

FORM 1

NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Cllr Helen Dyke, as Strong Leader, delegate the decision (Microsoft Licences), as detailed in the Forward Plan to the Cabinet Member detailed below:

Mary Rayner
Cabinet Member for Finance and Capital Portfolio

Dated: 27th February 2023

Signed:

A handwritten signature in black ink that reads "H.E. Dyke". The signature is written in a cursive style with a large, looped 'D'.

Leader of the Council

FORM 2

NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me by the Leader, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Provision of Microsoft Enterprise License Agreement	Approve the use of the KCS framework for the purchase of Microsoft Enterprise Agreement Grant delegated authority to the Head of Resources and s151 Officer in consultation with the Cabinet Member for Finance and Capital Portfolio to direct award and enter into a contract for a new Enterprise Agreement with Phoenix Software Ltd under the terms and conditions of the KCS framework	Approval of the Cabinet is required by the Contract Procedure Rules to enter into a procurement exercise where the value of the purchase is over £175,000. To award the contract for the procurement of a new Microsoft Enterprise Agreement.	27 th February 2023

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 27th February 2023

Signed:



Councillor: Mary Rayner
Cabinet Member

WYRE FOREST DISTRICT COUNCIL

CABINET DECISION FOR STRONG LEADER APPROVAL

27th February 2023

Provision of Microsoft Enterprise License Agreement

Open	
CABINET MEMBER:	Councillor Mary Rayner, Cabinet Member for Finance and Capital Portfolio
RESPONSIBLE OFFICER	Head of Resources and s151 Officer
CONTACT OFFICER:	Helen Ogram Helen.ogram@wyreforestdc.gov.uk Dave.Johnson@wyreforestdc.gov.uk

1. **PURPOSE OF REPORT**

- 1.1 Approval of the Cabinet is required by the Contract Procedure Rules to enter into a procurement exercise where the value of the purchase is over £175,000.
- 1.2 The report seeks to gain approval and delegated authority to the Head of Resources / S151 Officer in consultation with the Cabinet Member for Finance and Capital Portfolio to direct award the contract for the procurement of a new Microsoft Enterprise Agreement.

2. **RECOMMENDATION**

- 2.1 That the Leader is asked to DECIDE to:
 - 2.1.1 Approve the use of the KCS framework for the purchase of Microsoft Enterprise Agreement
 - 2.1.2 Grant delegated authority to the Head of Resources and s151 Officer in consultation with the Cabinet Member for Finance and Capital Portfolio to direct award and enter into a contract for a new Enterprise Agreement with Phoenix Software Ltd under the terms and conditions of the KCS framework.

3. **BACKGROUND**

- 3.1 The Council currently has an Office 365 Microsoft Enterprise Agreement (MEA) that covers licensing for email, Office and Mobile Devices Management.
- 3.2 The Council's existing MEA expires on the 1st May 2023.
- 3.3 Entering into a new MEA will assure the Council is getting the best pricing for its Microsoft Licenses for the next 3 years and ensure the Council remains compliant with regard to its Microsoft licensing.

4. KEY ISSUES

4.1 The estimated annual cost for the MEA are included in the table below.

Year 1	Year 2	Year 3
£92,570.00	£92,570.00	£92,570.00

4.2 The KCS Framework Agreement allows for direct award where the terms of the framework agreement are precise enough and complete for a particular call off product and service provision. The council's internal procedures also require that the lead officer is satisfied that the award offers the best value to the council.

4.3 Direct award to Phoenix Softcat Ltd for a new MEA provides the Council best value for the following reasons

- Preferential pricing below Microsoft Pricing and year 1 discount which we couldn't guarantee via a tender process
- Significantly less time and resources from the Council to run procurement exercise and associated cost reduction
- Ensure continued relationship with a fully certified and accredited Microsoft Partner
- Allow renewal of MEA within Microsoft permitted timescales

4.4 KCS framework is open for use for Local Authorities to cover contracts including IT services and goods. The framework is OJEU compliant and allows for a direct award

4.5 Officers are satisfied that direct award to Phoenix Software Ltd for a new MEA agreement offers best value and meets at least one of the framework requirements for a direct award.

4.6 Phoenix Software Ltd have come first for the last 2 MEA in terms of both quality and price and have always provided excellent support and advice.

4.7 The new contract will be for 3 years.

5. FINANCIAL IMPLICATIONS

5.1 The contract term will be for 3 years.

5.2 The estimated annual revenue costs of £92,570.00. Approx £25,000 will be recharged.

6. LEGAL AND POLICY IMPLICATIONS

6.1 As stated in the Council's Contracts Procedure Rules Cabinet Approval is sought for procurements where the value of the purchase is estimated to be more than £175,000.

6.2 KCS framework allows for direct award where the terms of the framework agreement are precise enough for the call off product and service. Officers are

satisfied that direct award to Phoenix Software Ltd for a new MEA agreement offers best value and meets at least one of the framework requirements for a direct award.

- 6.3 The Council will enter into a new formal contract with Phoenix Softcat Ltd for a new MEA under the rules of the KCS framework.

7. RISK MANAGEMENT

- 7.1 The Council has partnered with Phoenix Software for a number of years for our MEA, with Phenix software providing best value in term of cost, support and advice.

- 7.2 By using the KCS framework procurement risks are reduced.

- 7.3 Entering into a new MEA will assure the Council is getting the best pricing for its Microsoft Licenses for the next 3 years and ensure the Council remains compliant regarding its Microsoft licensing.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 This is a financial report and there is no requirement to consider an Equality Impact Assessment.

9. CONCLUSION

- 9.1 It is essential that the Council is fully licensed for the Microsoft products it uses to ensure it is fully compliant with software that is both supported and able to be upgrade to the latest versions for security reasons.
- 9.2 Due to the value of the contract, authorisation is required to direct award the contract to Phoenix Software Ltd for the Microsoft Enterprise Agreement under the associated rules and regulations of the KCS framework.
- 9.3 In awarding this directly the Council will achieve the most economically advantageous result in terms of price and quality with a continued relationship with our existing Microsoft partner of choice.

11. CONSULTEES

Cabinet Member for Finance and Capital Portfolio
Head of Resources and s151 Officer
Procurement Officer
Contracts Solicitor
ICT Strategy Board

12. BACKGROUND PAPERS

Microsoft Enterprise Agreement Briefing Paper 22/02/2023