

Report to Chief Officer (Highways and Transportation)

Date: 24 April 2018

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.

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 Priority of 'Transport and Infrastructure' and outcome of 'moving around an well-planned city easily'.
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. 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 of 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 including the TM App.

Recommendations

The Chief Officer (Highways and Transportation) is requested to:

- i) 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 2020 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 a continuation of our individual contract for the TM App by entering into a contract with Elgin without seeking competition.

2 Background information

- 2.1 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.
- 2.2 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.
- 2.3 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 and a stage of the World Triathlon Series. To assist with the organisation and publication of these and other events all events are now plotted on the TM App to publish these with the associated road closures and diversion routes to enable informed journey choices. LCC's contact centre signpost callers to the interactive map to reduce avoidable contact.
- 2.4 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 Priority of 'Transport and Infrastructure' and outcome of 'moving around an well-planned city easily'.

- 2.5 The TM App has been used successfully in Leeds for closures relating to high winds at Bridgewater Place and a major fire on St Peters Street, Leeds. The TM App allows Leeds City Council to be proactive in publishing information about planned works or events and reactive to immediate works, unplanned incidents 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.
- 2.6 The Civil Contingencies Act 2004 requires the local authority to warn and inform the public, in the event of an emergency incident. The Resilience and Emergencies Team use the Resilience Direct mapping tool but this is not available outside the emergency community. Therefore, Network Management place information regarding incidents and their associated cordons to the public and travel service providers via the TM App.
- 2.7 Liaison with other services has taken place as part of the consideration of the continuation of the current Roadworks.org arrangement and the TM App module. This has resulted in publishing permanent traffic signals and gritting routes on the application and we are currently looking at the potential to include 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 for roadworks.org was put in place on 1st April 2013 following a successful free trial of the product, Roadworks.org. The discussion 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 £10,404 plus VAT to £6,939 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 was purchased in April 2016 following a successful free trial, the current annual subscription is £10,404 plus VAT
- 3.1.3 The contract for both Roadworks.org and the TM App is renewed on an annual basis from 1st April. Consideration will be given each year in November to ascertain if all parties are happy with the ongoing arrangement. If any party or parties would like to terminate the existing arrangement written notice will be provided to Elgin prior to the renewal date in line with their Terms and Conditions. The annual renewal allows greater flexibility to all parties to respond to any alternative products which may become available.
- 3.1.4 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.

3.1.5 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 in March 2016 and March 2018, no viable alternative product on the market was available that could display the same level of information. Since purchasing the TM App a number of benefits have been realised;

- A more efficient and reliable electronic process for the application of road closures, saving time and removing the need for paper applications,
- 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.

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 Engagement with other service areas has taken place and this has resulted in a number of potential benefits being identified and considered.
- 4.1.3 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.
- 4.1.4 Local Authority professional body SOCITM reports that Local Authorities have improved their performance scorecard for online roadworks communication from 48% three years ago to 85%. The major reason according to the new report is that *“Almost all of the councils surveyed use the roadworks.org mapping system as the primary or only route to access details of planned roadworks in the area”* SOCITM ‘Find out about roadworks 2016-17 published April 2017.
- 4.1.5 Following the success of the interactive map for major events the following comments were received by Elgin:

“Elgin's Traffic Management App was invaluable in making sure residents, the public and road users alike were aware of any traffic disruptions during the event. The number of ways people were able to get this information, helped everyone to plan their journeys, keep congestion to a minimum and make the ABP Southampton Marathon a success.” Rob James, Senior Streetworks Co-ordinator at Balfour Beatty, Highways Service Partnership with Southampton City Council 2017.

“The system proved to be vital in making sure residents and road users were aware and could prepare for road closures, especially as these happened across the full route. The fact that we were able to inform of live re-openings as soon as they happened and that this was communicated so widely ensured disruptions were kept to a minimum, which contributed greatly to the overall success of Vélo Birmingham.” Andrew Taylor CSM sports and entertainment agency 2017.

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 TM App supports the Best Council Plan Priority of 'Transport and Infrastructure' and outcome of 'moving around a well-planned city easily', it also supports the Council's Values. Renewing the current contract ensures no disruption to service delivery for work promoters and the TM App ensures we can continue to publish information regarding road closures and associated diversion routes for road works, events and unplanned incidents.

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 TM App will allow for a more automated process for the application of road closures which has resulted in efficiencies within Network Management and saving paper which 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

- 4.6.1 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) considers that the risks are outweighed by the benefits of awarding a contract 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 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. The current arrangement with the inclusion of the TM App enables 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 Plan Priority of 'Transport and Infrastructure' and outcome of 'moving around an well-planned city easily'.

6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is recommended to:
- i. 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 2020 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.