

REPORT TO: Executive Board Sub Committee

DATE: 9th February 2012

REPORTING OFFICER: Strategic Director – Children and Enterprise

PORTFOLIO: Children and Young People

SUBJECT: Procurement of the Licence for the School Information Management systems

WARD(S) Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To seek agreement to enter into a contract without seeking three electronic quotations via The Chest in order to comply with procurement standing order 4.1 for contracts less than £173,934.

2.0 RECOMMENDATION: That Procurement SO 1.8.2(e) and 4.1 be waived in respect of the School Information Management System Licence (SIMs) thereby allowing the licence to be procured from the existing supplier for financial year April 2012 to March 2013.

3.0 SUPPORTING INFORMATION

3.1 In previous years the SIMS licence has been procured on a yearly basis from the supplier, Capita. This is a practice that has continued for a number of years without challenge. It is also the process adopted by other Authorities within the UK.

3.2 At the end of 2010 the British Educational Communications and Technology Agency (Becta) issued a letter advising Councils that the continued practice of simply paying for the licence on an annual basis may contravene Council Standing Orders, as we are not challenging the market place for best value.

3.3 In response to the letter and report produced by Becta the Department wrote to all local authorities in May 2011 to confirm the intention to deliver a new Framework Agreement via the Government Procurement Service (GPS) to allow all Local Authorities to purchase the SIMS licence.

3.4 The Information Management and Learning Services (IMLS) Framework has now progressed to the tender evaluation stage, with tender responses being received on 19th December 2011. The award of the Framework is therefore still expected to occur before

the end March 2012.

- 3.5 The Department have just received notification that IMLS Framework award date will not support the annual MIS licence renewal of contracts (predominantly SIMS) for the period April 2012 to March 2013. However it will facilitate re-procurement activities that would take effect in April 2013 and provides the lead time for LAs to develop their requirements and conduct the mini competition tendering in a timely manner.
- 3.6 The Department are encouraging all LAs to actively use the planned new IMLS Framework, once it has been awarded, in order to conduct procurements in respect of 2013/14 contracts onwards. The new Framework is specifically designed around educational requirements, to increase choice and competition, enable legal procurements, and drive best value for money; and avoid LAs spending the time and expense of running their own OJEU competitions. The suppliers and their solutions will be assessed for quality, technical and financial assurance and will be subjected to contract management throughout the lifetime of the Framework. The Framework will also benefit from a “help desk” type service for schools and LAs use when constructing their mini competitions which will offer advice.
- 3.7 On this basis the Authority would like to remain with the existing SIMs Licence provider for 2012/13 and then use the new IMLS Framework to procure the licence for 2013/14.
- 3.8 It is therefore requested that a waiver to Standing Orders to allow the purchase of the software licence for the financial year 2012/13 is granted to allow time for the new IMLS Framework to be established.

4.0 **BUSINESS CASE**

4.1 **Value for Money**

The price for the licence is in line with other Council’s charges for the same service. The local authority can currently purchase the licence at a lower rate than the private sector can purchase the same licence for.

4.2 **Transparency**

This contract will be subject to issues of confidentiality and be open to scrutiny under the Freedom of Information Act, through the internal and external audit process and through the Policy & Performance Board scrutiny arrangements.

4.3 **Propriety and Security**

The usual integrity clauses will be built into the contract document and only staff with a need to know will have information about the contract.

4.4 **Accountability**

This would remain with the Operational Director awarding the contract.

4.5 **Position of the Contract under the Public Contracts Regulations 2006**

The new IMLS Framework fully complies with the Public Contract Regulations 2006

5.0 **POLICY IMPLICATIONS**

5.1 None

6.0 **FINANCIAL IMPLICATIONS**

6.1 There are exceptional circumstances, namely that the new IMLS Framework that is being established by the Department is not yet ready for use. The new Framework is specifically designed around educational requirements, to increase choice and competition, enable legal procurements, and drive best value for money; and avoid LAs spending the time and expense of running their own OJEU competitions.

7.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

7.1 **Children & Young People in Halton**

This project will enable the schools and the Local Authority to have access to the Information Management System to track pupil data and ensure all young people in Halton have access to education.

7.2 **Employment, Learning & Skills in Halton**

This project will enable the schools in Halton to have access to the Information Management System to track pupil data and ensure all young people in Halton have access to education.

7.3 **A Healthy Halton**

The Information Management System holds details of all young people and includes information on attendance, ethnicity, and vulnerable pupils.

7.4 **A Safer Halton**

The Information Management System tracks pupil attendance and identifies pupils vulnerable pupils

7.5 **Halton's Urban Renewal**

None identified.

8.0 **RISK ANALYSIS**

8.1 Running a separate procurement exercise to the one being undertaken by the Department would incur additional expense and would not present value for money.

9.0 **EQUALITY AND DIVERSITY ISSUES**

9.1 Agencies awarded a contract would be expected to comply with the Council policies relating to Ethnicity and Cultural Diversity as well as promoting inclusion.

10.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

Document	Place of Inspection	Contact Officer
Letter to Director of Children's services detailing outcome of the Becta Review	Copy attached in Appendix 1	Katrina Hall
Report of the Becta review into Value for money of Management Information Systems	Copy attached in Appendix 2	Katrina Hall
The IMLS Invitation to Tender document	Grosvenor House	Katrina Hall

Appendix 1 – Letter to Directors of Children’s Services



Letter 29 October
2010 to Directors of C

Appendix 2 – Becta Report on MIS



Becta Report on MIS
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