

 Executive – 11th June 2014		Agenda Item No. 7B
Title	Microsoft Support Contract	
For further information about this report please contact	Richard Bates Richard.bates@warwickdc.gov.uk 01926 456657	
Wards of the District directly affected	N/A	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	19 th May 2014	Andrew Jones
CMT	20 th May 2014	
Section 151 Officer	20 th May 2014	Mike Snow
Monitoring Officer	19 th May 2014	Andrew Jones
Finance	20 th May 2014	Susan Simmonds
Portfolio Holder(s)	20 th May 2014	Councillor Mobbs
Consultation & Community Engagement		
N/A		
Final Decision?		No
Suggested next steps (if not final decision please set out below) Open the contract opportunity to the market within the next six months. This will be through InTend (eProcurement System), Contract Finder and through approaching other organisations within the industry.		

1. **SUMMARY**

- 1.1 In February this year ICT tendered for a supplier of helpdesk support services for the Council's critical Microsoft products and associated consultancy services.
- 1.2 The tender response was poor with only three suppliers responding. In addition, it was difficult to obtain references from two suppliers and the third bidder's costs were considered to be too high.

2. **RECOMMENDATION**

- 2.1 Executive agrees that in accordance with the Code of Procurement Practice section 5.2.2, the ICT Helpdesk Support Service continues with the existing provider BTiNet for a further period of six months to 31 November 2014 so as to ensure continuity of service whilst alternative options for a suitable tender are explored.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The Council has followed the appropriate procurement procedures but the process has not resulted in a suitable supplier being engaged due to reasons beyond officers' normal control and defined responsibility.
- 3.2 In consultation and agreement with the Council's Procurement Manager, it is proposed that existing supplier is retained in the interim to ensure continuity of service while the procurement process reviewed.
- 3.3 The Code of Procurement Practice permits the above exception, provided authority is sought from the Executive in advance:

In the event that a Senior Manager decides that paragraphs 5.1 and 5.2 apply, in the first instance the agreement of the Procurement Manager must be sought. If the Procurement Manager is still in agreement with the decision then a report must be submitted (in advance of the decision) to the Executive, explaining the circumstances and seeking approval on the course of action. It should be noted that 'lack of time' is not a reason for this application under current legislation.

- 3.4 It is proposed that during the six months the interim supplier is in place that ICT Services will work with the Procurement Manager to:
 - carry out some soft market testing to establish whether there are any frameworks in existence that can be utilised by WDC or any potential new providers in the market.
 - see if this requirement could be consolidated with any other service requirements that might make to opportunity more attractive to the market.
 - revisit the tender documentation and specification to ensure the requirement is clear, in line with the business needs and what the market can offer, and re-advertise with a view to obtaining a better response.

4. POLICY FRAMEWORK

- 4.1 **Policy Framework** – The Local Government Act 1972 requires the Council to have standing orders with respect to the making of contracts. They are part of the Council's Constitution and are, in effect the instructions to Council Officers and Members for making contracts on behalf of the Council.
- 4.2 This exception is permitted under the Council's Code of Procurement Practice (see section 3.3)
- 4.2 **Fit for the Future** – The approach to retender the contract meets with the Council's Fit For the Future objectives "Make savings by achieving better value for money for the things we buy"

5. BUDGETARY FRAMEWORK

- 5.1 Previous annual budget cost for the helpdesk component of the service is £2,500 and an existing budget is in place.
- 5.2 The tender also includes a framework agreement to enable the Council to obtain consultancy services associated with Microsoft products. It is these potential additional services which is likely to exceed the £20,000 procurement threshold over the four year life of the contract and hence the need to undertake a tender exercise.

6. RISKS

- 6.1 No risk. Existing support arrangement will stay in place until a new support contract is agreed.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 To accept the outcome from the original tendering exercise, but this is unlikely to deliver best value for the Council in terms of cost and quality of support.

8. BACKGROUND

- 8.1 The Microsoft Support contract is required by the Council to enable ICT Services to log 3rd line support issues for business critical parts of the Council's infrastructure such as email and SQL databases.
- 8.2 More importantly, the only way that the Council can obtain direct support from Microsoft is via a support contract with one of its partners.