

13.0 Scope:

This document addresses situations where Donegal County Council contract persons to design or manage or carry out construction work only. Reference should be made to Section 13.3 for situations where persons are contracted to carry out non construction work.

Donegal County Council engages designers and contractors in three separate scenarios:

- Consultants who act as Designers and / or act as PSDP
- Contractors who act as Project Supervisor Construction Stage PSCS
- Consultants and Contractors contracted by Donegal Co. Co. who are not PSCS or PSDP.

Individuals can fit within one or more of these categories.

For example Consultants can be appointed PSDP and appointed to manage construction work. Likewise Contractors within the suite of CWMF documents can be engaged as PSDP or PSCS or neither.

13.1 Definitions:

Construction work is defined in Construction Regulations. A non exhaustive set of examples of what Donegal County Council consider within the normal work of road and housing capital directorate to be construction and specifically non-construction work are listed below:

'Construction work' means the carrying out of any building, civil engineering or engineering work, other than drilling and extraction in the extractive industries, and includes but is not limited to each of the following;

The doing of one or more of the following with respect to a structure:

Construction, Alteration, Conversion, Fitting out, Commissioning, Renovations, Repair, Upkeep, Redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of substances or preparations classified as corrosive or toxic.

The definition of construction is interlinked with the following definitions; Construction work, Structure, Project and Construction site.

'Structure' means any building, railway line or siding, tramway line, dock, harbour, inland navigation systems, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, underground or overground cables, aqueduct, sewer, sewerage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining element or assembly of elements designed or used to provide support or means of access during construction work, or any fixed plant in respect of work which is installation, commissioning, de-commissioning or dismantling.

'Project' means an activity which includes or is intended to include construction work.

'Construction Site' means any site at which construction work in relation to a project is carried out.

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Some examples of tasks or activities that would not normally be considered to be construction work;

Inspection and test, Meter reading, Fault finding, Grass cutting, Routine Street cleaning, Litter picking, Delivering materials to site e.g. builders providers

Designers are defined with in the construction regulations and responsibilities of designers are set out in the Roads and Housing Capital Ancillary Safety Statement. Design means the preparation of drawings, particulars, specifications, calculations and bills of quantities in so far as they contain specifications or other expressions of purpose, according to which a project, or any part or component of a project, is to be executed.

13.2 Process:

The process of management of suppliers contracted to design or manage or carry out construction work follows four distinct stages:

- **Planning**
- **Appointment**
- **Monitoring of Contractor’s Health and Safety performance**
- **Contract Closeout.**

13.2.1 Planning:

The Council, as client, must appoint persons who are competent to:

- Act as PSDP when the Council is not appointed as PSDP for construction works
- Act as PSCS when the Council is not appointed as PSCS for construction works
- ensure, so far as is reasonably practicable, that the project—
 - is designed and is capable of being constructed to be safe and without risk to health,
 - is constructed to be safe and without risk to health,
 - can be maintained safely and without risk to health.

The Departmental Manager should recommend whether the Council act as PSCS and/or PSDP for any project having regard to:

- The competence of the Council and the Department/ Area concerned to act in the role of PSCS and PSDP.,
- The resources available,
- The level of direct control the Council will have in the design process or the construction stage.

Where the Council is the PSDP the Council is required to prepare a preliminary health and safety plan as set out in the construction regulations for the PSCS.

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13.2.1.1 The Preliminary Health and Safety Plan:

Donegal County Council Roads and Housing Capital must clearly identify and define all the aspects of the work the contractor will be required to do, including any preparation work, and the health and safety implications and requirements of that work. This information provided to the perspective contractor must include, but is not limited to:

- The scope of the work
- Specify health and safety conditions
- Assessment of existing hazards and risks
- Assessment of potential hazards & risks associated.
- Site/job specific problems and how they will be controlled

The information must relate to:

- Site/premises where work will be undertaken
- Work process or activities
- Design elements
- Materials specified
- Existing materials and the presence of any hazard materials or substances.
- Activities that will remain in operation while the work is in progress.

This information may be to hand e.g. existing risk assessment and safe systems of work, existing drawings/plans showing the location of services, any health and safety file, previous surveys of the land or structures, maintenance manuals for plant, equipment, etc. However if information is not to hand, DCC Roads and Housing Capital must make reasonable enquiries to determine whether this information is available and what information will be important when the contractor carries out the work.

If necessary, surveys may be carried out and enquiries made of utility companies and other parties to obtain such information. All information must be made available to prospective contractors in the tender documentation.

13.2.2 Appointment:

Where a person or organisation is appointed as PSCS or PSDP he shall be procured using one of the following methods.

1. Open tender in accordance with CWMF

The CWMF H&S supplementary suitability questionnaires provide the mechanism for assessment of the competence of the contractor to carry out the Works safely.

These questionnaires shall have appropriate minimum thresholds to ensure that the appointed person or organisation is competent to carry out the specific works safely. These documents can be found at www.constructionprocurement.gov.ie

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2. Restricted Tender or Framework Agreements

Restricted Tender or pre-qualification will be carried out in accordance with the CWFM. In some cases, where a contractor has been prequalified under a third party framework (for example NRA framework agreement); Donegal County Council will accept the suitability of contractors selected under this prequalification. Where the contractor has been prequalified on the basis of self certification only, prior to award, Donegal County Council shall satisfy itself of the competence of the contractor to carry out the work safely.

In all cases, prior to appointment, Donegal County Council shall review the contractor's site specific health and safety plan. Where the Council is PSCS the Council may permit the contractor to adopt the procedures set out in the Council's Safety Management System.

13.2.3 Monitoring of Contractors Health and Safety performance.

Donegal County Council staff will carry out health and safety inspections and audits of the operations undertaken by a contractor in accordance with Construction Site Safety Report which forms part of this overall section. As part of the contractors certification process for payment the contractor shall be obliged to provide a return on health and safety in the format shown in Appendix 13.1 This requirement shall be included in the works description of any contract.

13.2.4 Contract Closeout:

The PSDP shall compile and complete a Safety File for the works where appropriate. The contractor shall prepare documentation for completion of the safety file as required by the contract and as set out in the contract prior to receipt of final (defects period) completion cert.

13.3 Appointment of Contractors for Non-Construction Work

Donegal County Council Roads and Housing Capital directorate when appointing contractors for not construction work will examine those contractors:

- Safety Statement,
- Risk assessments
- Safe systems of work
- Appropriate Training
- Other safety documentation that it may deem relevant