

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

***PART 1 – PUBLIC DOCUMENT**

Any interest to declare/ or conflict and any dispensation granted n/a

SERVICE DIRECTORATE: LEGAL & COMMUNITY

1. DECISION TAKEN

To award a contract from the Practical law/ Westlaw (law library services) framework procured by the Public Law Partnership (Supplier: Thomson Reuters). This a 4 year contract at a cost of £52,065 plus VAT.

2. DECISION TAKER

Jeanette Thompson, Service Director, Legal & Community

3. DATE DECISION TAKEN:

21.2.22

4. REASON FOR DECISION

- 4.1. The Council is part of the Public Law Partnership¹ ('PLP') – which provides legal services to the public sector. Legal teams require access to up to date legal precedents and research tools when working in house, and when attending Court. By their very nature, law libraries can be expensive and labour intensive to manage. For several years now online legal research and access to encyclopaedias have been made available to PLP members to order, using collective purchasing power to drive value.
- 4.2. As a result of this collective leverage, the PLP members can take advantage of up to date easily accessed and wide ranging law library products at discounted rates. The features of the offer under the framework present the best value for the Council (lawyers and support staff).

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1. To seek to undertake our own procurement exercise. However, this is not seen as the most effective use of time or likely to result in savings as the leverage that can result from a joint procurement via PLP is collectively significant (for all partners savings of £1.26 million could be realised as a result of volume purchasing process).

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1. As outlined, this is part of the overall PLP arrangements that the Council is party to. The Council has played an active role in the partnership and Board, with the decision maker Vice Chair of the Management Group (a role also previously held by the Managing Director when Head of Legal). The Partners are not obliged to sign a contract in this manner, however for the reasons outlined, it was represents the best way to engage in a procurement process and realise the best value to the Council.
- 6.2. The Leader, as Executive Member for Legal was consulted on the decision.

¹ [PLP partners](#)

7. FORWARD PLAN

- 7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

- 8.1. The current three-year deal / contract that the Council has will end 31 March 2022, and on behalf of the PLP members and Board, Harlow Council initiated an open competition to seek new arrangements from 1 April 2022.
- 8.2. Harlow Council and PLP appointed a small project team, which included support from a professional law librarian, who helped shape the PLP requirements from the market, and supported evaluating tender responses and service offerings. A full set of the tender documents were made available for comment to the PLP Management team and PLP Board members prior to publishing.
- 8.3. On 4 October 2021 notice was placed on the find a tender service using the open procedure for a 48-month Framework for Suppliers of online legal library services and hard print encyclopaedias. The brief sought access to specialist legal library services for a wide range of public sector specialisms, accessible using a variety of devices. The tender included requirements for added and social value and made allowances for a multitude of Suppliers to be appointed to allow PLP members opportunity to select the best service offering for their teams.
- 8.4. Part of the process required Tenderers to complete a comprehensive selection questionnaire to confirm adherence to modern slavery requirements, anti-bribery processes and data privacy processes. During the tender period, 6 expressions of interest were received. 2 withdrew and 1 bid was submitted by 12 November 2021, being the closing date.
- 8.5. The Tender was evaluated on a 40% quality 60% price basis, being the agreed weighting from the PLP Board.
- 8.6. A four-year term was offered, commencing 1 April 2022. Contract terms settled included coverage of GDPR, Anti-bribery, Modern Slavery provisions and prompt payment clauses. Importantly the new pricing structure will not impose any penalty for decreasing of sites and or licenses. Notably, the new pricing structure does not require all parties to sign up to enjoy the discounted prices. Non-fee-earning staff residing in legal teams will enjoy free licenses, and professional clients (e.g., planners or environmental health teams) will benefit from the discounted prices secured. Free bespoke training has been offered for the full term.
- 8.7. Social value was central to the Suppliers offer. The Supplier is open to arranging talks and discussions with local schools, trainee lawyers, and newly qualified/ paralegals and trainee journalists. The offer of support for environmental projects, ethnic minority groups and social equality projects will be explored and utilised during the contract term.
- 8.8. The framework offer was presented to the PLP Board on the 14 January 2022 and approved, and as Harlow were the procuring authority on behalf of PLP (and due to the level of the overall value of the contract) this was reported through to Harlow's Cabinet on 27 January 2022 and approved.
- 8.9. The Council currently pays £13,685 plus VAT per year. This new arrangement would be a saving on that over the 4-year period of £2,675 plus VAT (assuming the current prices had *not* increased, which is highly unlikely). The option chosen also

has enhancement to the current service provision and updated software, which if procured separately would in any event have been more expensive. Legal books would also have been circa 25% more expensive.

- 8.10. To avail itself of this offer, the Council needed to call off the contract from the framework by 28 February 2022.

9. LEGAL IMPLICATIONS

- 9.1. Service Directors have general in-budget authorisations under 14.6.4(a)(ii) "*Entering into contracts to carry out works and/or for the supply of goods and services within approved budgets (subject also to approval of the Service Director for: Customers in respect of software or hardware contracts);*". The current contract is with Thomson Reuters and includes licensing pricing. The Service Director: Legal and Community has responsibility for Legal Services under 14.6.8(b)(xiii). This service is overseen by the Leader of the Council (as per that section).

- 9.2. The Council is a named PLP partner and the procurement framework allows call off by relevant partner organisations. Therefore under the Contract Procurement Rules (11), the Council is not required to undertake a full tendering procedure and can call off from an approved external Framework Agreement (CPR 11.1, 11.3) and shall follow the call off procedure.

10. FINANCIAL IMPLICATIONS

- 10.1. These are set out in the body of the delegated decision report.

11. RISK IMPLICATIONS

- 11.1 Failure to have up to date legal resource would lead to an ineffective service. There would be significant operational and reputational risks. The Council also undertakes legal work for other authorities and it would not be feasible if the Council's legal service did not have access to an up to date legal library resource.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 12.2 As noted in the body of the decision, the procurement exercise undertaken by Harlow included social value offers, which can be access by partner organisations (including provisions to minority groups) as per 8.7.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Go-Local policy applies to all procurements up to £100K – however, in this situation it was not feasible to procure a specialist law library provision locally; there are few such specialist provisions within the UK and as demonstrated – even where the procurement is for a much larger group, the interest in such provision is limited. That said, as noted in the body of the decision, the procurement exercise undertaken by Harlow included social value provision, which can be access by partner organisations as per paragraph 8.7. It is unlikely that this would be available if the Council had undertaken its own procurement exercise and we will look to see if there are benefits for the local community going forwards.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this decision, albeit that it is noted that the Supplier's offer includes support for environmental projects as mentioned in 8.7 and these will be explored during the duration of the contract.

15. HUMAN RESOURCE IMPLICATIONS

15.1 None.

16. BACKGROUND PAPERS

16.1 None.

17. APPENDICES

17.1 None.

NOTIFICATION DATE

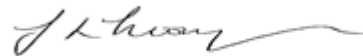
25 FEBRUARY 2022

Signature of Executive Member Consulted ...



Date15.2.22

Signature of Decision Taker ...



Call-in does not apply to NON-EXECUTIVE DECISIONS, THIS IS A NON-EXECUTIVE DECISION.