

	<b>Officer Key Decision</b>
	<b>Report to the Corporate Director, Finance and Resources</b>
	<b>Deputy Leader and Cabinet Member for Finance and Resources</b>
<b>AUTHORITY TO AWARD CONTRACT FOR SQL SERVER LICENCES USING A FRAMEWORK AGREEMENT</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>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Name: Sharon Kissi-Mensah Job Title: Assistant Category Manager Email: Sharon.kissi-mensah@brent.gov.uk

## 1.0 Executive Summary

- 1.1 This report concerns the continued provision of SQL Server Licences for the London Boroughs of Brent, Lewisham and Southwark. An initial contract for a period of 12 months was previously approved and is due to expire on 30 June 2026. The initial 12-month contract aligned to the first year of a multi-year Microsoft licensing arrangement. To ensure continuity of service and maintain alignment with these licensing requirements, it is now necessary to secure provision for the remaining two-year period. This report therefore requests authority to award the contract for this additional two-year period in accordance with Contract Standing Order 88. The report summarises the process undertaken 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 3.9.
- 2.2 Approves the award of the contract for the provision of SQL Server Licences for the London Boroughs of Brent, Lewisham and Southwark to Bytes Software Services Ltd under the KCS Y23065 Software Products and Associated Services Framework Agreement for a period of two years in the sum of £ 641,381.76.

### **3.0 Detail**

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

- 3.1 This section to include:
  - (a) The provision of SQL Server Licences supports the delivery of core digital and data services across the London Boroughs of Brent, Lewisham and Southwark. These licences underpin critical systems used to manage and store data securely, enabling the efficient delivery of frontline and back-office services.
  - (b) The proposal aligns with the Council's Borough Plan priorities by supporting the effective use of digital technology to improve services for residents, ensure data security, and enhance operational efficiency across Shared Technology Services. Reliable and scalable database infrastructure is essential to maintaining service continuity and supporting ongoing digital transformation across the boroughs. This procurement also supports wider corporate strategies relating to modernisation, resilience, and value for money.

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

#### **Background**

- 3.2 The Council requires the provision of SQL Server Licences for the London Boroughs of Brent, Lewisham and Southwark to support core data management and digital services across Shared Technology Services.
- 3.3 Officers have considered whether SQL Server Licences can be provided by the Council itself but have concluded that SQL Server Licences are best provided by a specialist external 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.

- 3.4 Officers have undertaken a procurement exercise by calling off from the KCS Y23065 Software Products and Associated Services Framework Agreement (the “Framework”). Officers have identified Bytes Software Services Ltd as the contractor providing the most economically advantageous offer in accordance with the relevant criteria set out in the Framework and therefore recommend the award of a contract for SQL Server Licences (the “Contract”).

### **The Procurement Process**

- 3.5 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.
- 3.6 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 continuity of service, aligns with the existing licensing arrangements, and represents the most efficient and cost-effective route to market.
- 3.7 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 Bytes Software Services Ltd as the most economically advantageous contractor. The Contract is for a period of two years in the sum of £641,381.76.
- 3.8 The contract will commence on 1<sup>st</sup> of July 2026 subject to call-in.

### **Pre-tender Considerations**

- 3.9 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 Goods / Services / Works.	As detailed above
(ii)	The value.	£641,381.76 Ex VAT
(iii)	The contract term.	2 Years
(iv)	The tender procedure to be adopted.	Direct Award from a Framework

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>	
(v)	The procurement timetable.	<b>Stage in Procurement</b>	<b>Indicative dates</b>
		Invited Bid	N/A
		Checking Bid	N/A
		Contract start date	1 <sup>st</sup> July 2026
(vi)	The evaluation criteria and process.	N/A – Direct Award using a Framework Criteria	
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed Contract. Financial Services and Legal Services have been consulted concerning this 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 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;	The potential supplier will be required to provide SQL Server Licences for the London Borough of Brent, Lewisham, and Southwark 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	

Ref.	Requirement	Response
	London Living Wage; modern slavery; and carbon reduction	in supply chain (including modern slavery) and provide report on carbon emission and sustainability initiatives during contract delivery.
(xv)	Sharing information to allow understanding of the Council's procurement policies and decisions	This direct award follows the Framework's procurement guidance, ensuring compliance with relevant policies and procedures
(xvi)	Steps undertaken to remove or reduce barriers for SME participation in the procurement	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 procurement process recommended is appropriate for SQL Server Licences for the London Borough of Brent, Lewisham, and Southwark required and upholds the principles of equal treatment, transparency, and non-discrimination.
(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 Stakeholders from the Shared Technology Services across the London Boroughs of Brent, Lewisham and Southwark have been consulted in relation to the procurement and confirm the ongoing requirement for SQL Server Licences to support service delivery.
- 4.2 Given the nature of the procurement, no specific consultation with ward members has been undertaken as the Contract relates to the provision of internal ICT infrastructure supporting Council operations.

#### **5.0 Financial Considerations**

- 5.1 Part 3 of the Council's Constitution states that the Corporate Director of Finance and Resources has delegated authority to approve the award of contracts for services valued at less than £2 million. The estimated value of the Contract is £641,381.76, which is below this threshold.

- 5.2 The cost of the Contract will be funded from existing Shared Technology Services budgets across the London Boroughs of Brent, Lewisham and Southwark.
- 5.3 The total cost of the Contract will be apportioned between the participating boroughs in accordance with agreed cost-sharing arrangements.

<b>Years</b>	<b>Brent</b>	<b>Lewisham</b>	<b>Southwark</b>	<b>Total</b>
2 Years	£174,904.81	£185,038.64	£281,438.31	£641,381.76

## **6.0 Legal Considerations**

- 6.1 Officers recommend the use of the Framework to procure SQL Server Licences. 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 will govern a call off under the Framework.
- 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. The contract awarded pursuant to this report shall be entered into on the basis of the framework's precedent call-off terms and conditions, which will apply in full to both contracts.
- 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 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.
- 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 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 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.

## **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 There are no specific health equalities implications arising from the award of this Contract.

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

8.1 The procurement supports the Council’s environmental objectives by ensuring that the provision of SQL Server Licences is delivered in line with sustainable procurement principles. Whilst the nature of the Contract limits the opportunity for direct environmental impact, the supplier will be expected to comply with relevant policies relating to carbon reduction, energy efficiency, and sustainable business practices where applicable.

## **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 the award of the Contract.

9.2 There are no property or accommodation implications arising from this Contract.

## **10.0 Communication Considerations**

10.1 The award of the Contract will be communicated to relevant internal stakeholders across Shared Technology Services and the participating boroughs, ensuring alignment with operational requirements and contract management arrangements.

**Report sign off:**

*Minesh Patel*  
Corporate Director Finance and Resources