

Forward Plan reference number: *FP number or 'Not applicable'*

Report title: Extension of contracts from the Eastern Shire Procurement Organisation Framework Agreements for library stock	
Report to: Councillor Mark Durham Cabinet Member for The Arts, Heritage and Culture	
Report author: Suzanna Shaw, Director of Customer Services	
Date: 13/11/23	For: Decision
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County Divisions affected: All Essex	

1. Everyone's Essex

1.1 This report seeks approval to proceed with the extension by two years of the contracts with Askews and Holts Library Services Ltd for adult and children's book supplies, CDs and DVDs.

1.2 The extension of these contracts aligns with the organisational plan, Everyone's Essex, as the proposals help support children and families, and promote health, wellbeing, and independence for all ages. 1.3 There is no additional impact on Essex County Council's (ECC's) carbon footprint as a result of these contracts as the same levels of stock will be purchased.

2. Recommendations

2.1 To extend three contracts with Askews and Holts Library Services Ltd, for two years until 30 November 2025 with a maximum value of £1.6 million. There are three call off contracts, one for each lot;

(1) one contract for children's books with Askews and Holts Library Services Ltd for two years until 30 November 2025 with a maximum value of £840,000.

(2) one contract for CDs and DVDs with Askews and Holts Library Services Ltd for two years until 30 November 2025 with a maximum value of £6,000.

(3) one contract for adult books with Askews and Holts Library Services Ltd for two years until 30 November 2025 with a maximum value of £780,000.

1 Background and Proposal

3.1 ECC currently has contracts in place to purchase:

(1) book supplies, through Askew and Holts Library Services Ltd which expires on 30th November 2023.

(2) CDs and DVDs through Askews and Holts Library Services Ltd which expires on 30th November 2023

The contracts were procured and awarded using the procedure set out in the Eastern Shire Procurement Organisation (ESPO) Framework Agreements and orders for stock have been placed when new stock has been needed. There is no minimum spend stipulated in the contract, merely an indicative spend to illustrate what has been spent in the previous years. The contract started on 1 December 2021 and was for two years and it included provision for an extension of two years subject to satisfactory performance, which there has been.

- 3.2 ECC has an annual budget of £1.7 million for the purchase of all stock in different formats. With the existing contracts for book stock due to expire on 30 November 2023 there is a need to extend the contract for two years. Stock is needed to ensure that there is sufficient choice and availability of books for residents. It is envisaged that the levels of stock purchased through these new contracts will be similar as that bought in the first two years of the contract.
- 3.3 The extension will mean there is no need to go through a procurement procedure. It will ensure the Library Service has no gaps in stock provision. Initial work was carried out in 2021 to consider if ECC should set up its own Framework Agreement, but this was found to be costly and time consuming and may not result in increased competition due to contraction in the market. Market research looking at the available Framework Agreements for this type of stock indicated that the ESPO Framework Agreements are available for ECC to use and this approach will ensure that arrangements were in place quickly following expiry of the existing contracts.
- 3.4 Entering into the call-off contracts does not oblige ECC to purchase stock under these contracts. Stock will only be purchased when needed and when affordable within budget. At the time that stock is needed, the contract procedure will be followed to place an order and pay for such stock and orders will be placed in accordance with ECC's financial regulations.
- 3.5 Thurrock Borough Council (TBC) has a Service Level Agreement in place with ECC pursuant to which ECC manages the procurement process for stock supply contracts on behalf of TBC. TBC enter into their own contracts and retain responsibility for the payment of any items they purchase through such contracts.
- 3.6 These contracts do not relate to the purchase or supply of e-books and e-audiobooks which are dealt with in separate contractual arrangements. ECC will continue to develop its e-book offer which is managed by a separate contract.

2 Links to our Strategic Ambitions

2.1 This report links to the following aims in the The Future of Essex vision

- Enjoy life long into old age
- Provide an equal start for every child
- Strengthen communities through participation
- Develop our County sustainably
- Connect us to each other and the world

2.2 There is no increased impact on ECC's carbon footprint due to entering into these contracts as ECC will be purchasing the same amount of stock as under existing contracts. E-books and e-audiobooks are also available for residents to borrow under different contractual arrangements.

2.3 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':

- Health wellbeing and independence for all ages
- A good place for children and families to grow

3 Options

3.1 **Option 1 (not recommended)** Do nothing and do not extend the contract. This would mean ECC could not buy serviced and shelf-ready books, CDs and DVDs for the library service that are ready to loan to customers (this means that they have barcodes, security tags, spine labels and jackets and records on our catalogue). It would mean ECC may not be providing a comprehensive service as per the Public Library Act. ECC may get complaints from customers and there would be a reputational risk.

3.2 **Option 2 (recommended)** This is the preferred option. Extend the contract by the two years as outlined in the contract. This means ECC will be able to continue buying shelf ready library stock for its customers from the current supplier and without a procurement process that would be unlikely to yield a different result than the current supplier This is because Askews is the only supplier of library items for adults (there is one other supplier of library books for children. The service under the current contracts is satisfactory, the supplier delivers items directly to libraries, the items are shelf-ready and ECC receive a good discount from the RRP (Recommended Retail Price).

3.3 **Option 3 (not recommended)** Go out to tender for a new supplier. This is not preferred the service and discount ECC receives from Askews and Holts is satisfactory and there is a contraction in the market for library suppliers to choose from. There is no other supplier for adult books and only one other for children's books so there are not multiple or other suppliers to choose from.

4 Issues for consideration

4.1 Financial implications

- 4.1.1 There is currently an annual budget of £1.7m within the Library Service for the purchase of all library stock and resources (not just stock from Askews and Holts Library Services Ltd). This budget has been sufficient to cover the costs of all stock purchases in previous years with expenditure in both 2021/22 and 2022/23 of just under the £1.7m budget.
- 4.1.2 The anticipated spend from the above budget with Askews and Holts Library Services Ltd over the next two years is estimated to be approximately £2m. So the contract value will not exceed be £2m for 2 years.
- 4.1.3 Entering into the contracts doesn't commit the Council to any specific level of expenditure as there is no stipulated level of spend in the contracts and it isn't anticipated that it will result in any additional pressure on the library budgets.

4.2 Legal implications

- 4.2.1 Where contracts from frameworks allow for extensions, an extension may be taken up within the parameters of the contract.
- 4.2.2 Extending the contracts will support ECC in delivering its responsibilities under the Public Libraries and Museums Act 1964.

5 Equality and Diversity Considerations

- 5.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 5.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief,

sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 5.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

6 List of Appendices

EQuIA

7 List of Background papers

None.

In consultation with:

Role	Date
Councillor Mark Durham, Cabinet Member for The Arts, Heritage and Culture	13/11/23
Mark Ash Executive Director: Climate Environment & Customer	
K. Williams	21.9.23
Head of Finance, Karen Williams	
[on behalf of] Nicole Wood	