502,516.79	76.04%	10.00%	86.04%
Contractor C	£1,339,532.34	85.29%	10.00%	95.29%

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