

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

3068

Author:

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Department:

Development and Growth

Contact:

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Subject:

Bus Lane Enforcement Maintenance Contract.

Total Value:

£159,660.00 - (Income) Cost covered by income from issued PCNs from both NCC and LCC (Type: Revenue)

Decision Being Taken:

- 1) To continue to use Siemens Traffic Solutions to maintain and repair both 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 one year.
- 2) To approve dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.2.9 (Operational issues) to award the Maintenance Contract to Siemens without undertaking a full tender process.
- 3) To delegate authority to the Director of Traffic and Transport to enter into the Contract.
- 4) To approve that once the decision is known on the provider of the new civil enforcement back office system, currently being procured by Community Protection, a review is undertaken alongside Corporate Procurement with a view to testing the market to ensure continued best value is being provided to the Authority.

**Reasons for the Decision(s)**

The previous Maintenance Contract has expired. It is proposed to be extended for 1 year only, during which time it will be reviewed with Corporate Procurement with a view to putting in place a longer term contract. This longer term contract can be reviewed once the Back-Office tender process has been completed, which is imminent, and we know the identity of the new provider.

For operational and interoperability reasons, Siemens who are the sole supplier of the DfT Type Approved camera enforcement system will ultimately be the Contractor able to work on the system as they are the manufacturer of the system. Whilst a tender process could be undertaken to identify other channel partners, these will add their uplift costs for providing the contract and Siemens would be the main contractor. This has been evidenced by quotations from other providers which have been sought, whose costs have shown substantial uplifts.

Siemens have confirmed that Nottingham City Council will be paying the Recommended Retail Price by contracting directly with them which will ensure the Council has the opportunity to make savings by contracting directly with them and achieving value for money.

The Council is contracting on behalf of itself and Leicester for whom it operates its bus lane enforcement system. The cost element that relates to the Leicester system will be reimbursed from the Council's arrangement with Leicester.

2005 No. 2757 Road Traffic, England. 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 income generated from the cameras firstly must be reinvested back into the enforcement system for maintenance purposes and other transport initiatives.

**Briefing notes documents:**

**Bus Lane Enforcement Regs 2005.docx**

**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 that the BLE System is maintained to keep the system approved and certified. for these reasons this option was rejected.
- 2) Going out to tender - The provider of the contract would employ Siemens and we would pay an additional uplift fee for this service over and above the quotation we have already received form Siemens. For this reason this option was rejected
- 3) Remove the Siemens system and install a new system. By removing the whole system and replacing it would cost the authority in financial terms. For this reason this option was rejected.

**Background Papers:**

**Published Works:**

**2005 No. 2757 Road Traffic, England. 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 or councillors who will be involved in this decision.
<b>Dispensation from Financial Regulations:</b>	Yes
<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 gates and park on clearways which is also prohibited. This will impact on slower journey times for public transport users and all other road users, this is contrary to Nottingham's pledge, 'Let's Keep Nottingham Moving' and will mean our legal commitment to Leicester will be compromised.
<b>Equality:</b>	EIA not required. Reasons: Renewal of an existing Maintenance Contract
<b>Decision Type:</b>	Portfolio Holder
<b>Subject to Call In:</b>	Yes
<b>Call In Expiry date:</b>	14/02/2018
<b>Advice Sought:</b>	Legal, Finance, Procurement, Other: Mary Lester(mary.lester@nottinghamcity.gov.uk)

**Legal Advice:**

The proposals in this report raise no significant legal issues and are supported.

Siemens are the system operator and so for operational and interoperability reasons, the maintenance of the system needs to be delivered by Siemens also. It is understood that other channel operators could be procured to deliver the systems via a contract between them and Siemens but such a contractual arrangement would mean an uplift cost being applied to the Contract which has been shown on a number of quotations recently received. Siemens have offered direct RRP costs to the Council which will ensure value for money and avoidance of unnecessary costs.

The value of the Contract is below the EU procurement threshold and so for the reasons given in the report, dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.2.9 (operational issues) to award a contract directly with Siemens rather than undertaking a tender process, is supported.

It is however advisable that long term maintenance requirements are considered to determine appropriate procurement procedures in the future. Advice provided by Dionne Claire Screatton (Solicitor) on 04/12/2017.

**Finance Advice:**

There is sufficient budget to cover the cost of the contract and the cost is in line with previous years charges (slightly lower than previously). As Siemens Traffic Solutions are the sole supplier of the DfT approved camera enforcement system, a Dispensation from Financial Regulations is required to award the contract. Advice provided by Susan Tytherleigh (Senior Finance Manager) on 27/11/2017.

**Procurement Advice:**

The value of this report is below the EU procurement threshold and a dispensation from Contract Procedure Rule 5.1.2 in accordance with Financial Regulation 3.2.9 (operational issues) to award a contract directly with Siemens rather than undertaking a tender process, is supported.

A competitive tender will need to be carried out after the term of this contract in order to comply with EU thresholds.

Advice provided by Paul Ritchie (Lead Procurement Officer) on 05/12/2017.

**Other Advice:**

There are no existing maintenance contracts within the Nottingham Control Centre (CCTV) that could be utilised to create savings by the services working together under a joint procurement.

Advice provided by Mary Lester (Head of Security & Logistics) on 19/01/2018 Advice provided by Mary Lester (Service Improvement Manager) on 19/01/2018.

**Signatures**

Sally Longford (PH for Neighbourhood Services & Local Transport)
SIGNED and Dated: 06/02/2018
David Bishop (Deputy CE, CD for Development and Growth)
SIGNED and Dated: 02/02/2018
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 23/01/2018
Chief Finance Officer's Comments: