

Report of Transport Strategy Manager

Report to the Chief Officer (Highways and Transportation)

Date: 3 June 2020

Subject: APPROVAL TO WAIVE CONTRACT PROCEDURE RULES FOR THE APPOINTMENT OF FORE CONSULTING LTD TO REVIEW AND MAINTAIN THE LEEDS CITY CENTRE MICROSIMULATION MODEL

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary

1. Main issues

- The Leeds City Centre microsimulation Transport Model was produced by the consultants Fore Consulting Ltd in 2018. This work was procured by Leeds City Council (LCC) in 2018. The model is being used in support of business development for major transport schemes in the City Centre funded by the West Yorkshire Transport Fund (WYPTF). These include various schemes as part of the City Centre Package and schemes from the Leeds Public Transport Improvement Programme.
- The Leeds City Centre microsimulation model requires regular reviewing and work to update network coding etc, in order to ensure that is it up to date. These tasks are listed in detail in Appendix 2.
- This report requests the approval for the direct appointment of this additional work to maintain and update the City Centre microsimulation model to be undertaken by consultants Fore Consulting Ltd for a period of 3 years commencing in June 2020.
- The work to maintain the model has been requested by partners involved in the development of business cases for projects in and around the City Centre.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- The model provides information on traffic flows, traffic speeds and so on that will be used to build the economic case for the major transport schemes funded by the WYPTF. The proposals are therefore supportive of and consistent with the Local Transport plan and the emerging transport strategy.
- Best City Best Council Plan for 2019/20 -2020/21 Priorities. The model assists with the delivery of the WYTF schemes, which is consistent with the delivery of sustainable infrastructure.

3. Resource Implications

- Over 3 years, the total cost of the additional work is £75,000.00 (£25,000 per annum).

Recommendations

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

- i) approve the waiver of Contract Procurement Rule No 8.1 and 8.2 – Intermediate value procurements to allow Leeds City Council to procure work directly from consultants Fore Consulting Ltd at a total cost of £75,00.00 (over 3 years);
- ii) approve the expenditure on the procurement of work by consultants listed in i);
- iii) and award a contract to Fore Consulting Ltd in the sum of £25,000. The contract shall commence on the 1 July 2020 and expire on the 30 June 2021 with the option to extend for a period of one year such option not to be taken up more than twice.

1. Purpose of this report

1.1 To approve the waiver of Contract Procurement Rule No 8.1 and 8.2 – Intermediate value procurements to allow Leeds City to appoint directly Consultants Fore Consulting Ltd without request for tenders from other organisations, and approve the supply of these at a maximum total cost of £75,000.00 (over 3 years from July 2020 to June 2023).

2. Background information

2.1 Leeds City Council (LCC) commissioned Fore Consulting Ltd to enhance an existing Aimsun Microsimulation traffic model for the Leeds city Centre highway network in 2018. This work was to expand an existing and partial Aimsun model of the city centre which had been built by Fore Consulting Ltd previously and offered for the Council's use.

2.2 The Transport Policy Modelling team uses the Leeds City Centre Microsimulation Transport Model to support the development of major transport schemes and policy measures across the City Centre.

- 2.3 In order to ensure that the Aimsun model remains up to date and fit for purpose, it has been concluded that the model should periodically be reviewed and updated. The frequency of the updates is subject to discussion and agreement. The exact frequency of updates will be agreed at the time of appointment but it is initially proposed that this update is done on an annual basis. This will ensure that there remains a “master” copy of the base model and that any associated do minimum models are in place for specific base and future years.
- 2.4 It is proposed that the contract for this work will be in place for 3 years from the start of the contract. After this time (subject to the payment of three annual fees of £25,000 plus VAT) **responsibility and ownership of the model would be shared between Fore Consulting Ltd and LCC**. LCC would consider the need for any extension to the maintenance contract and / or additional work with the model at this time.

3. Reason for Contracts Procedure Rules Waiver

- 3.1 Given that the Leeds City Centre microsimulation model has been built by a single consultant, the only option for the additional work to update the model annually is to procure it from the same consultant (Fore Consulting) who built the original base model from scratch. As a result, the waiver of Contract Procurement Rule No 8.1 and 8.2 – Intermediate value procurements is required.
- 3.2 Switching to an alternative consultant is not an option at this time. Indeed Fore Consulting Ltd have the rights to develop and use this model exclusively unless / until an agreement is reached with LCC. LCC are currently able to use the model but are unable to utilise alternative consultants to set up other model runs.
- 3.3 When the 3 year contract expires, Fore Consulting Ltd would share the ownership and copyright of the model with the Council, giving the Council unfettered use of the model.

4. Consequences if the proposed action is not approved

- 4.1 Work to keep the model up to date is essential to allow the model to be used to assess the impacts and benefits of the proposed WYPTF and LPTIP schemes.
- 4.2 Without an acceptable version of the Model there is a significant risk that modelling delays will impact on the wider project delivery programmes for the WYPTF schemes , resulting in additional costs and delays to the delivery of schemes.
- 4.3 In addition, not addressing these identified issues with the model will increase the risk of challenge at public inquiry and leave the projects vulnerable to the business cases being undermined by a lack of confidence in the modelling.
- 4.4 The Council will never have unfettered use of the model.

5. Main issues

- 5.1 The tasks that could potentially be required in any annual update will vary depending on the requirements of the Council and the future schemes proposed to be assessed using the model. The exact list of tasks to be undertaken will be agreed on an annual basis before the consultant can start work on the next review / update.

- 5.2 Work will broadly be undertaken under 4 headings:
- Model Review
 - Model Update
 - Forecast Models
 - Training and Support
- 5.3 It envisaged that a number of key tasks will be required to be undertaken. These tasks are listed in Appendix A.
- 5.4 This report requests the approval to the direct appointment of this work by LCC to maintain and update the microsimulation model to be undertaken by consultants Fore Consulting.
- 5.5 All the listed tasks require an extensive in depth working knowledge of the Leeds city centre microsimulation model. On this basis it is proposed to use the suitably experienced consultants to complete the work.

6. Corporate considerations

6.1 Consultation and engagement

- 6.1.1 Internal Consultation has been undertaken with appropriate officers. Wider consultation was not considered to be appropriate.

6.2 Equality and diversity / cohesion and integration

- 6.2.1 The maintenance of the microsimulation model has no impact on these issues

6.3 Council policies and the Best Council Plan

- 6.3.1 The model provides information on traffic flows, traffic speeds and so on that will be used to build the economic case for the major transport schemes funded by the WYPTF. The proposals are therefore supportive of and consistent with the Local Transport plan and the emerging transport strategy.
- 6.3.2 Best City Best Council Plan for 2019/20 -2020/21 Priorities. The delivery of the WYTF schemes is consistent with the delivery of sustainable infrastructure:
- 6.3.3 The most relevant objectives are : “Improving air quality, reducing noise and emissions”, “Improving transport connections, safety, reliability and affordability” and “Improving the city’s infrastructure and natural environment, including flood protection”.
- 6.3.4 The model has also been used in the development of a strategy to improve air quality, which is a Council priority.
- 6.3.5 The proposal is supportive of the delivery of one of the Council’s breakthrough projects “More Jobs and Better Jobs” as it aids the delivery of major infrastructure intended to reduce congestion and improve access to major development sites.

Climate Emergency

- 6.3.6 The model has already been used in order to test the potential impacts of transport schemes within the City Centre, that aim to improve conditions for users of sustainable transport modes (including public transport, walking and cycling).

Further progress on implementing schemes within the City centre is reliant on the transport model being up to date and “fit for purpose”.

6.4 Resources, procurement and value for money

- 6.4.1 Over 3 years, the total cost of the additional work is £75,000.00.
- 6.4.2 There is no alternative to using Fore Consulting Ltd as the work is required to refine and update the recently built model networks and matrices that Fore Consulting Ltd have already completed.

6.5 Legal implications, access to information, and call-in

- 6.5.1 The report is not subject to Call In and there are no grounds for treating the contents of this report as confidential with the Council’s Access to Information Rules. The decision is a Significant Operational Decision which will be published.
- 6.5.2 Awarding contracts directly to the suppliers in this way could leave the Council open to a potential claim from other suppliers to whom this contract could be of interest that it has not been wholly transparent. In terms of transparency, it should be noted that case law suggests that the Council should always consider whether contracts of this value could be of interest to contractors on other EU member states and, if it could, the opportunity should be subjected to a degree of advertising. 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
- 6.5.3 The Chief Officer (Highways and Transportation) has considered this and due to the fact that the consultants Fore Consulting Ltd have inherent knowledge of the work already completed is of the view that the scope and nature of the services is such that it would not be of interest to providers in other EU member states, and it is considered that the risk of challenge is extremely low.
- 6.5.4 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 the final decision, the Chief Officer (Highways and Transportation) should be satisfied that the course of action chosen represents best value for money.
- 6.5.5 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. 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.

6.6 Risk management

- 6.6.1 LCC will be required to provide new traffic forecasts in support of the City Centre Package using the model during 2019. In order to keep the model up to date, approval is needed for maintenance work to commence as soon as possible.
- 6.6.2 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 and 8.2. In making their final decision, the Chief Officer (Highways and Transportation)

should be satisfied that the course of action chosen represents Best Value for the council.

7. Conclusions

- 7.1 The proposed additional work will ensure that the model continues to be fit for purpose. It will also ensure that the supporting documentation is completed meaning that the model will be defensible should any public inquiries be required in future.
- 7.2 The use of consultants Fore Consulting Ltd is the only practical way of completing the model in line with the specification, and timetable for this project, and the major schemes dependent on the model outputs.

8. Recommendations

- 8.1 The Chief Officer (Highways and Transportation) is requested to approve:
- i) the waiver of Contract Procurement Rule No 8.1 and 8.2 – Intermediate value procurements to allow Leeds City Council to procure the required work directly from consultants Fore Consulting Ltd at a total cost of £75,000.00; and
 - ii) the expenditure on consultants listed in recommendation (i); and
 - iii) award a contract to Fore Consulting Ltd in the sum of £25,000. The contract shall commence on the 1 July 2020 and expire on the 30 June 2021 with the option to extend for a period of one year such option not to be taken up more than twice.

9. Background documents¹

- 9.1 Summary of Key tasks as Appendix 2.

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.

Appendix 1

What is your reason for waiving CPRs?

There is a genuine, unforeseeable emergency meaning there is no time to go through a procurement process e.g. to deal with the consequences of extreme weather.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
To purchase supplies or services on particularly advantageous terms due to liquidation/administration.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Requirement to put a contract in place with a current provider whilst a review of the services is completed.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Ran out of time to undertake a new procurement exercise	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other (please provide summary here) The Leeds city centre microsimulation transport model has been built by a single consultant and the only option for updating the model is to procure it from the same consultant (Fore Consulting) who built the original base model.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Appendix 2

Summary of key tasks

Tasks Required

To permit Leeds City Council to carry out all work required to model traffic across Leeds City Centre in support of major scheme business cases and to assist with scheme development.

Work has been requested by LCC in order to ensure that the model remains up to date and fit for purpose.

This work will require the following tasks to be completed:-

- 1) Creation and maintenance of a “Model Issues and Development Log”. This will be used to record any particular issues with the model that have been identified through project work, and also to record requests for model development. This would take the form of an online database or spreadsheet that can be accessed by all staff who are working with the model. The log would record any issues or development needs and will identify when these have been addressed and in which version of the model.
- 2) The Model Issues and Development Log will be periodically reviewed with the Council and can be used to inform and agree the actions that would be undertaken as part of the annual update and maintenance.
- 3) Update of the model to the latest version of the Aimsun software. This will ensure that all the latest features and bug fixes are available for use.
- 4) Corrections to model coding that have been identified.
- 5) Inclusion of additional vehicle types within the model having regard to data that may become available. This could include, for example, dedicated taxi matrices informed by surveys that have been undertaken or different types of bus used on each route.
- 6) Updating the model to reflect network changes. This will be very important over the coming years as major network changes come to fruition such as City Connect, LPTIP and the City Centre Package.
- 7) Updating the model to reflect changes to traffic signal timings and bus routes and also to take advantage of new traffic data that becomes available from sources including TrafficMaster and permanent traffic counters. This would enable the model to be re-based to the current year. This process could be supplemented with additional traffic counts in key locations, particularly where schemes are likely to come forward or in areas where the existing traffic data is aged or considered to be unreliable.
- 8) Minor extensions to the model, (similar to the extension that has recently been undertaken in connection with the work for the Armley Gyratory improvements).
- 9) Developing and maintaining future year scenarios, ensuring that these are consistent with any changes to the base model and also to reflect schemes and developments that have subsequently been implemented.
- 10) All the above tasks would involve the process of re-calibrating and re-validating the model and preparing an updated model validation report.
- 11) Quarterly meetings between LCC and key staff at Fore to inform the direction of the model and to agree the tasks to be undertaken in the next quarter.

Costs

The total fee for this work is £75,000.00 (excluding VAT and expenses).

Timescales

It is intended that Fore Consulting Ltd will be commissioned to start work immediately upon approval of this waiver report.

The work will be undertaken annually for a period of 3 years, and will be completed by June 2023.

Invoicing

Work will be invoiced quarterly based on advice from Fore Consulting Ltd on the amount of staff time spent working on the model. At the regular quarterly meeting Fore Consulting Ltd will advise LCC of the activities undertaken and time spent prior to issuing each quarterly invoice. LCC will have the opportunity to review and verify the work to be include in the invoice before it is issued