

	Decision of the Leader
	Report from the Corporate Director of Resident Services
Authority to award contract for Digital Transformation Technology Partner	

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>	Name: Rehana Ramesh Job Title: Head of Digital Transformation Email: Rehana.ramesh@brent.gov.uk

1.0 Purpose of the Report

1.1 This report concerns the use of the G-Cloud 13 framework to award a contract for a Digital Transformation Technology Partner to support the delivery of the five borough plan themes: prosperity and stability in Brent; thriving communities; a healthier Brent; a cleaner, green future; and the best start in life. This report requests authority to award contracts as required by Contract Standing Order 88. This report summarises the process undertaken in procuring a contract and recommends to whom the contract should be awarded in accordance with paragraph 7.1 of Part 3 of the Constitution.

2.0 Recommendation(s)

That the Leader, in accordance with paragraph 7.1 of Part 3 of the Constitution:

- 2.1 Approves the pre-tender considerations set out in paragraph [3.6].
- 2.2 Approves the award the contract for a Digital Transformation Technology Partner to Infosys Ltd for two years in the sum of £4.75 million.

3.0 Detail

3.1 The council requires the provision of a Digital Transformation Technology Partner. Council officers have undertaken a procurement exercise by calling off from the G-Cloud 13 framework Agreement, Lot 3 Cloud Support (the “Framework”). Officers have identified a contractor providing the most economically advantageous offer in accordance with relevant criteria set out in the Framework and therefore recommend award of a contract for a Digital Transformation Technology Partner (the “Contract”).

The Procurement Process

- 3.2 The Contract will be called off from the Framework, using the form of award and standard call off terms and conditions prescribed under the Framework.
- 3.3 The Framework permits award by way of a further competition and by way of direct award and sets out rules for the identification of the most economically advantageous contractor under both procedures. Officers consider that identification of the most economically advantageous contractor using the Framework’s direct award procedure is most appropriate for the procurement of the Contract as it ensures existing digital work can continue with its development.
- 3.4 In compliance with the Framework guidance, Officers have reviewed the framework information for all contractors on the relevant Lot of the Framework. Officers have identified Infosys Ltd as the most economically advantageous contractor. The Contract is for two years in the sum of £4.75 million
- 3.5 The contract will commence on 1st August 2023 subject to call-in.

Pre-tender Considerations

3.6 The pre-tender considerations relevant to the Contract are as follows:

Ref.	Requirement	Response
(i)	The nature of the services / supplies / works.	As detailed above
(ii)	The value.	£4,750,000
(iii)	The contract term.	Two years
(iv)	The tender procedure to be adopted.	Direct Award from a Framework

Ref.	Requirement	Response	
(v)	The procurement timetable.	Stage in Procurement	Indicative dates
		Invited Bid	May 2023
		Checking Bid	June 2023
		Contract start date	1 st August 2023
(vi)	The evaluation criteria and process.	N/A – Direct Award	
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the Contract.	
(viii)	The Council's Best Value duties.	For the reasons set out in Section 3, it is considered that Direct Award will result in the Council achieving best value.	
(ix)	Consideration of Public Services (Social Value) Act 2012	Officers have had regard to the Public Services (Social Value) Act 2012.	
(x)	Any staffing implications, including TUPE and pensions.	There are no implications for Council staff arising from the procurement.	
(xi)	The relevant financial, legal and other considerations.	Financial – See Financial Implications at Section 4.	
		Legal – See Legal Implications at Section 5.	
		Other – N/A	
(xii)	Sustainability	Given the nature and value of the Contract, it is not possible to include specific sustainability requirements.	
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the Contract.	
(xiv)	London Living Wage	The Contract will require the payment of the London Living Wage to London based employees.	
(xv)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the Contract.	

4.0 Financial Implications

- 4.1 Paragraph 13 of Part 3 of the Council's Constitution states that the Leader has delegated authority to approve the award of contracts for services / supplies valued over £2 million but at less than £5 million. The estimated value of the Contract is "under this threshold".
- 4.2 The cost of the Contract is for up to £4.75m and will be funded from Digital Strategy Capital programme budget. Payments are to be made based on the statement of works as agreed by the Customer and Digital Board. There is currently £3.35m remaining budget for this project for the financial year 23/24, budget of £3.99m for the financial year 24/25, and budget of £2.07m for the financial year 25/26. If the current year's budget were to be exceeded, reprofiling from future years would be required to fund the accelerated spend.

5.0 Legal Implications

- 5.1 The value of the Contract over its lifetime is in excess of the Public Contracts Regulations 2015 (the "PCR 2015") threshold for Services/Supplies and the award of the Contract 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 agreement need to be carried out in accordance with the framework rules, to include using evaluation criteria specified in the framework agreement and utilising the terms and conditions set out in the framework agreement.
- 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 Corporate Director and provided that the Corporate Director, Governance has advised that participation in the framework is legally permissible. The Corporate Director, Governance has confirmed that participation in the Framework is legally permissible.
- 5.4 The award of the Contract is subject to the Council's own Standing Orders in respect of High Value Contracts. The Leader has the power to award High Value Contracts in accordance with paragraph 7.1 of Part 3 of the Council's Constitution.
- 5.5 As the procurement is from a framework, there is no requirement for the Council to observe a 10 day standstill period under the PCR 2015. The award of the contract will be subject to the council's usual call-in process.

5.6 Based on the information contained in the report it is not thought that there are any TUPE implications for council staff.

6.0 Equality Implications

6.1 Pursuant to s149 Equality Act 2010 (the “Public Sector Equality Duty”), the Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
- (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,

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 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 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

6.5 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 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 2022.

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 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. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

Report sign off:

Cllr Muhammed Butt
Leader of the Council