

Report to the Flemish Parliament

Project aimed at eliminating dangerous traffic spots: cost price, timeframe and public contract legislation

The Flemish authorities, eager to cut the number of fatal and serious injuries caused by road accidents, decided to target 800 dangerous spots for elimination during the period 2003-2007. Early 2010 only 450 among them, i.e. 56%, had been eliminated. Out of the 50 most dangerous spots 31 had received final acceptance. The original estimate of the project cost was exceeded by 53.4%. The administration did not monitor the project implementation properly and infringed public contract legislation several times.

Introduction

The Flemish Government aimed to address during the period 2003-2007 all so-called dangerous spots – road locations with a high proportion of fatal or serious injuries – and earmarked an amount of 500 million euros for this project. As the Road and Traffic Administration – now the Road and traffic Agency (AWV) – did not have enough staff available the decision was made to resort to a coordinating engineering office to manage the preliminary draft infrastructure work. The service contract was estimated at 25 million euros. In addition an engineering office was due to be set up by province and ensure the draft work implementation and the work monitoring.

Project preparation and awarding

The Court found that neither the cost nor the implementation timeframe had been estimated exhaustively. Moreover AWV made do with the most recent bid from the coordinating engineering office – the Temporary association Safety Traffic Flanders ('Veilig Verkeer Vlaanderen abbreviated into TV 3V') – without further negotiation or even any request for clarification on performance delivery and prices although this concerned a negotiated procedure.

As the publication in the EU Official Journal of the contract notice with the engineering office was delayed, this contract escaped the tendering process within Europe. The infrastructure work for the project realization as designed by the provincial engineering offices was awarded according to the rules.

Project implementation

In early 2010 only 450 out of the 800 dangerous spots had been eliminated. Among the 50 most dangerous spots 31 had received final acceptance. The cost of the project had increased considerably : the initial estimate of 500 million euros had to be upped to 897 million euros and TV 3V received 54 million euros fees instead of the estimated 25 million euros. This cost overrun is due among others, to the awarding of 12 million euros for provincial engineering contracts to TV 3V. The Court also found violations of the incompatibility rules.

As after termination of the contract with TV 3V the assignment was not yet completed, AWV concluded an additional contract with TV 3V worth 1,3 million euros, which, however, does not meet the lawful requirements for an award by private agreement. The extension of the contract during its implementation (a rise of the originally awarded amount by 114%) constituted an infringement of the fundamental principles of equal treatment and fair competition. The project administrative monitoring by AWV was generally suboptimal. TV 3V and AWV's financial and implementation data were not always reliable leading to undue payments. In addition, the delayed payment of invoices during the 2002-2009 period resulted in a loss as high as 1.7 million euros of interest on arrears.

Assessment and information supply

The project monitoring and assessment did not proceed smoothly. The accident data which are necessary to assess the dangerous spots addressed were delayed. Only rough monitoring data were known for no more than 58% of the 50 dangerous spots ranked with the highest priority addressed.

The available monitoring data though showed a decrease in the accident rates.

Information to the Flemish Parliament on the implementation of the 'dangerous spots' project was rather scarce and sketchy, as it was constituted mainly in response to members of parliament's requests for information.

Minister's reply

The minister largely subscribed to the Court's findings and recommendations. She instructed AWV to work out an action plan that would put these recommendations into practice. She also instructed AWV to ensure a comprehensive and integrated reporting to the Flemish Parliament.

The audit report on *Elimination of the traffic dangerous spots and sites in the Flanders Region* has been sent to the Flemish Parliament. The full version and this press release can be found on the Court's website (www.ccrek.be).

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