

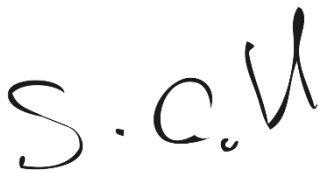
DECISIONS DELEGATED TO OFFICERS

Decision title:	Variation of Contract Award to Class Affinity for Fixed Telephony Provision
Decision date:	24 March 2023
Source of delegation:	<p>Cabinet, on 10 November 2021, resolved to:</p> <ol style="list-style-type: none"> 1. Delegate authority to the Executive Director for Communities, in consultation with the Cabinet Member for Citizen Focused Services, the Head of Financial Services and Head of Law & Governance, to conduct the procurement and award of new Telephony contracts for five years (3+2) using the [Crown Commercial Services Network Services 2 framework (RM3808 Lot 10)] (fixed line and mobile), and all other necessary or ancillary agreements with the successful bidder(s) in accordance with the strategy set out in the report. <p>Part 19.27 of the Council's Constitution provides that:</p> <p><i>Contracts can only be varied when the contract allows and by a written instruction from the Head of Service or an officer they have appointed to manage the contract. Where such a variation would have a material impact on the nature of the contract or would materially alter its risk profile, advice must be sought and received from both Law and Governance and the Procurement team before such variation is put into effect.</i></p> <p>[...]</p> <p><i>Variations must not break any of the contract rules, the UK Public Contract Regulations 2015, or any terms of the contract.</i></p> <p>[...]</p> <p><i>A contract or framework may change without re-advertisement in the Find a Tender Service (FTS) where:</i></p> <ul style="list-style-type: none"> • <i>minor changes that do not affect its nature and not exceed the relevant FTS threshold and not exceed 10% for goods/services or 15% for works of the initial contract value;</i> • <i>additional goods, services or works that have become necessary where a change of supplier would not be practicable (for economic, technical or interoperability reasons) or involve substantial inconvenience/duplication of costs up to 50% of the initial contract value; and</i> • <i>the change was unforeseeable and does not affect the nature of the contract or exceed 50% of</i>

	<p><i>the initial contract value.</i></p> <ul style="list-style-type: none"> <i>In the case of the second and third bullet points, the Council must publish a notice of modification of a contract during its term in the Find a Tender Service.</i>
What decision was made?	<p>Variation of Contract Award for Fixed Telephony Provision to Class Affinity following a procurement mini competition on framework RM3803 Lot 5.</p> <p>The contract is for 3 years + 1 + 1 and has a total value of £764,942 over five years. This is a variation from the originally stated value of £686,000 over five years (<i>original decision taken 15 February 2023</i>).</p>
Purpose:	<p>The variation is to correct a keying error on the part of Class Affinity on their spreadsheet submission, where they erroneously showed the broadband costs as annual, rather than monthly.</p> <p>This is one of two contracts (the other being Mobile Telephony, awarded to Telefonica) which combined amount to £1,052,942, delivering a saving of circa 50% on the previous equivalent contract.</p>
Reasons:	<p>Class Affinity was the successful bidder in the mini-tender for the fixed telephony contract.</p> <p>The contract variation was required because the value shown on the original officer decision form was incorrect, due to a spreadsheet keying error on the part of Class Affinity.</p> <p>The variation is to reflect minor changes which do not affect the nature of the contract and do not amount to a substantial modification under the UK Public Contract Regulations 2015.</p>
Decision made by:	<p>Stephen Gabriel Executive Director (Communities and People)</p>
Other options considered:	<p>Not to process the contract variation. This option was rejected because the Council requires a fixed telephony contract and the variation was required in order to drive in-year savings of circa 50% on the current expiring contract. To not make the decision would have required the procurement to start again, with the likely outcome being the same.</p>
Documents considered:	<p>None</p>
Key or Not Key:	<p>Not Key (contract variation)</p>

Wards significantly affected:	None
Declared conflict of interest:	None.
This form was completed by: Name & title: Date:	Rocco Labellarte Chief Technology and Information Officer 22 March 2023

Approval checklist

<i>Approver</i>	<i>Name and job title</i>	<i>Date</i>
Decision maker	 Stephen Gabriel Executive Director for Communities and People	24 March 2023

Consultee checklist

<i>Consultees</i>	<i>Name and job title</i>	<i>Date</i>
Senior officer	 Helen Bishop Head of Business Improvement	24 March 2023
Head of Financial Services	 Nigel Kennedy, Head of Financial Services	23 March 2023
Head of Law and Governance	 Susan Sale, Head of Law & Governance	23 March 2023
Cabinet Member	Councillor Nigel Chapman, Cabinet Member for Citizen Focused Services	23 March 2023