



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

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| 1. Cabinet date and copy resolution this key decision relates to |
| <p>Cabinet approved the following recommendations on the 18th September 2024 (DN.38 Procurement of the Microsoft Enterprise Agreement)</p> <p>1. That the commencement of a procurement exercise for the Microsoft Enterprise E5 licence Agreement be approved.</p> <p>2. That the purchase of Microsoft E5 licensing renewal be approved.</p> <p>3. That the Executive Director Place and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets be delegated authority to award the contract for the Microsoft Enterprise Agreement and E5 licensing and thereafter to deal with all ancillary matters reasonably arising.</p> <p>4. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete and execute all legal documentation in connection with the award.</p> |
| 2. Subject and details of the matter (to include reasons for the decision) |
| <p>Approval to award the contract for the Microsoft Enterprise Agreement.</p> <p>The whole life value of the contract is £3,528,150.78. Following the announcement of the SPA24 MOU by Crown Commercial Services indications are that the pricing</p> |

will be around £134K per annum lower over the three years (403K over three years), this will be confirmed as we enter discussions with Phoenix.

The maximum duration of the contract is 36 months.

Following the tender and evaluation process run through an aggregated further competition (NFC180) on behalf of North East Lincolnshire Council by the Crown Commercial Services, accessing their provision of Technology Products and Associated Services framework agreement (RM6098) Lot 3: Software.

The approval is sought to award the contract for the Microsoft Enterprise Agreement to Phoenix Software.

3. Decision being taken

That the Executive Director Place and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets approves the award of the contract for the Microsoft Enterprise Agreement to Pheonix Software 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 an aggregated further competition under the Crown Commercial Services provision of Technology Products and Associated Services framework Agreement (RM6098) Lot 3: Software to Pheonix Software for 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)

Option 1. Do nothing - this option was not considered 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.

Option 2. 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.

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.38) Procurement of the Microsoft Enterprise Agreement
Cabinet Report.

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 decision is consistent with the will and expectation of Cabinet. Legal Colleagues will continue to provide support with matters arising, such as the award documentation.

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

The cost of the contract will be managed mainly within the existing budget envelope, additional budget requirements will be considered and approved as part of the current medium term financial planning round.

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

There are no direct HR implications arising from the contents of this report.

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 Agreement.

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

Yes

15. Decision Maker(s):

Name: Sharon Wroot

Title: Executive Director Place and Resources

Signed: REDACTED

Dated: 26.11.24

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

Name: Cllr Stephen Harness

Title: Portfolio Holder for Finance, Resources and Assets

Signed: REDACTED

Dated: 28th November 2024