

Report to Chief Officer, Highways and Transportation

Date: 25 January 2018

Subject: Request to waiver of Contract Procedure Rules 9.1 and 9.2 to nominate a specialist manufacturer ATG Access Ltd to supply and install apparatus associated with the City Centre Vehicle Access Management Scheme without seeking competition.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City and Hunslet	<input checked="" type="checkbox"/> Yes	<input 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: 10.4(3) Appendix 1.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

- 1 A scheme is currently being prepared to further enhance the safety and security for all users of the City Centre, reflecting the current UK security situation. It provides for the introduction of improved access control and high standard bollards and other measures.
- 2 The report seeks to nominate a specialist contractor to supply and install hostile vehicle mitigation raise and lower bollards and associated apparatus to create a remotely-operated access control system within the pedestrianised core of Leeds City Centre (area bounded by Vicar Lane, The Headrow, Park Row and Boar Lane).
- 3 In light of recent worldwide terrorist attacks, the urgency of the implementation of this work is paramount and this report requests approval to waive Contract Procedure Rules 9.1 and 9.2 to specify that the Highways Works Term contractor appoint a nominated specialist sub-contractor.

Recommendations

4. The Chief Officer Highways and Transportation, is requested to:
 - i Approve the waiver of Contract Procedure Rule 9.1 and 9.2 (High value procurement over £100,000) to specify without competition the use of ATG Access Ltd to supply and install hostile vehicle mitigation raise and lower bollards and associated apparatus at an estimated cost of £373,472.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to waive Contract Procedure Rule (CPRs) 9.1 and 9.2 to specify the use of ATG Access Ltd to supply and install hostile vehicle mitigation raise and lower bollards and associated apparatus to the sum of £373,472.

2 Background information

- 2.1 The image and environment of the city centre is important in terms of attracting investors, employers, employees, residents, shoppers, visitors and tourists to the City. The quality of the street scape, public realm and safety is therefore fundamental to the city centre's ability to compete successfully with other Cities and to raise its ambition of being the Best City. Access management has been an essential element of achieving this success. However, in the light of the evolving UK security situation these measures are being reviewed with our key partners on an on-going basis in order to ensure they remain fit for purpose.
- 2.2 The current Traffic Regulation Orders and signing restrict vehicular access but rely on regular Police enforcement to prevent a significant number of vehicles illegally traversing these streets. A range of public and private sector city centre stakeholders have raised concerns about the current arrangements regarding vehicles entering the pedestrianised zone in the absence of high levels of Police enforcement. In the context of the current security situation, it is now considered necessary that a permanent intervention is needed in the form of a physical vehicle control system to effectively control vehicle access to the pedestrian core.
- 2.3 Members will be aware of recent terrorist incidents in Nice, Berlin, Stockholm, London and Barcelona involving hostile vehicles, in addition to the Manchester bomb attack. Accordingly, a review of existing arrangements in Leeds is being undertaken.
- 2.4 A report to the Executive Board entitled City Centre Vehicle Access Management Scheme was approved on 21 June 2017. This report sought to “expedite the implementation of all reasonable measures in the most timely manner as possible”.

3 Main issues

3.1 Reason for contracts procedure rules waiver

- 3.1.1 In light of recent worldwide terrorist attacks the urgency of the implementation of an access control system within the pedestrianised core of Leeds City Centre is paramount.

- 3.1.2 The proposed use of PAS 68/IWA 14 rated bollards comes following advice received from the West Yorkshire Police Counter Terrorism Unit and events alluded to above. Bollards that meet the PAS assessment criteria are capable of halting the progress of a 7.5t vehicle travelling at 50mph. With the increasing use of vehicle-borne attacks (delivery of an improvised explosive device, vehicle used as a weapon), it is necessary that any measure installed needs to be robust enough to withstand such an attack and standard bollards used in the city centre do not offer sufficient protection to halt the progress of a larger vehicle travelling at speed.
- 3.1.3 Since the Executive's Board decision in the Summer, significant work has continued to establish existing ground conditions and details of buried services and to obtain the necessary survey data to inform detailed design; to explore a number of systems available on the market and to seek feedback from various partners including Highway Authorities and others.
- 3.1.4 We have been unable to identify a framework contract for the supply and install of this specialist apparatus but are aware of at least three other market suppliers of automatic raise and lower products that hold the necessary compliance certificates (PAS 68/IWA 14). However, due to the reasons set out at paragraph 3.1.5 below the Council's preferred option is to contract direct with ATG Access Limited.
- 3.1.5 The UK terror threat level is currently set at SEVERE but there have been two recent instances of the threat level reaching CRITICAL. The heightened risk and the need for increased alertness and vigilance mean that proposed measures must be installed expediently. This is a view held by the Executive Board who have reaffirmed the need for urgency by recommending "...to expediate the implementation of all reasonable measures in the most timely manner as possible..."
- 3.1.6 Due to the urgency to install a high quality and robust access system quickly to protect the pedestrian zone within the city centre, verbal recommendations by counter-terrorist officers and specialists, and their successful deployment elsewhere within the West Yorkshire area, it is proposed to contract direct with ATG Access Ltd. In addition, they are the supplier to Westminster City Council following a number of terrorist attacks that have taken place recently.

3.2 Consequences if the proposed action is not approved

- 3.2.1 Any delay in the installation of the bollards increases the perceived chance of a hostile vehicle attack at the locations in question.
- 3.2.2 A delay in the selection of the preferred automatic raise and lower bollard is delaying the completion of the final design being undertaken by the specialist designer and therefore delaying their installation and providing the security urgently required.

3.3 Advertising

- 3.3.1 It is not proposed to advertise this opportunity due to the circumstances set out at section 3 above.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Consultation has taken place with West Yorkshire Police and other key stakeholders to help develop these proposals. Formal consultation will be undertaken during the detailed design phase of this project, with the stakeholders that may be impacted by the implementation of the scheme.

4.2 Equality and diversity/cohesion and integration

- 4.2.1 A screening document has been prepared and an independent impact assessment is not required for the approvals requested.

4.3 Council policies and best council plan

- 4.3.1 Improving the streetscape environment within the City Centre accords with the aims and visions of the Council's Corporate Plan for the public realm, to make Leeds a good place to live, work or visit, with a clean, safe and sustainable environment.
- 4.3.2 The introduction of vehicular access control systems supports the objectives of the City Transport Strategy in terms of minimising the impact of vehicular traffic on the city centre, reducing traffic congestion and contributing to the effective management of the transport network.

4.4 Resources and value for money

- 4.4.1 The cost of this work is covered in the report to the Executive Board dated 21 June 2017, capital scheme 32780.

4.5 Legal implications, access to information and call-in

- 4.5.1 This is a Significant Operational Decision and the report is not subject to call in but requires publication. There are no grounds for treating the contents of this report as confidential with the Council's Access to Information Rules.
- 4.5.2 The information contained in Appendix 1 is exempt under Access to Information Rule 10.4 (3) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that the public interest in maintaining the content of Appendix 1 as exempt outweighs the public interest in disclosing the information. This report relates to the nomination of a specialist manufacturer ATG Access Ltd and as such release of information at this time would prejudice the council's position.

4.6 Risk management

- 4.6.1 As identified in section 4.5 above, there is a risk to the Council in specifying a contractor directly in this way. However, the Chief Officer (Highways and Transportation) considers that the risks are outweighed by the benefits of awarding a contract to this contractor, and the resource/value for money implications of doing so.

4.6.2 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 Public Contracts Regulations 2015 for Works Contracts, beyond the duty to act transparently, fairly and non-discriminatorily that applies to all contracts.

5 Conclusions

5.1 It is paramount that work to implement the access control system within the pedestrianised core of Leeds City Centre is undertaken quickly. The nomination of the recognised specialist ATG Access Limited is the most appropriate and efficient way of achieving this.

6 Recommendations

6.1 The Chief Officer Highways and Transportation, is requested to:

i Approve the waiver of Contract Procedure Rule 9.1 and 9.2 (High value procurement over £100,000) to specify the use of ATG Access Ltd to supply and install hostile vehicle mitigation raise and lower bollards and associated apparatus at an estimated cost of £373,472.

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.