


DECISIONS DELEGATED TO OFFICERS


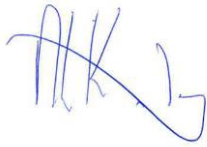

Decision title:	Supplier contract award for Microsoft software licences
Decision date:	24 March 2023
Source of delegation:	<p>The decision relates to the award of a contract for the provision of Microsoft licences.</p> <p>This is a decision reserved to Cabinet under Constitution Part 4.5(10) relating to project approval.</p> <p>However, in the circumstances, an urgent decision is made by the Chief Executive under her authority delegated by Part 9.3(b) of the Constitution which provides that the Chief Executive is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.</p> <p>In exercising such authority, the Chief Executive, will be guided by budget and policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.</p> <p>Key decision procedures and call in procedures will apply to any key decisions taken under this authorisation.</p>
What decision was made?	<p>Following a regular procurement exercise, a successful bidder was identified. The outcome is the award of a three-year contract to the supplier Phoenix for the provision of all Microsoft software licences used across the Council and associated companies. The offer of a 3-year award with the associated discounts was only made during the week of 13th March 2023 - given the timescales for implementation, which must be by the 31st March 2023, which is what has generated the need for an urgent decision.</p> <p>In order to obtain a £40,000 discount on the pricing, we have to sign the agreement in the coming days. Otherwise we will pay the full cost for an annual deal.</p> <p>The value of the contract amounts to £1,107,123.21 over a three-year period. This is in line with the existing capital (C3044) and revenue (CA70) budgets for the provision of the licences. No additional capital or revenue funding is required, nor is there a requirement to vire funds or to adjust annual budgets.</p> <p>Time is of the essence, to protect the Council's financial interests, by securing the discount of £120,000 over the</p>

	three year period, and the discount will not be available if the decision awaited the next scheduled Cabinet meeting. For this reason, the use of the Chief Executive's delegated authority to take urgent action is appropriate and justified.
Purpose:	Time is of the essence in obtaining an urgent decision to secure a £120,000 discount on the cost over the three years, if approved within the timeframe set out by Microsoft, allowing them to set up the supplier before the end of March.
Reasons:	If a decision is not taken with urgency, Microsoft will apply the April pricing, which has a 9% uplift on 2022/3 values. If an annual contract is taken out, the increase in cost will be in the region of £40,000 compared to the three-year cost, plus an uplift of 9%.
Decision made by:	Caroline Green, Chief Executive (Head of Paid Service)
Other options considered:	<ol style="list-style-type: none"> 1. Follow the regular process – this would cost the Council upwards of £120,000 (circa 10% of the contract value) over three years. 2. Approve an annual contract through the Head of Service (as the value would be below £500,000) – this would cost an additional £40,000 to the Council.
Documents considered:	None
Key or Not Key:	<p>Key</p> <p>The matter was not able to be included on the forward plan for 28 days in accordance with the Local Authority (Executive Arrangements) Regulations. The matter was included on the Forward Plan on 16th March 2023 and a special urgency notice served on the Chair of Scrutiny on the same day.</p> <p>The decision may not therefore be made by the Chief Executive until 24th March 2023.</p> <p>The decision is subject to the usual call in rules and so the contract with the supplier may not be entered into until 29th March 2023 at the earliest.</p>
Wards significantly affected:	None
Declared conflict of interest:	None
This form was completed by:	
Name & title:	Rocco Labellarte Chief Technology and Information Officer
Date:	16 March 2023

Approval checklist

Approver	Name and job title	Date
Decision maker	Caroline Green, Chief Executive (Head of Paid Service) 	24 March 2023

Consultee checklist

Consultees	Name and job title	Date
Senior officer	Helen Bishop, Head of Business Improvement 	16 March 2023
Head of Financial Services	Nigel Kennedy, Head of Financial Services and s151 Officer 	17 March 2023
Head of Law and Governance	Susan Sale, Head of Law & Governance and Monitoring Officer 	16 March 2023
Cabinet Member	Cllr Nigel Chapman, Cabinet Member for Citizen Focused Services	17 March 2023