

Decision maker:	Director for economy, communities and corporate
Decision date:	Thursday, 8 March 2018
Title of report:	Contract Award for Ja.Net Services to Jisc
Report by:	Performance manager

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

To award a contract for the provision of Ja.Net Internet services to Jisc for up to 7 years at a contract value of £91k plus inflation.

Recommendation(s)

That:

- (a) the contract for the provision of Ja.Net internet services be awarded to Jisc as a direct award for period of up to seven years at a contact value of £91k plus inflation; and**
- (b) the assistant director communities be authorised to take all operational decisions necessary to exercise options to extend within the agreed contract period and budget.**

Alternative options

1. Option 1: Include the internet provision as part of the wide area network services tender, this option was taken up and the provision for the Ja.net internet services was included in the network services tender as an optional service. Through that process Jisc confirmed that they currently only offer the Ja.Net service via direct agreement with Jisc and do not respond to tenders.
2. Option 2: the option to source comparable basic internet services was also explored and is not recommended as it proved cost prohibitive to do so and would not enable access to the Ja.Net network. Comparable pricing of £56k and £43k over a 3 year period were received for basic internet connectivity.

Key considerations

3. The council have maintained a Ja.Net internet connection since 2011 when it was contracted as part of the West Midlands regional network.
4. The network is privately funded by JISC the Joint Information Systems Committee which provides services to education and research establishments.
5. This service is the council's primary internet connection, with a back-up internet service provisioned via the wide area network services contract.
6. The council are permitted to share the service with a number of organisations which receive network services from the council:
 - a. schools, whether publicly or privately funded;
 - b. public libraries;
 - c. not-for-profit museums, archives and galleries, whether publicly or privately funded;
 - d. other organisations which offer education or training services.
7. The council are also permitted to use the service in support of other activities that are not educational but are to the benefit of the local community or general public.
8. The service is securely connected to other European and worldwide research focused networks.
9. Having assessed the market as outlined in the alternative options, it is recommended that the council contract for the Ja.Net internet service provision with JISC.
10. The approach to maintain the council's primary internet service with JISC provides an added level of connectivity resilience and supplier diversity for the internet service.
11. The provision of the primary internet service will be aligned to reviews of the council's main data wide area network service contract which commenced in January 2018 and is in place for a period of five years with extension options for a further two years. The aim of which will be to consolidate network related services and agreements where they deliver efficiencies.
12. The contract will be for an initial term of 3 years at a cost of £39k. Prior to end of the initial term, the internet service will be reviewed to ascertain whether Ja.Net is still the required internet provision. If Ja.Net is still the required internet connection, the intention

is to renew the contract with JISC, unless it is commercially feasible and financially viable to source it via a reseller. The term of any renewals thereafter will be determined by the duration that the service is required for and the financial benefit of a multiple year renewal.

13. In the event that there is a requirement for an alternative internet provision, a soft market test will be undertaken to establish whether there is a business case to change.

Community impact

14. This is a back office activity which aims to provide a reliable internet service for Herefordshire Council and the citizens of Herefordshire whilst retaining connectivity to the Ja.net specific services as well.
15. The recommendation supports the council's corporate plan objective to manage finances effectively to secure value for money and deliver a balanced budget.

Equality duty

16. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
17. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.
 18. The JA.Net service specifically enables us to maintain access to a research focused networks ensuring public facilities such libraries continue to benefit efficiently.

Resource implications

19. The £13k per annum charge, of which £39k will be paid upfront for the initial 3 years, has been included as part of the Medium Term Financial Strategy (MTFS) and is available in existing revenue budgets.
20. The charges will be adjusted in line with inflation from year four onwards.
21. This charge represents a saving of £14k pa on the current annual Ja.Net charges.

Legal implications

22. The council does not have a duty to provide internet services to its customers or in support of its own services, however in exercising its duty to secure best value in the performance of all of its functions, it is impossible to see how modern council services could be provided without resilient internet connectivity. This Report explains why the Jisc contract represents a best value solution for the council at the present time.
23. The proposed contract with Jisc has not been procured through a full competitive process and will be therefore require a waiver under the council's own contract procedure rules. However the proposed contract value is below the EU threshold for tendering and therefore there is no legal obligation to undertake a procurement process for this solution, at this value.

Risk management

24. There are no significant risks associated with this recommendation. This risk of a legal challenge is considered very low for the reasons set out above.

Consultees

25. The recommendation to maintain the Ja.Net internet connection was assessed as part of the wide area network services project board, which included representation from Herefordshire Council, Wye Valley NHS Trust, Herefordshire CCG and Hoople Ltd.

Appendices

None

Background papers

None identified