

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted – n/a

SERVICE DIRECTORATE: CUSTOMERS

1. DECISION TAKEN

To award Phoenix Software Ltd the contract to provide Microsoft Enterprise Agreement (MSEA E5) 365 & SQL Licenses for three years from 1 April 2022 to 31 March 2025.

2. DECISION TAKER

Jo Dufficy Service Director - Customers

3. DATE DECISION TAKEN:

22 March 2022

4. REASON FOR DECISION

- 4.1 The Council currently operates using a Microsoft EA agreement. This agreement ends on 31 March 2022. The current enterprise agreement is for Microsoft E3, however we have taken advantage of an opportunity to move to E5 as this provides new features that would be beneficial such as enhanced security and anti-virus capabilities.
- 4.2 A procurement process was undertaken utilising the KCS Professional Services Framework Y20011 (A business unit of Kent County Council) and assessed on the basis of 80% price and 20% quality of service/added value. This determined that Phoenix Software Ltd were the preferred contractor.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 There were no other alternatives as our existing Microsoft EA Agreement comes to an end on 31 March 2022.
- 5.2 We could not extend the existing contract as it had already been extended by two years resulting in the maximum of five years.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1 The executive member for Finance and IT has been consulted and the move from E3 to E5 licences was included in the budget setting process for 22/23

7. FORWARD PLAN

- 7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

- 8.1 Four suppliers bid for the contract using the KCS framework.
- 8.2 the evaluation process resulted in Phoenix Software Ltd achieving the maximum of 80% for price and 20% for quality.

9. LEGAL IMPLICATIONS

- 9.1. Under section 14.6.4 (a) (ii) of the Council's Constitution, Service Directors have the authority to enter into contracts to carry out works and/or for the supply of goods and services in respect of their service areas and within approved budgets.
- 9.2. Section 14.6.9 (a) (i) of the Constitution also specifically gives the Service Director – Customers, the authority to manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures.
- 9.3. This contract was awarded and completed in accordance with the Council's Contract and Procurement Rules.

10. FINANCIAL IMPLICATIONS

- 10.1. It was estimated that the cost of the contract over the three-year period would be £617k. As the software will be used over a three-year period, this is treated as capital spend.
- 10.2. The budget was approved at Full Council on 10 February 2022.
- 10.3. By utilising the KCS Professional Services Framework Y20011 the contract has come in under budget. This will be reported as part of the 2022/23 capital budget monitoring process.

11. RISK IMPLICATIONS

- 11.1 Failure to take out a Microsoft EA Agreement from 1 April 2022 would leave the Authority without a cloud platform that is used extensively to provide desktop, infrastructure and mobile device capabilities.

12. EQUALITIES IMPLICATIONS

- 12.1 There are no equalities implications.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and Go Local policy have been considered with no specific actions arising due to the nature of the contract, which is to enable council employees to continue using Microsoft products to carry out their duties

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no direct human resources implications to this decision

16. BACKGROUND PAPERS

- 16.1 None

17. APPENDICES

17.1 None

NOTIFICATION DATE

01 April 2022

Signature of Executive Member Consulted

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a dotted line.

Date 31/03/2022

Signature of Decision Taker

A handwritten signature in black ink, featuring a large loop at the beginning and a long horizontal stroke, positioned above the text.

Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS