

<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	5 October 2023
<b>Subject:</b>	Schools Internet Connectivity		
<b>Report of:</b>	Executive Director of Corporate Resources and Customer Services	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Cabinet Member - Regulatory, Compliance and Corporate Services		
<b>Is this a Key Decision:</b>	Yes	<b>Included in Forward Plan:</b>	Yes
<b>Exempt / Confidential Report:</b>	No		

### Summary:

This report sets out the background to the current ICT connectivity provision provided to circa 40 schools within the authority and proposes the associated procurement route required to renew the service.

(ICT connectivity provision refers to internet access, firewall protection and web/content filtering services provided to these schools).

### Recommendation(s):

(1) That the Executive Director of Corporate Resources & Customer Services be authorised to conduct a direct award procurement exercise for the continuation of direct internet access, firewall and web-filtering provisions to schools within the authority who wish to continue or take up the use of this service, for a new 3-year period. This approach is compliant with the contract procedure rules and the Public Contract Regs as the framework that is being used allows a direct award.

(2) That the Executive Director of Corporate Resources & Customer Services in consultation with the Cabinet Member for Regulatory, Compliance and Corporate Services be granted delegated authority to award the Contract resulting from the procurement exercise.

## **Reasons for the Recommendation(s):**

To continue offering an appropriate internet provision to schools who opt into this service from the Council which contributes towards the educational provision for children within the borough.

## **Alternative Options Considered and Rejected:** (including any Risk Implications)

There were two options considered and rejected.

(1) To run a full procurement exercise and open competition to other providers on relevant frameworks.

This option identified that in switching to another provider and/or solution would require new hardware in each school as the current equipment is leased under contract and not owned by the Council or school. There would therefore be an additional cost to each school to provide a new solution and the current equipment in each school is also far from end-of-life.

Indicative costs of new equipment, included in the previous tender, added between £850 and £1,900 to each school's cost over a 3-year period. There would also be additional costs to the Council from its ICT Service Provider to make configuration changes to continue allowing schools to link to the Councils network, this cost of change is estimated at circa 50k (estimate based on previous project costs).

Other periphery costs or disruptions would be associated with potentially training school staff to use a new solution and support for other third-party providers used by schools.

(2) To stop offering this service to schools

This option would result in each school needing to procure their own internet provisions and associated services from 1<sup>st</sup> April 2024. As detailed further in this report, a high portion of schools who use this service currently have expressed intent to continue using it should it be available. Should the offering be removed, this could put schools at risk who are inexperienced or lack sufficient ICT knowledge to procure a similar solution from elsewhere themselves.

## **What will it cost and how will it be financed?**

### **(A) Revenue Costs**

The Council pays for the service from Abzorb Systems Ltd quarterly in arrears. The Council then recharges the cost in full to each school with a small margin added to cover Council staffing and administration costs.

The cost of the current service is just below £160k pa which is fully recovered from the schools who take the service per the above. It must also be highlighted that the current costs to schools were significantly reduced during the previous tendering exercise,

feedback in terms of the value for money and the service delivery has also been overwhelming positive from the schools who take the service.

## **(B) Capital Costs**

There will be no capital costs

### **Implications of the Proposals:**

#### **Resource Implications (Financial, IT, Staffing and Assets):**

##### **Financial**

As this will be a continuation of an existing provision, there will likely be no envisaged financial implications.

##### **IT**

As this will be a continuation of an existing provision, there will likely be no envisaged implications to IT

##### **Staffing**

The awarding of a new contract is not envisaged to have any staffing implications in regards to Council staff. The Council's ICT provider was also previously consulted and advised that they didn't believe there would be any TUPE implications.

##### **Assets**

There are no known asset implications as the network equipment associated with this service, which is situated at each school is leased to the school under the terms of the contract and will be re-leased to schools.

#### **Legal Implications:**

The procurement exercise is compliant with the Public Contract Regulations 2015.

#### **Equality Implications:**

There are no equality implications.

#### **Impact on Children and Young People:**

There is no direct impact on Children, it should be noted though that this service provides subscribing schools with internet access for its pupils. Children are protected however from the perils of the internet, as access is controlled by an accompanying DfE compliant web/content filtering solution.

#### **Climate Emergency Implications:**

The recommendations within this report will	
Have a positive impact	Yes
Have a neutral impact	No
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

If the current service is renewed, there will be no requirement for hardware to be purchased as existing hardware in schools is still suitable for use and has a life span of at least the next 3 years.

Otherwise, this proposal does not change the existing arrangements in terms of software and hardware provision and associated energy consumption.

**Contribution to the Council's Core Purpose:**

<p>Protect the most vulnerable:</p> <p>Vulnerable children within schools who take this service will be protected as best as possible from the dangers of the Internet by only being able to access it through a DfE compliant web/content filtering solution.</p>
<p>Facilitate confident and resilient communities:</p> <p>Not applicable</p>
<p>Commission, broker and provide core services:</p> <p>Not applicable</p>
<p>Place – leadership and influencer:</p> <p>Not applicable</p>
<p>Drivers of change and reform:</p> <p>Not applicable</p>
<p>Facilitate sustainable economic prosperity:</p> <p>Not applicable</p>
<p>Greater income for social investment:</p> <p>Not applicable</p>
<p>Cleaner Greener:</p>

Not applicable
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## **What consultations have taken place on the proposals and when?**

### **(A) Internal Consultations**

The Executive Director of Corporate Resources and Customer Services (FD.7347/23.) and the Chief Legal and Democratic Officer (LD.5547/23.) have been consulted and any comments have been incorporated into the report.

### **(B) External Consultations**

Contact has been made with the schools who currently take this service to inquire whether they wish to (or not) continue taking this service from the Council.

## **Implementation Date for the Decision**

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

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## **Appendices:**

There are no appendices to this report

## **Background Papers:**

There are no background papers available for inspection.

## **1. Introduction/Background**

- 1.1 The Council, through one of four ICT related Service Level Agreements (SLA's) provides internet services, perimeter network firewall protection and a DfE compliant web/content filtering solution to circa 40 schools within the local authority area.

- 1.2 The SLA, known as the 'Connectivity' SLA, is usually for a 3-year duration and in its current format, has been in place since 1<sup>st</sup> April 2021. It is due to expire on 31<sup>st</sup> March 2024 and the services are currently provided by Abzorb Systems Ltd.
- 1.3 Noting the end date of the current contract, the Council team who look after this service, the ICT Partnership Team, have engaged with the schools who currently take this service and there is an initial indication that at least three-quarters of them would like to carry on utilising an internet connectivity service from the Council as opposed to procuring their own services.

## **2 Current Arrangements**

- 2.1 School internet connectivity became independently reliant from the Council's network at the start of the current SLA and contract with Abzorb (around April 2021)
- 2.2 At this point, schools were offered 3 different tiers of connection speed to satisfy their requirements;
- Small infant and/or primary schools, as well as nurseries were offered Tier 1 FTTC connections
  - Larger infant and/or larger primary schools as well as smaller secondaries were offered Tier 2 100Mbps dedicated bandwidth connections
  - Larger secondary schools were offered Tier 3 200Mb dedicated bandwidth connections (with the facility to upgrade up to 1,000Mbps) if ever needed
- 2.3 To date, only a very small number of Tier 3 schools have optionally increased their bandwidth/connection speed with all other schools attesting to having been correctly put in the right Tier bracket from the start. This is confirmed by ongoing quarterly statistics, provided by Abzorb, for line utilisation.
- 2.4 As part of the service provided, the perimeter of each school's network is protected by an onsite physical firewall and pupils are also protected from the dangers of the internet by an education grade and DfE compliant web/content filtering solution

## **3 Scoping and preparation activity**

- 3.1 Officers from the ICT Partnership Team, have reviewed the current service provision provided by Abzorb Systems Ltd.
- 3.2 The current contract has been well delivered including both meeting and exceeding expectations. For instance, some of the quarterly reviews of the service resulted in no service or support calls raised by any of the circa 40 schools taking the service. In other quarters, there were very often only a handful of calls needing to be raised which were resolved quickly by the provider. Feedback from schools in relation to the service has also been overwhelmingly positive.
- 3.3 This has led officers to look at and consider the possibility of a new Direct Award contact, via a Public Contract Regulations 2015 compliant framework, with the incumbent provider for another 3-year term. This decision has also considered

the potential cost of change should the Council go to market for a new supplier, these costs would include the replacement of ICT KIT within schools (which is not end of life) technical works needed to implement the new solution, which would have to be funded by the local authority and the associated disruption to teaching and learning during the transition period. There is no appetite from schools to change supplier currently.

- 3.4 (As a side note, it would be suggested for consideration at the end the next period that the Council should look at opening competition if there is still a suitable appetite by schools for the Council to run this service, this is when current hardware within schools will be starting to go end of life)
- 3.5 Officers now propose to commence a direct award procurement exercise to recontract the services. By doing so, there will be no disruption to schools who take this service as the network kit provided at each site is still current and will only require its license and support contracts renewed. This is in stark contrast to another solution being provided, with disruption and additional costs for new hardware and the configuration/implementation of a new firewall and web/content filtering solution, that would likely be incurred should this renewal instead be published as an opportunity.
- 3.6 With no new hardware being required, this should contribute towards a saving for schools against current costs or go some way to countering any price increases of internet lines and license costs through inflation.

#### **4 Proposed Procurement Route**

- 4.1 The recommendation being proposed is to recontract the current services using YPO Framework 'Network Connectivity and Telecommunication Solutions – 976' which is a Public Contract Regulations 2015 compliant framework.
- 4.2 Whilst the framework offers both mini-competition and direct award procurement methods, it is the latter; direct award, which is being proposed.
- 4.3 The direct award criteria on this framework mentions 5 methods when direct would be suited, whilst only one method is required to be met, it is suggested that all 5 criteria could be deemed as being met in this instance;

- Low value/low complexity requirements

Low complexity because a working and reliable solution is already in place

- Where goods or services are exclusive to one supplier/provider

The equipment which was installed at each school is not owned by them but leased by the incumbent provider. Therefore, if another supplier or procurement method was considered, it would be at greater cost and inconvenience to each school by swapping required equipment and services.

- Continuity or additions to existing goods or services

A continuation of an existing service is being sought with no changes of significance.

- Urgent/one-off requirements

Whilst this is not urgent, swapping supplier could result in a solution not being in place when the current contract ends on 31-Mar-24. In the telecoms industry, there is an industry standard of 90 days for new line installations.

- Where retaining of a suppliers services provide best value

In retaining the incumbent provider, there will be a saving against having to install new hardware in schools as the existing hardware is still current. Licenses and support will just be required instead of purchasing new hardware.

- 4.4 It is proposed that the procurement exercise will be led by the Council's ICT Lead for Contracts, Procurement and Schools in conjunction and supported by the Council Central Procurement Team, other members of the ICT Client Team and the Council's ICT Service Provider.
- 4.5 It is recommended that the term of a new contract is for a period of 3 years which will align with a new 3-year SLA term offered to schools.

## **5 Next Steps**

- 5.1 If the recommendation of this report is accepted and approved, the ICT Partnership Team and the Central Procurement team will begin procurement activity in line with the published guidelines of YPO framework 'Network Connectivity and Telecom Solutions – 976' for a direct award.