

 <b>Brent</b>	<b>Decision of Cabinet Member for Finance and Resources</b>
	<b>Report from the Corporate Director, Finance and Resources</b>
<b>AUTHORITY TO AWARD CONTRACT FOR PROVISION OF MICROSOFT LICENCES FOR THE LONDON BOROUGH OF LEWISHAM IN ACCORDANCE WITH PARAGRAPH 13 OF PART 3 OF THE CONSTITUTION</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	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)"
<b>No. of Appendices:</b>	Appendix 1 – List of Bidders (exempt) Appendix 2 – Evaluation Grid
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Name: Mike Ligorio Job Title: Commercial Contract & Procurement Manager Email: <a href="mailto:mike.ligorio@brent.gov.uk">mike.ligorio@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 This report concerns the provision of Microsoft License support for the London Borough of Lewisham. This report requests authority to award a contract as required by Contract Standing Order 88. This report summarises the process undertaken in tendering a contract and following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded in accordance with paragraph 13 of Part 3 of the Constitution.

## 2.0 Recommendation(s)

That the Cabinet Member for Finance and Resources, having consulted with the Leader and in accordance with paragraph 13 of Part 3 of the Constitution:

- 2.1 Approves the award the contract for Provision of Microsoft Licences for the London Borough of Lewisham to Ultima Business Solutions Ltd in the sum of £3,807,019.77.

### **3.0 Detail**

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

- 3.1 The provision of Microsoft licences for the London Borough of Lewisham enables Brent Council to monitor carbon emissions and energy consumption across councils, ensuring efficient tracking and management of sustainability efforts related to the usage of MS licences
- 3.2 Lewisham through this contract reduces reliance on carbon-heavy local infrastructure by taking advantage of storing its data related to MS licences in green data centres which run on renewal energy
- 3.3 Lewisham will be supported through partnerships and scheme like MS Digital Skills Programme and will be provided Free of Charge to local residents.

#### **Background**

- 3.4 The Council utilises Microsoft's suite of business software. The existing three-year agreement is due to expire on 31 May 2025, making it necessary to procure a new licence agreement. These licences are purchased through a reseller, with the Framework Agreement serving as a means to competitively procure licences from resellers.
- 3.5 The council requires the provision of Microsoft Licence for the London Borough of Lewisham. Council officers have undertaken a procurement exercise and identified a contractor providing the most economically advantageous offer in accordance with relevant evaluation criteria and therefore recommend award of a contract for provision of Microsoft Licences for the London Borough of Lewisham (the "Contract").

#### **The Tender Process**

- 3.6 The Contract will be called off from the Y23065 - KCS Professional Services Software Products and Associated Services Framework Agreement (the "Framework"), using the form of award and standard call off terms and conditions prescribed under the Framework.
- 3.7 A further competition exercise was carried out using the Framework in accordance with its rules.
- 3.8 In accordance with the requirements of the Framework, the Invitation to Tender stated that the selection of Suppliers to be awarded the contract would be made on the basis of the most economically advantageous tender, and that in evaluating tenders, the Council would have regard to the following:
- Price (80%)
  - Quality (20%) Including 10% social value

#### **Evaluation process**

- 3.9 The tender evaluation was carried out by a panel of officers from Shared Technology Services
- 3.10 All tenders had to be submitted electronically no later than 11/07/2025 at 12pm. Tenders were opened on 11/07/2025 and two valid tenders were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.
- 3.11 The panel met on 30/07/2025 and each submission was marked by the whole panel against the award criteria.
- 3.12 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that Contractor D, Ultima Business Solutions Ltd, was the highest scoring tenderer. Officers therefore recommend the award of the contract to Contractor D, Ultima Business Solutions Ltd.
- 3.13 The contract will commence on 01/11/2025.

#### **4.0 Consultation with Ward Members and Stakeholders**

- 4.1 Stakeholders in the London Borough of Lewisham have been consulted in relation to this procurement.

#### **5.0 Financial Considerations**

- 5.1 Paragraph 13 of Part 3 of the Council's Constitution states that the Cabinet Member for Finance and, Resources having consulted with the Leader has delegated authority to approve the award of contracts for services / goods valued over £2 million but at less than £5 million. The estimated value of the Contract is £3,807,019.77.
- 5.2 The cost of the Contract will be funded from Lewisham's ICT budget.

#### **6.0 Legal Considerations**

- 6.1 Officers recommend the use of the Framework to procure a contract for the provision of Microsoft Licences for the London Borough of Lewisham. 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 estimated value of the Contract over its lifetime is in excess of the PCR 2015 threshold for the provision of Microsoft Licences for the London Borough of Brent and the award of the Contract is therefore governed by the PCR 2015.
- 6.2 Officers recommend the use of a framework to procure the Provision for Microsoft Licence for the London Borough of Lewisham. 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 Cabinet Member and provided that the Director, Law has advised that participation in the framework is legally permissible. The Director, Law 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 High Value Contracts. The Cabinet Member for Finance and, Resources, having consulted with the Leader, has delegated power to award High Value Contracts up to the value of £5M for goods and services in accordance with paragraph 13 of Part 3 of the Council's Constitution.
- 6.5 As the procurement of provision for Microsoft Licence for the London Borough of Lewisham is from a framework, there is no requirement for the Council to observe a 10 day standstill period under the PCR 2015.

## **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 Officers have not identified any health equalities implications arising from the proposals in this report.

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

- 8.1 The Council is committed to reducing its environmental impact and aligning its services with sustainability goals. As part of the Contract, the Council will implement measures

to support carbon reduction, energy efficiency, and environmentally responsible practices.

- 8.2 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 Lewisham's commitments.

## **9.0 Human Resources/Property Implications (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.

## **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 the Microsoft Licences for the London Borough of Lewisham.

### **Report sign off:**

**MINESH PATEL**

Corporate Director Finance and Resources