

Report Title:	Broadband Digital Lines
Contains Confidential or Exempt Information	No - Part I with Part II appendix by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Cabinet Member:	Councillor Rayner, Deputy Leader of the Council & Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor
Meeting and Date:	Cabinet – 27 April 2023
Responsible Officer(s):	Stephen Evans, Chief Executive and Nikki Craig, Head of HR, Corporate Projects, and IT
Wards affected:	None

REPORT SUMMARY

This report is to request that Cabinet approve the award of the Digital Broadband Line contract to run for an initial period of five (5) years (29/05/2023 - 28/05/2028) with the option to extend for one further two (2) year period.

The current contract expired in March 2022, and a waiver was put in place to cover the timeframe needed to carry out a compliant procurement exercise and implementation. This report summarises the procurement and tendering outcomes for the Council's broadband digital lines run via Crown Commercial Services RM3808 Network Service 2 framework.

The new contract incorporates a specification that adds improved resilience to all sites and efficiency in management through Software-Defined Wide Area Networking (SD-WAN).

This contract will support the Corporate Plan (2021-26), particularly in relation to "making the most effective use of resources and delivering the best value for money".

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **approves the award of the Digital Broadband Line contract based on a 5-year contract, with the option to extend for another single 2-years period. The contract is to commence on 29 May 2023 with the supplier information and value detailed in Appendix A, which is Part II by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
<p>Award the new Broadband Digital Line contract to the successful tenderer. The contract is scheduled to commence on 29 May 2023.</p> <p>This is the recommended option</p>	<p>The Council will have a transition period to migrate existing lines to the successful tenderer and ensure continuity of service.</p>
<p>Do Nothing</p>	<p>The Council will be in breach of the Public Procurement Regulations (PCR 2015) as it will be continuing with the incumbent supplier without a formally procured contract in place and in addition will not benefit from the proposed enhancements and transformations of service.</p>

- 2.1 The Council uses broadband lines at 34 sites across the borough, including libraries, community centres, and council offices. The successful tenderer will leverage the latest SD-WAN technology to support our infrastructure and provide secure connectivity to the sites.
- 2.2 The new contract includes the provision of secondary connections to all sites to ensure business continuity should the primary connection fail.
- 2.3 The connections between our data centre will also benefit from an increase in capacity, bringing a performance enhancement to users operating at sites in the south of the borough.
- 2.4 The implementation of this project will involve the changing of lines from the current Private Wide Area Network (P-WAN) to an SD WAN. The implementation will be undertaken by current resources in the IT team along with external engineers from the provider as appropriate and is envisaged to take up to 2 years to fully implement the SD-WAN solution across the entire estate.

3. KEY IMPLICATIONS

The contract stipulates that the 5 primary sites (Town Hall and Minster Court in Maidenhead and Tinkers Lane, York House, and the Library in Windsor) will be migrated and upgraded within 4 months of contract commencement. The remaining 29 sites will be completed by 31 March 2025.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
New Broadband Digital Line contract	1 April 2025	31 March 2025	< 31 Dec 2024	< 30 Jun 2024	31 March 2025

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
awarded, and lines migrated with SD-WAN					

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The cost of the contract is detailed in appendix A and is within existing budgets. The implementation costs are covered by the approved £240,000 capital request in the 2023/24 budget. The capital spend is profiled over a two-year timeframe.
- 4.2 Borrowing is only undertaken, when necessary, not on the date of approval of a scheme by the Council or Cabinet but as the funding is required. In addition to interest payable on any borrowing, a notional charge is made (Minimum Revenue Provision) over the economic useful life to reflect payment of principal. For IT the Minimum Revenue Provision is 10% due to the relatively short asset life. Interest on borrowings is currently 4.46%, making total revenue costs of 14.46%.

5. LEGAL IMPLICATIONS

- 5.1 As the contract value was above the mandatory tendering threshold for goods and services in the Public Contracts Regulations 2015, the contract was tendered via a legally compliant framework operated by Crown Commercial Services. This ensured that the Council acted in accordance with the Public Contracts Regulations 2015 and the Council's Contract and Tendering Procedure Rules. Advice has been provided by the Council's corporate Procurement Team and the tender run alongside them.
- 5.2 Having investigated the Network Services 2 framework as a route to market and compared it to other options such as tendering via alternative frameworks or independently outside of a framework, this appeared to be the most advantageous option available to the Council for several reasons, including the potential for more advantageous pricing, standardised T&Cs of contract, and lower internal resourcing requirements.
- 5.3 Subject to Cabinet approval the Council will enter into a call-off contract directly with the successful tenderer.

6. RISK MANAGEMENT

- 6.1 The Crown Commercial Services Network Service 2 framework offers flexible contract lengths.
- 6.2 This call-off contract via the framework allows the Council stability in the infrastructure; however, technology is changing over the next 2-3 years as BT/Openreach upgrade the national network from "Fibre-to-the-Cabinet" (FTTC) to "Fibre-to-the-Premises" (FTTP).

6.3 Awarding a 5-year contract, with the option to extend it for an additional 2-year period, should enable the Council to migrate to the new technology of the national network as it becomes available, while also giving us a secure, sustainable environment for the duration of the contract.

Table 3: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
Internal resource to undertake the implementation	Moderate 2	Medium	Additional training of team members of IT team to support the project	Use of provider engineers as required	Minor 1	Low
Provider engineers not being available in a timely fashion	Moderate 2	Medium	Early conversations and workshops with the supplier following contract commencement.	High level project / migration plan agreed, and resources booked	Minor 1	Low
Costs to undertake implementation exceeding budget	Moderate 2	Medium	Capital funding approve in 2023/24 budget takes into consideration dual line rental.	Contingency capital budget available in approved IT capital budget	Moderate 2	Low
Technology changes during implementation	Moderate 2	Medium	Contract is dual priced for FTTC and FTTP (when it becomes available)	None – already in place	Moderate 2	Low

7. POTENTIAL IMPACTS

7.1 Equalities. An Equality Impact Assessment is available as Appendix C.

7.2 Climate change/sustainability:
No impact.

- 7.3 Data Protection/GDPR.
No impact on data protection or GDPR – no data being processed. .
- 7.4 Site unavailability may impact business delivery for a short period of time, but the changeovers will be implemented and tested outside of normal working hours where possible.

8. CONSULTATION

- 8.1 Consultation was held by IT Services with market competitors to discuss infrastructure technology changes, indicative timelines, and costs.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: **Immediately**. The full implementation stages are set out in table 3.

Table 4: Implementation timetable

Date	Details
< June 2023	Technical briefing with new supplier to outline project plan, risks, assumptions, issues, and dependencies.
October 2023	Migration and configuration of five P1/P2 sites (connections 1-10 in Appendix B) within 4-months of contract commencement.
< March 2025	Schedule one/two P3 sites per month for configuration and migration.

10. APPENDICES

- 10.1 This report is supported by 3 appendices:

- Appendix A – Line rental costs per connection
- Appendix B – List of connections/sites
- Appendix C - Equality Impact Assessment

11. BACKGROUND DOCUMENTS

- 11.1 This report does not have any supporting documents.

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officer (or deputy)</i>	
Andrew Vallance	Head of Finance (Interim S151 Officer)	21/03/23	21/03/23
Elaine Browne	Head of Law (Interim Monitoring Officer)	21/03/23	27/03/23

<i>Deputies:</i>			
Mandatory:	<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>		
Lyn Hitchinson	Procurement Manager	21/03/23	21/03/23
Mandatory:	<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>		
Samantha Wootton	Data Protection Officer	21/03/23	
Mandatory:	<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>		
Ellen McManus-Fry	Equalities & Engagement Officer	21/03/23	23/03/23
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Tony Reeves	Interim Chief Executive	21/03/23	21/03/23
Andrew Durrant	Executive Director of Place	21/03/23	
Kevin McDaniel	Executive Director of People Services	21/03/23	

Confirmation relevant Cabinet Member(s) consulted	Councillor Rayner, Deputy Leader of the Council & Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 15 December 2022	No	No

Report Author: Simon Arthur, Strategic Lead, IT Services