



Officer Key Decision

Report to the Strategic Director of Customer and Digital Services

AUTHORITY TO AWARD CONTRACT FOR EMAIL FILTERING

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:	2 – Appendix 1 – Exempt Appendix 2 – Tender evaluation grid
Background Papers¹:	None
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1.0 Purpose of the Report

- 1.1 This report concerns the procurement of Email Filtering for the Shared Technology Services boroughs of Brent, Lewisham and Southwark. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in tendering 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 of the contract for Email Filtering from 26 February 2022 until 25 February 2025 to Bytes Software Services Limited in the sum of £681,630.

3.0 Detail

- 3.1 The Shared Service boroughs currently have a contract with Bytes Software Services Limited for the Email Filtering which expires on 25 February 2022. The council requires the provision of an email filtering solution in order to prevent potentially harmful messages from entering and leaving the organisations, including ensuring that fraudulent scam and phishing emails do not reach user mailboxes. It is proposed to award a new contract to Bytes Software Services Limited for the provision of Email Filtering for the Shared Technology Services boroughs from 26 February 2022 until 25 February 2025.

The Tender Process

- 3.2 The new contract will be let using Y20011 - KCS Professional Services Software Products and Associated Services 2 framework for three years.
- 3.3 A further competition exercise was carried out using the Framework Agreement in accordance with its rules.

Evaluation process

- 3.4 The evaluation of tenders was on the basis of 80% price and 20% quality in compliance with the Framework Agreement further competition guidance.
- 3.5 The tender evaluation was carried out by a panel of officers from Shared Technology Services.
- 3.6 All tenders had to be submitted electronically no later than 12 noon on 8 February 2022. Tenders were opened on 8 February 2022 and two valid

tenders were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.

3.7 The panel met on 9 February 2022 and each submission was marked by the whole panel against the award criteria.

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. Officers therefore recommend the award of the contract to Tenderer A, namely Bytes Software Services Limited.

3.9 The contract will commence on 26 February 2022.

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 of this contract is £681,630.

4.3 It is anticipated that the cost of this contract will be funded from the Shared Services boroughs' IT budgets.

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

Annual costs shown, based on 3 years paid in advance.

	Brent	Lewisham	Southwark	Total
12 Month Period (1 st Year)	£76,375.53	£63,841.85	£86,992.84	£227,210.00
12 Month Period (2 nd Year)	£76,375.53	£63,841.85	£86,992.84	£227,210.00
12 Month Period (3 rd Year)	£76,375.53	£63,841.85	£86,992.84	£227,210.00
Total Spend (36 Months)	£229,126.58	£191,525.55	£260,978.52	£681,630.00

5.0 Legal Implications

5.1 The value of this contract over its lifetime is in excess of the threshold for Services and the award of the contract is therefore governed by the Public

Contracts Regulations 2015 (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 PCR 2015 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 procurement 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.
- 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 Director of Legal, HR, Audit and Investigations has advised that participation in the framework is legally permissible. The Director of Legal, HR, Audit and Investigations confirmed that participation in the relevant framework agreement Y20011 - KCS Professional Services Software Products and Associated Services 2 framework is legally permissible.
- 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.

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, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and

foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.3 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.

6.4 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 three Shared Service Boroughs have been consulted in relation to this procurement.

8.0 Human Resources/Property Implications (if appropriate)

8.1 Not Applicable.

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:

Peter Gadsdon

Strategic Director of Customer and Digital Services