

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

4521

Author:

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Department:

Growth and City Development

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Subject:

Award of the CCTV Enforcement Maintenance Contract

Total Value:

£187,504.73 for 1 year (Type: Revenue)

Decision Being Taken:

- 1) To award a contract with Yunex Traffic (still a Siemens business), formerly known as Siemens Traffic Solutions for the continued maintenance and repair of Nottingham and Leicester's ANPR Department for Transport Type Approved enforcement network of Bus Lane and Clearway Parking cameras, review station hardware and software for 1 year up to 30th September 2022.
- 2) To approve the spend associated with the contract award;
- 3) To delegate approval to Head of Traffic to sign the contract.
- 4) To do a direct award to Yunex Traffic under regulation 32 - 2 (b) (ii) for technical reasons

**Reasons for the Decision(s)**

We have just come out of a 3 year period where we were able to purchase the Maintenance Contract with Siemens. We are seeking to continue the existing maintenance arrangement with Siemens for the following reasons:

For operational and interoperability reasons, Siemens who are the sole supplier of the DfT Type Approved camera enforcement system are the only contractor able to work on the whole system as they are the manufacturers.

There are other Type Approved systems on the market but unfortunately they are not compatible with the Siemens system that the Council currently has in place. A Type Approved system from another provider works on the same basis as Siemens which means their equipment cannot be used on another suppliers system. We could look to remove the Siemens system and replace it with a new system however the costs involved would be between £1-2 million and we would then encounter the same issue as now with the new supplier being the only company to maintain and repair the enforcement system.

Nottingham City Council is contracting on behalf of itself and Leicester City Council for whom it operates its bus lane enforcement system under a partnership agreement. There will be an initial additional cost implication as the quotation will include Leicester's element of the contract. Leicester are then invoiced for their element of the contract once the DDM is signed.

The cost of this years' contract is £187,504.73 and runs between October 1st 2021 to 30th September 2022. As we purchase more cameras and we have cameras falling outside their 2 year warranty, there will be an annual increase on the costs of maintenance of our assets of around £6,000 per camera to the contract.

The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005, Section 36, Paragraphs 1-7 governs the fund of the upkeep and maintenance of the system. This means that the income generated must be reinvested back into the enforcement system for maintenance purposes and other traffic and transport initiatives.

Traffic and Safety will be working closely with Procurement and Legal in March/April 2022 to determine future procurement plans for new and replacement cameras and associated maintenance.

The approval to award to Yunex Traffic has been authorised under an exemption form by S.151 Officer and Head of Procurement

**Other Options Considered:**

- 1) Not maintaining the whole system - Both Nottingham and Leicester's camera network would fail, we would also be in breach of our SLA with Leicester and it is a requirement of the DfT system is maintained to keep the system approved and certified. For these reasons this option was rejected
- 2) Remove the Siemens system and install a new system. By removing the whole system and replacing the whole system would cost the authority between £1 - 2 Million. For this reason this option was rejected

**Background Papers:**

Bus Lane Contraventions

**Unpublished background papers:**

The Bus Lane Contraventions (Penalty Charges, Adjudication) Financial.docx, Provision 32 The Public Contracts Regulations 2015.pdf

**Published Works:**

The Bus Lane contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005, Section 36, Paragraphs 1-7 governs the fund of the upkeep and maintenance of the system

<b>Affected Wards:</b>	Citywide
<b>Colleague / Councillor Interests:</b>	There are no declaration of interests of colleagues and councillors who will be involved in this decision
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	By not employing a maintenance contract we risk our network of enforcement cameras failing, this will then allow vehicles to abuse bus lanes and bus gates and park on clearways which is also prohibited. This will cause slower journey times for public transport providers and other road users, this is contrary to Nottingham's pledge 'Let's Keep Nottingham Moving' and will also mean our legal commitments to Leicester City Council will also be compromised.
<b>Equality:</b>	EIA not required. Reasons: Renewal of an existing maintenance contract
<b>Social Value Considerations:</b>	N/A
<b>Decision Type:</b>	Portfolio Holder
<b>Subject to Call In:</b>	Yes
<b>Call In Expiry date:</b>	09/02/2022
<b>Advice Sought:</b>	Legal, Finance, Procurement

**Legal Advice:**

It is understood as detailed within the report, that due to technical reasons including the restrictions imposed by DfT, it is not possible for the maintenance of the Council's existing cameras to be carried out compliantly by a supplier other than Siemens.

This DDM addresses the maintenance requirements of cameras already in the Council's estate of camera assets. It is acknowledged that a number of assets are nearing the end of life and so there will be a requirement for new cameras to be purchased for future requirements.

On the basis that Siemens are considered the only provider able to maintain the cameras and that the only alternative at this time would be to re-tender for the replacement of the entire estate of assets at a significant and disproportionate cost to the Council, the award of a contract is supported in accordance with Regulation 32 of the Public Contracts Regulations (PCR) 2015.

It is prudent however that the medium term requirements for continuing to maintain the existing cameras is considered in a compliant manner. An assessment of the medium term approach must therefore be undertaken.

In addition, as the current assets near their end of life and the purchase of further new cameras is required, an assessment of the Council's long-term future requirements for this equipment should be undertaken to ensure compliance with the PCR and the Council's Contract Procedure Rules. It is proposed that such procurement would need to include not only the assets themselves but the long term maintenance of such assets.

It is noted that an exemption from the Council's Contract Procedure Rules in accordance with Article 18.79 has been agreed. Advice provided by Dionne Claire Screamon (Solicitor) on 24/01/2022.

**Finance Advice:**

This decision is to seek the approval to spend £187,505 on the annual contract for the CCTV operational cameras. Due to the specific camera requirements and to keep within the maintenance/warranty agreement, the requirement to request the use of Regulation 32 of the Public Contracts Regulations 2005 has been sought. This has been reviewed by the Head of Contract & Procurement and has been agreed based on a 1 year contract only. There is budget provision for this maintenance fee within the service area. This is eligible spend to be fully funded from the Bus Lane penalty charge notice income. The contract is over 2 financial years. This spend will have been forecast as part of the outturn position for the remainder of this financial year, the rest will be forecast in the new financial year. There is no reason to believe the spend will increase beyond this amount. Advice provided by Michelle Pullen (Commercial Business Partner) on 09/12/2021.

**Procurement Advice:**

Regulation 32(2)(b)ii of the Public Procurement Regulations removes the requirement to undertake competition on the grounds of technical reasons. Procurement therefore supports the recommendation set out in the report to enter into contract with Yunex Traffic as the sole supplier for the maintenance of the cameras. Procurement will also work with the client to establish a long term solution for the ongoing maintenance of the traffic cameras.

Advice provided by Sue Oliver (Category Manager - Procurement) on 21/01/2022.

**Signatures**

<b>Rosemary Healy (Portfolio Holder Highways, Transport, Cleansing)</b>
<b>SIGNED and Dated: 31/01/2022</b>
<b>Clive Heaphy as Chief Finance Officer (Chief Finance Officer)</b>
<b>SIGNED and Dated: 31/01/2022</b>
<b>Sajeeda Rose (Corporate Director of Growth &amp; City Development)</b>
<b>SIGNED and Dated: 31/01/2022</b>