

# Portfolio Holder Decisions/Leader Decisions

Date: Thursday 27 May 2021  
Time: 12.00 pm

## Membership

Councillor Isobel Seccombe OBE

Items on the agenda: -

**1. Microsoft Licence Re-procurement (Urgent Decision)**

3 - 8

**Monica Fogarty**  
Chief Executive  
Warwickshire County Council  
Shire Hall, Warwick

## Disclaimers

### Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests relevant to the agenda should be declared at the commencement of the meeting.

**The public reports referred to are available on the Warwickshire Web**  
<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

### Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

## Urgent Decision made by the Leader of the Council on 27 May 2021

### Microsoft Licence Reprocurement

<b>Portfolio Holder</b>	<b>Leader of the Council</b>
<b>Date of decision</b>	<b>27 May 2021</b>
	<b>Signed</b>

#### Decision taken

##### **Recommendation**

That the Leader approves the reprocurement of the Microsoft Licences for a 3 year term with the existing Microsoft reseller (Pheonix), a total contract value of £5.4m, and authorises the Strategic Director for Resources to authorise the execution of the relevant agreements on terms acceptable to the Monitoring Officer.

#### Reasons for decisions

##### **Reason behind report**

The initial term of the Microsoft licences terminates at the end of May, these licences are critical to the operation of the organisation and cover Microsoft 365 (used by everyone within the organisation for Microsoft Windows on SurfacePro devices and Microsoft Office) and our supporting server infrastructure. The ongoing provision of these licences has been included within budget setting.

The reseller has advised that Microsoft are currently experiencing a backlog in processing licence renewals due to demand resulting from the release of a revised and advantageous pricing structure negotiated by Crown Commercial Services (known as DTA21) which provides public sector bodies with preferential rates for Microsoft licencing. The reprocurement of the licence agreement has been pending the release of DTA21 and our review of the commercial benefit this affords us which has resulted in the need for an urgent decision. Using DTA21 for our renewal has given an additional ~2.5% saving on our core MS licences, an overall discount of ~32% from list price.

## Background information

### Issues/Options/Timescales

1. The Council's current Microsoft licence agreement expires on 31/5/2021
2. The KCS Framework "Software Products & Associated Services 2 Y20011" is the refreshed version of the framework used to originally procure and is a compliant framework through which to direct award for this licence provision. It has been ascertained, due to the pricing contained within the DTA21 agreement, that no commercial advantage would be gained by the organisation by running an open competition and therefore recommend a direct award to Pheonix Software.
3. The scope of requirement is aligned to that previously undertaken and varies only in licence volume resulting from increased organisational use and is based on the actual number of licences used which is reviewed annually.
4. Approval is therefore required to reprocur our Microsoft licence agreement to take effect from 1/6/2021

## Financial implications

The annual licence cost within this contract is £1.8m (subject to annual account balancing to reflect actual utilisation).

## Environmental implications

None

<b>Report Author</b>	Stephen Lugg stephenlugg@warwickshire.gov.uk
<b>Assistant Director</b>	Craig Cusack
<b>Lead Director</b>	Strategic Director for Resources
<b>Lead Member</b>	Leader of the Council

<b>Urgent matter?</b>	Yes
<b>Confidential or exempt?</b>	No
<b>Is the decision contrary to the budget and policy framework?</b>	No

**List of background papers**

None

**Members and officers consulted and informed**

Portfolio Holder – Councillor I Seccombe

Corporate Board – Rob Powell

Enabling Services – Craig Cusack

Legal – Nichola Vine

Finance –

Equality –

Democratic Services – Helen Barnsley

Councillors – Cllr Jenns

Local Member(s): none

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<b>CONSENT TO URGENT DECISION</b>	<b>PART 1</b> (to be completed by the person seeking consent)	
<b>Proposed Decision Maker</b>	Leader of the Council	<b>Date for Decision</b>
The Leader of the Council		27 May 2021
<b>Title:</b> Microsoft Licence Re-procurement		
<b>Summary of matter</b>		
<p>The initial term of the Microsoft licences terminates at the end of May, these licences are critical to the operation of the organisation and cover Microsoft 365 (used by everyone within the organisation for Microsoft Windows on SurfacePro devices and Microsoft Office) and our supporting server infrastructure. The ongoing provision of these licences has been included within budget setting.</p>		
<b>Proposed Decision</b>		
<p>That the Leader approves the re-procurement of the Microsoft Licences for a 3 year term with the existing Microsoft reseller (Phoenix), a total contract value of £5.4m, and authorises the Strategic Director for Resources to authorise the execution of the relevant agreements on terms acceptable to the Monitoring Officer.</p>		
<b>Reasons for Urgency</b>		
<p>The reseller has advised that Microsoft are currently experiencing a backlog in processing licence renewals due to demand resulting from the release of a revised and advantageous pricing structure negotiated by Crown Commercial Services (know as DTA21) which provides public sector bodies with preferential rates for Microsoft licencing. The re-procurement of the licence agreement has been pending the release of DTA21 and our review of the commercial benefit this affords us which has resulted in the need for an urgent decision.</p>		
<b>Would the recommended decision be contrary to the Budget and Policy Framework?</b> <i>[please identify relevant plan/budget provision]</i>		
No		
<b>PART 2</b> (to be completed by the person giving consent)		
<b>Name</b>	<b>Councillor Adrian Warwick</b>	
<b>Office Held</b>	<b>Chair of the Resources and Fire &amp; Rescue OSC</b>	
<i>Signed</i>		
<b>Date consent is given</b>	26/05/2021	

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