
Report to Chief Officer (Highways and Transportation)

Date: 26 February 2019

Subject: Request to waive Contract Procedure Rules 8.1 and 8.2 to award a contract to Aimsun for additional software licences without seeking competition

Are specific electoral wards affected? If yes, 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. There are several major investment programmes including A65 SCOOT, West Yorkshire Plus Transport Fund (WY+TF) and Leeds Public Transport Investment Programme (LPTIP) in progress that will result in significant changes to the road network within Leeds. The specific proposed interventions resulting from those schemes require modelling to understand the extent of their impact on the road network both during construction and following completion.
2. The Aimsun software package has been used for a recently completed City Centre model. Aimsun was specified at the beginning of that process as the preferred software platform for the new model to be built on. There are currently two Aimsun software licences in use within Leeds City Council, one by Transport Policy and the other within Urban Traffic Management and Control (UTMC). However, it has been identified that additional licences are required in order to successfully deliver the significant volume of optioneering required for the various major investment schemes.

3. Investment in additional software licences will enable Transport Policy and UTMC to test various options for major interventions such as the closure of City Square in more detail. This will help to better understand the likely impacts of major schemes, interaction with other major schemes and potential mitigation measures required to successfully deliver the major investment programmes over the coming years. Ultimately, the additional software licences will result in Leeds City Council delivering schemes with the best possible Value for Money.

Recommendations

4. The Chief Officer (Highways and Transportation) is requested to:
 - i) approve the waiver of Contract Procedure Rules 8.1 and 8.2 – Intermediate Procurements and the award of a contract direct to Aimsun for the provision of two additional Aimsun Next software licences and the extension of support for the existing two licences until 28th February 2021 at a total cost of £49,180, 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 Rules 8.1 and 8.2 to award a contract direct to Aimsun for the provision of two additional software licences and the extension of support for the existing two licences until 28th February 2021 without seeking competition.

2. Background information

- 2.1 There are several major investment programmes including A65 SCOOT, West Yorkshire Plus Transport Fund (WY+TF) and Leeds Public Transport Investment Programme (LPTIP) in progress that will result in significant changes to the road network within Leeds. The specific proposed interventions resulting from those schemes require modelling to understand the extent of their impact on the road network both during construction and following completion.
- 2.2 Aimsun software has been used for a recently completed City Centre model. Aimsun was specified as the preferred software platform for the new model to be built on. There are currently two Aimsun software licences in use in LCC (one by Transport Policy and the other within UTMC). However, it has been identified that additional licences are required in order to successfully deliver the significant volume of optioneering required for the various major investment schemes.

3. Main issues

- 3.1 The large number of major schemes resulting from the investment programmes listed above require a significant volume of option testing to be undertaken in the developed City Centre microsimulation model. This modelling is used, in conjunction with the Saturn-based LTM2 strategic model, to determine the impact of proposed schemes on the surrounding network and, where appropriate, to assess the degree of mitigation that is required.

The use of a microsimulation modelling tool is particularly useful where the road network is to be changed substantially as it provides a visual representation at an individual vehicle level. The detailed visual representations allow the development of more effective junction design and can also be used in consultations, either internally or public, to help communicate key issues and ideas.

- 3.2 The microsimulation model of the City Centre was developed in the Aimsun software package. There are currently two Aimsun software licences in use in LCC (one by Transport Policy and the other within UTMC). However, the UTMC licence is primarily being used to develop the new Inclusive Traffic Signal Optimiser and, as a consequence, there is effectively a single licence available for undertaking option testing for the major investment schemes.
- 3.3 The Investment in additional software licences will enable Transport Policy to undertake additional option testing and enable UTMC to support Transport Policy more effectively in reviewing the modelled signal timings across the City Centre for each option to ensure that it is a realistic representation of what is achievable on street. This additional resource will help LCC to better understand the likely impacts of major schemes, interaction with other major schemes and potential mitigation measures required to successfully deliver the major investment programmes over the coming years. Ultimately, the additional software licences will result in Leeds City Council delivering schemes with the best possible Value for Money.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Officers within Highways and Transportation have been consulted to ensure that additional Aimsun licences, rather than an alternative software package, provides best Value for Money.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An equality, diversity, cohesion and integration screening has been undertaken and determined that there is no impact on equality characteristics.

4.3 Council policies and best council plan

- 4.3.1 The award of a contract to Aimsun to provide two additional software licences supports the Best Council Plan by supporting the development of schemes that promote Inclusive Growth (i.e. LPTIP and CCP). It also enables the added value of ITS schemes such as those developed by UTMC to be modelled (i.e. InTrO) and thus supports the 21st Century Infrastructure aspiration.

4.4 Resources and value for money

- 4.4.1 Funding for the additional licences will be provided from the A65 NPIF and LPTIP capital schemes.

4.4.2 With regard to Value for Money, the only alternatives to the proposed approach are:

- To continue with the current number of licences, which would severely limit the ability to assess the operational impact of the major schemes listed previously, as only one option for one scheme could be tested at a time. This would result in additional delays to the development and delivery of these schemes.
- To switch to alternative software. Although this may potentially allow savings on the software purchase, there would be significant additional costs and delays in building a new model of the City Centre. The requirement for training in the new software would also further contribute to delays in delivering option testing which, consequently, would further delay the major projects that are being delivered to challenging funding deadlines.

4.4.3 It is therefore concluded that the purchase of this software upgrade is best value for the council. The additional licences will allow the Transport Policy Modelling team and UTMC team to deliver the model testing and review required for the programme of major schemes.

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 Council's 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 to whom this contract could be of interest that the Council 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 and the factors in paragraph 4.5.2 above have been considered and, due to the nature of the product, with the existing City Centre microsimulation model having been developed in Aimsun, there is no viable alternative currently available, and due to the relatively low value of this contract (which is below the OJEU threshold) it is considered that the scope and nature of the contract 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 Contract Procedure Rules 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 LCC.

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 to Aimsun, the developers of the software that has been used in the current City Centre model, 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 beyond the duty to act transparently, fairly and non-discriminatorily that applies to all public contracts.

5. Conclusions

- 5.1 The investment in two additional Aimsun software licences will enable LCC to maximise the benefit of the various major investment programmes. In doing so, it supports the Best Council Plan priorities of 21st-Century Infrastructure and Inclusive Growth.

6. Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to:
 - i) approve the waiver of Contract Procedure Rules 8.1 and 8.2 – Intermediate Procurements and the award of a contract direct to Aimsun for the provision of two additional Aimsun Next software licences and the extension of support for the existing two licences until 28th February 2021 at a total cost of £49,180, without seeking competition.

7. Background documents

- 7.1 None.

Equality, Diversity, Cohesion and Integration Screening

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- The relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- Whether or not it is necessary to carry out an impact assessment.

Directorate: City Development	Service area: Highways and Transportation
Lead person: Joel Dodsworth	Contact number: 3788128

1. Title: : Request to continue a current commercial agreement for the provision of ADSL and Ethernet circuits for UTMC operation

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

The screening process relates to the waiver of procurement rules to procure two additional Aimsun software licences.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?		X
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 		X

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity; cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- **Key findings** (think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

5. If you are **not** already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.**

Date to scope and plan your impact assessment:

Date to complete your impact assessment

Lead person for your impact assessment
(Include name and job title)

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name

Job title

Date

Joel Dodsworth

UTMC Manager

21/2/2019

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

Date screening completed

Date sent to Equality Team

Date published

(To be completed by the Equality Team)