

# Notice to the Chair of the Resources and Public Realm Scrutiny Committee



## Urgent Key Decision form

<b>DECISION DETAILS</b>
<b>Decision Maker:</b> Strategic Director Customer and Digital Services
<b>Decision Title:</b> Award of a contract for Microsoft Azure and Office 365 Assessment and Implementation
<b>Description of Decision:</b> To award a contract for Microsoft Azure and Office 365 assessment and implementation services for the Shared ICT Service
<b>When will the Decision be made?</b> 20/01/20
<b>Will the accompanying report be:</b> Open <input type="checkbox"/> Part Exempt <input checked="" type="checkbox"/> Fully Exempt <input type="checkbox"/>
<b>Reasons for exemption (if applicable)</b> The report will contain the following category of Information exempt from publication under the Schedule 12A of the Local Government Act 1972, namely paragraph: 3 - relating to the financial or business affairs of any particular person (including the authority)
<b>TYPE OF URGENCY</b>
<b>Please tick all that apply:</b>  <input type="checkbox"/> A. The decision is urgent and <u>28 clear days' notice</u> of the decision cannot be given but at least 5 clear days' notice can  <input type="checkbox"/> B. The decision is extremely urgent and even <u>5 clear days' notice</u> of the decision cannot be given  <input type="checkbox"/> C. The decision will be made by members at a meeting and <u>28 clear days' notice</u> that the proposed decision may be discussed in private (i.e. the report will contain information <u>exempt from publication</u> ) cannot be given  <input checked="" type="checkbox"/> D. The decision must be implemented urgently and the <u>5 day call-in period</u> <u>must be dis-applied</u> to allow the decision to take immediate effect.
<b>REASONS FOR URGENCY</b>
<b>If you have selected options A, B or C please explain:</b>  ▪ <b>Why it was not possible to provide the required notice (i.e. why the decision or exemption was not anticipated)</b>  The award decision for this contract was previously on the Forward Plan. This decision was made, but for unforeseeable reasons was not implemented. Further correspondence with the preferred bidder led to the conclusion by officers that their offer did not meet the specification and was therefore non-

compliant, and a second award decision, to the second placed bidder, now needs to be made in time for implementation before the expiry of the framework that was used for the procurement.

- **Why it is impractical to defer the decision to a later date to allow the appropriate notice to be provided.**

The framework used for the procurement expires on 27/01/20, and therefore the decision needs to be made in time for the contract to be awarded and entered into by that date

**If you have selected Option D please explain why the council's interest or the public interest would be seriously prejudiced by the decision not taking immediate effect.**

Were the decision not to take immediate effect, it would not be possible to complete the award and contracting process before framework expiry, resulting in the need for a further procurement. This would delay the project which needs to be completed as soon as possible in order to meet a commitment to Microsoft to move to cloud consumption, and to ensure that the existing Southwark datacentre is vacated before the contract for its use expires. A further procurement would also consume significant council staff resource.

#### SIGN-OFF

**Strategic Director, Digital & Customer Services**

**Chief Executive**

**Printed Name: Peter Gadsdon**

**Printed Name: Carolyn Downs**

**Signature:** *Peter Gadsdon*

**Signature:** *Carolyn Downs*

**THE FOLLOWING SECTION IS TO BE COMPLETED BY GOVERNANCE SERVICES**

**CHAIR OF SCRUTINY**

**Notice to:** Councillor Matt Kelcher

**The Chair is asked to:**

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**Note that an urgent decision will be taken as detailed in the form above.**

The decision is deemed urgent because insufficient (less than 28 days) notice of the intention to take the decision was provided on the Forward Plan. However, at least 5 clear days' notice has been provided and therefore the Scrutiny Chair is only required to note that the decision will be taken.

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**Permit the extremely urgent decision to be taken as detailed in the form above.**

The decision is deemed extremely urgent as less than 5 clear days' notice of the intention to take the decision has been provided. The Scrutiny Chair is asked to agree that the decision is urgent and cannot be reasonably deferred for the reasons detailed in the form above.

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**Permit discussion of exempt information in private relying on Schedule 12A of the Local Government Act 1972**

If a report is likely to contain information exempt from publication under schedule 12A of the Local Government Act 1972, then 28 days' notice of this must be provided on the Forward Plan. Where this requirement has not been met, the agreement of the Scrutiny Chair is required before proceeding.

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**Permit the dis-application of the 5 day call-in period, allowing the decision detailed in the form above to take immediate effect.**

A Cabinet decision or a Key Decision cannot be implemented until the 5 day call in period has elapsed and no valid call-in has been received. The call-in protocol can be dis-applied if the council's or the public interest would be seriously prejudiced by the decision not taking immediate effect. The Chief Executive must determine whether a decision is urgent in this regard. The consent of the Scrutiny Chair to the matter being treated as urgent is also required.

**SIGN-OFF**

**Notice sent to Councillor Matt Kelcher on 13/01/20**

**Chair's approval:**

Required ☒

Not Required ☐

**Date approval granted (if applicable): 16/01/20**