

Open Report on behalf of James Drury, Executive Director - Commercial

Report to:	Councillor R G Davies, Executive Councillor: Highways, Transport and IT
Date:	Between 1 - 5 November 2021
Subject:	Approval to Award a Contract for Lincolnshire County Council's Mobile Voice and Data Services
Decision Reference:	I023034
Key decision?	Yes

Summary:

A decision is required to award a contract for the Council's Mobile Voice and Data Services. The Report seeks approval for the contract to be awarded to Vodafone Ltd through the Crown Commercial Services (CCS) Network Services 2 Framework.

Recommendation(s):

That the Executive Councillor for Highways, Transport and IT:

- a) approves the award of a contract to Vodafone Ltd through the CCS Network Services 2 Framework for Mobile Voice and Data Services for Lincolnshire County Council and Lincolnshire Fire and Rescue.
- b) delegates to the Executive Director – Commercial authority to determine the final form and approve the entering into of the contract.

Alternatives Considered:

1. Not Awarding the Contract

If the Council does not approve the decision to award the contract to Vodafone the Council will move to the current Supplier's (Vodafone) standard tariffs. This will result in a significant increase in connection costs as the tendered cost per connection for the talk, text and data tariff is £2.87 against a standard tariff cost of £5.00 for 250MB of data per connection with a data sharer agreement. There will be a large number of tariffs for the contract management team to manage which will increase the amount of time spent administrating the contract by the Serco team. There will be a cost applied for cancelling and placing connections on hold and there will not be the flexibility to move users onto more appropriate tariffs as their usage increases/decreases.

Reasons for Recommendation:

The Council has now concluded evaluations of tenders received for the Mobile Voice and Data Contract and the winning tenderer, based on the Council's chosen award criteria, is Vodafone. Approval is now sought for permission to award a contract to Vodafone.

The total cost of the contract to the Council over the three year contract duration is £978,614 assuming mobile device purchases remain at the current levels. The Council currently pays £509,532 per year (a total contract cost of £1,528,596) which includes a technical fund.

1. Background

The Council's current Mobile Voice and Data Contract with Vodafone expires on 24 November 2021 and a procurement exercise has been conducted utilising the further competition procedure through the Crown Commercial Services (CCS) Network Services 2 Framework. This is the same framework the current contract was procured through and the service requirements are largely the same in that we require flexible monthly price plans to enable the Council to move connections to the most suitable data plan, put connections on hold and cancel connections at no cost to the Council through the contract period. The main change to the current arrangements is the removal of the requirement of the technical fund.

In the current contract procured in 2017 the Council was undertaking a project to change from traditional handsets to smartphones and therefore a technical fund was included in the contract. There is currently approximately £30,000 remaining in the technical fund and IMT plan to use this before the start of the new contract to purchase new devices. As there are no plans for a large scale refresh of devices the technical fund is no longer required and all device purchases will be charged back to the cost centre of the manager placing the order. Within the new contract we will pay the retail price for the devices but Vodafone will negotiate a discount with the manufacturer for all orders of more than five units (on average the Council is currently ordering 40 devices a month). We are anticipating the device costs to be approximately £278,000 for the three year contract period.

The benefits for awarding the contract to Vodafone include minimal disruption to change SIM cards as, due to the majority of users working from home, this would have been a major risk for the Council and had the potential to severely impact frontline services. The network coverage for Vodafone is one of the best in the county and there have been no service level failures for network coverage in the current contract. The service level targets are the same for the new contract. The talk, text and data price plan in the new contract has five price plans with different levels of data attached to them ranging from 250MB to 5GB. The ability to move users between these price plans throughout the contract period has resulted in the purchase of additional data no longer being required therefore saving the Council £20,000.

The total cost of the contract to the Council over the three year contract duration is £978,614 assuming mobile device purchases remain at the current levels. The Council currently pays £509,532 per year (a total contract cost of £1,528,596) which includes a technical fund. Within the new contract the decision was made to remove the requirement for a technical fund and Vodafone has confirmed that if we purchase devices in bulk they would negotiate a discount with the manufacturer on our behalf and pass this on to the Council.

The tendered costs are indicated in the table below, however Vodafone has indicated that by moving users between the price plans and the inclusion of an additional data price plan there will not be a need for the additional data purchase. Therefore the additional data purchase cost will be zero. The device cost is based on the purchase of 2,250 devices during the three year contract period.

Description	Annual Cost	Contract Cost
Connection Cost	£233,436	£700,308
Additional Data Purchase	£0	£0
Device Cost	£92,769	£278,306

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- 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.

- 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.

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.

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 tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

A separate Equality Impact Assessment has not been undertaken. However, the procurement supports the Council to enable frontline services to be more responsive including services that support individuals who may have a protected characteristic such as people with a disability, and younger and older people.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The procurement supports the Council to ensure frontline services are able to maintain contact and provide support, therefore maximising independence and wellbeing which is consistent with the principles underpinning the JSNA and the JHWS.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The decision is not considered to have any implications for the section 17 matters.

3. Conclusion

A further competition through the CCS Network Services 2 Framework will provide a compliant procurement process and enable continued network service for the Council. There is a clear performance management framework within the contract and the Council has the ability to move users between price plans, put connections on hold and cancel connections at no additional cost to the Council throughout the contract period. The new contract has also provided a saving of £549,982 over the three year contract period.

4. Legal Comments:

The Council has the power to enter into the contract proposed and direct award of a contract would be compliant with the Council's procurement obligations.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

5. Resource Comments:

Funding for this provision is available within the service budget.

6. Consultation

a) Has Local Member Been Consulted?

Not Applicable

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision will be considered by the Overview and Scrutiny Management Board at its meeting on 28 October 2021 and the comments of the Board will be reported to the Executive Councillor.

d) Risks and Impact Analysis

See the body of the Report.

7. Background Papers

No Background Papers within section 100D of the Local Government Act 1972 have been considered in the preparation of this Report.

This report was written by Leanne Fotherby, who can be contacted on 07798 503508 or leanne.fotherby@lincolnshire.gov.uk.