

Report to the Chief Officer (Highways and Transportation)

Date: 29 March 2016

Subject: Report to seek a waiver of CPR 8.1 and 8.2 to enter into a contract with Roadworks Information Limited for the annual subscription of the Elgin Roadworks.org portal with the Traffic Management module (TM App) without seeking competition.

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

- 1 Publishing of information on road works and events allows people to make informed journey choices and move more freely around the city, thus supporting the delivery of a good and efficient transport infrastructure which directly links with the Best Council Plan Objectives to 'Promote Sustainable and Inclusive Economic Growth'
- 2 Roadworks.org, which is hosted by Elgin, is the web based portal used by most local authorities in England and Wales for up to date road works and events information displayed geographically. The transparency of publishing this data directly links to the Council's value of Working with Communities and sharing information where appropriate.
- 3 Implementation of the TM App provides information about road closures and diversion routes to be displayed and publicised instantly, with particular benefits in emergency situations and for high profile public events. The transparency of publishing this data directly links to the Council's value of Working with Communities and sharing information where appropriate and reduces avoidable contact.
- 4 The Chief Officer (Highways and Transportation) is requested to approve the waiver of Contract Procedure Rules 8.1 and 8.2 to enable the continued use of Roadworks.org with the addition of the TM App.

Recommendations

- 5 The Chief Officer (Highways and Transportation) is requested to Waive Contract Procedure Rule 8.1 and 8.2 – Intermediate Value Procurements – and approve entering into contract with Roadworks Information Limited trading as Elgin for Roadworks.org and the TM App on an annual basis until 31st March 2018 without seeking competition.

1. Purpose of this report

- 1.1 This report sets out the reasons for recommending that the Chief Officer (Highways and Transportation) approves the waiver of Contract Procedure Rule 8.1 and 8.2 to continue with the same arrangement with the current consortium for Roadworks.org for the next two years and expand the contract to include the TM App by entering into a contract with Elgin without seeking competition.

2 Background information

- 2.2 Roadworks.org is the recognised national portal for up to date road works information and is used by the majority of local authorities within England and Wales. In June 2012 Leeds City Council introduced the Yorkshire Common Permit Scheme (YCPS) along with five other authorities in Yorkshire. One of the key success measures of the permit scheme is to provide better information for road users and as such a consortium was established to purchase Roadworks.org with a discounted consortium rate.
- 2.3 Roadworks.org, in addition to displaying information regarding current and planned road works the product also displays live traffic information, live bus and travel information and national street gazetteer data for each street including traffic sensitivity, restrictions due to resurfacing and permit street information. The additional street data provided on Roadworks.org allows work promoters to access information via mobile devices from site assisting them in planning their works and reduces avoidable contact with Network Management.
- 2.4 The Tour de France Hub utilised the TM App of Roadworks.org to produce an interactive map which received over one million visits during the Tour de France. The interactive map displayed road closures for the route, associated diversion routes and event space with detailed times of the road closures to allow traffic to move freely round the City. This enabled informed journey choices and aided in the success of the event. The interactive map was widely publicised and LCC's contact centre signposted callers there to reduce avoidable contact.
- 2.5 The Tour de France Grand Depart from Leeds proved a very successful event with positive feedback received from the organisers and has shown Leeds to be a city capable of hosting major sporting events. Last year Leeds hosted part of Tour de Yorkshire, the Brownlee Triathlon and two matches for the Rugby World Cup. To assist with the organisation and publication of these and other major events Elgin allowed a further free trial of the TM App to

publish these with the associated road closures and diversion routes to assist with journey planning.

- 2.6 Publishing of information on road works allows people to make informed journey choices and move more freely around the city thus supporting the delivery of a good and efficient transport infrastructure which directly links with the Best Council Plan Objective to 'Promote Sustainable and Inclusive Economic Growth'.
- 2.7 The TM App has been trialled successfully in Leeds for the closures relating to high winds at Bridgewater Place and a major fire on the City centre loop road. The TM App allows Leeds City Council to be proactive in publishing information about planned works or events and reactive to immediate works or inclement weather conditions. The transparency of publishing this data directly links to the Council's value of Working with Communities and sharing information where appropriate.
- 2.8 The Civil Contingencies Act 2004 requires the local authority to warn and inform the public, in the event of an emergency incident. Consultation with Emergency Planning and Resilience has identified a number benefits within the TM App which could assist with the publicity of the incident to the public and reducing the administrative burden associated with the management of emergency situations.
- 2.9 Liaison with other services has taken place as part of the consideration of the continuation of the current Roadworks.org arrangement and the potential purchase of the TM App module. This has identified the potential to display permanent traffic signals, gritting routes, long-term suspension of parking bays, bus lane enforcement cameras to reduce the issuing of Penalty Charge Notices when road works are in situ.

3 Main Issues

3.1 Reasons for Contracts Procedure Rules Waiver

- 3.1.1 The current arrangement was put in place on 1st April 2013 following a successful free trial of the product, Roadworks.org. The decision to purchase was made to support the implementation of the Yorkshire Common Permit Scheme and a consortium was established at the Yorkshire and Humber Traffic Managers Group (YHTMG) which reduces the Council's annual subscription from £10,000 plus VAT to £6,890 plus VAT. Leeds City Council is the lead authority in the consortium and pays the full subscription costs for all members and is then reimbursed
- 3.1.2 The TM App of Roadworks.org would currently be an additional annual subscription of £10,000 plus VAT
- 3.1.3 Roadworks.org is the recognised national portal for up to date road works information and is used by 95% of the 175 local highway authorities in England and Wales. In addition to displaying information regarding current and planned road works, the product also displays the following information;

- Live traffic incidents and accidents
- Google live traffic (congestion)
- Public events
- Scheduled and live departure information for buses and trains
- Google multi-modal journey planning tool
- An email alert system by postcode or electoral ward
- National street gazetteer information including road resurfacing restrictions, traffic sensitivity, permit streets and reinstatement types. This additional street data provided on Roadworks.org allows work promoters to access information via mobile devices from site, assisting them in planning their works and reduces avoidable contact with Network Management.

3.1.4 A sub-group appointed by the YHTMG to investigate a common road works web page, worked with a potential alternative supplier, but Ordnance Survey licensing and other issues could not be overcome. At the YHTMG meeting on the 19th April 2012 the sub-group therefore recommended that Roadworks.org be used by the YHTMG members for the display of road works information on the internet. When investigating the potential continuation of Roadworks.org and extension to include the TM App, no viable alternative product on the market was available that could display the same level of information. In investigating the functionality of the TM App a number of benefits have been identified including;

- A more efficient and reliable electronic process for the application of road closures, saving time and removing the need for paper applications,
- Use by the Resilience and Emergencies Team to access and publish information instantly in emergency situations,
- Publishing details of diversion routes including the ability to provide links to the routes via social media Publishing details of temporary road closures to allow effective works planning, including use by the Refuse service to plan for disruption to their collection routes effectively.

The benefits of this product and the accessibility of information extend Council wide which supports the Council's value of Working with Communities and considering the bigger picture Leeds has an aspiration to be the Best Council in the UK and the transparency of information these products make available on the public domain directly links to this aspiration. It portrays Leeds as an innovative Council embracing technology with a transparent approach to communities and a leading local authority in the area.

3.2 **Consequence if the proposed action is not approved**

- 3.2.1 Renewing the current contract arrangement for a further two years represents good value for money as Leeds would remain a member of the Yorkshire and Humberside consortium.
- 3.2.2 Not continuing with the existing arrangement would be a loss of the web based service of all current and planned road works within the City. In the event of a system failure of the internal street works system, Network Management would lose the ability to utilise the information within Roadworks.org to undertake its network management duty

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 A demonstration of the functionality of Roadworks.org has been delivered to the main statutory undertakers operating in the area, this was well received and work promoters now use this to plan their works more effectively.
- 4.1.2 At the Annual Town and Parish Council Meeting a demonstration was provided of the functionality of Roadworks.org and each Parish Council can now set up their own email alerts to be informed of works in their area.
- 4.1.3 Engagement with other service areas has taken place and this has resulted in a number of potential benefits being identified and considered. Emergency and Resilience Planning have expressed an interest in the product and are considering its usage for the management and publicity of unplanned incidents.
- 4.1.4 All highway licences for skips, scaffoldings, hoardings and cranes are now published on Roadworks.org and this has been communicated to all licensees operating in the Leeds area. This was well received and has reduced avoidable contact as they no longer need to contact Network Management to check if the licence has been processed as this information is available on Roadworks.org.
- 4.1.5 Following the success of the interactive map for the Tour de France the following comments were received by Elgin:

"Providing information to help people travel to enjoy the Tour de France presented a unique challenge. We wanted to give spectators a tool to enable them to plan their own trip. Working with Elgin we have been able to present complex information in an interactive format that most people will be familiar with." Highways and Transport Director, TdFHUB 2014 Ltd - July 2014

"The new interactive map looks good and offers everything spectators need to be able to plan their journey to watch the Tour de France." Chief Executive, TdFHUB2014 Ltd - July 2014

"With over 1 million visitor hits and very little traffic congestion over the Tour de France weekend, the journey planner map was a great success. The tour organiser described the event as the 'Grandest Grand Depart ever' and Elgin played a key role in helping TdF HUB achieve this. The Elgin map presented

complex information in an interactive and engaging format, enabling spectators to plan their own trips around the Tour de France event. It was a pleasure working with Elgin on the development of this key part of our spectator communication strategy.” TdF HUB 2014 Ltd Highways and Transport Director for the event - July 2014

4.2 Equality and Diversity/Cohesion and Integration

- 4.2.1 The proposals requested in this report have no direct impact on any of the equality characteristics as it is purely an administrative function and therefore, it is not applicable to carry out an equality, diversity, cohesion and integration screening at this time.

4.3 Council policies and City Priorities

- 4.3.1 The continuation of Roadworks.org and the expansion of the TM App supports the Best Council objective to ‘Promote Sustainable and Inclusive Economic Growth, it also supports the Council’s Values. Renewing the current contract ensures no disruption to service delivery for work promoters and the expansion to include TM App ensures we can continue to publish information regarding road closures as we are currently trialling for the most disruptive road closures such as Bridgewater Place.

4.4 Resources and value for money

- 4.4.1 Funding will be provided through the Network Management budget and Finance has confirmed that this arrangement can continue on an annual basis.
- 4.4.2 The Council benefits from being part of a consortium in Yorkshire set up by the Yorkshire and Humber Traffic Managers Group. Renewing the existing Roadworks.org contract for a further two years allows for continuity of service provision and represents best value for money and least disruption to the council and to clients. The additional TM App will allow for a more automated process for the application of road closures which will save paper resources and supports “Changing the Workplace.”

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This decision is a significant operational decision and is not subject to call-in but will be published by the Council. The report does not contain any exemptions or confidential information under the Access to Information Rules.
- 4.5.2 In approving this waiver without subjecting the contract to competition, there is a risk of challenge to the Council from other potential providers that it has not been wholly transparent and that they may have been unfairly denied the chance to tender for this opportunity. In terms of transparency it should be noted that European case law suggests that contracts of this value should be subject to a degree of advertising if it is considered that it would be of interest to contractors operating in another Member State. It is up to the Council to decide what degree of advertising is appropriate. In particular, consideration

should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc) and the geographical location of the place of performance.

- 4.5.3 The EU case law has been considered in this and, due to the nature of the product, with Roadworks.org being the recognised national portal for road works there is no viable alternative currently available. It is considered that the scope and nature of the services are such that it would not be of interest to contractors in other EU member states.
- 4.5.4 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.
- 4.5.5 Whilst making the decision, the Chief Officer (Highways and Transportation) should acknowledge the risks identified above.
- 4.5.6 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 and 8.2, the above comments should be noted. In making their final decision, the Chief Officer (Highways and Transportation) should be aware of the risk of challenge to the Council and be satisfied that on balance the course of action chosen represents Best Value for the Council.

4.6 Risk Management

- 4.6.7 As identified in section 4.5 above, there is a risk to the Council in awarding a contract directly in this way. However, the Chief Officer (Highways and Transportation) may consider that the risks are outweighed by the benefits of awarding a contract and the resource/value for money implications of doing so.
- 4.6.8 It is considered that in terms of the risk of challenge to the procurement route of this contract, the Council has taken steps to mitigate this. The contract, given its value, falls outside any remit of the EU Procurement Regulation beyond the duty to act transparently, fairly and non-discriminatorily that applies to all contracts.

5 Conclusions

- 5.1 The renewal of the current roadworks.org annual subscription will ensure that we maintain the level of discount we currently enjoy as part of the Yorkshire and Humberside consortium. With the current arrangement expanded to include the TM App this will enable the publishing of road closures, diversion routes and events to enable Leeds City Council to be more transparent and engage with members of the public which supports the Best Council objective to 'Promote Sustainable and Inclusive Economic Growth.

6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is recommended to the waiver of Contract Procedure Rule 8.1 and 8.2 – Intermediate Value Procurements – and to approve entering into contract with Roadworks Information Limited trading as Elgin for Roadworks.org and the TM App on an annual basis until 31st March 2018 without seeking competition.

7 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.