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Contract

Future IT Sourcing Programme. End User Computing Services.

The Secretary of State for Justice acting through the Ministry of Justice

F20: Modification notice

Notice identifier: 2022/S 000-022320

Procurement identifier (OCID): ocds-h6vhtk-035b75

Published 12 August 2022, 3:24pm

Section I: Contracting authority/entity

I.1) Name and addresses

The Secretary of State for Justice acting through the Ministry of Justice

102 Petty France

London

Email

Stefan.Phillips1@justice.gov.uk

Telephone

+44 02033343555

Country

United Kingdom

NUTS code

UK - United Kingdom

Internet address(es)

Main address

<https://www.justice.gov.uk>

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Future IT Sourcing Programme. End User Computing Services.

II.1.2) Main CPV code

- 72000000 - IT services: consulting, software development, Internet and support

II.1.3) Type of contract

Services

II.2) Description

II.2.1) Title

Future IT Sourcing Programme. End User Computing Services.

II.2.2) Additional CPV code(s)

- 30000000 - Office and computing machinery, equipment and supplies except furniture and software packages
- 32000000 - Radio, television, communication, telecommunication and related equipment
- 48000000 - Software package and information systems
- 50000000 - Repair and maintenance services
- 51000000 - Installation services (except software)
- 72200000 - Software programming and consultancy services
- 72250000 - System and support services
- 72260000 - Software-related services

- 72510000 - Computer-related management services
- 72590000 - Computer-related professional services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement at the time of conclusion of the contract:

Following an advertisement in the Official Journal of the European Union (OJEU), the Secretary of State for Justice (the “Authority”) entered into a contract with Atos IT Services UK Limited (“Atos”) on 06.10.14 for the supply of EUCS Services and Cross Tower Services (the “Contract”).

The Contract is for the provision of MoJ centralised and distributed computing environment for both hardware and commonplace workplace productivity applications.

The EUCS services include the provision and maintenance of:

- Client devices (desktops, thin clients, laptops and tablets),
- Peripheral equipment, such as directly attached printers and scanners, cameras, headsets, etc.,
- Support for mobile client devices, such as blackberry and smart phones,
- Storage (including unstructured) for personal, shared, messaging & archived user data,
- Messaging service for end users and business applications, including email and fax services,
- Presentation and provisioning services that will provide a consistent end user experience,
- Identity and access management services,
- Directory service that manages information about people, devices and rights to services,
- Information assurance and risk management,
- Service management functions to work and collaborate with other FITS Suppliers,

- Live and non-live environments, including training environments,
- Distributed platforms hosted in local server rooms that support AMS business applications, and
- Collaboration services (Office automation, workgroup collaboration, device and enterprise search, address book, calendars and instant messaging).

The supply of devices was not exclusive to this Contract.

The contract advertisement notice (2013/S 171-296311) and contract award notice (2014/S 212-376026) were published in the OJEU.

II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession

Duration in months

84

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

Section IV. Procedure

IV.2) Administrative information

IV.2.1) Contract award notice concerning this contract

Notice number: [2014/S 212-376026](#)

Section V. Award of contract/concession

Contract No

con_11973

Title

Future IT Sourcing Programme. End User Computing Services

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract/concession award decision:

6 October 2014

V.2.2) Information about tenders

The contract/concession has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor/concessionaire

Atos IT Services UK Limited

Second Floor, Mid City Place, 71 High Holborn

London

WC1V 6EA

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

V.2.4) Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)

Total value of the procurement: £125,484,785

Section VI. Complementary information

VI.3) Additional information

The Contract, including extension provisions, was for a period of 7 years and was therefore due to expire on 05.10.21. The Authority has previously made modifications to the Contract to extend it for the period of 06.10.21 – 05.07.22. These modifications have been made under Regulation 72(1)(e) of the Public Contract Regulations 2015. The remaining extended contract period of just over two months fell away on entering into the contract modification that is the subject of this notice, as set out in part VII below.

VI.4) Procedures for review

VI.4.1) Review body

High Court

Royal Courts of Justice, Strand

London

WC2A 2LL

Telephone

+44 2079476000

Country

United Kingdom

VI.4.2) Body responsible for mediation procedures

High Court

Royal Courts of Justice, Strand

London

WC2A 2LL

Telephone

+44 2079476000

Country

United Kingdom

VI.4.4) Service from which information about the review procedure may be obtained

High Court

Royal Courts of Justice, Strand

London

WC2A 2LL

Telephone

+44 2079476000

Country

United Kingdom

Section VII: Modifications to the contract/concession

VII.1) Description of the procurement after the modifications

VII.1.1) Main CPV code

- 72000000 - IT services: consulting, software development, Internet and support

VII.1.2) Additional CPV code(s)

- 30000000 - Office and computing machinery, equipment and supplies except furniture and software packages
- 32000000 - Radio, television, communication, telecommunication and related equipment
- 48000000 - Software package and information systems
- 50000000 - Repair and maintenance services
- 51000000 - Installation services (except software)
- 72200000 - Software programming and consultancy services
- 72250000 - System and support services

- 72260000 - Software-related services
- 72510000 - Computer-related management services
- 72590000 - Computer-related professional services

VII.1.3) Place of performance

NUTS code

- UK - United Kingdom

VII.1.4) Description of the procurement:

The Authority has modified the Contract under Regulation 72(1)(b) of the Public Contract Regulations to extend the contract period from 27.04.22 to 05.02.24. The purpose of this extension is to continue the disaggregation of the Service and exit such that there is a smooth transition to the new mode of operation through to 05.02.24 and beyond. Amendments have been made to the Contract provisions to reflect that this is an exiting contract and the EUCS Services will reduce in scope during the remainder of the contract period. These amendments do not change the functional services received by the Authority, but do include dedicated exit governance and procedural obligations.

The nature and quantity of the Services at the commencement of the extension of the Contract are the same as immediately prior to the extension, with the exception of those amendments made to reflect that this is an exiting contract as referred to above. The quantity of Services will, however, change and reduce during the extension period through transition to replacement services. The procurement pipeline will be updated through market engagement activities over the course of the contract period.

VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession

Start date

27 April 2022

End date

5 February 2024

VII.1.6) Information on value of the contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession:

£48,390,000

VII.1.7) Name and address of the contractor/concessionaire

Atos IT Services UK Limited

Second Floor, Mid City Place, 71 High Holborn

London

WC1V 6EA

Country

United Kingdom

NUTS code

- UK - United Kingdom

The contractor/concessionaire is an SME

No

VII.2) Information about modifications

VII.2.1) Description of the modifications

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

The Contract has been modified under Regulation 72(1)(b) of the Public Contract Regulations such that it has been extended from 27.04.22 to 05.02.24.

The purpose of this extension is to continue the disaggregation of the Service and exit such that there is a smooth transition to the new mode of operation through to 05.02.24 and beyond, via the Evolve Project. Transfer to this new mode of operation requires a period of approximately 21 months in order to smoothly and effectively effect a full exit from the Contract. The Authority's primary objectives through the modification are to (a) continue service delivery (on a reducing basis) to ensure an orderly transition to the replacement services and the overall future mode of operation, (b) to enable closure of all FITS EUCS services, and (c) to do so through effective management of public money. The modification will enable the Authority to undertake the necessary further procurements and associated activities for future delivery of the Services.

In addition to the extension period, amendments have been made to the Contract provisions to reflect that this is an exiting contract which will be disaggregated and the

EUCS Services shall reduce in scope during the remainder of the contractual period.

Prior to this modification the Authority has extended the contract under Regulation 72(1)(e) as set out in section IV.3 (Additional Information).

There have been further earlier changes to the Contract in relation to the Requirements which can be summarised as standard changes, projects and fixes to ensure ongoing effective management of an estate this size. These include a number of 'Business-As-Usual' type changes, which include configuration changes to account for organisation changes, facilitating the implementation of new software and services from elsewhere in the business, and general projects to shore up continuity in the face of the COVID-19 pandemic.

The requirements of Regulation 72(1)(b) are met as follows:

Necessary additional services not included in the procurement: as set out above the Authority requires the Services to continue, on a reducing basis, in order to effect disaggregation and a smooth and orderly exit from the Contract such that there is no risk to Service continuity overall through this period.

Change of Contractor cannot be made for technical reasons: Atos has been providing the Services under the Contract since 2014. They have developed significant expertise and knowledge of the MoJ IT estate and business and are wholly familiar and fully integrated in relation to Service delivery and the estate. Another contractor would not be able to step in and provide the Services without requiring a reasonable period of time to get up to speed. Such a requirement would be disproportionate both to the duration of the extension and the purpose of it.

Change of Contractor cannot be made for economic reasons: Given the purpose of the extension it would not be of economic benefit to the Authority, in managing public money, to be exiting the current Contract and at the same time entering into a comparable arrangement with a new contractor, with the primary purpose being to exit that new arrangement.

Change of Contractor would cause significant inconvenience and substantial duplication of costs:

Increase in price does not exceed 50% of the value of the original contract: the value of the modification (£48,390,000) is under 50% of the range of anticipated value as set out in the advertised contract notice (£150 - £200 million) and is less than 50% of the value of the original contract as set out in the contract award notice (£125,484,785).

VII.2.2) Reasons for modification

Need for additional works, services or supplies by the original contractor/concessionaire.

Description of the economic or technical reasons and the inconvenience or duplication of cost preventing a change of contractor:

The grounds in support of Regulation 72(1)(b) are set out in VII.2.1. In addition, a change of Contractor would cause significant inconvenience and substantial duplication of costs: if a new arrangement was entered into there would have to be a period of dual running of the Contract and the new arrangement for 12 – 18 months to achieve an adequate knowledge transfer between contractors. This would result in substantial duplication of costs. The Authority would be paying 2 contractors to deliver a single requirement for reducing services and additional costs of the contractors liaising. Such arrangement would cause significant inconvenience to the Authority as it would have to divert resources to a new arrangement and across the management of 2 contracts whilst focusing on the primary purpose of service disaggregation and exit, as well as resourcing a procurement to deliver the future mode of operation and its implementation. Further reasons for the modification are in VII.2.1.

VII.2.3) Increase in price

Updated total contract value before the modifications (taking into account possible earlier contract modifications, price adaptations and average inflation)

Value excluding VAT: £292,165,679

Total contract value after the modifications

Value excluding VAT: £340,555,679