

	Officer Key Decision
	Report to the Strategic Director of Customer and Digital Services
Authority to Award a Contract for a Backup Solution for Shared Technology Services	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)”
No. of Appendices:	Two Appendix 1: List of Tenderers (exempt) Appendix 2: Evaluation Matrix
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report concerns the procurement of a backup solution for the Shared Technology Services’ boroughs of Brent, Lewisham and Southwark. This report requests authority to award a contract as required by Contract Standing Order 88. This report summarises the process undertaken in procuring this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

2.0 Recommendations

That the Strategic Director of Customer and Digital Services:

- 2.1 Approves the award of the contract for the provision of a backup solution for the Shared Technology Services' boroughs of Brent, Lewisham and Southwark to CDW Ltd for a term of five years.

3.0 Detail

Background

- 3.1 Shared Technology Services currently employs two separate solutions to cover the council's backup requirements, which are supported on an ongoing basis, and now requires the provision of a single new backup solution that meets all of the boroughs' requirements. Council officers have undertaken a procurement exercise in order to select a contractor to deliver this new solution.

Requirements

- 3.2 The requirements to be included in the contract are:

A single backup solution that will meet the requirements of the three Shared Service Boroughs, for a period of five years. The solution is to provide a simplified, secure, and converged backup platform that provides operational and cost efficiencies through backup automation and the ability to leverage cloud-scale technology. This will be key, given there is expected future data growth.

Outline of Tender Process

- 3.3 Tenders for the contract were invited from HealthTrust Europe's ICT Solutions 2019 Framework (ComIT 2 – Complete IT).
- 3.4 The opportunity was published through the London Tenders Portal on 8 January 2021.
- 3.5 In accordance with the requirements of the Framework Agreement, the Invitation to Tender stated that the selection of Suppliers to be awarded the contract would be made on the basis of the most economically advantageous combination, and that in evaluating tenders, the Council would have regard to the following:
 - Added Value (20%)
 - Price (80%)

Evaluation Process

- 3.6 The tender evaluation was carried out by officers from Shared Technology Services.
- 3.7 All tenders had to be submitted electronically no later than 10am on 13 January 2021. Two tenders were submitted.
- 3.8 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that Tenderer A was the highest scoring tenderer, and it is therefore recommended that the contract is awarded to Tenderer A, namely CDW Limited.
- 3.9 The contract will commence on 27 January 2021. As the proposed contract represents a call-off under a framework agreement, a mandatory standstill period is not required.

4.0 Financial Implications

- 4.1 The Council's Contract Standing Orders state that the award of contracts for supplies, services or works below the value of £2m can be awarded by Chief Officers. The value of this contract is below this threshold, and therefore the Strategic Director of Customer and Digital Services has authority to award.
- 4.2 The total value of the contract is £1,392,108. Brent will pay the full contract sum on behalf of the Shared Technology Services' boroughs of Brent, Lewisham and Southwark. Brent will recharge Lewisham and Southwark for their respective share as set out in paragraph 4.4.
- 4.3 The cost of the contract will be met from within the approved capital programme budgets.
- 4.4 The Contract costs will be shared among the Shared Service councils as follows:

Brent	Lewisham	Southwark	Total
£417,632.40	£348,027.00	£626,448.60	£1,392,108.00

5.0 Legal Implications

- 5.1 This report is seeking approval to award the contract to CDW Ltd, for the provision of a backup solution for the Shared Service boroughs for a period of five years. Officers confirmed that the value of the proposed contract is £1,392,108.

- 5.2 The estimated value of this contract is in excess of the Public Contracts Regulations 2015 (“PCR 2015”) threshold for services or supplies contracts which currently is £189,330. The award of this contract is therefore governed by the PCR 2015. The award is subject to the Council’s own Standing Orders in respect of Medium Value Contracts and Financial Regulations.
- 5.3 Officers have explained in paragraph 3.3, that in order to procure this contract they used HealthTrust Europe’s ICT Solutions 2019 Framework (ComIT 2 – Complete IT). Paragraph 86 (e)(ii) of the Council’s Contract Standing Orders states 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 Director of Legal, HR, Audit and Investigations has advised that participation in the framework is legally permissible. Legal Services reviewed the Framework Agreement used and in November 2020 confirmed that participation under this framework was legally permissible.
- 5.4 As indicated in paragraph 5.2, the award of the contract is subject to the Council’s own Standing Orders in respect of Medium Value Contracts. Chief Officers have delegated to them power to award Medium Value Contracts in accordance with paragraph 9.5 of Part 3 of the Constitution.

6.0 Equality Implications

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

- 6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.
- 6.4 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

7.0 Consultation with Ward Members and Stakeholders

7.1 The relevant Shared Service Borough stakeholders have been consulted in relation to this procurement.

8.0 Human Resources/Property Implications (if appropriate)

8.1 This service is currently provided by external contractors and there are no implications for Council staff arising from the re-procurement of the contract.

9.0 Public Services (Social Value) Act 2012

9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

Report sign off:

Kevin Ginn
*Head of Operations, Shared
Technology Services*