

Tender - Reject and Negotiate - T-2023-1166 – Library English Materials

File No: S045562

Tender No: T-2023-1166

Summary

This report provides details of the tenders received for Library English Materials.

City of Sydney libraries provide access to a wide range of physical collections in a range of formats such as books, CDs, DVDs and audio books. These collections provide the community equitable access to recreational and educational materials allowing users to browse, borrow, watch, read, or listen to a wide variety of quality materials.

The library maintains a collection that is relatively stable in size, age and condition. Maintenance of this large and valuable resource requires the constant acquisition of new materials to replace items that are lost, damaged, or outdated.

The purpose of the Library English Materials contract is to engage one or more suppliers to select, supply, catalogue and provide shelf ready end processing of library materials.

This report recommends that Council reject the tenders received for Library English Materials as all tenders were either non-compliant or non-conforming.

Recommendation

It is resolved that:

- (A) Council decline to accept the tender offers received for Library English Materials for the reasons set out in Confidential Attachment A to the subject report;
- (B) Council does not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (E) Council be informed of the successful vendor via the CEO Update.

Attachments

Attachment A. Tender Evaluation Summary (Confidential)

Background

1. The City of Sydney's nine libraries (Customs House, Darling Square, Glebe, Green Square, Kings Cross, Newtown, Surry Hills, Ultimo and Waterloo), and two Library Links (Town Hall Express and Pyrmont) are key contributors towards Sydney's vision for a green, global and connected city while maintaining Sydney's local community villages.
2. We respond to the needs of our diverse communities by acquiring items among our collections that express a variety of viewpoints and cultural understandings. This allows an unbiased source of ideas. We value diversity and materials are not excluded from our collections unless they are prohibited by law.
3. Under the Library Act 1939, the Library Council and the State Library of NSW provide guidance and direction about how we manage our collections. We make our collections available in line with the Library Council's access to information in NSW public libraries guidelines.
4. City of Sydney libraries provide access to a wide range of physical collections, including fiction and non-fiction collections. These are provided in a range of formats such as books, CDs and DVDs, for adult, young adult and junior audiences. The Library provides these collections for the community to provide equitable access to recreational, educational and life-long learning materials.
5. The Library provides a wide range of diverse and specialised collections such as the Koori collection and the LGBTIQ+ collection.
6. The City of Sydney library community is sophisticated and has high expectations of the library's collections. The library currently holds over 345,000 items. This tender will allow the library to develop and grow the collection to reflect the changing educational and recreational needs of the community.
7. It is recommended that the City enter into Reject and Negotiate processes as soon as possible to ensure services are fully transitioned by the end of the current contract period ending 31 December 2024.

Invitation to Tender

8. The Request for Tender was advertised on the City's Tenderlink portal on 29 February 2024. The tender period closed 2 April 2024. It was also advertised on the websites of Supply Nation and the NSW Indigenous Chamber of Commerce via their member opportunity boards.

Tender Submissions

9. Six submissions were received from the following organisations:
 - Champion Education Pty Ltd T/A The Book House (ABN: 33 074 318 602)
 - James Bennett Pty Ltd (ABN: 17 000 465 127)
 - Library AV & Large Print Pty Ltd (ABN: 51 113 092 167)
 - MDM Entertainment Pty Ltd (ABN: 12 132 011 977)
 - Mecks No 2 Pty Ltd as trustee for the Lugton Family Trust trading as Peter Pal Library Supplier (ABN: 56 013 670 284)
 - Sound Text Media Pty Ltd (ABN: 56 089 839 207)
10. No late submissions were received.

Tender Evaluation

11. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
12. The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Summary – Attachment A.
13. All submissions were assessed in accordance with the approved evaluation criteria being:
 - (a) the Schedule of Rates;
 - (b) company profile, demonstrated previous work experience in carrying out services of a similar size and nature, and current commitments;
 - (c) key personnel for project, qualifications, level of expertise and capacity including sub-contractors and Fair Work requirements;
 - (d) proposed program, methodology and demonstrated ability to deliver;
 - (e) demonstrated alignment with the City's social sustainability outcomes including Aboriginal and Torres Strait Islander involvement, environmental management and environmental/sustainability innovation options proposed;
 - (f) Work Health and Safety;
 - (g) financial and commercial integrity including insurances;
 - (h) ability to fulfill mandatory requirements; and
 - (i) ability to supply regular weekly/fortnightly deliveries to multiple locations, of suitable range of formats, audiences and categories.

14. All tenders were either non-compliant or non-conforming, therefore, the report recommends Council reject all tenders and enter into negotiations to appoint one or a maximum of two suppliers for the full range of services and collections to assure better return on investment and value for our community.

Performance Measurement

15. Performance will be evaluated regularly, at least annually. Performance will be measured against Key Performance Indicators for timeliness, delivery and quality.

Financial Implications

16. There are sufficient funds allocated for this project in the current year's plant and asset budget and future forward estimates.
17. The total contract sum for Library English Materials is detailed in Confidential Attachment A.

Relevant Legislation

18. The tender has been conducted in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021.
19. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
20. Attachment A contains confidential commercial information of the tenderers and details of Council's tender evaluation and contingencies which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
21. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

22. Current panel contracts expire 31 December 2024.
23. New contract to commence as soon as possible to allow for sufficient preparation and implementation of complex transition activities.

Options

24. An alternative option is to readvertise the tender. This option is not recommended because there are no other known suitable vendors over and above those who responded.
25. An option is to not proceed with the selection, supply, cataloguing and shelf ready end processing of library materials. This option is not recommended as this would result in the following:
 - (a) Higher cost for obtaining the supply of books, CDs, DVDs and other library materials as the City would pay market prices on an ad hoc basis.
 - (b) Extra staff resources required to conduct the selection, cataloguing and shelf ready end processing of individual items.
 - (c) Reputational risk, as the City will have limited control of obtaining a wide range of titles, resulting in non-supply of items and supply delay of items.

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Director City Life

Dee Jones, Library Business Manager