

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3342

Author:

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Department:

Development and Growth

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Subject:

Maintenance contract for Average Speed Cameras in Nottingham

Total Value:

£174,000 (Type: Revenue)

Decision Being Taken:

In accordance with Financial Regulation 3.29, to grant dispensation from Contract Procedure Rule 5.1.2 to enter into a 1 year maintenance agreement with Jenoptik Traffic Solutions UK Ltd (Jenoptik), the supplier of the average speed cameras used throughout Nottingham.

Reasons for the Decision(s)

There are currently 96 average speed cameras across Nottingham. 72 of the cameras are now out of warranty and the remaining 24 will be out of warranty from April 2019.

In the last few years the oldest cameras, installed in the early 2000s, became obsolete and were upgraded to the latest technology at a cost of £1.5million.

A maintenance contract is needed to ensure the equipment meets the Home Office Type Approval requirements for speed enforcement. This provides ad-hoc servicing, repairs and the regularly required type approval checks. Only Jenoptik, the supplier, or a contractor appointed by them are able to fulfil the legal obligations needed to authorise that the equipment meets the type approval.

The Traffic Service Area revenue budget has allocations to fund the maintenance of existing highways infrastructure (traffic signals, cameras, etc.) using the income generated by the service area's activities. £235,000 had been set aside for this equipment and negotiations have been taking place over the last few months to explore options and ensure the best possible deal has been reached. As there have been several new camera installations then a direct comparison cannot be made with the previous costs but the latest technology is easier and cheaper to maintain.

The cameras were installed to reduce road traffic casualties. Since installation the number of Killed or Seriously Injured casualties have reduced by over 60% and the number of slight injuries by over 33% where such cameras are operational. In addition the cameras also reduce the number of delays caused by traffic collisions and national research shows that traffic is flowing better where the cameras are installed helping to keep Nottingham moving.

Other Options Considered:

1. A maintenance contract to cover the safety cameras until the end of March 2019: £174,000
RECOMMENDED: This price covers the 72 cameras from the date the warranty expired/expires and will ensure that the cameras can continue to be used for enforcement.

2. A multi-year maintenance contract: Price varies according to duration
REJECTED: The National Driver Offender Retraining Scheme, who oversee the course offered to drivers as an alternative to prosecution, are currently undertaking a review of the cost recovery fee that road safety partnerships receive from referrals. This fee is to reimburse the cost involved in detecting and dealing with those who attend the course. The cost recovery does not currently contribute towards the ongoing operation of the safety cameras themselves but this may change when the review is completed which is expected later this financial year.

3. Reduce or end the maintenance
REJECTED: This would negate the positive effects on congestion and safety. It would also require the removal of recently installed equipment.

4. Tender for an alternative maintenance supplier
REJECTED: The legal requirements of section 20 of the Road Traffic Offenders Act 1988 requires all speed enforcement devices to be approved by the Secretary of State. To obtain this approval all devices must be Type Approved by the Home Office as detailed in The Speedometer Handbook (Forth Edition) No. 15/05. This requires regular maintenance of speed cameras to be carried out by the manufacturer, their appointed agent or a suitably qualified technician offering appropriate evidence of technical and professional competence.

The Home Office and National Police Chiefs' Council state that the supplier of the system has to certify that it meets the required Type Approval. This means any work undertaken by an alternative provider would have to be certified by Jenoptik, who own the intellectual property rights to the software, and they would have to undertake inspection and validation of such works. The cost of this activity would be the same as that charged by Jenoptik for undertaking the works themselves.

Jenoptik are therefore the only viable provider of this service.

Background Papers:

None

Published Works:

None

Affected Wards:

Citywide

Colleague / Councillor Interests:

None

Dispensation from Financial Regulations: Yes

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: Continuing the maintenance contract will enable Nottinghamshire Police to continue to use these cameras. As well as discouraging excessive speeds and enabling direct action to be taken against those that break the law by speeding, the cameras have also been used to provide evidence in multiple non-speeding investigations and help deny criminals the use of the road.

Equality: EIA not required. Reasons: This is a cost for a statutory service. Safety cameras do not adversely impact or particularly benefit any protected characteristic.

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 19/12/2018

Advice Sought: Legal, Finance, Procurement

Legal Advice: This report does not raise any significant legal issues. The value of the contract is just below the applicable procurement financial threshold and it is permissible for the City Council to make a direct award of a one year contract only even though this system will require recurring maintenance beyond that one year term because 1) the funding position going forward is not yet finalised and the contract 'employer' may change from the City Council and 2) in any event it is understood from discussion with the report author that currently for exclusive technical reasons the City Council can only contract with the supplier for this service. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 14/11/2018.

Finance Advice: The funding needed for this is available within the Traffic budget and presents no financial pressures to the service or the Council. Dispensation from Financial Regulations is required due to the specialist nature of the maintenance needed and the particular supplier of this service. Advice provided by Susan Tytherleigh (Senior Finance Manager) on 15/11/2018.

Procurement Advice: The value of this decision is below the EU threshold and therefore if dispensation from our own financial regulations is granted, then the requirements of the contract procedure rules will be satisfied and there will be no procurement concerns. Having discussed the nature of the contract and the requirement that the City Council must contract with this supplier for technical reasons, procurement supports this proposal. Advice provided by Rosalie Parkin (Category Manager) on 16/11/2018.

Signatures
Dave Liversidge (Portfolio Holder for Transport and HR)
SIGNED and Dated: 11/12/2018

Chris Henning (Corporate Director for Development and Growth)
SIGNED and Dated: 11/12/2018
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 05/12/2018
Chief Finance Officer's Comments: