

	<b>Officer Key Decision</b>
	<b>Report to the Strategic Director of Customer and Digital Services</b>
<b>AUTHORITY TO EXTEND CONTRACT FOR A DIGITAL TRANSFORMATION TECHNOLOGY PARTNER</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Rehana Ramesh Head of Digital Transformation 020 8937 1935 <a href="mailto:Rehana.Ramesh@brent.gov.uk">Rehana.Ramesh@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 This report seeks approval for the Council to extend and vary a contract for a digital transformation technology partner for the period of eleven months in accordance with Contract Standing Order 112.

## 2.0 Recommendation(s)

That the Strategic Director of Customer and Digital Services:

- 2.1 Approves the extension to the current contract for a Digital Transformation Technology Partner with Infosys Limited for a period of eleven months from 1<sup>st</sup> September 2022 to 31<sup>st</sup> July 2023.
- 2.2 Approves a variation to the current contract with Infosys Limited to

allow for the extension detailed in Recommendation (a) above.

### **3.0 Detail**

- 3.1 In October 2019 Cabinet approved the Digital Strategy, including the delegation to the Strategic Director of Customer and Digital Services, in consultation with the Deputy Leader, of the authority to award a contract for a digital development partner (the “Contract”).
- 3.2 Officers subsequently procured a contract for a digital development partner using the G-Cloud 11 Framework and this was awarded by Strategic Director of Customer and Digital Services on 9 June 2010 to Infosys Limited (“Infosys”) for a period of two years, plus a possible further two single year extensions, the contract commencing on 1 August 2020.
- 3.3 In December 2021, Cabinet approved the new Digital Strategy 2022-26. Infosys have supported the implementation of previous digital strategies and it has been agreed that their technical support is required to deliver the aims of the new Digital Strategy. The benefits of the successful delivery of the digital programme are included in the Digital Strategy.
- 3.4 Whilst the Contract contains provision allowing for two single year extensions, Officers sought and obtained approval to extend the Contract by one month from 1 August 2022 to 31 August 2022 to enable further discussions with Infosys concerning a longer term extension.
- 3.5 Officers now recommend an extension of eleven months to the Contract. As the proposed extension of eleven months is not provided for in the Contract, the Contract instead providing for a 12 month extension, in addition to the recommendation to extend the Contract, Officers also seek approval to vary the Contract to allow for the extension of eleven months.
- 3.6 Under section 3(b) of the table at paragraph 9.5 of Part 3 of the Constitution, Strategic Directors and Operational Directors are able to extend contracts and agreements without the need for Cabinet approval:
  - (a) provided that the extension would not be in breach of Procurement Legislation.
  - (b) provided that the extension does not substantially alter the terms and conditions of the contract.
  - (c) provided that there is sufficient existing budgetary provision.

- (d) if the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract:
  - (i) in the case of any contract, agreement, deed or other transaction with a life of not more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of six months; or
  - (ii) in the case of any contract, agreement, deed or other transaction with a life of more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of one year.
- (e) the relevant cabinet member shall be consulted prior to a decision within (d) (i) or (ii) above and may request that the decision instead be referred to them.

3.7 It is considered that the Strategic Director has delegated authority to agree the extension as, addressing the points detailed in paragraph 3.6 above:

- (a) the extension and variation would not be in breach of the Procurement Legislation as when the Contract was let it provided for extensions of up to 2 years and Officers merely recommend an eleven month extension. It is considered that such variation is permitted in accordance with Regulation 72 of the Public Contracts Regulations 2015 (“PCR 2015”);
- (b) the extension and variation does not substantially alter the terms and conditions of the contract, with any extension being on the same terms and conditions as the existing contract;
- (c) there is sufficient existing budgetary provision for the proposed eleven month extension;
- (d) the recommended variation to the Contract is to allow for an eleven month extension rather than the twelve month extension provided for in the contract and as such falls within the provisions of (d)(i) and (ii);
- (e) the proposed extension is not in accordance with the extension provisions in the contract but falls within the provisions of (e)(i) and (ii);
- (f) the relevant cabinet member has been consulted prior to a decision within (d) (i) or (ii) or (e) (i) or (ii) above and has not requested that the decision instead be referred to them.

## **4.0 Financial Implications**

- 4.1 The estimated value of this contract extension is £1.5 million.
- 4.2 It is anticipated that the cost of the contract will be funded from the existing Digital Strategy Capital Programme budget, which was agreed by Cabinet in December 2021.

## **5.0 Legal Implications**

- 5.1 Officers recommend the extension of the Contract with Infosys by a period of eleven months from 1 September 2022.
- 5.2 The value of the Contract when let is such that it is subject to full application of the Public Contract Regulation 2015 (PCR 2015).
- 5.3 Recommendation 1(b) is to agree a variation of the duration of the extension provided for in the Contract for the reasons detailed in paragraphs 3.4 and 3.5. This variation is permitted in accordance with Regulation 72 of the PCR 2015.
- 5.4 The Contract contains express provision allowing for extension by up to a further 2 years. The recommended extension of eleven months as set out in Recommendation 1(a) is permitted in accordance with Regulation 72 of the PCR 2015.
- 5.5 The Strategic Director is authorised pursuant to Paragraphs 9.5 of Part 3 of the Constitution to extend and vary contracts subject to the conditions set out in paragraph 2.5 above. As set out in paragraph 2.6 above, none of these conditions preclude the Strategic Director agreeing the recommended extension and variation.

## **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 This work is part of the programme to deliver the Council's Digital Strategy 2022-26. Consultation was carried out to inform development of the strategy which was agreed by Cabinet in December 2021.

## **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 extending the contract.

8.2 There are no property or accommodation implications.

### **Related Documents**

Officer Key Decision Report – Award of a contract for the Support and Delivery of Brent’s Digital Transformation Programme – 9<sup>th</sup> June 2020

Cabinet Report – Digital Strategy and Business Case 2022 – 2026 - 11<sup>th</sup> December 2022

**Report sign off:**

**Peter Gadsdon**  
Corporate Director of Resident  
Services