

Report for: Cllr Carlin

Item number: n/a

Title: Award of contract for VMWare Cloud Foundation plus firewall and Anti threat prevention for 5 years

Report authorised by : Jess Crowe – Director of Culture, Strategy and Engagement

Lead Officer: Carla Villa – Contract Manager 0208 152 553

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

This report requests the Councillor Carlin Cabinet Member for Finance and Local Investment, to approve the award of contract for VMware Cloud Foundation plus firewall and Anti threat prevention to Phoenix Software Ltd as per CSO 3.01 b) The Cabinet will approve awards of contract valued at £500,000 (five hundred thousand pounds) or more.

Our River Park Data Centre (DC) is due for closure in the middle of 2025. We are in the process of transitioning our network and servers to the new DC including the new DHCI servers. Our current VMware estate is end of support life and new licenses are required due to a license model change from CPU to number of cores.

Failure to award the contract could lead to significant delays in transitioning our server environment to the new DC in time for the closure of River Park House.

2. Recommendations

To award a contract to Phoenix Software Ltd for VMWare Cloud Foundation plus firewall and Anti threat prevention using the KCS framework Y23065 Software Products and Associated Services for 5 years from August 2024 (start date to be defined once approved) to August 2029 at a cost of: £1,036,969.45, as per CSO 7.01(b) and CSO 9.07.1(d).

3. Reasons for decision

Our existing VMWare licenses are expiring on October 7th 2024 but if we wait until these expire we will run into delays in moving to the new technology and will be required to rebuild all servers again in the new license type. This will delay our move into the new DC. We had already paid for the old license type in 2021 and it was decided that we will allow these to die naturally in October but replace them now to allow for server moves in the meantime to go ahead with the new license type in place. We will also be reducing the number of overall servers we move to the new environment as part of this process and have only procured what we will need going forward.

4. **Alternative options considered**

Do Nothing – not an option as VMWare is the virtualisation software we use to ensure a lower carbon footprint as around 85% of our servers are virtual.

Go out to full Tender – also not an option as there are thousands of resellers and it would be a colossal task.

This support contract can only be purchased through resellers of which there are many but discounts are awarded to resellers by VMWare based upon the volume they sell. Those that have the greatest volume also offer the greatest discount. The procurement is being completed through the Kent County Services framework Y23065 (KCS) where 17 suppliers were able to provide the service. An expression of interest was completed to narrow the field to the premium partners only who provide the most favourable discounts. The 8 that responded were asked to provide quotes for a number of options through the HPCS system as per CS07.02 & CS09.07.1d Only 4 managed to get quotes from VMWare as per the table below by the closing date.

Supplier & type	3yr	5yr	Winning option
Phoenix VSF	£346,647.08	£578,047.14	Winning option
Softcat VSF	£348,948.48	£581,876.80	
VE3 Global VSF	£413,270.57	£688,784.28	
CDW VSF	£351,576.96	£586,527.60	
Phoenix VCF/firewall	£534,412.73	£957,142.17	Winning option
Softcat VCF/firewall	£537,914.88	£963,480.00	

VE3 Global VCF/firewall	£1,438,853.55	2,398,089.19	
CDW VCF/Firewall	£541,976.00	£970,702.40	
Phoenix VCF/firewall/ATP	£578,832.36	£1,036,969.45	Winning bid for decision taken
Softcat VCF/firewall/ATP	£582,634.56	No bid submitted	
VE3 Global VCF/firewall/ATP	£1,683,756.04	£2,806,259.96	
CDW VCF/Firewall/ATP	£587,027.20	£1,051,581.44	

5. Background information

Virtualisation of servers formed a large part of the IT Infrastructure Renewal Program in 2016 and our future strategy to ensure that the Council maximises its investment in technology and reduces its carbon footprint. Virtualisation of servers has enabled us to reduce the number of physical servers required in our data centres from 500 to 80 which reduces costs to the Council in terms of purchasing of hardware, electricity and air conditioning. It also enables Digital Services to have better DR and resilience capability and reduced down time.

Haringey Council utilises software from VMWare as a tool to achieve this virtualisation and VMWare will continue to be the mechanism for virtualisation for the foreseeable future.

6. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes'?

Lower carbon foot print - Haringey Climate Change Action Plan – Virtualisation reduces the amount of cooling and therefore energy used.

7. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

Finance

The £1,036,969 cost of this five-year contract award for VMware Cloud Foundation plus firewall and Anti threat prevention will be funded from the Digital Services revenue contracts (infrastructure) budget which was increased

in the 2024-25 Budget & 2024-2029 MTFs to reflect, amongst a variety of digital pressures, an anticipated increase in VMWare costs at the expiry of our current licensing arrangements.

Strategic Procurement

Strategic Procurement have been consulted in the preparation of this report

CSO 7.01b) permits the selection of a contractor from a framework established by a public sector body. The Kent County Services framework Y23065 complies with the requirements of CSOs.

CSO 16.02 permits the Leader to allocate decisions whether urgent or not to the Cabinet Member having the relevant portfolio responsibility.

Strategic Procurement support the recommendations in section 2 of this report.

Head of Legal & Governance

- 1) The Assistance Director for Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report. The process described in the report is in line with the Council's Contract Standing Orders (**CSOs**) and Public Contracts Regulations 2015.
- 2) The Council has the power under section 1(1) of the Localism Act 2011 to do anything individuals generally may do provided that it is not prohibited by legislation and subject to Public Law principles. This power includes the right to enter into contracts. There is no express prohibition, restriction or limitation contained in a statute against use of the power as recommended in this report. The Council also has a right, under section 111 of the Local Government Act 1972, to do anything, including incurring expenditure or borrowing which is calculated to facilitate or is conducive or incidental to the discharge of its functions.
- 3) The recommendations and the procurement of IT systems facilitates the delivery of the Council's statutory duties, set out within this report are in accordance with these powers.
- 4) Pursuant to the Council's Contract Standing Orders CSOs 7.01.(b), and 9.07.1(d), and Regulation 33 of the Public Contracts Regulations 2015, bidders were invited to Tender through the KCS framework Y23065 Software Products and Associated Services for 5 years from **August 2024** (start date to be defined once approved) to **August 2029** at a cost of **£1,036,969.45**.
- 5) The KCS framework Y23065 Software Products and Associated Services, is a compliant framework agreement expiring on 29th February 2028, which the Council is entitled to use following the completion of the required customer access form.
- 6) The Cabinet Member is being asked to approve the award of the contract to Phoenix Software Ltd for VMWare Cloud Foundation plus firewall and Anti threat prevention.

- 7) The proposed terms and conditions for the contract will be based on the KCS framework Y23065 Software Products and Associated Services call off terms and conditions.
- 8) As the award of this contract is a Key Decision, it would normally fall to Cabinet to approve in accordance with CSO 9.07.1 d) (contracts valued at £500,000 and above). However, in-between meetings of the Cabinet, the Leader may take any such decision or allocate to the Cabinet Member with the relevant portfolio (CSO 16.02).
- 9) The Assistant Director of Legal and Governance confirms that there are no legal reasons preventing the Cabinet Member for Finance and Local Investment, from approving the recommendations in this report

Equality

The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

As an organisation carrying out a public function on behalf of a public body, the Supplier will be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above. Appropriate contract management arrangements will be established to ensure that the delivery of the major works does not result in any preventable or disproportionate inequality.

There are no equality implications arising from this decision.

8. Use of Appendices

N/A

9. Local Government (Access to Information) Act 1985

N/A

