

 Brent	Officer Key Decision
	Report to the Corporate Director, Resident Services
Authority to award contract for the Support Arrangements for the Children Education System	

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:	Once
Background Papers¹:	None
Contact Officer(s): (Name, Title, Contact Details)	<p>Derrick Boyce, Head of ICT Solutions, 0208 937 6045, Derrick.Boyce@brent.gov.uk</p> <p>Sadie East, Operational Director Transformation, 020 8937 1507, Sadie.East@brent.gov.uk</p> <p>Nigel Chapman Corporate Director Children and Young, 07876001732 Nigel.Chapman@brent.gov.uk</p>

1.0 Purpose of the Report

- 1.1 This report concerns award of a contract for the provision of Support Arrangements for the Children’s Education System for the London Borough of Brent. 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.

2.0 Recommendation(s)

That the Corporate Director, Resident Services:

- 2.1 Approves the pre-tender considerations set out in paragraph 3.6.
- 2.2 Approves the award the contract for support arrangements for the Children's Education System to the Access (UK) Ltd. for a term of 3 years with an optional 1 year extension in the sum of £531,292.89.

3.0 Detail

- 3.1 The council currently uses multiple software modules for the administration of Education Services. These modules are used to support functions in Children's services, ie. Special Educational Needs, Pupil Support Services, Schools Admissions, Free School Meals, Family Information Services and Early Intervention Services. It is proposed to award a new contract to for the provision of support arrangements for Children's Education System for the London Borough of Brent for 3 years with an optional 1 year extension (the "Contract").

The Procurement Process

- 3.2 Officers reviewed a range of procurement options for the Contract but concluded that award of a contract from a framework offered a cost effective and quick procurement route. Officers concluded that Lot 2 (Cloud Software) and Lot 3 (Cloud Support) of the G-Cloud 13(the "Framework") was the most suitable framework option. (Updated to reflect change in Framework – 10 Oct 23)
- 3.3 The Framework permits the use of both mini-competition and direct award procurement routes. Following a general review of options offered by the potential providers, Officers concluded that only one provider on the framework, namely Access (UK) Ltd. could meet the Council's bespoke requirements for the Children's Education System. Consideration was given as to the other Framework provider's offerings of an alternate Children Education System but Officers concluded that such alternate System would not be cost effective and would result in incompatibility and may cause disproportionate technical difficulties.
- 3.4 Given the current position and the Council's reliance upon this bespoke service, Officers have used the direct award procurement option and have identified Access (UK) Ltd as providing the most economical advantageous approach for the provision of support arrangements for Children Education

System. As such award is to the current supplier, this allows for the continuity of existing services to the Council.

3.5 G-Cloud 13 have confirmed that awarding the new contract on this basis detailed above is a compliant use of the G-Cloud 13 Framework.

3.5 The contract will commence in October 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	Provision of Support Arrangements for the Children's Education System
(ii)	The value.	£531,292.89
(iii)	The contract term.	3 years with an optional 1 year extension
(iv)	The tender procedure to be adopted.	Direct Award from a Framework
(v)	The evaluation criteria and process.	Direct Award criteria under the Framework were used to identify the most economically advantageous tender.
(vi)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the Contract.
(vii)	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.
(viii)	Consideration of Public Services (Social Value) Act 2012	Officers have had regard to the Public Services (Social Value) Act 2012.
(ix)	Any staffing implications, including TUPE and pensions.	There are no implications for Council staff arising from the procurement.
(x)	The relevant financial, legal and other considerations.	Financial – See Financial Implications at Section 4.
		Legal – See Legal Implications at Section 5.
		Other – N/A

Ref.	Requirement	Response
(xi)	Sustainability	Given the nature and value of the Contract, it is not possible to include specific sustainability requirements.
(xii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / Outcomes will be included in the Contract.
(xiii)	London Living Wage	Given the nature of the Contract it is not appropriate to include provision requiring payment of the London Living Wage.
(xiv)	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 Part 3 of the Council's Constitution states that the Corporate Director, Resident 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 the contract is £531,292.89.
- 4.3 The cost of the contract will be funded from Brent's IT Solution budget.

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 or 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 Medium Value Contracts. The Corporate Director has delegated power to award Medium Value Contracts in accordance with paragraph 9.5 of Part 3 of the Constitution.
- 5.5 The decision to award the contract will be subject to call-in as provided for in the Council's Constitution. As the procurement of the Contract is from a framework, there is no requirement for the Council to observe a 10 day standstill period under the PCR 2015. Subject to no challenge preventing award, Officers will seek to implement the decision to award.

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 The relevant Shared Service Borough stakeholders have been consulted in relation to this procurement.

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:

Sadie East

Director Transformation,