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Delegated Officer Report

Decision Maker: Sayyed Osman

Date of Decision: 6th November 2023

Subject: North West Purchasing Consortium - supplier of Adult, Children's and Reference book stock

Report Author: Subnum Hariff-Khan, Head of Heritage, Libraries & Arts

Ward (s): All

Reason for the decision: Oldham Heritage, Libraries and Arts (HLA) are part of the North West Libraries Consortium (NWLC), alongside the Yorkshire Book Consortium (YBC).

Rotherham Borough Council, in liaison with Oldham HLA, is acting as lead authority in the tendering and award process regarding the supply of: Lot 1 - Adult Stock; and Lot 2: Children's Stock for the benefit of the members of NWLC and YBC under the ESPO Framework Agreement (376F_22 Library Stock).

The benefitting contracting authorities are currently:

North West Authorities: Blackburn with Darwen, Blackpool, Bolton, Bury, Cumbria, Halton, Knowsley, Liverpool, Manchester, Oldham, Rochdale, St Helens, Salford, Sefton, Stockport,

Tameside, Trafford, Warrington, Wigan and Wirral.

Yorkshire Authorities: Barnsley, Bradford, Calderdale, Doncaster, East Riding, Hull, Kirklees, North East Lincolnshire, North Yorkshire, Rotherham, Sheffield, Stoke-on-Trent, Wakefield and York.

The key task for the beneficiary contracting authorities participating in the new tender process is to carry out all necessary formalities to enable Rotherham Borough Council to administer the Call-Off Contracts. Once in place, the beneficiary contracting authorities will place orders with the appointed suppliers under the Call-Off Contracts which Rotherham Borough Council will enter into for each of Lot 1 & Lot 2 for the period 1st August 2023 until 31st July 2026 (with the option to extend of a further 12 months). Subject to contract, Lot 1 has been awarded to Askews and Holts Library Services (adult and reference materials) and Lot 2 has been awarded to Peters (Children's stock).

The Terms and Conditions that will apply to each Call-Off Contract will be as prescribed by the ESPO Framework Agreement and incorporated into the Rotherham Borough Council Call-Off Contracts.

Summary:

Arrangements for the provision of library stock are required to ensure the continuity of provision following expiry of the current contracts.

As consortium members of the NWLC, we currently receive a discount of 37.5% on the cost of library stock, it is unlikely that we would receive such terms as an individual authority with a much smaller spend. One of the benefits of the current arrangement is the reduced staff time involved in the selection of stock and management of the supply. We do not currently have the capacity to take on an individual arrangement.

As such, we seek approval to authorise Rotherham Borough Council, as lead authority, to enter into Call-Off Contracts with Askews and Holt Library Services under Lot 1 of the ESPO

Framework Agreement for Library Stock 376F_2022 and with Peters under Lot 2 for the term commencing on 1 August 2023 and for authority for Oldham Council to then place orders under each Call-Off Contract (as a member of the NWLC).

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: commission a supplier of Adult Stock and Children's Stock for the Library Service as an individual authority in compliance with Contract Procedure Rules

Option 2: purchase Adult Stock and Children's Stock for the Library Service as a participating NWLC member under the call-of contracts which Rotherham Borough Council will put in place following a mini-competition under each of Lot 1 and Lot 2 of the ESPO Framework Agreement for Library Stock 376F_22.

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.

n/a

Recommendation(s):

Option 2 is the recommended option. Option 1 would not likely result in the level of discount which would be available to the Council as a consortium member of the NWLC participating in the shared procurement under the ESPO Framework Agreement for Library Stock

Implications:

What are the financial implications?

The preferred option (Option 2) is to procure the supply of books to the Library Service via the North West Libraries Consortium. The previous contract expired in May 2023 and new suppliers are being sought via this framework.

The previous spend with the two main suppliers is £57k. There is a publications budget of £116k for 2023/24 and any spend is required to be in line with the budgetary provision available.

(Jenny Howarth Senior Accountant/Nicola Harrop Finance Manager)

What are the **procurement** implications?

The Commercial Procurement Unit support the recommendation outlined in this report. The tender exercise has been undertaken by Rotherham City Council for the North West Libraries Consortium for the physical books Library Services which is compliant to the contract procedure rules. This has been awarded to Askews and Holt Library Services under Lot 1 of the ESPO Framework Agreement for Library Stock 376F_2022 and with Peters under Lot 2 commencing on 1 August 2023. (Emma Wall, Category Manager)

What are the **legal** implications?

Rule 4 of the Contract Procedure Rules permits officers to secure supplies by way of call-off under a framework agreement put in place by another contracting authority. This permission extends to any shared call-off procedures undertaken by a lead authority on behalf of named contracting authorities. The ESPO 376F_22 Framework Agreement is available to the lead authority, Rotherham Borough Council, and to the Council. Therefore, provided the Commercial Procurement Unit is satisfied that the call-off procedures carried out by Rotherham Borough Council are in accordance with the Framework Agreement, the Council can place orders under the proposed Call-Off Contracts once they are in operation. In the event that a collaboration agreement or inter authority agreement needs to be entered into with the lead authority, Legal Services should be instructed to review the agreement before it is entered into. If advice is required in respect of the ordering process, advice from Legal Services should be sought.

Sarah Orrell - Commercial & Procurement Solicitor

What are the **Human Resources** implications?

No HR implications

(Andrea Dickinson, Learning and Development Delivery Manager)

Oldham Impact Assessment Completed (Including impact on Children and Young People)

Not required because no change in service – residents getting best value for money through this procurement process.
Subnum Hariff-Khan (Head of Heritage, Libraries and Arts)

What are the **property** implications

n/a

Risks:

Co-operative Implications

Libraries in Oldham are essential community assets and are valued by residents who use them for work, study, and leisure. As such, this proposal is welcomed as it aims to deliver value for money, represents collaborative working across GM and the North West to support residents to access a wider range of stock.
(Jonathan Downs – Corporate Policy Lead)

Community cohesion disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998

N/A

Environmental and Health & Safety Implications

N/A

IT Implications

N/A

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?


No

Reason(s) for exemption from publication:

3. Information relating to the financial or business affairs of any particular person including the Council

There are no background papers for this report

In consultation with Director/Executive Director

Signed :  Date: 21.11.23