



**Author/Lead Officer of Report: Alison Jobey
Central and Collections Manager**

Tel: 0114 27 39499

Report of: *John Doyle (Interim Executive Director)*
Report to: *Councillor Mary Lea*
Date of Decision: *28th June 2019*
Subject: Procurement of Library Books and other Materials

Is this a Key Decision? If Yes, reason Key Decision:-	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
- Expenditure and/or savings over £500,000		<input checked="" type="checkbox"/>		
- Affects 2 or more Wards		<input type="checkbox"/>		
Which Cabinet Member Portfolio does this relate to? Culture, Parks and Leisure				
Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing				
Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 587				
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

Purpose of Report:

This report seeks approval to continue to procure certain library books and other materials through the North West and Yorkshire Book Consortium for the next 3 financial years until 2023.

Recommendations:

It is recommended that the Cabinet Member approves the strategy of procuring library books and other materials through the North West and Yorkshire Book Consortium Framework Agreement for the next 3 financial years until 2023.

Background Papers:

None

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Karen Hesketh
	Legal: Sarah Bennett
	Equalities: Ed Sexton
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission: <i>John Doyle</i>
3	Cabinet Member consulted: <i>Mary Lea</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	Lead Officer Name: Alison Jobey
	Job Title: Central and Collections Manager
Date: 19/06/2019	

1. PROPOSAL

- 1.1 It is a requirement of the Public Libraries and Museums Act 1964 that Library Authorities provide books and other materials, sufficient in number, range and quality to meet the general and special requirements of both adults and children.
- 1.2 In order to maximise the amount of materials that can be purchased with the allocated budget, the Library Service has for many years joined together with other local authorities; Firstly with the South Yorkshire Libraries to form the Yorkshire Book Consortium and since 2009 with the addition of the libraries from the North West Consortium to form the North West and Yorkshire Book Consortium.
- 1.3 The Consortium combines the spending power of the 36 Participating Authorities and it's key objective is to procure the supply and servicing of library books and other materials in the most efficient and cost effective method for both the Participating Authorities and Bidders.
- 1.4 Participating Authorities serve a population in excess of 10 million and issue nearly 36 million items per annum.
- 1.5 The contract is split into category Lots which are:
 - Lot 1 - Adult Fiction books
 - Lot 2 - Adult Non-Fiction books
 - Lot 3 - Children's books
 - Lot 4 - Music CDs & DVDs
 - Lot 5 - Reference Standing Orders.
- 1.6 This procurement strategy has worked well for Sheffield to date, achieving more favourable discounts than if we were to tender alone, it shares the costs associated with tendering, and provides a best value approach.
- 1.7 Stockport Council are the lead Authority for the procurement of the Framework, with the Participating Authorities named as potential users/beneficiaries on the contracts. All Participating Authorities for both NW & YBC, including Sheffield City Council, signed a letter of participation in July 2018 which gave the collective agreement that Stockport could manage the tender process on behalf of both consortia. However, there was no obligation for any Authority named in the process to utilise the contract, or any confirmed commitment or level of spend from any of the Authorities.
- 1.8 In collaboration the procurement options appraisal was completed, various procurement options were reviewed and considered, such as undertaking an OJEU compliant tender process. This resulted in a recommendation to undertake further competition via an existing ESPO Framework (376f_18 Library Stock). The suppliers are pre-qualified to the Framework and all due diligence in respect of the suppliers suitability

is already undertaken saving a large administrative process for the Consortia members if we tendered again.

1.9 The collaborative further competition process was conducted in a manner that was fully compliant with the Public Contracts Regulation 2015 (PCR 2015) ensuring legal compliance across the piece.

1.10 In March 2019 the results of the further competition, and outcomes of the process were announced and the resulting framework started on 1st June 2019

The purpose of this report is to obtain the required authority to utilise the framework procured on behalf of the consortium to procure fiction and non-fiction for adults, children's books, audio visual stock and reference materials required for the Library Service for the next three financial years.

2. HOW DOES THIS DECISION CONTRIBUTE ?

2.1 This proposal specifically supports the priorities around:

- Tackling inequalities
- Better health and wellbeing
- Thriving neighbourhoods and communities

2.2 Procuring library materials efficiently and cost effectively ensures our customers have access to a wider range and choice of materials, in a timely manner.

2.3 Borrowing, rather than buying, helps those on low incomes who may not be able to afford books.

2.4 Access to books and other library materials at an early stage in life improves the life chances of children.

2.5 Studies show that reading books helps to improve people's mental health.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 As this Report is only concerned with the source of supply for these library books and other materials external consultation was not required.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

4.1.1 As a Public Authority, we have legal requirements under Sections 149 and 158 of the Equality Act 2010. These are often collectively referred to as the 'general duties to promote

equality'. Section 149(1) contains the Public Sector Equality Duty, under which public authorities must, in the exercise of their functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that connected to protected characteristics and prohibited by or under this Act;
- (b) advance equality of opportunity between those who share a relevant protected characteristic and those who do not;
- (c) foster good relations between those who share a relevant protected characteristic and those who do not.

I have considered our obligations under the Duty and determined that the proposal described in this report is pursuant to those aims.

4.1.2 The proposal is likely to have positive impacts if approved, by maintaining the range and choice of Books and other library materials available to the Citizens of Sheffield.

4.1.3 An EIA has been completed. Ref no 587

4.2 Financial and Commercial Implications

- 4.2.1 Proposal to utilise a consortium of 36 local authority members to achieve more favourable discounts, on the proportion of the total fund that is allocated to this Framework. Cashable savings are realised from utilising the significant purchasing power (and economies of scale) of a large regional consortium, these would be unlikely to be achieved by SCC operating under a sole tender. These savings provide value for money for council tax payers. There are no other appropriate regional consortia which would give SCC better financial outcomes

There is no minimum or maximum level of spend required from members of the consortium, SCC are able to purchase stock elsewhere if more favourable financial and commercial terms are available. However, based on previous years it is anticipated that spend of around £950,000 could be placed through this framework.

Finally, there is no fixed or variable charge made as a result of membership of the consortium.

4.3 Legal Implications

- 4.3.1 As outlined at paragraph 1.1 it is a requirement of the Public Libraries and Museums Act 1964 that Library Authorities provide books and other materials, sufficient in number, range and quality to meet the general and special requirements of both adults and children. The proposal in this report facilitates the Council complying with this requirement.

- 4.3.2 The framework that it is proposed the Council uses was procured in accordance with the PCR 2015 and its use is compliant with Contract

Standing Orders.

4.4 Other Implications

4.4.1 There are no further implications.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The consortium considered a number of options before utilising the ESPO framework. The existing contract had already been extended in accordance with its terms and so a further extension was not feasible. A full independent OJEU compliant tender process was also considered. Although undertaken in the past, this was rejected as the potential market is limited, timescales more rigid, and the costs significantly higher than using an already negotiated compliant Framework.

5.2 A separate independent tender by SCC was also rejected due to the additional workload and costs and the likelihood of less favourable terms. A lone tender by SCC would involve procurement costs and would be unlikely to be able to achieve the same or better terms. The terms/costs achieved by the consortium framework were possible because of the economies of scale.

6. REASONS FOR RECOMMENDATIONS

6.1 The reasons for the recommendation are as follows:

- It is essential that the Library Service continues to be able to provide a regular supply of new library books and other materials to our customers, both adult and children.
- The previous arrangements have now lapsed, and the adult supplier has cancelled all materials ordered in advance as they no longer have the contract and cannot honour the orders.
- Usual practice is to order books 3 months in advance, so new orders must be placed in order to mitigate delays, and complaints from our customers.
- The new framework arrangements have more favourable purchasing terms than the previous arrangements so taking advantage of this will ensure continuity of supply for our clients and will demonstrate better financial value.
- We would not secure the terms and discounts on offer as part of a wider collaborative group if we tendered this in our own right. We would also incur additional costs in the requirement to resource any tender we did alone.

