

Report of: Karen Kennedy, YHPSN Partner Relationship and Contract Manager.

Report to: Bev Fisher, Interim Chief Digital & Information Officer.

Date: 20th November 2020.

Subject: Approval to direct award a new contract on behalf of the Yorkshire and Humber Public Services Network (YHPSN) to NYnet Ltd (NYnet) for the migration, hosting, support and management of the Govroam national roaming Wi-Fi service.

Are specific electoral wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, name(s) of ward(s):		
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, access to information procedure rule number:		
Appendix number: 1		

Summary

1. Main issues

- Leeds City Council (LCC) acting as the legal entity that hosts the Transition Resource Team (TRT) for the Yorkshire and Humberside Public Network Partnership (YHPSN), is required to award a contract to NYnet Ltd. for the migration, hosting and management of the Govroam national roaming Wi-Fi service that is currently utilised by the YHPSN partnership members.
- The YHPSN TRT currently administer the provision of the Govroam service on behalf of the partnership through two separate third party agreements. One with Doncaster and Bassetlaw NHS FT to manage and host the Govroam service on behalf of the partnership, the second agreement with JISC as the providers of Govroam. Doncaster and Bassetlaw NHS FT have approached the YHPSN Executive Board and requested that alternative third party arrangements are made for the provision of the service.
- NYnet Ltd. are an IT provider owned and operated by North Yorkshire County Council (NYCC) a partner of the YHPSN. NYCC have offered NYnet to host and manage Govroam on behalf of the partnership. NYnet Ltd. meets the criteria of a 'Tekal exempt' company and the service can be delivered under provisions in the Public Contract Regulations 2015 for 'Contracts which establish or implement co-operation between contracting authorities'.

- The proposal is cost beneficial to both the YHPSN as a whole and individual partners. NYnet are also Govroam specialists so the service would now be managed by an expert service provider.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

Leeds Best Council Ambition (Becoming an efficient, enterprising and healthy organisation).

- Effective Partnership Working and Commissioning.
- Delivering high quality, locally integrated public services.
- Making the best use of our resources.
- Council Values: Sending money wisely.

3. Resource implications

- The contract delivers a single configured roaming Wi-Fi solution that enables all partners from the region to connect seamlessly when roaming between sites and each other's organisations. This allows partners to utilise shared spaces and resources.
- Awarding this contract to NYnet Ltd. is financially beneficial to the YHPSN partnership over previous arrangements.
- The TRT (based at LCC) currently manage the relationships with JISC and between the partners and Doncaster and Bassetlaw. NYnet would manage the relationship with JISC and the partners, streamlining the process for dealing with escalations and issues and freeing up TRT resources.

Recommendations

- a) The Chief Digital and Information Officer is recommended to approve the award of a contract to NYnet Ltd. in the sum of £48,000 (annually), £144,000 (over the three year term). The contract shall commence on 1st October 2020 and expire on 30th September 2023, at the end of the term the contract renews on a 12 month basis providing the YHPSN don't cancel, we also have the option to renegotiate and extend for a further three years if required.
- b) The recommendation is made on the grounds that the YHPSN collaboration work together to secure a favourable deal for the region by procuring the Govroam service on behalf of the partnership. NYCC as a partner of the YHPSN will now provide the service through their own IT service provider (NYnet Ltd.), replacing the current arrangements with JISC and Doncaster and Bassetlaw NHS FT.

1. Purpose of this report

- 1.1. The purpose of this report is to seek approval for Leeds City Council to direct award a new contract on behalf of the Yorkshire and Humber Public Services Network (YHPSN) to NYnet Ltd. for the use, hosting, support and management of the Govroam national roaming Wi-Fi service for the period October 2020 to September 2023.

2. Background information

- 2.1. The YHPSN is a collaboration of public sector organisations across the Yorkshire and Humber. The majority of YHPSN partners currently use the Govroam service. Govroam is a secure national roaming Wi-Fi service for members of the UK public sector.
- 2.2. The YHPSN TRT currently administer the provision of Govroam through two separate parties and agreements. One with Doncaster and Bassetlaw NHS FT to manage and host the service on behalf of the partnership. The second agreement is with JISC as the providers of Govroam. The TRT collects fees from all partners and then reimburses JISC and Doncaster and Bassetlaw NHS FT for their respective elements of the service.
- 2.3. Doncaster and Bassetlaw NHS FT have approached the YHPSN Executive Board to request the YHPSN make new third party arrangements for the provision of the service. The agreement with Doncaster to provide this service ends in October 2020. The YHPSN have agreed that we continue to pay Doncaster and Bassetlaw on a monthly basis until the partners are fully migrated which we have programmed for the end of January 2021, based on the premise that migrating the whole region will require a short period of dual-running. There is sufficient funds in the YHPSN budget for this.
- 2.4. The TRT presented various options to the YHPSN Executive Board including: competitive procurement; individual partners contracting directly with JISC and asking if any other partners wished to assume responsibility for the hosting and management of the service.
- 2.5. North Yorkshire County Council (NYCC) offered the services of NYnet Ltd. (an IT Service provider owned by them) to provide hosting and management as well as managing the contractual and technical relationship with JISC.
- 2.6. After discussion and consultation with procurement and commercial legal at Leeds City Council, it is proposed that this falls under the scope of "Regulation 12 of the Public Contract Regulations (Award of contracts to controlled persons) 12.—(1) A public contract awarded by a contracting authority to a legal person falls outside the scope of this Part where all of the following conditions are fulfilled:— (a) the contracting authority exercises over the legal person concerned a control which is similar to that which it exercises over its own departments;
- 2.7. The agreement will be a direct award and has not been subject to a competitive procurement. NYnet Ltd. meet the criteria of a 'Tekal exempt' company and the service can be delivered under provisions in the Public Contract Regulations 2015 for "Contracts which establish or implement co-operation between contracting authorities". North Yorkshire County Council are a partner of the YHPSN and have offered the service of NYnet Ltd. (owned by NYCC).
- 2.8. On request from the YHPSN Executive Board, a proposal has been received from NYnet to provide the configuration, migration, hosting and management of the Govroam service on behalf of the partnership. NYnet will also manage the relationship with JISC on behalf of the partners. This is both cost beneficial and covers the service elements required for successful management of the service.
- 2.9. The NYnet proposal and migration plan has been reviewed by the YHPSN Executive Board who have confirmed acceptance of the proposal. The proposal is cost beneficial to both the YHPSN as a whole and individual partners. NYnet are

also Govroam specialists so the service would now be managed by an expert service provider.

- 2.10 Leeds City Council will contract with NYnet Ltd. on behalf of the YHPSN Partnership. The YHPSN Partners will then sign co-operation agreements (drafted with LCC procurement legal), committing them to the relevant terms of the contract with NYnet. The TRT will continue to collect the fees on behalf of the partnership and make one payment annually to NYnet.

3. Main issues

- 3.1. Leeds City Council acting as the legal entity that hosts the Transition and Resources Team (TRT) for the Yorkshire and Humberside Public Network Partnership (YHPSN) is required to award a contract to NYnet Ltd. for the Govroam national roaming Wi-Fi service that is currently utilised by the YHPSN Partnership Members.
- 3.2 The YHPSN TRT currently administer the provision of Govroam through two separate parties and agreements. One with Doncaster and Bassetlaw NHS FT to manage and host the Govroam service on behalf of the partnership. The second agreement is with JISC as the providers of Govroam. The TRT collects fees from all partners and then reimburses JISC and Doncaster and Bassetlaw NHS FT for their respective elements of the service.
- 3.3 Doncaster and Bassetlaw have approached the YHPSN Executive Board to request the YHPSN make new third party arrangements for the provision of the service. The agreement with Doncaster to provide this service ends in October 2020.
- 3.4 The agreement will be a direct award and has not been subject to a competitive procurement. NYnet Ltd. meet the criteria of a 'Tekal exempt' company and the service can be delivered under provisions in the Public Contract Regulations 2015 for "Contracts which establish or implement co-operation between contracting authorities". North Yorkshire County Council are a partner of the YHPSN and have offered the service of NYnet Ltd. (owned by NYCC).
- 3.5 Leeds City Council are required to sign the contract and pay the annual fee to NYnet on behalf of the partnership, this presents a contractual and financial risk which has been mitigated through the partners being asked to sign co-operation agreements.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Consultation has taken place with key stakeholders across the YHPSN Partnership at Partnership Management Board (PMB) meetings and Executive Board meetings. The approach was agreed at the YHPSN PMB in July 2020.
- 4.1.2 Technical input has been provided from the Executive Board. They have assisted with decision making and provided advice to mitigate any potential issues with the migration.

- 4.1.3 The Partnership supports the Govroam service across the Yorkshire and the Humber region and they are in support of the recommendation to migrate the management and hosting of the Govroam service to NYnet Ltd.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no Equality and Diversity/Cohesion and Integration issues associated with the award of this contract.

4.3 Council policies and the Best Council Plan

- 4.3.1 The award of this contract will support and contribute to the delivery of the following council policies and priorities: Leeds Best Council Ambition (Becoming an efficient, enterprising and healthy organisation).
- 4.3.2 **Effective Partnership Working and Commissioning:** Through collaborative working with health and local authority partners in the Yorkshire and the Humber Region the contract delivers a single configured roaming Wi-Fi solution that enables all partners from the region to connect seamlessly when roaming between sites and each other's organisations. North Yorkshire Council have offered the services of their IT Service Provider on behalf of the partnership, this has enabled cost benefits against the option of partners contracting directly with JISC (The service provider).
- 4.3.3 **Delivering high quality, locally integrated public services:** The delivery of a standard configured Govroam service, hosted and managed by a single provider will enable better integrated working between partners visiting each other's and roaming between their own sites and premises.
- 4.3.4 **Making the best use of our resources:** A third party specialist will now manage the service and also the relationship with JISC. This will mean that less Council resources (TRT) are used in managing this service and acting as the intermediary between JISC and the partners when issues arise.
- 4.3.5 **Council Values: Spending money wisely:** The proposal from NYnet Ltd. is cost beneficial both at YHPSN partnership level and also at individual partner level.

Climate Emergency

- 4.3.6 The contract delivers a single configured roaming Wi-Fi solution that enables all partners from the region to connect seamlessly when roaming between sites and each other's organisations, this means people can work from each other's offices and between their own sites, therefore saving emissions from them having to return back to their own place of work. A Roaming Wi-Fi service also means that partners can share offices.

4.4 Resources, procurement and value for money

- 4.4.1 Awarding this contract to NYnet Ltd. is financially beneficial to the YHPSN partnership and the partner organisations. The annual cost for the whole partnership is £48,000, the previous costs were £60,000 (£35,000 to JISC and £25,000 to Doncaster and Bassetlaw NHS FT).
- 4.4.2 Sufficient funding is already in place within the YHPSN budget for the first year, we are due to collect subscriptions again in March 2021. Second year payment to NYnet Ltd. would be due in October 2021.

- 4.4.3 The TRT (based at LCC) currently manage the relationships with JISC and between the partners and Doncaster and Bassetlaw. NYnet Ltd. would manage the relationship with JISC and the partners, streamlining the process for dealing with escalations and issues and freeing up TRT resource.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The agreement will be a direct award and has not been subject to a competitive procurement. NYnet Ltd. meet the criteria of a 'Tekal exempt' company and the service can be delivered under provisions in the Public Contract Regulations 2015 for "Contracts which establish or implement co-operation between contracting authorities". North Yorkshire County Council are a partner of the YHPSN and have offered the service of NYnet (owned by NYCC).

4.6 Risk management

- 4.6.1 Leeds City Council are contracting with NYnet Ltd. on behalf of the wider partnership. To ensure that Leeds are not carrying the contractual risk alone there will be co-operation agreement which all partners will need to sign to agree to the wider obligations.
- 4.6.2 Leeds will pay the annual fee to NYnet Ltd. from the YHPSN budget and then collect payments from the partners. This will be managed as part of the overall Partnership budget management, including regular reporting to the Partnership Executive Board. Currently there are sufficient funds in budget for year one and ongoing we will collect the fees along with the YHPSN subscription.
- 4.6.3 There may be a small risk of challenge that organisations potentially interested in providing this service have not been provided with an opportunity to tender for this work. However due to the value being relatively low and for the reasons set out in section 2.7, these risks are perceived to be low.

5 Conclusions

- 5.1 The award of this contract with NYnet Ltd. on behalf of the YHPSN will ensure that the partners of the YHPSN can continue to access the Govroam service with the management and support of Govroam specialists.
- 5.2 The award of this contract represents best use of Council and YHPSN funds and resources.

6 Recommendations

- 6.1 The Chief Digital and Information Officer is recommended to approve the award a contract to NYnet Ltd. in the sum of £48,000 annually. The contract shall commence on 1st October 2020 and expire on 30th September 2023.
- 6.2 On approval of the recommendation, the YHPSN TRT will work with the Commercial Legal Team at Leeds City Council to produce and sign the contract documentation with NYnet Ltd. and also produce the co-operation agreements for the individual partners to sign.

7 Background documents¹

7.1 Appendix 1 – NYnet Govroam Pricing (Confidential)

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.