

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: CABINET MEMBER FOR FINANCE AND RESOURCES
JOINTLY WITH THE CORPORATE DIRECTOR, PLACE

Report of: INTERIM DIRECTOR OF BIRMINGHAM ADULT
EDUCATION SERVICE

Date of Decision: 31 OCTOBER 2018

SUBJECT: CONTRACT AWARD – COMPUTER DEVICES AND
ANCIALARY SERVICES

Key Decision: No Relevant Forward Plan Ref: n/a

If not in the Forward Plan: Chief Executive approved ☐
(please "X" box) O&S Chair approved ☐

Relevant Cabinet Member(s) or Cllr Brett O'Reilly – Finance and Resources
Relevant Executive Member

Relevant O&S Chair: Cllr Sir Albert Bore, Resources

Wards affected: All

1. Purpose of report:

- 1.1 This public award report provides details of the procurement process carried out for the provision of desktop and laptop computers, including support services for Birmingham Adult Education Service (BAES). The private agenda report provides details of the results of the evaluation and makes recommendations as to the award of the contract.
- 1.2 The contract is for a period of five years commencing on 12th November 2018.

2. Decision(s) recommended:

That the Cabinet Member for Finance and Resources jointly with the Corporate Director, Place:-

- 2.1 Notes the process followed for the procurement of desktop and laptop computers, including support services for Birmingham Adult Education Service (BAES).

Lead Contact Officer(s): Darren Evans – IT Manager, Place

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3. Consultation

Consultation should include those that have an interest in the decisions recommended

3.1 Internal

- 3.1.1 Officers from Legal, Finance and Procurement have been involved in the preparation of this report

3.2 External

- 3.2.1 No consultation external to the Council has been undertaken.

4. Compliance Issues:

- 4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

The proposals are consistent with the Council Plan 2018-2022 to provide an entrepreneurial city to learn, work and invest in by providing BAES with the ICT hardware they need to support learners.

- 4.1.1 Birmingham Business Charter for Social Responsibility (BBC4SR)

The value of the proposed contract is below the threshold for the supply of goods and therefore compliance with the Birmingham Business Charter for Social Responsibility is not required. However compliance with the Living Wage Policy does apply.

- 4.2 Financial Implications
(How will decisions be carried out within existing finances and Resources?)

- 4.2.1 The value of the call-off contract is £582,300 over the 5 year period and will be funded from Adult Education grant reserves.

4.3 Legal Implications

- 4.3.1 Pursuant to section 15B of the Education Act 1996 the local authority may secure the provision of full-time or part-time adult education. Sub-section 15B(4) enables the authority to do anything which appears to be necessary or expedient for the purposes of or in connection with the exercise of its functions under this section.

4.4 Public Sector Equality Duty (see separate guidance note)

- 4.4.1 The requirements of Standing Order 9 in respect of the Council's Equality Policy and the Equality Act 2010 have been specifically included in the CCS contract documentation.

5. Relevant background/chronology of key events:

5.1 Background

5.1.1 Following a review of available procurement routes the CCS Framework – Technology Products 2 was selected as the most appropriate option to source the required Desktop and Laptop devices in the timescales required.

5.2 Service Requirements

5.2.1 The tender requirements comprised a single lot which covered;

- The provision of Desktop computers including monitor, keyboard and mouse
- The provision of Laptop computers
- Standard manufacturers warranty with next day replacement service
- Imaging and delivery of the computers to 11 BAES centres.

The computers will be used by both teachers and learners.

5.3 Evaluation and Selection Criteria

5.3.1 The evaluation was conducted in two stages following the framework guidelines.

5.3.2 Stage 1 – Company Information

This stage consisted of standard information questions and mandatory pass/fail questions.

- Section 1 – Company Information (Information only)
- Section 2 – Potential Provider Contact (Information only)
- Section 3 – Mandatory Questions (Pass/Fail)

5.3.3 Stage 2 – Evaluation of Tenders

The contract award is based on the Most Economically Advantageous Tender. This was determined by a balance between the quality of the goods and cost as detailed and evidenced in the tenderer's responses.

Tenders were evaluated using the quality / price balance in accordance with a pre-determined evaluation model. The quality value element accounted for 40% and price 60%. This quality / price balance was established having due regard to the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided and the degree of detail contained within the contract specification. Social Value was not evaluated for this tender as the contract value falls below the threshold for goods, however all tenderers were required to agree to the Living Wage Policy and will be encouraged to adopt the Charter.

Quality (40%)

Criteria	Overall Weighting	Sub-Weighting
Hardware specification	100%	40%
Support		30%
Imaging & Delivery		30%

Tenderers were required to submit their proposals on how they intended to deliver the requirements of the contract. Responses were scored against a pre-determined evaluation model and evaluated in accordance with their submission.

Pricing (60%)

Tenderers quoted a cost for;

- The provision of Desktop computers including monitor, keyboard and mouse
- The provision of Laptop computers
- Standard 5 year warranty for Desktop computers
- Standard 3 year warranty for Laptop computers
- Imaging the devices with a BAES supplied image
- Delivery of devices

Overall Evaluation

The evaluation process resulted in comparative quality and price scores for each tenderer. The maximum price score was awarded to the lowest acceptable price and similarly maximum quality score was awarded to the bid that demonstrated the closest fit to the BAES requirements. Other tenderers were scored in proportion to the maximum scores in order to ensure value for money.

5.4 Invitations to Tender

- 5.4.1 The contract opportunity was issued to the 29 suppliers listed on Lot 1 – Technology Hardware of the CCS Technology Products 2 framework. 22 organisations expressed an interest and were given further information. All were requested to complete and return the tender.
- 5.4.2 Five organisations returned a tender and seventeen effectively withdrew themselves at this stage by not returning the tender.
- 5.4.3 Consultation with the providers who expressed an interest but did not submit a tender was carried out to understand why they did not submit a tender. The feedback received included; an inability to meet the required delivery date, an inability to provide the required devices in the quantity needed, or existing commitments preventing the supplier from carrying out the imaging work within the required timescales.

5.5 Evaluation of Tenders

The evaluation of tenderers was carried out by the Interim IT Services Manage – BAES, supported by the ICT Category Manager - Commissioning and Procurement Services.

5.6 Contract Management

The contract will be managed by the Chief Information Officer with the support of Head of ICT Contract and Service Delivery.

6. Evaluation of alternative option(s):

Alternative Procurement Options

- 6.1 Not to award the contracts – the option was rejected as it would leave BAES without the IT hardware required to meet the recommendations of the Ofsted report and deliver an improved service to learners.
- 6.3 To undertake an OJEU procurement process – this was discounted as there was not sufficient time to tender and award a contract through an OJEU route. Additionally the OJEU route would have incurred higher procurement costs when compared with the framework process.

7. Reasons for Decision(s):

- 7.1 To enable the award of the contract for the provision of desktop and laptop computers, including support services for Birmingham Adult Education Service (BAES).

Signatures

Date

Councillor Brett O'Reilly –
Finance and Resources

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Rob James – Acting Corporate
Director Place

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List of Background Documents used to compile this Report:

- 1. Ofsted report – September 2017

List of Appendices accompanying this Report (if any):

- 1. None

PROTOCOL

PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(a) Marriage & civil partnership(b) Age(c) Disability(d) Gender reassignment(e) Pregnancy and maternity(f) Race(g) Religion or belief(h) Sex(i) Sexual orientation