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Award

Copyright Licensing Agency

THE UNIVERSITY OF BIRMINGHAM

F15: Voluntary ex ante transparency notice

Notice identifier: 2024/S 000-025059

Procurement identifier (OCID): ocds-h6vhtk-0488fe

Published 8 August 2024, 2:09pm

Section I: Contracting authority/entity

I.1) Name and addresses

THE UNIVERSITY OF BIRMINGHAM

Edgbaston

BIRMINGHAM

B152TT

Contact

Nicola Handley

Email

N.J.Handley@bham.ac.uk

Country

United Kingdom

Region code

UKG31 - Birmingham

Companies House

RC000645

Internet address(es)

Main address

www.birmingham.ac.uk

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Education

Section II: Object**II.1) Scope of the procurement****II.1.1) Title**

Copyright Licensing Agency

Reference number

SC12969/24

II.1.2) Main CPV code

- 79121000 - Copyright consultancy services

II.1.3) Type of contract

Services

II.1.4) Short description

This Voluntary Ex-Ante Transparency (VEAT) relates to the annual licence renewal for the Copyright Licensing Agency (the CLA) Higher Education Licence which is an essential part of the licensing landscape. The University is proposing to renew their contract with the CLA for a period of four years to enable staff and students to continue to make copies from in copyright works within clearly defined legal limits.

II.1.6) Information about lots

This contract is divided into lots: No

II.1.7) Total value of the procurement (excluding VAT)

Value excluding VAT: £1,600,000

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKG31 - Birmingham

II.2.4) Description of the procurement

This Voluntary Ex-Ante Transparency (VEAT) relates to the annual licence renewal for the Copyright Licensing Agency (the CLA) Higher Education Licence which is an essential part of the licensing landscape. The University is proposing to renew their contract with the CLA for a period of four years to enable staff and students to continue to make copies from in copyright works within clearly defined legal limits.

The CLA are the only collective licensing agency in the UK for these types of materials and are defined by the UK government as below:

"you need a licence from the Copyright Licencing Agency (CLA) if you represent a business, a public sector organisation, or an educational establishment and you want to make copies of content protected by copyright. Making copies includes photocopying, faxing, scanning and emailing." Copyright Licensing Agency licence - GOV.UK (www.gov.uk)

As a collective licensing agency, the CLA acts on behalf of a substantial number of owners and/or mandating publishers of licensed material (e.g. books, journal, publications etc) and grants a licence for the reproduction and use of this material by staff and students of the

University. It covers the photocopying and scanning of licensed material and the copying, storage, communication and use of digital copies and borne digital material. The licence also provides a warranty and an indemnity for such reproduction and use.

The CLA licence is fundamental to staff and students, to research and teaching. It enables copies to be made from content we possess in a way that is legal and safe. The CLA licence covers all UOB students with recent service developments meaning the licence has recently been extended to enable use of digitised materials/ copies by our transnational students across the world. The CLA have engaged extensively with the sector to ensure the licence adapts to meet the needs of the sector and represents value for money. The overseas extension is one example but for 2024-27 licence there is an additional benefit to enable sharing between UK research collaborations which has been a long standing issue.

Failure to renew the licence will adversely impact all teaching and learning activity across the University. It would require a detailed risk assessment to gauge the level of copying taking place across the whole institution (including overseas sites) and would necessitate the implementation of comprehensive rights management and clearance process. Such an audit and workflow development would take years to implement and would require investment far above the cost of the CLA renewal. It would also require the University to acquire a significant level of reputational, financial and legal risk.

The CLA also administer the NLA licence (Newspaper Licensing Agency). The NLA are the collective licensing agency for newspaper and magazine publishers- the only such organisation. The NLA licence allows teaching and research uses as above, but also includes the ability for professional services teams to create clippings for use in market monitoring services.

II.2.11) Information about options

Options: No

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Negotiated without a prior call for competition

- New works/services, constituting a repetition of existing works/services

Explanation:

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IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

Section V. Award of contract/concession

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

8 August 2024

V.2.2) Information about tenders

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor/concessionaire

Copyright Licensing Agency

EDINBURGH

Country

United Kingdom

NUTS code

- UKM75 - Edinburgh, City of

SIC07 Code

69109

The contractor/concessionaire is an SME

No

V.2.4) Information on value of contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession: £1,600,000

Section VI. Complementary information

VI.4) Procedures for review

VI.4.1) Review body

University of Birmingham

Edgbaston, Birmingham

Country

United Kingdom