

	Officer Key Decision
	Report to the Strategic Director Customer and Digital Services
Use of Crown Commercial Service Framework and Award of a Contract for Mobile Voice and Data for the London Boroughs of Brent and Lewisham, and the Local Government Association	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Philippa Brewin Procurement and Contracts Manager Shared Technology Services philippa.brewin@sharedtechnology.services 07867 186778

1.0 Purpose of the Report

- 1.1 This report seeks approval for Brent Council to procure and award a contract as required by Contract Standing Order 88 for mobile voice and data services for the London Boroughs of Brent and Lewisham, and the Local Government Association (LGA) by calling off from a framework agreement for Network Services, Lot 6 (Mobile Voice and Data Services) established by the Crown Commercial Service.

2.0 Recommendations

That the Strategic Director of Customer and Digital Services:

- 2.1 Approves the procurement of a call off contract for mobile voice and data services for the London Boroughs of Brent and Lewisham and the LGA under the Network Services 2 Framework Agreement, Lot 6 (Mobile Voice and Data Services) established by the Crown Commercial Service on the basis of the pre - tender considerations set out in paragraph 3.7 of the report.

- 2.2 Approves the award the contract for mobile voice and data services for the London Boroughs of Brent and Lewisham and the LGA for the period from 24 June 2022 to 31 March 2024 in the sum of £669,340 to Vodafone Limited by way of a direct award from the Network Services 2 Framework Agreement, Lot 6 (Mobile Voice and Data Services) established by the Crown Commercial Service
- 2.3 Confirms that there is sufficient budgetary provision for the proposed call-off contract detailed in Recommendation 2.2.

3.0 Detail

- 3.1 The current contract for Brent, Lewisham and the LGA's mobile voice and data services is with Vodafone Limited. The contract commenced on 24 July 2019 and expires on 23 July 2022. A new contract for the services is therefore required.
- 3.2 Officers have identified a framework agreement for Network Services, Lot 6 (Mobile Voice and Data Services) ("the Framework Agreement") established by the Crown Commercial Service as a quick and cost effective means of procuring the mobile voice and data services. The Framework Agreement rules allow direct awards to be made to suppliers who have suitable offerings on the framework catalogues on the CCS eMarketplace. The award should be made to the most economically advantageous supplier.
- 3.3 There are 16 suppliers appointed to Lot 6 of the Framework Agreement. The Framework Agreement was advertised in OJEU in December 2018. The suppliers were appointed on the basis of the most economically advantageous tender in terms of price and quality.
- 3.4 The Framework Agreement runs from 12 August 2019 to 16 August 2023, and can be used by all local authorities, as well as the majority of other public bodies.
- 3.5 The Framework Agreement allows the Council to procure the required mobile voice and data services within the timeframe permitted by the terms of the Framework Agreement with minimal expenses incurred. Officers therefore regard the Framework Agreement to be beneficial for procuring the software contract for the following reasons:
- The process for access requires minimal resources
 - There is no cost to the Council for its use
- 3.6 In accordance with the Framework Agreement rules, Officers have identified Vodafone Limited as the most economically advantageous supplier capable of delivering the mobile voice and data services and wish to award a contract to it for the period from 24 July 2022 to 31 March 2024.

Pre-Tender Considerations

- 3.7 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for a contract for mobile voice and data services (the "Contract") have been set out below for the approval by the Strategic Director:

Ref.	Requirement	Response	
(i)	The nature of the services / supplies / works.	Mobile Voice and Data Services	
(ii)	The estimated value.	£669,340	
(iii)	The contract term.	24 July 2022 to 31 March 2024	
(iv)	The tender procedure to be adopted.	Direct award under the Framework	
v)	The procurement timetable.	Indicative dates are:	
		Panel evaluation	completed
		Contract decision	completed
		Strategic Director approval	13 July 2022
		Contract start date	24 July 2022
(vi)	The evaluation criteria and process.	The framework permits direct award by accepting offers on the Crown Commercial Services eMarketplace. The Vodafone offer has been selected on the basis of lowest price.	
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract.	
(viii)	The Council's Best Value duties.	The use of a direct award process that identifies the most economically advantageous bidder from a Framework Agreement that has been procured under the Public Contracts Regulations 2015 will assist the Council in meeting its Best Value duties.	
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 11 below.	
(x)	Any staffing implications, including TUPE and pensions.	See section 10 below.	
(xi)	The relevant financial, legal and other considerations.	See sections 6 and 7 below.	
(xii)	Sustainability	As the award will be based on an eMarketplace catalogue offering, this does not include specific sustainability elements.	
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the contract.	

Ref.	Requirement	Response
(xiv)	London Living Wage	Given the nature of the contract it is not appropriate to include provision requiring payment of the London Living Wage.
(xv)	Contract Management	A contract manager will be appointed and there are standard contract management provisions included in call off contracts from the framework.

3.8 As detailed in paragraph 3.3, Officers have identified Vodafone Limited as the most economically advantageous supplier who has suitable offerings on the Framework Agreement catalogues on the CCS eMarketplace. Having discussed future options with them, Officers consider that it is possible to enter into a contract with Vodafone Limited that delivers substantial savings. This offer has been market tested, and Officers are confident that it is highly competitive. If the potential cost of changing provider is also taken into consideration, then the comparison becomes even more favourable.

3.9 This contract period will be coterminous with the current contracts for the London Borough of Southwark's Mobile Voice and Data, which will facilitate options for a future single contract for all organisations, which will be likely to generate further savings.

3.10 The total value of the Contract is estimated to be £669,340 over the entire contract period, which is a 34% saving on current contract costs.

3.11 The new Contract costs include a dedicated Vodafone Service Manager, who will work with Shared Technology Services to ensure that sim and data costs and usage are optimised. The Service manager will also carry out operational tasks currently undertaken by STS officers, such as the issuing and recording of sims and generation of reports, leading to further resource savings.

3.12 Officers consider that the benefits to the organisations of continuing to use Vodafone Limited are:

- The services meet current business requirements
- Continuity with no disruption or transition to another provider
- Substantial savings as outlined above

4.0 Financial Implications

4.1 The total value of the contract is estimated to be £669,340 over the entire contract period.

4.2 The costs will be shared among the 3 organisations as follows:

Brent	Lewisham	LGA	Total
£368,137.00	£240,962.40	£60,240.60	£669,340.00

4.3 The cost of the contract will be met from the individual organisations' ICT budgets.

5.0 Legal Implications

- 5.1 The estimated value of the call off Contract is above the threshold for Services under the Public Procurement Regulations 2015 (the “PCR 2015”) and the procurement is therefore governed by the PCR 2015.
- 5.2 Officers recommend the use of a framework to procure the Contract. 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 Framework Agreement is legally permissible.
- 5.4 The procurement is subject to the Council’s own Standing Orders and Financial Regulations in respect of Medium Value Contracts given the Council’s element of the procurement is valued at less than £2m. Subject to there being sufficient budgetary provision for the Contract, the Strategic Director has authority pursuant to paragraph 9.5 to approve the procurement of the Contract using the Framework Agreement.
- 5.5 As the procurement of Contract is from a framework, there is no requirement for the Council to observe a 10 day standstill period under the PCR 2015.

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 Stakeholders from the Shared Technology Services' partners have been consulted.

8.0 Human Resources/Property Implications (if appropriate)

8.1 This service is currently provided by an external contractor 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:

Fabio Negro

Managing Director, Shared Technology Services