

# Agenda



## Tendering Committee

**Date:** Wednesday, 16 November 2022

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**Time:** 09:15

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**Venue:** 'The Bridge' Meeting Room,  
Council Offices, 16 Church Street, Dumbarton

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**Contact:** Scott Kelly, Committee Officer  
Tel: 01389 737220. Email: [scott.kelly@west-dunbarton.gov.uk](mailto:scott.kelly@west-dunbarton.gov.uk)

Dear Member

Please attend a meeting of the **Tendering Committee** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

**PETER HESSETT**

Chief Executive

**Distribution:**

Councillor John Millar (Chair)  
Councillor Diane Docherty  
Councillor James McElhill  
Councillor June McKay (Vice Chair)  
Councillor Lawrence O'Neill  
Councillor Chris Pollock  
Councillor Hazel Sorrell  
Councillor Clare Steel

All other Councillors for information

Chief Officer – Supply, Distribution and Property  
Chief Officer – Regulatory and Regeneration

Date of Issue: 3 November 2022

## TENDERING COMMITTEE

WEDNESDAY, 16 NOVEMBER 2022

### AGENDA

**1 APOLOGIES**

**2 DECLARATIONS OF INTEREST**

Members are invited to declare if they have an interest in the item of business on this agenda and the reasons for such declarations.

**3 MINUTES OF PREVIOUS MEETING 5 – 6**

Submit, for approval as a correct record, the Minutes of Meeting of the Tendering Committee held on 12 October 2022.

**4 OPEN FORUM**

The Committee is asked to note that no open forum questions have been submitted by members of the public.

**5 CONTRACT AUTHORISATION REPORT – PROVISION OF MICROSOFT ENTERPRISE AGREEMENT – CORPORATE 365 LICENSING 7 – 9**

Submit report by the Chief Officer – Supply, Distribution and Property seeking approval to authorise the Chief Officer – Regulatory and Regeneration to conclude the award of the contract for the Provision of a Microsoft Enterprise Agreement – Corporate 365 Licensing.



**TENDERING COMMITTEE**

At a Meeting of the Tendering Committee held in the Clyde Room, Clydebank Town Hall, 5 Hall Street, Clydebank on Wednesday, 12 October 2022 at 9.15 a.m.

**Present:** Councillors Diane Docherty, James McElhill, June McKay, Lawrence O'Neill, Chris Pollock and Hazel Sorrell.

**Attending:** Angela Wilson, Chief Officer – Supply, Distribution and Property; Patricia Kerr, Section Head – ICT; Angus Cameron, Business Partner – Strategic Procurement; Fraser Jephson, Corporate Projects Manager (ICT); and Scott Kelly, Committee Officer.

**Apology:** An apology for absence was intimated on behalf of Councillor John Millar.

**Councillor June McKay in the Chair**

**DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest in the item of business on the agenda.

**MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Tendering Committee held on 21 September 2022 were submitted and approved as a correct record.

**OPEN FORUM**

The Committee noted that no open forum questions had been submitted by members of the public.

**CONTRACT AUTHORISATION REPORT – MICROSOFT 365 BACKUP SOLUTION**

A report was submitted by the Chief Officer – Supply, Distribution and Property seeking approval to authorise the Chief Officer – Regulatory and Regeneration to conclude the award of the contract for Microsoft 365 Backup Solution.

After discussion and having heard the Business Partner – Strategic Procurement and relevant officers in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to authorise the Chief Officer – Regulatory and Regeneration to conclude, on behalf of the Council, the award of the contract for Microsoft 365 Backup Solution to PMD Magnetics; and
- (2) to note: (i) that the contract shall be for a period of two years with the option to extend for a maximum of two years and at a value of £155,261.21 including VAT over two years and £309,112.42 including VAT should the contract be extended; and (ii) that the estimated commencement date of the contract was 31 October 2022.

The meeting closed at 9.22 a.m.

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**WEST DUNBARTONSHIRE COUNCIL**

**Report by Chief Officer – Supply, Distribution and Property**

**Tendering Committee: 16 November 2022**

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**Subject: Contract Authorisation Report – Provision of a Microsoft Enterprise Agreement – Corporate 365 Licensing**

**1. Purpose**

**1.1** The purpose of this report is to seek the approval of the Tendering Committee to authorise the Chief Officer – Regulatory and Regeneration to conclude the award of the contract for Provision of a Microsoft Enterprise Agreement – Corporate 365 Licensing.

**2. Recommendations**

**2.1** It is recommended that the Tendering Committee:

- a) Authorise the Chief Officer - Regulatory and Regeneration to conclude on behalf of West Dunbartonshire Council (the Council), the award of the contract for Provision of a Microsoft Enterprise Agreement – Corporate 365 Licensing to Phoenix Software Ltd; and
- b) Note that the contract shall be for a maximum period of 36 months and at a value of £2,011,356 incl VAT. The estimated commencement date of the contract is 31 December 2022.

**3. Background**

**3.1** The Council has a requirement to procure Microsoft licenses across the corporate establishments. These licenses provide a Council wide agreement for staff and are required in order for the Council to be allowed to access and utilise the Microsoft Windows, Microsoft Office 365 software as well as database and server access. The current contract is with Insight Direct (UK) Ltd.

**3.2** The budget for Provision of a Microsoft Enterprise Agreement – Corporate 365 Licensing was approved at the Corporate Service Committee on 23 February 2022. This procurement exercise has been conducted in accordance with the Council's Standing Orders and Financial Regulations and the Public Procurement Regulations. A Contract Strategy was also approved on 28 September 2022.

**4. Main Issues**

**4.1** The Contract Strategy identified that a reverse e-auction – online and in real time, under a Crown Commercial Services (CCS) framework agreement (FA) Technology Products & Associated Services RM6068, Lot 3 – Software and Associated Services, was the best route to market for Microsoft Windows and Microsoft Office software.

**4.2** On 7 October 2022, three compliant bids were received from Insight Direct (UK) Ltd, Phoenix Software Ltd and Boxxe, which assessed their Quality scores (10%). Utilising each bidder's Quality scores (10%), an e-auction was then held on 13 October 2022 which further assessed their Price scores (90%):

	Weighting	Insight Direct (UK) Ltd	Phoenix Direct Ltd	Boxxe
Best Value	(10%)	7.5%	5%	7.5%
Quality Sub-Total %:	(10%)	7.5%	5%	7.5%
Price £	(90%)	£2,072,970.48	£2,011,356	£2,118,242.64
Price Sub Total %	(90%)	87.32%	90%	85.46%
Total Score	100%	94.82%	95%	92.96%

**4.3** It is recommended that the contract is awarded to Phoenix Direct Ltd who provided the most economically advantageous tender / e-auction. The contract shall be for a maximum period of 36 months at a value of £2,011,356. The value approved at Corporate Services Committee was £1,669,960.53 based on the previous annual spend. Microsoft renew their pricing and public sector discounts regularly which accounts for the increase. The value of the contract is above the value approved by the Corporate Services Committee and the extra funding will be provided from the Computer Software Budget.

**4.4** Phoenix Direct Ltd has committed to following Fair Working Practices in line with the FA process and pay all staff the real Living Wage (min. of £9.90 per hour). There are no specific social benefits offered as part of this contract however social benefits will be discussed at the implementation meeting with Phoenix Direct Ltd and actions to take these forward will be agreed.

## **5. People Implications**

**5.1** There are no people implications.

## **6. Financial and Procurement Implications**

**6.1** Financial costs in respect of this contract will be met from the approved revenue budgets of ICT Services. This contract exceeds the available budget which creates an annual cost pressure of £114,000 per annum, this will need to be factored in to future budgets.

## **7. Risk Analysis**



- 7.1 Failure to implement a Microsoft license renewal will leave the Council staff with no access to Microsoft products, such as Word, Excel and Outlook.
- 7.2 Phoenix Direct Ltd has no known links to Serious and Organised Crime which would have significant political and reputational ramifications for the Council.
- 8. Equalities Impact Assessment (EIA)**
- 8.1 An equalities impact assessment screening was undertaken by the ICT Services which determined a full equalities impact assessment was not required.
- 9. Consultation**
- 9.1 Consultation has taken place with ICT Services, Finance Services and Legal Services.
- 10. Strategic Assessment**
- 10.1 The Provision of a Microsoft Enterprise Agreement – Corporate 365 Licensing will contribute to the delivery of the Council’s strategic priorities by supporting the provision of efficient and effective frontline services that improve the everyday lives of residents.

**Name:** Angela Wilson

**Designation:** Chief Officer – Supply, Distribution and Property

**Date:** 1 November 2022

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<b>Person to Contact:</b>	Jennifer Darkins, Procurement Officer, Corporate Procurement Unit Email: <a href="mailto:jennifer.darkins@west-dunbarton.gov.uk">jennifer.darkins@west-dunbarton.gov.uk</a>
<b>Appendices:</b>	None
<b>Background Papers:</b>	The Contract Strategy EIA Screening
<b>Wards Affected:</b>	None