



# Buckinghamshire & Milton Keynes Fire Authority

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**Meeting and date:** Executive Committee, 17 November 2021

**Report title:** Exemption from Standing Orders Relating to Contracts: Wide Area and Local Area network (WAN/LAN) provision

**Lead Member:** Councillor David Hopkins

**Report sponsor:** Mark Hemming, Director of Finance & Assets

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**Action:** Noting

**Recommendations:**

In accordance with Standing Orders Relating to Contracts, Standing Order 4.2 it be noted that the Chief Finance Officer has authorised renewal of the WAN/LAN contract with Updata for a further one year until 24 September 2022.

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**Executive summary:**

The Authority's Wide Area Network (WAN) and Local Area Network (LAN) have, for the last 9 years, been provided under an umbrella contract set up by the then Buckinghamshire County Council with Updata. This contract was due to end on 24 September 2021.

Following the budget approval in January 2021 officers have been working with Buckinghamshire Council and the new supplier, BT, to transition the WAN and LAN. Unfortunately, the move to the new supplier has been hit by delays leading to both the Authority and Buckinghamshire Council needing to extend the current contract with Updata.

WAN and LAN are business critical systems, without it the Service would not be able to operate. (See Appendix 1 for a brief WAN/LAN description)

Therefore, to ensure Buckinghamshire Fire and Rescue Service (BFRS) can continue to operate, officers have had to complete an emergency extension to the contract, extending the contract by 12 months until September 2022 at an annual cost of £118,000.

As the total value of the contract extension is over £50,000 the Authority's Standing Orders Relating to Contracts require the Authority to follow a publicly advertised competitive tender process under Standing Order 8 unless an exemption is approved by a Committee of the Authority.

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### **Financial implications:**

The current contract has an annual cost of £162,000. It has been confirmed that the contract could be extended at a slightly reduced rate, and therefore the whole-life cost of the new contract will be circa £118,000.

Based on the competitive tenders previously undertaken for this service, it is unlikely that alternative providers would provide the service for less than the amount being currently paying.

The move to the new supplier is going to cost circa £500,000 plus additional internal resource costs. There is no option for another supplier to provide this service for the next 12 months.

### **Risk management:**

Extending the existing contract would ensure BFRS can continue to operate.

During the 12-month extension BFRS will have limited Wi-Fi support, but officers are confident that this could be supported internally for this period.

### **Legal implications:**

The contract extensions are permissible under the Public Contracts Regulations 2015 Regulation 32(2)(c) if the following criteria are met:

“32(2) The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases:— [...]

(c) insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.

[...]

(4) For the purposes of paragraph (2)(c), the circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority.”

Standing Order 4 allows for exemptions for contracts to be placed by direct negotiation with one or more suppliers rather than in accordance with Standing Order 8 (cited above).

- 4.2 If an Officer requires an exemption from one or more Orders in an emergency, the Chief Finance Officer can provide this. A report must be made to a Committee of the Authority subsequent to the award of the

contract. An emergency means a situation involving risk of injury or loss of life or risk to the security or structural viability of a property.

**Privacy and security implications:**

Whilst the WAN/LAN doesn't have a Data Protection Impact Assessment all systems that use it should. These will be reviewed and updated regularly.

**Duty to collaborate:**

Approval of the exemption would allow the Authority to continue to work with Buckinghamshire Council that also use Udata and the services they provide.

**Health and safety implications:**

There have been no health and safety implications identified.

**Environmental implications:**

There have been no environmental implications identified.

**Equality, diversity, and inclusion implications:**

There have been no equality, diversity and inclusion implications identified.

**Consultation and communication:**

Stakeholders of the systems have been part of the review and decision-making.

End users of the system should not be impacted by the contract extension.

The paper has followed the agreed governance process and has been presented to:

Board	Date	Feedback
Business Transformation Board	7 October 21	Approved
Senior Management Board	19 October 21	Updated to ensure correct legal compliance is applied

**Background papers:**

Standing Orders relating to contracts:

[https://bucksfire.gov.uk/documents/2020/03/contract\\_standing\\_orders\\_-\\_february\\_2020.pdf/](https://bucksfire.gov.uk/documents/2020/03/contract_standing_orders_-_february_2020.pdf/)

Appendix	Title	Protective Marking
1	<i>WAN/LAN Description</i>	Not Applicable

## **Appendices**

### *Appendix 1- WAN/LAN Description*

Wide Area Network or more commonly WAN is the connection between all our Fire Stations to each other and to the internet, these connections are normally outside of the Authority's premises and run securely across the internet, private circuits and utilise a variety of the available technology to do so, dependant on availability of circuits, capacity requirements and the cost to provision.

Local Area Network or more commonly LAN is the connection within BFRS's buildings it provides the connection (wireless or wired) between end user peripherals, PC's Laptops, printers & servers and each other through a Switch which then provides connection to internal resources or where appropriate to the WAN.

Associated peripherals and services include web traffic filtering, network security including intrusion detection and monitoring, remote access, firewalls, level three service desk, wireless network and connections to Azure, all of these need to be included as they are all, currently, provided by the incumbent WAN / LAN supplier.