

10.8. Microsoft Enterprise Licence Renewal Tender 5-2024

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ATTACHMENTS	1. CONFIDENTIAL - 5-2024 Tender Evaluation [10.8.1 - 5 pages]
CSP LINK	5. Our Civic Leadership 5.4 Council services are efficient and easy to access

PURPOSE:

The purpose of this report is to provide Council with an analysis and recommendations of the tender process for Tender No 5/2024 Microsoft Enterprise License Renewal.

EXECUTIVE SUMMARY:

- Tenders were called and received until 3:00pm Sydney time Thursday 4 April 2024 for the supply of Microsoft Enterprise Licensing.
- The existing Information Technology budget and forward estimates have sufficient funds allocated to cover the proposed per annum costs over the three-year term of the Microsoft Enterprise Licensing Agreement.
- If Council wishes to discuss the report, the meeting should be closed to the public to do so, in accordance with 10A(2) of the Local Government Act 1993:
(d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

RECOMMENDATION:

- 1. THAT** Council accept the recommended tenderer for Tender 5/2024 for Microsoft Enterprise Licensing.
- 2. THAT** the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into associated contracts.
- 3. THAT,** once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts with Private Sector.
- 4. THAT** Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:
(d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

Background

The purpose of this report is to provide the Council with an analysis of the tender process for Tender No 5-2024 Microsoft Enterprise Licensing Renewal.

Microsoft Enterprise Licensing is an essential element of Council's ability to conduct business. Council's existing Agreement for Microsoft Enterprise Licensing expires on 30 June 2024 and needs to be renewed in order to ensure that the Microsoft products and services used by Council will continue to operate.

Council uses Microsoft for Office365 (productivity systems), operating systems, email, and cybersecurity systems.

Report

The methodology adopted to undertake the tender evaluation of 5/2024 was based on selection criteria outlined in the tender documents and in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Tenders were called and received until 3:00pm Sydney time Thursday 4 April 2024 for the submission of tenders to undertake the supply of Microsoft Enterprise Licensing via Tenderlink. During this period, tenderers were able to ask questions via the Online Forum.

At close of tenders, five tenders were received. Listed in **strict alphabetical order**, the tenderers were:

Tenderer
Advent One Pty Ltd
Data#3 Limited
Datacom Systems (AU) Pty Ltd
Dell Australia Pty Ltd
Insight Enterprises Australia Pty Ltd

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*.

A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

The following information is treated as confidential in the confidential attachment:

1. Tender evaluation including selection criteria

The tender process has been reviewed and endorsed by Council's Procurement Panel for adherence to the *Procurement Policy*.

2. Tender evaluation panel results

The final ranking and point scores (out of a total 100) of the tenders are identified in the

table in the confidential attachment. The assessment was based on Council's standard tender evaluation methodology, as outlined in the selection criteria.

3. Funding and costing details

Application for access to documentation should be through lodgement of a GIPA Public Information application form and payment of prescribed fees.

Consultation requirements

Community engagement is not required.

Financial/Resource Implications

The existing Information Technology budget and forward estimates have sufficient funds allocated to cover the proposed costs during the 3 years term of the Microsoft Enterprise Licensing Agreement.

Legislation

Council acceptance of tenders must be undertaken in accordance with clause 178 of the Regulation. For transparency, minutes record the names of the councillors who supported the decision and any councillors who opposed the decision. Clause 178(3) of the Regulation gives council six options where it either accepts none of the submitted tenders or receives no tenders. The options are:

- postpone or cancel the proposal for the contract.
- invite fresh tenders, either open or selective, based on the same or different details.
- invite fresh applications by public advertisement (clause 168) from persons interested in tendering for the proposed contract.
- invite fresh applications from recognised contractors listed by council (clause 169) interested in tendering for contracts of the same kind as the proposed contract.
- enter into direct negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender.
- carry out the requirements of the proposed contract itself.

Project Program

Anticipated Start:	29 May 2024
Anticipated Completion:	31 May 2024
Responsible Officer:	Michael Beard, Chief Information Officer