

	<b>Officer Key Decision</b>
	<b>Report to the Corporate Director of Finance and Resources</b>
	<b>Lead Cabinet Member for Finance and Resources</b>
<b>AUTHORITY TO AWARD CONTRACT FOR THE PROVISION OF MICROSOFT UNIFIED SUPPORT</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>	Appendix 1 – Contractors on the Framework
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Name: Stuart O'Shea Job Title: Deputy Director of Operations (Infrastructure), Shared Technology Services Email: Stuart.O'Shea@sharedtechnology.services

## 1.0 Executive Summary

- 1.1 This report concerns the Provision of Microsoft Unified Support. 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 of Finance and Resources in consultation with the Lead Member for Finance and Resources :

- 2.1 Approves the pre-tender considerations set out in paragraph 3.8.
- 2.2 Approves the award the contract for the Provision of Microsoft Unified Support to Bytes Software Services Limited for 36 months in the sum of £690,395.42 ex VAT.

### **3.0 Detail**

#### **Contribution to Borough Plan Priorities & Strategic Context**

- 3.1 The renewal of Microsoft Unified Support directly supports the Council's Digital Strategy, which is a key enabler of the Borough Plan's priorities. By ensuring the Council has access to robust, secure, and responsive digital infrastructure, the support renewal underpins efforts to become a more agile, digitally empowered organisation. This in turn helps improve service delivery, enhances customer experience, and enables more efficient and effective ways of working across departments. These outcomes align with strategic aims such as building a more responsive and inclusive council, supporting thriving communities, and delivering better services through innovation and technology.

<https://www.brent.gov.uk/the-council-and-democracy/strategies-priorities-and-policies>

#### **Background**

- 3.2 The council requires the provision of Microsoft Unified Support. Officers have considered whether the Microsoft Unified Support can be provided by the council itself but have concluded that Microsoft Unified Support is best provided by a contractor. Officers have reviewed a range of procurement options and have determined that the use of a framework is the most appropriate and cost effective means of procuring a contractor.
- 3.3 Officers have undertaken a procurement exercise by calling off from the KCS Y23065 Software Products and Associated Services Framework (the "Framework"). Officers have identified a contractor providing the most advantageous offer in accordance with relevant criteria set out in the Framework and therefore recommend award of a contract for the provision of Microsoft Unified Support (the "Contract").

#### **The Procurement Process**

- 3.4 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.
- 3.5 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 the following direct award justifications apply: 1) The Customer is satisfied following their own due diligence, they can identify the supplier that offers best value for their requirements. 2) The supplier is able to supply the required services within the customers timescales 3) Continuity of

existing services from an awarded supplier. As set out in the above justifications, Officers are satisfied that they have identified the contractor that offers best value for the Council's requirements and is able to supply the required services within the Council's timescales.

3.6 In compliance with the Framework guidance, Officers have reviewed the Framework information for all contractors on the Framework as set out at Appendix 1. Officers have identified Bytes Software Services Limited as the most advantageous contractor. The Contract itself is directly with Microsoft, however payments will be made through the reseller, namely, Bytes Software Services Limited. The Contract is for 36 months in the sum of £690,395.42. This Contract includes the Provision of Microsoft Unified Support across the partners within the Shared Technology Service. Namely, London Borough of Brent and LGA, London Borough of Lewisham and London Borough of Southwark.

3.7 The contract will commence on 1<sup>st</sup> April 2025.

### **Pre-tender Considerations**

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

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>	
(i)	The nature of the services / goods / works.	As detailed above	
(ii)	The value.	£690,395.42 ex VAT.	
(iii)	The contract term.	36 months	
(iv)	The tender procedure to be adopted.	Direct Award from a Framework	
(v)	The procurement timetable.	<b>Stage in Procurement</b>	<b>Indicative dates</b>
		Contract start date	1 <sup>st</sup> April 2025
(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.	

Ref.	Requirement	Response
(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 Considerations at Section 5.
		Legal – See Legal Consideration at Section 6.
		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)	Policy requirements including the National Procurement Policy Statement; prompt payment; London Living Wage; modern slavery; and carbon reduction	<p>The potential suppliers will be required to provide Services in accordance with all relevant policy requirements, to include those detailed in the National Procurement Policy Statement, to comply with a 30 day payment requirement, to provide evidence of wage compliance, evidence due diligence in supply chain (including modern slavery) and provide report on carbon emission and sustainability initiatives during contract delivery</p> <p>Given the nature of the Contract, it is not appropriate to include provision requiring payment of the London Living Wage.</p>
(xv)	Sharing information to allow understanding of the Council's procurement policies and decisions	All relevant policies and information have been shared with bidders through the procurement process.
(xvi)	Consideration of whether SMEs may face particular barriers	Officers have considered whether any steps can be taken to remove or reduce barriers for SME participation in the procurement. It is considered that the tender process recommended is appropriate for

Ref.	Requirement	Response
	to participate in the Tender and consider if such barriers can be removed or reduced	Services required and upholds the principles of equal treatment, transparency, and non-discrimination, ensuring that SMEs and large enterprises are evaluated fairly without any undue advantage given to larger enterprises.
(xvii)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the Contract.

#### 4.0 Stakeholder and ward member consultation and engagement

- 4.1 The relevant stakeholders have been consulted on a regular basis in relation to this procurement.
- 4.2. A business case for the renewal of Microsoft Unified Support was produced and presented to the SharedTechnology.Services Operational Management Group for review and approval.

#### 5.0 Financial Considerations

- 5.1 Part 3 of the Council's Constitution states that the Corporate Director of Finance has delegated authority to approve the award of contracts for services valued at less than £2 million. The estimated value of the Contract is £690,395.42 and is under this threshold.
- 5.2 The cost of the Contract will be funded by each partner Council within the Shared Technology Service.
- 5.3 The cost breakdown is as follows:

	Year 1 (2025)	Year 2 (2026)	Year 3 (2027)
Total Annual Cost	£200,173.82	£224,684.90	£265,536.70
Brent (31.09%)	£62,234.04	£69,854.54	£82,555.36
Lewisham (26.89%)	£53,826.74	£60,417.77	£71,402.82
Southwark (42.02%)	£84,113.04	£94,412.59	£111,578.52

#### 6.0 Legal Considerations

- 6.1 Officers recommend the use of the Framework to procure the Contract for the provision of Microsoft Unified Support. This Framework was procured prior to 24 February 2025 in accordance with the Public Contracts Regulations 2015 ("PCR 2015"). As a result, the PCR 2015 governs a call off under the Framework. The value of the Contract over its lifetime is in excess of the "PCR

2015”) threshold for Services.

- 6.2 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 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.
- 6.3 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 Director, Law has advised that participation in the framework is legally permissible. The Director, Law has confirmed that participation in the Framework is legally permissible.
- 6.4 The award of the Contract is subject to the Council’s own Standing Orders in respect of Medium Value Contracts. The Corporate Director, Finance & Resources has delegated power to award Medium Value Contracts in accordance with paragraph 9.5 of Part 3 of the Constitution.
- 6.5 The decision to award the Contract would ordinarily be subject to call-in as provided for in the Council’s Constitution, however due to the urgency of the decision the urgency procedures have been enacted to implement the decision immediately. 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.
- 6.6 There are no Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) implications as the Contract is being awarded to the same provider who is delivering the current services and there will be no Council staff impacted by this decision.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

- 7.1 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,

- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.
- 7.6 The proposals in this report have been subject to screening and officers believe that there are no adverse health equality implications.

## **8.0 Climate Change and Environmental Considerations**

- 8.1 The Contract will support the Council's sustainability goals by prioritising digital communication, reducing energy consumption to cut carbon emissions. Energy-efficient infrastructure, paperless operations, and sustainable procurement will help align services with Brent's commitments.

## **9.0 Human Resources/Property Considerations (if appropriate)**

- 9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the Contract.
- 9.2 There are no TUPE implications as the Contract is being awarded to the same contractor who is delivering the current services.
- 9.3 This service is currently provided by an external contractor and there are no property considerations.

## **10.0 Communication Considerations**

- 10.1 Consistent and proactive engagement has been undertaken with both internal and external stakeholders to ensure effective communication, address key concerns, and facilitate a smooth progression of activities in the provision of Microsoft Unified Support for the London Borough of Brent, Lewisham and Southwark.

**Report sign off:**

**Minesh Patel**

Corporate Director Finance and Resources