



Officer Decision Record – Key Decision

Key decisions taken by an officer are subject to the 5 day call in period from circulation to Members, and therefore the decision will be released for implementation following the call-in period and no call in being received

1. Cabinet date and copy resolution this key decision relates to

8th September 2021 (DN.55):

1. That the commencement of a procurement exercise for the Microsoft Enterprise Agreement, be approved.
2. That the purchase of Microsoft E5 licensing be approved.
3. That authority be delegated to the Executive Director, Environment, Economy and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets to deal with all matters leading to and including the award of the contract for the Microsoft Enterprise Agreement and E5 licencing.
4. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be authorised to complete and execute all legal documentation in connection with the award.

2. Subject and details of the matter (to include reasons for the decision)

Approval to award the contract for the Microsoft Enterprise Agreement.

The whole life value of the contract is £2,507,316.84

The maximum duration of the contract is 36 months.

Following conclusion of the evaluation process, Phoenix Software Limited have been identified as the most economically advantageous tenderer, and so approval is sort

to award the contract for the Microsoft Enterprise Agreement to Phoenix Software Limited.

3. Decision being taken

That the Executive Director for Environment, Economy and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets approves award of the contract for the Microsoft Enterprise Agreement to Phoenix Software Limited for a maximum 36 months.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

No.

5. Anticipated outcome(s)/benefits

The contract for the Microsoft Enterprise Agreement is awarded via a further competition under the Crown Commercial Service Technology Products & Associated Services Framework (RM6068) – Lot 3: Software and Associated Services to Phoenix Software Limited for a maximum of 36 months.

6. Details of any alternative options considered and rejected by the officer when making the decision (this should be similar to original cabinet decision)

Do nothing and not award the contract - this option is considered not a viable option as it is necessary to remain in-license with our Microsoft Enterprise Agreement. Our Enterprise Agreement enables the Council to update and maintain the ICT software and server infrastructure. The Council would lose the use of ICT and cease to operate as a modern functioning Council if it did not take action in response to the ceasing of the current support.

Replace the estate with an alternative products and infrastructure sets, E.g. Google Cloud Platform and G Suite, Amazon Web Services (AWS) etc. There are alternative solutions to Microsoft technology, such as Google and Apple for Business, although the cost of change is likely to be prohibitive. Also, the time required to make the change to another solution is likely to take several years.

Remain on current E3 licensing model. This will ensure we remain as is. The council would not lose the use of ICT, continuing to operate as it does now. Limited secure collaboration will still remain possible.

Purchase E5 ramp up. This would give enhanced security features and opportunities for collaboration. This option supports the Council to move to more modern and collaborative ways of working, enabling the 'work anywhere and with anyone' culture to further develop, whilst enhancing security of infrastructure, systems and data.

Phoenix Software Limited has been identified as the most economically advantageous tenderer, so there is no reason to not award.

7. Background documents considered (web links to be included and copies of documents provided for publishing)

Cabinet Decision (DN.55) Procurement of The Microsoft Enterprise Agreement.

8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

N/A

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

No conflicts of interest have been identified.

10. Monitoring Officer Comments (Monitoring Officer or nominee)

The above decision is consistent with the will of Cabinet.

The approach of a framework contract has the benefits of approved suppliers already meeting certain benchmarks and flagging agreement in advance to appropriate terms and conditions. By such frameworks are compliant with Public Contracts Regulations 2015. A framework approach is considered good practice and comes with its own efficiencies.

11. Section 151 Officer Comments (Deputy S151 Officer or nominee)

The budget pressure that will result from the new licensing arrangements has been approved and will be factored into the Council's Medium Term Financial Plan 22/23 – 24/25. This is estimated to be in the region of £300k in 22/23, rising to £430k by 24/25.

12. Human Resource Comments (Head of People and Culture or nominee)

There are no direct HR implications.

13. Risk Assessment (in accordance with the Report Writing Guide)

Not awarding the contract would leave the Council without a Microsoft Enterprise Agreement. Our Enterprise Agreement enables the Council to update and maintain the ICT software and server infrastructure. The Council would lose the use of ICT and cease to operate as a modern functioning Council if it did not take action in response to the ceasing of the current support.

14. Has the Cabinet Tracker been updated with details of this decision?

Yes.

15. Decision Maker(s):

Name: Sharon Wroot

Title: Executive Director for Environment, Economy and Resources

Signed: REDACTED

Dated: 24th November 2021

16. Consultation carried out with Portfolio Holder(s):

Name: Councillor Stan Shreeve

Title: Portfolio Holder for Finance, Resources and Assets

Signed: REDACTED

Dated: 24th November 2021

17. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor

Name: N/A

Title: N/A

Signed: N/A

Dated: N/A

