

Report of PPPU Project Manager

Report to Deputy Director of Childrens Services – Learning

Date: 19th June 2015

Subject: Request to waive Contracts Procedure Rule 8 to utilise Smarter Solutions without competition for the provision of the ICT equipment at Broomfield South SILC.



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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

The purpose of this report is to request the approval of the waiver of contracts procedure rule 8 to utilise Smarter Solutions for the supply and installation of ICT equipment at Broomfield South SILC from May 2015. The value of this decision is approximately £50k.

Smarter Solutions Ltd was the successful tenderer in 2014 for the supply and maintenance of ICT equipment at the Broomfield South SILC. This included the provision of support for the School’s Curriculum, SIMS and Admin network. Smarter solutions are an approved contractor via the YPO framework utilised for the purpose of securing the above tenders.

The order will be placed direct with Smarter Solutions without competition

New ICT provision is required for the Basic Need new build expansion on the former Broom Court site (South SILC) which will be handed over to the School at the end of May 2015 and it is proposed that Smarter Solutions Ltd supply and

install this provision in order to ensure both quality/continuity of service provision and value for money.

Recommendations

The Deputy Director – Learning is recommended to approve the waiver of contracts procedure rule 8 to utilise Smarter Solutions for the supply and installation of ICT equipment (Interactive Classroom Display Solution, Internet Café PC's, Data Networking: Wireless & Switching & Multimedia equipment) at Broomfield South SILC from May 2015. The value of this decision is approximately £50k.

1 Purpose of this report

- 1.1 To provide justification for requesting that the contracts procedure rules be waived to allow the ordering of the equipment direct from Smarter Solutions.

2 Background information

- 2.2 The scope for the South SILC expansion project is to build a 50 place provision, allowing the existing pupil places to expand from 100 to 150. This building will be completed and ready for occupation at the end of May 2015. The new build element of the School requires ICT equipment.
- 2.3 Smarter Solutions install and maintain the ICT equipment within the existing school. We therefore wish to use this provider to minimise the risk of any software / hardware conflicts between the installations and to provide the new equipment to be adopted to the school's current maintenance contract.
- 2.4 All the systems need to be in place and working before the additional September 2015 intake of pupils and due to the nature of the school when the building is completed at the end of May 2015 the school wish to begin a gradual transition of the pupils to introduce them to their new learning environment.

3 Main issues

- 3.1 Contracts procedure rule 8 requires that a minimum of 3 quotes is sought for contracts of this value.
- 3.2 It is proposed that the best value solution is to utilise Smarter Solutions without competition to minimise the risk
- 3.3 The price paid has been benchmarked against framework contracts established by other contracting authorities for equipment of this nature and the prices proposed compare favourably in that they are lower than those available on the frameworks, after the application of the contracting authorities costs for the establishment of the frameworks.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Childrens Services have agreed to use Smarter Solutions to source appropriate supplies for the Broomfield South SILC.
- 4.1.2 The PPPU & PU Compliance and Regulation Team have been consulted and provided legal advice on the use of this framework at paragraph 4.5 to this report

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.3 The recommendations within this report do not have any direct nor specific impact upon any of the groups falling under equality legislation and the need to eliminate discrimination and promote equality.

- 4.2.4 An 'Equality, Diversity, Cohesion & Integration' screening document was prepared for the Basic Need expansion project and an independent impact assessment is not required for the approvals requested. This is appended to this document as Appendix A.

4.3 Council policies and City Priorities

- 4.3.1 Provision of school places is a statutory obligation.
- 4.3.2 The SILC scheme is linked to the Best Council Plan 2013-2017 objective of becoming an efficient and enterprising council by improving how we are organised and making best use of our assets. The council are ensuring value for money is achieved and costs are minimised through the effective procurement and delivery of projects.

4.4 Resources and value for money

- 4.4.1 The supply of the ICT equipment has been benchmarked against current framework contract costs and it is available at a lower price..

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The decision to waive CPRs is a significant operational decision under CPR 27.2; therefore, this report will be published but is not subject to call-in.
- 4.5.2 Awarding the contract to this provider without competition could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency it should be noted that Contracts Procedure Rules suggests that contracts of this value should be subject to a degree of advertising. It is up to the Council to decide what degree of advertising is appropriate. In giving the work to this provider without competition there is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity.
- 4.5.3 Whilst there is no legal obstacle preventing the waiver of CPR 8, the above comments should be noted when making the final decision, the Deputy Director of Children's Services should be satisfied that the course of action chosen represents Best Value for the Council.

4.6 Risk Management

- 4.6.1 The supply of school places is a statutory obligation. The council requires a supplier of ICT equipment to be able to supply ICT equipment in a timely manner. Without this the council will fail to meet its statutory obligation

5 Conclusions

- 5.1 The waiver of contracts procedure rule 8 to utilise Smarter Solutions without competition for the required ICT equipment is appropriate for LCC.

5.2 Best Value will be obtained due to the fact that the provider has been subjected to a competitive tendering process under an existing framework contract and the proposed prices are at rates that are below these prices.

6 Recommendations

6.1 The Deputy The Deputy Director – Learning is recommended to approve the waiver of contracts procedure rule 8 to utilise Smarter Solutions for the supply and installation of ICT equipment (Interactive Classroom Display Solution, Internet Café PC's, Data Networking: Wireless & Switching & Multimedia equipment) at Broomfield South SILC from May 2015. The value of this decision is approximately £50k.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.