

	Officer Key Decision
	Report to the Strategic Director of Customer and Digital Services
AUTHORITY TO AWARD CONTRACT FOR LAPTOPS	

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:	Appendix 1 – Social Value Proposals (Exempt)
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This report concerns the procurement of laptops 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 Recommendation(s)

That the Strategic Director of Customer and Digital Services:

- 2.1 Approves the award the contract for laptops to Computacenter (UK) Ltd for a term of two years plus two possible further one year extensions.

3.0 Detail

- 3.1 The Shared Service boroughs have had a contract with XMA Limited for the past 3 years, through which laptops, desktop mini PCs and monitors have been purchased. This contract has now expired, and therefore a new contract needs to be put in place. The Crown Commercial Service has recently conducted a procurement for this hardware, with the London Borough of Camden as the lead borough. The procurement included the aggregated requirements of multiple public sector organisations, and the London Borough of Brent was named as one of the organisations who proposed to use the contract. As this is a collaborative procurement with the London Borough of Camden leading on the procurement, approval to use Camden's Contract Standing Orders and Financial Regulations for the procurement was sought from the Director of Finance and the Monitoring Officer and in consultation with the Head of Procurement. Computacenter (UK) Ltd were identified as the contractor providing the most economically advantageous offer for laptops under this collaborative procurement, and it is therefore proposed that a contract for these is now awarded to them

The Tender Process

- 3.2 The new contract will be let using the Crown Commercial Service RM6068 Technology Products and Associated Services, Lot 2 Hardware and Associated Services (the "Framework"), using the form of award and standard call off terms and conditions prescribed under the Framework Agreement, for two years plus two possible further one year extensions.
- 3.3 A further competition exercise was carried out using the Framework Agreement in accordance with its rules.

The Evaluation Process

- 3.4 The evaluation of tenders was on the basis of 70% price and 30% quality in compliance with the Framework Agreement further competition guidance.
- 3.5 The tender evaluation was carried out by a panel of officers representing the participating organisations.
- 3.6 The quality was evaluated, and then an eAuction took place, whereby the tenders submitted decreasing prices in order to achieve the best overall score.

Computercenter (UK) Ltd achieved the best overall score

- 3.7 The contract will commence on 10 December 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 Part 3 of the Council's Constitution states that the Strategic Director of Customer and Digital Services has delegated authority to approve the award of contracts for services / supplies valued at less than £2 million.

- 4.2 The estimated value for Brent of this contract is £1.828m.

- 4.3 The costs are estimated, as it is not possible to predict technology hardware requirements accurately over a four year period. There is no commitment for any of the boroughs to purchase specific volumes of devices through the contract.

- 4.4 It is anticipated that the cost of this contract will be funded from departmental and project budgets, depending on the business requirement and budget availability.

- 4.5 The estimated cost share among the three councils is as follows:

	Year 1	Year 2	Year 3	Year 4	Total
Brent	£456,938.20	£456,938.20	£456,938.20	£456,938.20	£1,827,752.80
Lewisham	£39,455.70	£39,455.70	£39,455.70	£39,455.70	£157,822.80
Southwark	£483,563.70	£483,563.70	£483,563.70	£483,563.70	£1,934,254.80
Total	£979,957.60	£979,957.60	£979,957.60	£979,957.60	£3,919,830.40

5.0 Legal Implications

- 5.1 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.

- 5.2 The proposed Contract is to be called off from a framework agreement. The PCR 2015 permit 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 tender process. Call offs under the framework

need to be carried out in accordance with the framework rules, to include using evaluation criteria specified in the framework and utilising the terms and conditions set out in the framework. In respect of the proposed Contract, Officers have confirmed in this report that a further competition exercise, evaluation process and selection in compliance with the relevant framework's rules and guidance has been undertaken.

- 5.3 As detailed in paragraph 3.1, the procurement is a collaborative procurement among a number of authorities. In accordance with Contract Standing Order 85(c), a collaborative procurement is required to comply with Brent's Contract Standing Orders and Financial Regulations unless agreed otherwise in consultation with the Head of Procurement and in writing by the Director of Finance and the Monitoring Officer. The Director of Finance and the Monitoring Officer agreed that it was permissible to use the London Borough of Camden's Contract Standing Orders and Financial Regulations to procure the contract.
- 5.4 As the proposed Contract is classed as a Medium Value Contract pursuant to the Council's Contract Standing Order 82, the relevant Chief Officer has delegated authority to award the Contract under Contract Standing Order 88, in accordance with section 3(a) of the table at paragraph 9.5 of Part 3 of the Constitution, subject to the Chief Officer being satisfied there is sufficient budgetary provision in accordance with Financial Regulations.
- 5.5 Since the proposed Contract award is from a framework, pursuant to Regulations 86(5)(c) of the PCR 2015 there is no mandatory requirement for the Council to observe a 10 day standstill period under the PCR 2015 with respect to the proposed Contract award.

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 Under the Public Sector Equality Duty, having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are

different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

- 6.3 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.
- 6.4 The proposals in this report have been subject to screening and officers believe that there are no equality implications.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 The three Shared Service Boroughs have been consulted in relation to this procurement.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 These supplies are currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract.

9.0 Public Services (Social Value) Act 2012

- 9.1 The Council is under a 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. This duty does not strictly apply to the proposed contract as it is not a services contract. Nevertheless, Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.
- 9.2 The evaluation criteria were agreed by the multiple organisations who would be able to use the procurement outcome to award contracts, and included 20% for Sustainability and 10% for Social Value. The successful bidder’s Social Value proposals can be found at Appendix 1 (Exempt).

Report sign off:

Peter Gadsdon
Operational Director of Customer
and Digital Services