

Subject: Waiver Report to seek a waiver of CPRs 8.1 and 8.2 to Procure Buchanan Order Management to facilitate the move to Map Based Traffic Regulation Orders without seeking competition.

Date: 31 October 2023

Report of: Traffic Engineering Section, Highways and Transportation

Report to: Chief Officer, Highways and Transportation

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief Summary

It is becoming increasingly common for Traffic Regulation Orders (TROs) to include maps as part of their schedules and this is universally welcomed by users of TROs, from consultees to adjudicators, because of the ease with which the restrictions can be understood. Furthermore, because they do not include lengthy, wordy, and sometimes complex descriptions this can save a significant amount of drafting time.

Map-based schedules have been used for years, and their lawfulness has never been successfully challenged at adjudication. Maps typically represent the presence of restrictions with suitable labels, legends etc. Additionally, maps can show the boundaries of zones, for example Permit Parking Zones.

Conversations/meetings with counterparts at other local authorities who have moved to map-based schedules indicate significant staff resource savings and savings associated with formal advertisements/notices. They have also noticed an increase in cases won a Traffic Penalty Tribunal and are also receiving fewer enquiries from people who do not understand the street notices etc.

Leeds currently promotes hundreds of TROs as part of its annual works programme and each it is becoming increasingly difficult to deliver these on time. Consequently, it is essential that the Authority makes the move to map-based TROs to continue delivering them within the appropriate timeframe.

The recent Kings Speech stated that all Local authorities will be required to send the legal orders they make (for example, to set speed limits, close roads and designate parking bays) to a central publication platform. This data will be used to create a digital map of the road network to support the safe operation of self-driving vehicles. This will also help make parking easier for all drivers, providing better information like the location and availability of parking spaces, as outlined in the Plan for Drivers. It is commonly accepted that Map Based TROs is the best approach to deliver this outcome and achieve consistency throughout England.

This report seeks to award the necessary work directly to Buchanan Order Management.

Recommendations

In respect of Buchanan Order Management, the Chief Officer, Highways and Transportation is recommended to,

- a) To approve the waiver of the following Contracts Procedure Rules (No 8.1 and 8.2 – Intermediate Value Procurements).

- b) Approve the award of a contract to Buchanan Order Management and Buchanan Computing Ltd in the sum of £61,120 (excluding VAT) for specialist Traffic Regulation Order services associated with a move to Map Based Orders. The contract would commence in November 2023 and be completed 2 months later.
- c) To endorse an extension of the current Parkmap contract and for the additional procurement of the necessary Map Based Module

What is this report about?

- 1 It is becoming increasingly common for TROs to include maps as part of their schedules and this is universally welcomed by users of TROs, from consultees to adjudicators, because of the ease with which the restrictions can be understood. Furthermore, because they do not include lengthy, wordy, and sometimes complex descriptions this can save a significant amount of drafting time.
- 2 Map-based schedules have been used for years, and their lawfulness has never been successfully challenged at adjudication. Maps typically represent the presence of restrictions with suitable labels, legends etc. Additionally, maps can show the boundaries of zones, for example Permit Parking Zones.
- 3 Since the Councils current TRO software system has been delivered and maintained by Buchanan Computing Ltd, who have been our preferred software supplier for over a decade and are considered the market leader, it is highly likely that their sister company are in the best position to provide the most favourable price for this work.
- 4 The cost of the contract with Buchanan Order Management would be fully funded via expected efficiency savings associated with the delivery of TROs.
- 5 Refer to Appendix 1 for a table showing the reason for waiving CPRs.

What impact will this proposal have?

- 6 Conversations with other local authorities who have made the move to map-based schedules indicate that there are significant staff resource savings of approximately 30%. They have also noticed an increase in cases won a Traffic Penalty Tribunal and are also receiving fewer enquiries from people who do not understand the worded descriptions within street notices etc.
- 7 Since Council officers and the framework suppliers cannot fulfil the role, calling upon Buchanan Order Management demonstrates a responsive, cost effective and efficient service.
- 8 Buchanan Order Management have the experience of successfully providing technical services that facilitate the move to Map Based Orders which are essential to complete this transition.
- 9 It is considered that Buchanan Order Management will not be applicable for an Equality, Diversity, Cohesion, and Integration Screening / Impact assessment, as there will be no impact on any of the equality characteristics.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 10 Map Based Orders would assist LCC in providing a cost-effective solution benefiting the people and communities of Leeds by providing a clear and more transparent method of promoting TROs.
- 11 This proposal also supports the Highways and Transportation service in its contribution to the Council's Best Council Plan 2020-25 objectives.

What consultation and engagement has taken place?

Wards affected: N/A

Have ward members been consulted? Yes No

- 12 This is an operational decision that is primarily related to the delivery of TROs which is part of Highways and Transportation's role. No consultation has taken place with Elected Members.

What are the resource implications?

- 13 Buchanan Order Management price for this work is considered to represent fair value as it represents a combined 145 days' work.
- 14 Officers will be unable to promote any new TRO work while this work is being undertaken and this must be programmed effectively to minimise disruption to scheme delivery.
- 15 This is being fully funded by efficiency savings associated with promoting Section 106 funded TROs.

What are the key risks and how are they being managed?

- 16 There is a significant risk in respect to delivery of the works programme year on year as we are promoting a large number of TROs each year.
- 17 If this waiver were not to be approved, there would be a significant delay in the move to Map Based Orders which in turn would heavily impact on the team's productivity.
- 18 Commissioning the consultant directly offers the best solution in terms of both programme and overall value for money.

What are the legal implications?

- 19 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.
- 20 Awarding the contract directly to a single supplier could leave the Council open to a potential claim from other suppliers to whom this contract could be of interest, in 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 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. 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).
- 21 The Chief Officer (Highways and Transportation) has considered this and because Buchanan Order Management have defined specialisms and historical knowledge of works previously completed and our operating systems, the Chief Officer is of the view that the scope and nature of the services is such that it would not be of interest to other providers. It is considered that the risk of challenge, identified at paragraph 23 above, is low.
- 22 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.

Options, timescales and measuring success.

What other options were considered?

- 23 A Chief Officer Prerogative was considered but the estimated annual amounts being greater than £25,000, preclude this option.

24 An open tender exercise was considered but was rejected since it would be time-consuming and costly. Being the “incumbent” TRO software supplier, Buchanan Order Management has such an advantage over other potential tenderers, a tender would be a poor use of officer time.

How will success be measured?

25 By successfully consolidating all the existing TROs into 2 Map Based Orders (Waiting and Moving).

26 Monitor the TRO drafting time to measure efficiency savings and see if they are at the level that was anticipated.

What is the timetable and who will be responsible for implementation?

27 Buchanan Order Management have estimated a 2-month duration of the necessary work.

Appendices

- Appendix 1: Table showing reason for waiving CPRs.

Background papers

- None.

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 checked="" type="checkbox"/> No
To purchase supplies or services on particularly advantageous terms due to liquidation/administration.	<input type="checkbox"/> Yes	<input checked="" 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 checked="" type="checkbox"/> No
Ran out of time to undertake a new procurement exercise	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Other (please provide summary here)</p> <p>Appointing the “incumbent” TRO software specialist and utilise existing contacts, knowledge and expertise built up over several years regarding the many complex issues around the promotion and management of the Councils TROs.</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No