

Post To: The Executive
21 March 2023

Strategic Procurement Plans for Microsoft M365 licence re-procurement
Director of Delivery

1 Purpose of Report

- 1.1 To seek approval to the re-procurement of the required Microsoft licences to continue our current technology environment and continue our current working capabilities.

2 Recommendation(s)

- 2.1 That the Council access the approved framework, detailed in the Strategic Procurement Plan (background papers) for Microsoft M365 licences via a direct award to retain our current professional partnership with our current Microsoft Gold Partner, Phoenix Software Ltd.**

3 Reasons for Recommendation(S)

- 3.1 Utilising an existing framework allows the procurement to meet the timeframes required as well as enabling a direct award under the terms of Regulation 33(8)(a) of the Public Contracts Regulations 2015 (PCR 2015).
- 3.2 This procurement supports the ongoing delivery of the 'Collaborative working', 'Location independent working', 'Cloud computing', 'Information assets and data' and 'Robust and Reliable IT' strategic themes laid out in the Digital and IT Strategy 2021-24 that was approved by the Executive.

4 Alternative Options Considered

- 4.1 Further competition has been considered but as Microsoft have a monopoly on how licences are resold there is no financial benefit to this approach.

5 Supporting Information

- 5.1 Bracknell Forest Council are currently in contract with Phoenix Software Limited via the current KCS framework agreement. Phoenix Software Limited are a Microsoft accredited reseller and have worked with Bracknell for a number of years, understand our technology stack and the organisations risk appetite and skill sets. They are quick to respond and provide support around the existing products and access directly to Microsoft expert resource as part of their reseller position.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Borough Solicitor

The Framework documentation has been seen by Legal and advice provided to the Client Department regarding the same. Legal have advised the Client Department that there are some matters which may require some clarification from the Framework Contracting Authority Kent County Council regarding some areas within the documentation and the Client Department should be satisfied with any response

from Kent County Council prior to sign off of any legally binding agreement

Financial Advice

- 6.2 The final price of the contract is unknown at this stage. We are subject to market forces for which we have no control and as such, the final price may produce a budget pressure. This will be reported through the normal budget monitoring cycle and if required, included as a budget pressure as appropriate for 2024/25.

Other Consultation Responses

- 6.3 Due to the monopoly held by Microsoft regarding these products and the model they have adopted regarding their licencing, any commercial consideration is rendered irrelevant. Further, as the products are standardised, there are no quality assessments that can be considered. Therefore, unless the Council wishes to adopt new software to fulfil these functions, a full procurement is of little value.

The KCS Y20011 Framework was compliantly procured, and UK local authorities are named as commissioning authorities within its Contract Notice. The framework documents do allow for direct award. The proposed route to market is compliant and accessible to the Council, whilst fully delivering the Council's requirements.

I recommend that the proposal be approved

Equalities Impact Assessment

- 6.4 Initial Impact Assessment Screening for the procurement determined that a full Equality Impact Assessment was not required.

Strategic Risk Management Issues

- 6.5 A number of associated technologies are reliant on an ongoing Microsoft licence agreement to be in place including Electronic Document and Records Management system (EDRMS), Intranet site, O365 applications, TEAMS telephony and underpinning security on endpoint devices (laptops, corporate mobile phones and those under BYOD) as well as security and compliance packages (SCP).

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to:

Have no impact on additional emissions of CO₂.

The reasons the Council believes that this will have no additional impact on emissions are it does not illicit a change in the current technology and therefore current climate implications stay the same.

Health & Wellbeing Considerations

- 6.7 Failure to secure licences in time would be the highest risk to health and wellbeing and it would cause major service interruption. The procurement activity itself does not have further considerations.

Background Papers

Procurement plan M365 renewal 2023

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