

Capital Works Management Framework

Guidance Note

Suitability Assessment of Service Providers, Restricted Procedure

GN 1.6.1

Suitability Assessment of Service Providers
under Restricted Procedure
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Foreword

Background

A standard approach to the task of assessing the suitability of service providers has been developed. The standard approach uses the selection criteria as set out in the EC Directives. It is one of the measures in the Capital Works Management Framework (CWMF) which was introduced to achieve better value for money for technical consultancy services on publicly funded works projects.

The standard approach to suitability assessment is intended to ensure only those service providers that qualify against certain (objective and transparent) criteria, progress to the next stage of the procurement procedure.

Objective of suitability assessment

The suitability of service providers is determined:

- on the basis of objective criteria, transparency, open competition, equal treatment, and proportionality;
 - without discrimination; and
 - in the case of commissions governed by the EU rules, to ensure compliance with the procedure in those rules (Directive 2004/18/EC and SI No. 329 of EC [Award of Public Authorities' Contracts] Regulations 2006 and Directive 2004/17/EC and SI No. 50 of EC [Award of Contracts by Utility Undertakings] Regulations 2007).
-

EU thresholds for public service contracts

Procurement of service providers (in tender competitions) must be based on EC Directives and subject to the EU procurement rules when the service contract is valued above the EU thresholds¹ (excluding VAT), as follows:

- €130,000 for Government Departments and Offices;
 - €200,000 for Local and Regional Authorities and other bodies providing public services; and
 - €400,000 for Utilities, that is entities operating in the water, energy, transport and postal services sectors.
-

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¹ EU Thresholds with effect from January 2012 to 31 December 2013. Thresholds are revised every two years. Full and up to date thresholds can be checked on the EU public procurement website <http://simap.europa.eu/>.

Foreword, Continued

Publicly-funded service contracts below EU threshold

This Guidance Note and the associated Questionnaires apply equally to projects not governed by the EU Directives but by the Treaties². This is because the principles of transparency, non-discrimination and proportionality on which procurement policy is based applies to all public procurement opportunities.

It is not mandatory to apply to below-threshold projects the rules relating to advertising in the OJEU (refer to 1.4 Advertisement of the Contract Notice , page 20). However, in order to ensure the principle of transparency under the Treaty is observed consideration should be given to publishing a Prior Indicative Notice at the beginning of each year stating that all below threshold technical service contracts for that year will be advertised on the eTenders website at various intervals throughout the year.

Service Provider

A **Service Provider** in this guidance note is an independent service provider who is engaged by a Contracting Authority to provide expert technical services for a Contracting Authority including Category 12 services³.

Procurement Procedure

The two procurement procedures that are used to procure Service Providers on public sector projects are:

- The **open procedure** – where any tenderer for the provision of a service can simultaneously submit suitability assessment material and a tender for evaluation in a tender competition. However, only those who pass the suitability assessment **progress to tender evaluation**.
 - The **restricted procedure** – Where any applicant for a service provider's position can express an interest in participating in a tender competition, but only those that pass the suitability assessment are subsequently **invited to tender**.
-

Scope of this Guidance Note

This guidance note is intended primarily for the assistance of Contracting Authorities commissioning service providers to provide technical services for public sector building and civil engineering projects.

This guidance note deals with suitability assessment in the restricted procedure for Service Providers; for details on the open procedure refer to *Suitability Assessment for Service Providers, Open Procedure* (GN 1.6.2).

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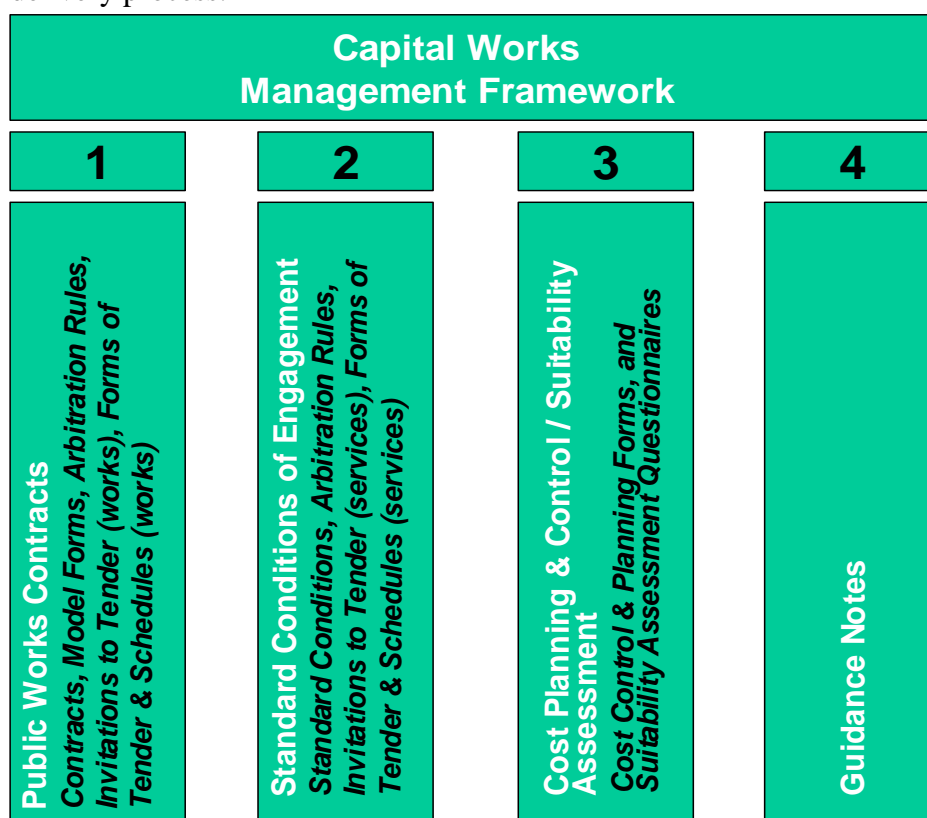
² Treaty of Rome 1957 and subsequent treaties such as Maastricht Treaty, Amsterdam Treaty, Nice Treaty etc.

³ These services include Category 12 services which are listed in the EC Directives under Annex XVII A of 2004/17/EC and SI No 329 of 2006, and Annex II A of 2004/18/EC and SI No 50 of 2007. Category 12 services include Project Supervisor and Health and Safety Coordinator services in relation to Health & Safety legislation.

What is the Capital Works Framework

The Capital Works Management Framework (CWMF) is a structure that has been developed to deliver the Government's objectives in relation to public sector construction procurement reform. It consists of a suite of best practice guidance, standard contracts and generic template documents that form four pillars that support the Framework; the pillars are:

1. A suite of standard forms of construction contracts and associated model forms, dispute resolution rules, model instructions to tender, forms of tender and schedules;
2. The standard conditions of engagement for consultants, dispute resolution rules, model instructions to tender, forms of tender and schedules;
3. Standard templates to record cost planning and control information; and for suitability assessment; and
4. Extensive guidance notes covering the various activities in a project delivery process.



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Foreword, Continued

What is the Capital Works Framework (continued)

The content of the four pillars is outlined below. The constituent documents are coded according to the following scheme:

| Code | Description | Code | Description |
|-------------|--|-------------|--|
| PW-CF | Public Works Contract Form | COE | Standard Conditions of Engagement |
| MF | Model Form | GN | Guidance Note |
| AR | Arbitration Rules | CO | Cost Planning / Control Form |
| ITTS | Instructions To Tender, Services | ITTW | Instructions To Tender, Works |
| QC | Questionnaire: Suitability Assessment for Service Provider | QW | Questionnaire: Suitability Assessment for Works Contractor |
| FTS | Form of Tender and Schedule | GL | Glossary |
| WE | Data on Weather Event | | |

CWMF Pillar 1

Public Works Contracts

Contracts, Model Forms, Arbitration Rules, Instructions to Tender (works), and Forms of Tender & Schedules (works)

| Contracts | |
|-----------------------|---|
| PW-CF1 | Public Works Contract for Building Works designed by the Employer |
| PW-CF2 | Public Works Contract for Building Works designed by the Contractor |
| PW-CF3 | Public Works Contract for Civil Engineering Works designed by the Employer |
| PW-CF4 | Public Works Contract for Civil Engineering Works designed by the Contractor |
| PW-CF5 | Public Works Contract for Minor Building and Civil Engineering works designed by the Employer |
| PW-CF6 | Public Works Short Form of Contract |
| PW-CF7 | Public Works Investigation Contract |
| PW-CF8 | Public Works Short Form of Investigation Contract |
| PW-CF9 | Public Works Framework Agreement |
| Weather Events | |
| WE1.0 | Met Eireann's calculations of Weather Events |

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Foreword, Continued

CWMF Pillar 1 (continued)

| Model Forms | |
|---------------------------------------|--|
| MF 1.0 | Model Forms (compendium of all model forms) |
| MF 1.1 | Bid Bond |
| MF 1.2 | Letter to Apparently Unsuccessful Tenderer |
| MF 1.3 | Letter of Intent |
| MF 1.4 | Letter of Acceptance |
| MF 1.5 | Letter to Tenderers Notifying Award |
| MF 1.6 | Performance Bond |
| MF 1.7 | Parent Company Guarantee |
| MF 1.8 | Novation and Guarantee Agreement |
| MF 1.9 | Novation Agreement |
| MF 1.10 | Appointment of Project Supervisor |
| MF 1.11 | Professional Indemnity Insurance Certificate |
| MF 1.12 | Collateral Warranty |
| MF 1.13 | Rates of Pay and Conditions of Employment Certificate |
| MF 1.14 | Bond – Unfixed Works Items |
| MF 1.15 | Retention Bond |
| MF 1.16 | Appointment of Conciliator |
| MF 1.17 | Bond – Conciliator's Recommendation |
| Arbitration Rules | |
| AR 1.0 | Arbitration Rules |
| Instructions to Tender (works) | |
| ITTW 1 | Instructions to Tender for Works, Restricted Procedure |
| ITTW 2 | Instructions to Tender for Works, Open Procedure |
| ITTW 3 | Instructions to Tender, Investigation Contract under an Open Procedure |
| Forms of Tender and Schedules | |
| FTS 1 | Form of Tender and Schedule: Public Works Contract for Building Works designed by the Employer |
| FTS 2 | Form of Tender and Schedule: Public Works Contract for Building Works designed by the Contractor |
| FTS 3 | Form of Tender and Schedule: Public Works Contract for Civil Engineering Works designed by the Employer |
| FTS 4 | Form of Tender and Schedule: Public Works Contract for Civil Engineering Works designed by the Contractor |
| FTS 5 | Form of Tender and Schedule: Public Works Contract for Minor Building and Civil Engineering Works designed by the Employer |
| FTS 6 | Form of Tender and Schedule: Public Works Short Form of Contract |
| FTS 7 | Form of Tender and Schedule: Public Works Investigation Contract |
| FTS 8 | Form of Tender and Schedule: Public Works Short Form of Investigation Contract |

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Foreword, Continued

CWMF Pillar 2 **Standard Conditions**

Standard Conditions of Engagement, Arbitration Rules, Instructions to Tender (services), and Forms of Tender & Schedules (services).

| Standard Conditions | |
|--|--|
| COE 1 | Standard Conditions of Engagement for Consultancy Services (Technical) |
| COE 2 | Standard Conditions of Engagement for Archaeology Services |
| Arbitration Rules | |
| AR 1.0 | Arbitration Rules |
| Instructions to Tender (services) | |
| ITTS 1 (a) | Instructions to Tender for Services, Restricted Procedure, using a Formula to Calculate Hourly Rates |
| ITTS 1 (b) | Instructions to Tender for Services, Restricted Procedure, where Hourly Rates are to be Tendered |
| ITTS 2 (a) | Instructions to Tender for Services, Open Procedure, using a Formula to Calculate Hourly Rates |
| ITTS 2 (b) | Instructions to Tender for Services, Open Procedure, where Hourly Rates are to be Tendered |
| Forms of Tender & Schedule (services) | |
| FTS 9 | Form of Tender and Schedule, Consultancy Services (Technical) |
| FTS 10 | Form of Tender and Schedule, Archaeology Services |

Continued on next page

Foreword, Continued

CWMF Pillar 3 **Cost Planning & Control / Suitability Assessment**

Cost Control & Planning Forms; and Suitability Assessment Forms for works and services.

| Cost Planning & Control Forms | |
|--|---|
| CO 1 | <i>How to Use the Costing Document (Building Works) Template</i> |
| CO 1.1 | <i>Costing Document (Building Works)</i> |
| CO 2 | <i>How to Use the Costing Document (Civil Engineering Works) Template</i> |
| CO 2.1 | <i>Costing Document (Civil Engineering Works, Roads)</i> |
| CO 2.2 | <i>Costing Document (Civil Engineering Works, Water Sector)</i> |
| CO 2.3 | <i>Costing Document (Civil Engineering Works, Marine)</i> |
| Suitability Questionnaires (works) | |
| QW 1 | <i>Questionnaire: Suitability Assessment for Works Contractor, Restricted Procedure</i> |
| QW 2 | <i>Questionnaire: Suitability Assessment for Works Contractor, Open Procedure</i> |
| QW 3 | <i>Questionnaire: Suitability Assessment for Works Specialist for specialist area</i> |
| Suitability Questionnaires (services) | |
| QC 1 | <i>Questionnaire: Suitability Assessment for Service Provider, Restricted Procedure</i> |
| QC 2 | <i>Questionnaire: Suitability Assessment for Service Provider, Open Procedure</i> |
| QC 3 | <i>Questionnaire: Suitability Assessment for Service Provider, Independent PSDP</i> |
| QC 4 | <i>Questionnaire: Suitability Assessment for Service Provider, Independent PSCS</i> |

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CWMF Pillar 4

Guidance Notes

| <i>Guidance Notes</i> | |
|-----------------------|--|
| GN 1.0 | <i>Introduction to the Capital Works Management Framework</i> |
| GN 1.1 | <i>Project Management</i> |
| GN 1.2 | <i>Project Definition and Development of the Definitive Project Brief</i> |
| GN 1.3 | <i>Budget Development</i> |
| GN 1.4 | <i>Procurement and Contract Strategy for Public Works Contracts</i> |
| GN 1.5 | <i>Public Works Contracts</i> |
| GN 1.6 | <i>Procurement Strategy for Consultancy Services (Technical)</i> |
| GN 1.6.1 | <i>Suitability Assessment of Construction Service Providers, Restricted Procedure⁴</i> |
| GN 1.6.2 | <i>Suitability Assessment of Construction Service Providers, Open Procedure</i> |
| GN 1.7 | <i>Standard Conditions of Engagement, Guidance Note and Sample Schedules</i> |
| GN 2.1 | <i>Design Development Process</i> |
| GN 2.2 | <i>Planning and Control of Capital Costs</i> |
| GN 2.3 | <i>Procurement Process for Works Contractors</i> |
| GN 2.3.1 | <i>Suitability Assessment of Works Contractors, Restricted Procedure</i> |
| GN 2.3.2 | <i>Suitability Assessment of Works Contractors, Open Procedure</i> |
| GN 3.1 | <i>Implementation Process</i> |
| GN 4.1 | <i>Project Review</i> |
| <i>Glossary</i> | |
| GL 1.0 | <i>Glossary</i> |

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⁴ The current guidance note.

Foreword, Continued

Stages in capital works management

The four major stages in the delivery process of a public works project are set out in the Department of Finance's *Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector* (February 2005). The four stages are:

| Capital Works Management | Stage | What happens |
|--------------------------|-------------------|--|
| | 1. Appraisal | The needs are identified, the broad parameters of a solution are agreed, and a decision-in-principle is made to proceed. |
| | 2. Planning | The needs are quantified and assumptions verified, the desired outputs are specified, and the solution is designed. |
| | 3. Implementation | The solution is constructed. |
| | 4. Project review | An assessment is carried out of how successfully the delivered solution addresses the needs. |

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Strategic Objectives of the CWMF

The strategic objectives of the Government's Capital Works Management Framework are to ensure:

- Greater cost certainty at contract award stage;
- Better value for money at all stages during project delivery, particularly at handover stage; and
- More efficient end-user delivery.

Provided there is a comprehensive definition of the Client's requirements in terms of output specifications, and adequate pre-tender detail design input (in the cast of traditional contracts), the new public works contracts will enable the key objectives outlined above be achieved. The degree to which output specifications and the pre-tender detailed design input is developed is determined by the following guiding principles which underpin the new contracts:

- To ensure as far as practicable that the accepted tender prices and the final outturn costs are the same; and
- To allocate risk so that there is optimal transfer of risk to the Contractor.

The public sector Client or is called 'the Employer' in the new public works contracts. The achievement of optimal risk transfer is dependent on the Employer providing complete and detailed information in the tender documentation:

- For design-and-build projects, the Employer must provide detailed output specifications; and
- For traditional projects, the Employer must provide comprehensive input designs and specifications

Then in responding to an invitation to tender, prospective contractors can assess the impact of the risks being transferred and build the costs of such risks into their tender price.

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Foreword, Continued

Structure of this document

This document is divided into six chapters and four appendices, as summarised in the table on the next page.

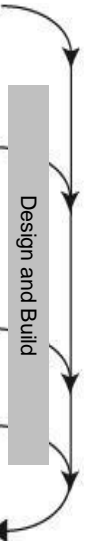
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Project Stages

Capital Works Management Framework

Main Project Processes

| Project Stages | | Project Management | Design Activities (Building) | Design Activities (Civil Eng.) | Cost Control Activities | Risk and Value Management | Documents for Approval |
|----------------------------------|---|--|--|---|--|--|--|
| Appraisal | | | | | | | |
| Approval in Principle | | | | | | | |
| Stage 1 Planning Initial | Stage (i) Feasibility Study / Preliminary Report | <p>Manage outputs: Project Definition (through 16 N° overall parameters)</p> <p>Manage technical experts' appointment (if required)</p> | <p>Conduct Feasibility Studies</p> <p>Develop <i>Definitive Project Brief</i></p> <p>Appoint technical experts (if required)</p> <p>Appoint PSDP (if required)</p> | <p>Conduct Preliminary Report</p> <p>Conduct design studies</p> <p>Develop <i>Definitive Project Brief</i></p> <p>Appoint technical experts (if required)</p> <p>Appoint PSDP (if required)</p> | <p>Conduct cost assessment of Feasibility Studies / Preliminary Report (capital and maintenance costs)</p> | <p>VM: Confirm strategic functional performance</p> <p>Review Feasibility Studies / Preliminary Report options</p> <p>Identify VM strategies</p> <p>Develop functional performance model</p> <p>RM: Identify and assess risk relating to the <i>Project Execution Plan</i></p> <p>Develop high-level <i>Risk Management Plan</i></p> | <p><i>Project Management Structure</i></p> <p><i>Preliminary Project Brief</i></p> <p><i>Preliminary Output Specification</i></p> <p><i>Feasibility Study and Cost Plan</i></p> <p><i>Design Brief</i></p> <p><i>Final Output Specification</i></p> <p><i>Definitive Project Brief</i></p> <p><i>Project Execution Plan</i></p> <p><i>Risk Management Plan</i></p> |
| | Stage (ii) Design | Project Review 1: Confirm approval for design expenditure (Report to Sanctioning Authority and await approval prior to proceeding) | | | | | |
| Stage 2 Planning Developed | Standard Conditions of Engagement | <p>Manage procurement strategy</p> <p>Manage design consultant appointment</p> <p>Manage assessment of output requirements</p> | <p>Appoint Design Team / Design Team Leader</p> <p>Assess output requirements</p> | <p>Appoint Design Team / Lead Consultant</p> <p>Develop design standards</p> <p>Assess output requirements</p> | <p>Check / assess budget</p> | <p>VM: Consider VM in relation to procurement strategy</p> <p>RM: Identify risk in relation to procurement</p> <p>Agree risk allocation</p> | <p><i>Definitive Procurement Strategy</i></p> <p><i>Contract Type Proposal</i></p> <p><i>Project Team Selection Report</i></p> |
| | | Project Review 2: Confirm requirements; review procurement strategy (Certify compliance to Sanctioning Authority; and proceed after agreed period provided no queries / hold from Sanctioning Authority) | | | | | |
| | | <p>Manage Outline Design process</p> | <p>Develop <i>Outline Sketch Scheme</i></p> <p>Appoint PSDP (if not appointed earlier)</p> | <p>Develop Preliminary Planning</p> <p>Appoint PSDP (if not appointed earlier)</p> | <p>Develop <i>Outline Cost Plan</i></p> | <p>VM: Consider VM in relation to Outline Sketch Scheme / Preliminary Planning</p> <p>RM: Consider RM in relation to Outline Sketch Scheme</p> | <p><i>Outline Sketch Scheme (Building)</i></p> <p><i>Preliminary Planning drawings (C. Eng.)</i></p> <p><i>Outline Cost Plan</i></p> |
| | | Project Review 3: Assess project design and Outline Cost Plan (Certify compliance to Sanctioning Authority; and proceed after agreed period provided no queries / hold from Sanctioning Authority) | | | | | |
| | | <p>Manage Developed Design process</p> <p>Manage procurement process</p> | <p>Develop <i>Developed Sketch Scheme</i></p> <p>Prepare submission for statutory approval</p> | <p>Continue Preliminary Planning</p> <p>Prepare submission for statutory approval</p> | <p>Develop <i>Developed Cost Plan</i></p> <p>Develop <i>Whole Life Cost Appraisal</i></p> | <p>VM: Carry out value engineering</p> <p>Assess buildability of the design</p> <p>Consider VM in relation to <i>Detailed Sketch Scheme</i></p> <p>RM: Identify residual risks</p> <p>Consider RM in relation to <i>Detailed Sketch Scheme</i></p> <p>Suitability assessment of contractors</p> | <p><i>Developed Sketch Scheme</i></p> <p><i>Developed Cost Plan</i></p> <p><i>Statutory Approval Submission</i></p> |
| | | Project Review 4: Assess project prior to statutory approval (Report to Sanctioning Authority and await approval prior to proceeding) | | | | | |
| | | <p>Manage statutory submission process</p> | <p>Submit for statutory approval</p> <p>Review statutory approval outcome</p> | <p>Submit for statutory approval</p> <p>Review statutory approval outcome</p> | <p>Review <i>Developed Cost Plan</i></p> | <p>VM: Review any planning conditions for value management impact.</p> <p>RM: Review any planning conditions for risk impact.</p> | <p><i>Developed Cost Plan (reviewed)</i></p> |
| | | Project Review 5: Assess outcome from statutory approval (Certify compliance to Sanctioning Authority; and proceed after agreed period provided no queries / hold from Sanctioning Authority) | | | | | |
| | | <p>Manage the Detailed Design Process</p> | <p>Develop Detailed Design (not design-and-build)</p> <p>Prepare tender documents</p> | <p>Develop Detailed Planning (Design) (not design-and-build)</p> <p>Prepare tender documents</p> | <p>Conduct <i>Detailed and Pre-Tender Cost Checks</i> and <i>Whole Life Cost Update</i> in advance of preparing tender documents</p> | <p>VM: Review suitability assessment of contractors for VM potential</p> <p>RM: Review suitability assessment of contractors for risk impact</p> | <p><i>Tender Documentation</i></p> <p><i>Detailed Pre-tender Cost Check</i></p> <p><i>Whole Life Cost Update</i></p> <p><i>Contractor List Selection</i></p> |
| | | Project Review 6: Approve detailed design solution; review pre-tender cost check; review risk (Report to Sanctioning Authority and await approval prior to proceeding) | | | | | |
| | | <p>Manage the Tender Process</p> | <p>Issue tender documents</p> <p>Assess tender returns</p> <p>Recommend successful tenderer</p> | <p>Issue tender documents</p> <p>Assess tender returns</p> <p>Recommend successful tenderer</p> | <p>Develop <i>Tender Cost Analysis</i></p> <p>Develop <i>Tender Report</i></p> | <p>VM: Assess tender returns for VM potential</p> <p>RM: Assess tender returns for risk impact</p> | <p><i>Tender Assessment Criteria</i></p> <p><i>Tender Analysis And Report</i></p> <p><i>Contractor Recommendation</i></p> |
| | | Project Review 7: Review tender returns in advance of awarding the contract (Report to Sanctioning Authority and await approval prior to proceeding) | | | | | |
| Stage 3 Implementation | Stages (iv) Construction & (v) Handover | <p>Manage the implementation / construction process</p> <p>Manage change control</p> <p>Manage contract</p> | <p>Develop Detailed Design (Design and Build)</p> <p>Implement design</p> | <p>Develop Detailed Planning (Design and Build)</p> <p>Implement design</p> | <p>Manage change control for costs</p> <p>Prepare final account</p> | <p>VM: Carry out value engineering (for design and build projects only)</p> <p>RM: Manage residual risk</p> <p>Manage construction risk</p> | <p>Various contract management reports</p> |
| Stage 4 Review | | <p>Manage the Project Review</p> | <p>Conduct design review</p> | <p>Conduct design review</p> | <p>Develop <i>Analysis of Outturn Cost</i></p> | <p>VM: Evaluate value achieved</p> <p>RM: Evaluate the risk management and risk mitigation process</p> <p>Consider operational risk reviews</p> | <p><i>Project Outturn Review</i></p> |



1: About Suitability Assessment

1.1 Overview

Introduction

The restricted procedure consists of two distinct phases:

1. **Applicants** for a Service Provider's position are invited by the Contracting Authority to participate in a suitability assessment and those who respond are assessed.
2. Those Service Providers deemed suitable (within a pre-determined range) are invited to compete as **candidates** in a separate tender competition for the technical services required for the project.

This chapter explains the basic concepts, decisions to be made and rules that must be applied.

Contents

This chapter contains the following topics:

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| 1.4 Advertisement of the Contract Notice | 21 |
| 1.5 Rules of Participation | 23 |

1.2 Suitability Assessment Method

Introduction

The Contracting Authority must first make a decision on the assessment method for the service contract. This subsection explains:

- Which methods of assessment may be used; and
 - How to decide on a method.
-

Assessment methods

Methods of assessment that may be used are:

- *Pass/Fail Only* – the Contracting Authority evaluates each submission against a pre-set range of suitability criteria with minimum standards, to produce a shortlist of those that attained the standards set.
 - *Pass/Fail plus Qualitative* – the Contracting Authority evaluates each submission against a pre-set range of suitability criteria with minimum standards, to produce Short List 1. All submissions in the initial shortlist are then marked relative to each other against a pre-determined number of the criteria, to produce Short List 2 (those with the highest marks within the limit set for the number to be selected are chosen.)
-

When to use each method

The Pass/Fail plus Qualitative method is generally used for the restricted procedure. However, the Contracting Authority can choose to apply the Pass/Fail Only method for all criteria. In this situation, all applicants who pass the minimum standard and make Short List 1 must be invited to tender and it is not necessary to proceed to Short List 2 – refer to the next chapter for more information about these stages.

There is no restriction on tender numbers when using Pass/Fail Only assessment within a restricted procedure, in this way it is the same as the open procedure. However, the main characteristic of the restricted procedure is that all those that are being invited to tender meet the minimum standard and also that the tender competition is held by invitation at a later date. This may be an advantage as it may ease the administrative burden by splitting up the work.

1.3 Health and Safety Roles

Health and Safety roles

Health and Safety (H&S) roles require special consideration because of the importance of the Safety, Health and Welfare at Work (Construction) Regulations 2006 – in relation to the tender, design, construction and supervision of a project. The roles in relation to service contracts are as follows:

- Designer;
- Project Supervisor for the Design Process (PSDP); and/or
- Project Supervisor for the Construction Stage (PSCS).

It is a statutory requirement that the competence and satisfactory allocation of resources of the Applicant are established in compliance with the Safety, Health and Welfare at Work (Construction) Regulations 2006 by the Contracting Authority.

H&S competency for these roles must always be assessed separately first – using the Pass/Fail Only method – before other competencies are assessed. See 6.2 General Guidance on page 84 for details on evaluating H&S competency.

The following is an extract from the *Guidelines on the Procurement, Design and Management Requirements of the Safety Health and Welfare at Work (Construction) Regulations 2006*:

For the purpose of the Regulations “competence” means a person or organisation is deemed to be competent where, having regard to the task he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in relation to which or in which the person or organisation undertakes work, the person or organisation possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken.

Note: The appointment of a main contractor responsible for PSCS and or PSDP in a restricted procedure is covered in the guidance for assessment of works contractors. Refer to *Assessment of Works Contractors, Restricted Procedure* (GN 2.3.1) for more information.

Continued on next page

1.3 Health and Safety Roles, Continued

Design role options

When an independent service provider is to be employed as PSDP, the Contracting Authority may appoint the service provider:

1. as a designer *and* as a PSDP; or
2. as a PSDP only.

The Design role, any service provider with design input and the PSDP role are always assessed separately using the Pass/Fail Only method of suitability assessment for a place on Short List 1. Refer to the information on forms in the next chapter.

PSCS role options

When an independent service provider is to be employed as PSCS, the Contracting Authority may appoint the service provider:

3. as a Archaeologist *and* as a PSCS; or
4. as a PSCS only.

The PSCS role is always assessed separately using the Pass/Fail Only method of suitability assessment for a place on Short List 1. Refer to the information on forms in the next chapter.

1.4 Advertisement of the Contract Notice

EU Rules on Publication of Notices

Above the EU threshold (refer to Foreword), there is a mandatory requirement that a Contract Notice be published in the OJEU for the procurement of public contracts. The requirement lays down the form and manner of such notices, including:

- How to publish the Contract Notice; and
 - How to give notice of numbers to be shortlisted (i.e. Short List 2).
-

Advertising Contract Notice

The Contracting Authority should publish the Contract Notice and the suitability assessment questionnaires on the eTenders website.

EU rules

If – according to EU rules – the Contracting Authority is also obliged to publish the Contract Notice in the Official Journal of the European Union (OJEU), it must be sent simultaneously for publication. The Contract Notice must include a reference to the suitability assessment questionnaire on eTenders.

Under the EU Directives there are three notices to be published for a public service contract, the first is discretionary and the next two are mandatory, as follows:

- A Prior Information Notice (PIN)
- A Contract Notice (mandatory); and
- A post-award Notice (mandatory).

A PIN is only obligatory if a Contracting Authority wishes to take advantage of the shorter time limits in the Directives for receipt of tenders or as a means of satisfying the transparency obligation under the Treaty for below threshold contracts. There are also particular circumstances when a Contract Notice is not mandatory⁵.

Continued on next page

⁵ Refer to Article 37 of Directive 2004/18/EC and SI No 329 of 2006 Regulation 45(11).

1.4 Advertisement of the Contract Notice, Continued

Number of candidates to be shortlisted

Minimum number of candidates

The minimum number of candidates to be shortlisted for a tender competition (services contract) must be stated in the Contract Notice and the questionnaire. This number must be the same in both documents. The Contracting Authority must intend to invite at least five candidates to tender and cannot state a number less than this.

However, if there are fewer than five candidates who pass the suitability assessment, the tender competition may still proceed provided that the number of candidates is sufficient for genuine competition.

If a minimum number or range of numbers is not stated in both the questionnaire and the Contract Notice, all candidates who meet the minimum qualifying standards must be invited to tender. In this situation, Contracting Authorities cannot introduce a restriction on the number to be shortlisted at a later date.

Maximum number of candidates

If appropriate, the Contracting Authority can state a maximum number of candidates to be shortlisted, in the Contract Notice.

Note: There is no restriction on the candidate numbers when the Pass/Fail Only method is used.

1.5 Rules of Participation

Introduction

This section explains what the Contracting Authority can do where:

- The Applicant has a conviction, or has been found guilty of misconduct;
 - An application is received from a consortium; and
 - There is multiple-participation in the suitability assessment process.
-

Convictions and misconduct

Mandatory Exclusion Rules

The Contracting Authority must exclude applicants who have been convicted by final judgment, of participation in a criminal organisation, corruption, fraud or money-laundering. The exclusion must be put into effect as soon as the Contracting Authority becomes aware of the conviction.

The questionnaire is structured so that exclusion is mandatory for any of the foregoing breaches.

Discretionary Exclusion rules

In relation to exclusion, the rules are more discretionary for an applicant who:

- is bankrupt or whose affairs are being wound up;
- is subject to proceedings leading to a declaration of bankruptcy;
- has been found guilty of professional misconduct;
- has committed grave professional misconduct by means the Contracting Authority can demonstrate;
- has defaulted in payment of taxes or social insurance contributions; or
- has provided false or misleading information, or failed to provide required information.

Before an applicant is excluded in relation to a breach of any of the discretionary rules listed above, they may make a case and provide supporting evidence as to why they should not be excluded.

The discretionary rules apply to any information supplied in the questionnaire, any supplementary information requested for clarification, or to certificates included with submissions. A breach may be proven by any means that the Contracting Authority can justify.

Continued on next page

1.5 Rules of Participation, Continued

Applications from a consortium

If an applicant is a consortium/joint venture or a group of applicants who have come together to put in a submission to provide technical services for a project, the Contracting Authority must allow them to make their application without assuming a specific legal form – for example, forming a company.

The consortium/joint venture must identify a member (the Main/Lead Applicant identified in the response to subsection 2.1 of the Questionnaire) who will either be solely or jointly and severally liable, to the Contracting Authority in the event that they are awarded the contract.

Multiple participation for the same contract

If any individual applicant or group of applicants are included in more than one application for the same technical service contract, each individual or lead in a group needs to provide a statement declaring that:

- They are aware of this ‘multiple participation’; and
- This has been brought to the attention of all the consortia they belong to.

The Contracting Authority must ensure that the competition is not distorted as a result of multiple-participation. If it is felt that it could be distorted, they must immediately inform the applicant that they cannot continue to participate unless the Contracting Authority is satisfied that the situation has been corrected. This rule must be stated in the suitability assessment questionnaire and it is important to alert applicants to potential conflicts of interest at the earliest possible stage.

If appropriate, the Contracting Authority can ask applicants participating in more than one application, to complete a confidentiality agreement confirming that they will not disclose confidential information to another application.

Note: Following recent developments in European case law, it is not advisable to have an outright ban on applicants participating in more than one bidding team, as this could be viewed as a disproportionate response to the issue.

2: Assessment of Service Providers

2.1 Overview

Introduction This chapter explains the tasks and requirements involved in determining suitability of the service providers, using the restricted procedure. Also detailed, is the range of suitability questionnaire forms that can be used – depending on the circumstances – when procuring service providers. This chapter also deals with Health and Safety roles and how they are validated within the service provider’s suitability assessment

Contents This chapter contains the following topics:

| Topic | See Page |
|---|----------|
| 2.2 Tasks and Requirements | 26 |
| 2.3 Suitability Assessment Forms | 29 |

2.2 Tasks and Requirements

Introduction

To determine the suitability of independent service providers, there are a number of tasks that the Contracting Authority must complete. This section provides an overview and a step-by-step guide of the suitability assessment process for the restricted procedure.

Overview of tasks

In order to procure independent service providers, Contracting Authorities must complete a number of different tasks. Figure 1 outlines the tasks that need to be completed using a Pass/Fail plus Qualitative assessment for suitability. The evaluation task has two parts Short List 1 and Short List 2:

- Short List 1 – Pass/Fail
- Short List 2 – Qualitative

This guidance note details only the boxes highlighted below.

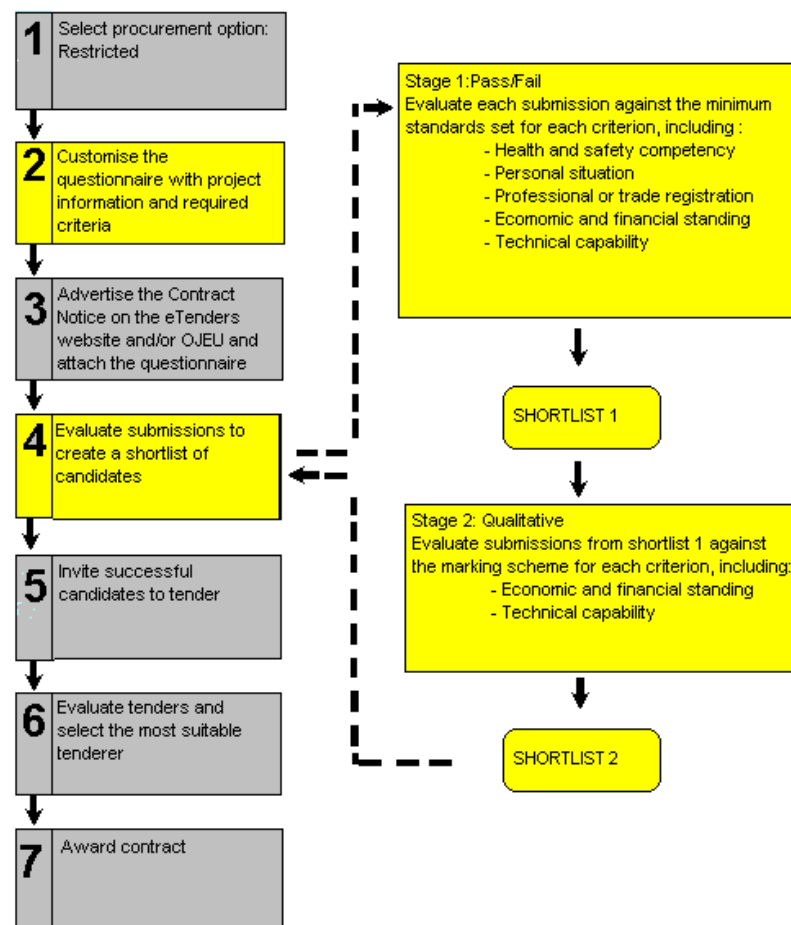


Figure 1: Suitability assessment tasks for the restricted procedure

Note: Where the Pass/Fail Only method is used, Stage 2 is dispensed with.

Continued on next page

2.2 Tasks and Requirements, Continued

Step-by-step restricted procedure

The parties involved in the suitability assessment process are the *Contracting Authority* and the *applicant* (Service Provider). The applicants are invited to submit information about themselves in accordance with a suitability assessment questionnaire, which the Contracting Authority uses to determine if they are suitable for the project. If applicants are suitable, they will receive an *Instructions to Tender* (ITT). The following table describes the suitability assessment process step-by-step.

| Step | Action |
|--|---|
| The Contracting Authority must... | |
| 1 | <ul style="list-style-type: none">■ Prepare the suitability assessment questionnaire for service providers for the technical service required with information and criteria specific to:<ul style="list-style-type: none">■ The project;■ The principal services required; and■ The health and safety competency required.■ Base the questionnaire on selected criteria in the EU Directive.■ Specify any specialist skills which the applicant must provide. |
| 2 | <p>Place an advertisement (<i>Contract Notice</i>) for expressions of interest in the media – i.e. the eTenders website and if appropriate in the Official Journal of the European Union (OJEU) – noting that the suitability assessment questionnaire is on the eTenders website.</p> <p>Note: the questionnaire is to be always made available on the eTenders website and if required can be issued in hard copy also.</p> |
| The applicant must... | |
| 3 | <ul style="list-style-type: none">■ Complete and submit the questionnaire and appropriate supporting material, within the given time period. The minimum period is usually 37 days however, if notices are developed and transmitted electronically, this can be reduced to 30 days – in accordance with Article 38(5) of Directive 2004/18/EC.■ Include in the questionnaire, details of any specialist skills requested by the Contracting Authority. |

Continued on next page

2.2 Tasks and Requirements, Continued

Step-by-step restricted procedure (continued)

| Step | Action |
|---|---|
| For each Service the Contracting Authority must... | |
| 4 | Only consider for evaluation, applicants who have submitted their questionnaire before the closing date and time for receipt of expressions of interest. |
| 5 | Evaluate and proceed only with applicants who pass the minimum standards. They form shortlist 1 (see Figure 1) and become referred to as candidates from this point on. Note: Health and safety competence must be evaluated first separately, on a Pass/Fail Only basis. |
| 6 | Qualitatively assess each candidate and rank their scores to form shortlist 2 (see Figure 1). Proceed only with those who have the highest marks and are within the maximum number of candidates to be selected. |
| 7 | Alternatively, where there is no maximum number set the need for qualitative selection does not arise and in such a situation all those that pass the minimum standard are placed on a tender list. |
| 8 | Inform the selected candidates that they have been deemed suitable to proceed and have been placed on a tender list (i.e. Short List 2 see figure 1), and that any experts that have been included to provide a special skill in their questionnaire response must also be included in their tender submission. |
| 8 | Inform applicants who do not make shortlist 1 and candidates who do not make shortlist 2, that they are eliminated from the competition. |
| 10 | Invite all successful candidates to participate in the tender competition. |

Specialist skills

As well as demonstrating their suitability for the principal service, applicants may also be asked to demonstrate their competency in relation to particular specialist skills. Evidence in relation to these skills is to be included with the evidence for the principal service submitted in response to the questionnaire – health and safety roles are addressed in response to separate supplements. Specialist skills can be provided through either subcontractors or in-house experts.

Specialist skills are to be evaluated as part of the evaluation for principal service using integrated evidence or separate evidence depending on the instruction given to the applicant. Each criterion that applies to the principal service applies also to the specialist skills. See 3.3 Determining the Criteria on page 17, for more details about preparing the form in relation to specialist skills.

2.3 Suitability Assessment Forms

Introduction

There is a range of suitability assessment questionnaire forms that can be used. The particular form to be used depends on the service required. Suitability assessment forms used for independent service providers, within the restricted procedure, are:

- *Suitability Assessment for Service Providers, Restricted Procedure (QC1);*
- *Suitability Assessment for Service Provider, Independent Project Supervisor for the Design Process (QC3); and*
- *Suitability Assessment for Service Provider, Independent Project Supervisor for the Construction Stage (QC4).*

For a diagrammatic representation of which service provider forms the Contracting Authority will need to prepare and issue under the restricted procedure, see Appendix A on page 96. For an overview of *all* service provider forms, and when each should be used, see Appendix B on page 97.

This section covers:

- How to complete and evaluate the QC1 questionnaire form; and
 - What supplements are used for health and safety roles.
-

Completing and evaluating the QC1 form

The information provided in this document is based primarily on the QC1 suitability assessment form QC3 and QC4 are shorter versions of QC1.

Completing the QC1 form

The Contracting Authority completes Section 1 and parts of Section 2 (if required) and Section 3 according to the applicant's role and project requirements. Supplements are prepared where necessary for Health and Safety competency in Design and for PSDP or PSCS as a specialist skill. The applicant completes the remainder of Section 2 and 3 and the Health and Safety supplements as required.

It is not obligatory for the Contracting Authority to use all of the criteria in the questionnaire however, once a decision has been made to omit certain criteria they cannot be re-introduced at a later stage of the procurement procedure. The Contracting Authority should carefully consider which criteria are to be selected, what the minimum standard should be and how each criterion is going to be assessed at evaluation stage.

See Chapter 4: Completing the Questionnaire on page 37 for detailed explanations on how to complete each section of the form.

Evaluating the QC1 form

Appendix C and Appendix D provide assessment templates for use when evaluating the questionnaire responses. The Contracting Authority needs to tailor these templates for the particular project, to reflect the criteria selected in the questionnaire.

Refer to Chapter 6: Evaluating the Questionnaire, Page 83 for information about evaluating the form.

Continued on next page

2.3 Suitability Assessment Forms, Continued

Health and Safety roles – restricted

Separate forms are used to assess independent Project Supervisor roles in QC3 and QC4 respectively. Supplements to the main form are used to assess competence for Health and Safety roles within the main QC1 form. Which forms or supplements need to be prepared depends on the particular Health and Safety roles required, as follows

| If the principal service is... | Then the form that should be used is... |
|--|--|
| Designer or involves design input | QC1 with 3.4.1 supplement for H&S design competency. |
| Designer with PSDP as a specialist skill | QC1 with: <ul style="list-style-type: none">▪ 3.4.1 supplement for H&S design competency; and▪ 3.4.2 supplement for PSDP as a specialist skill. |
| Archaeologist with PSCS as a specialist skill | QC1 with 3.4.3 supplement for PSCS competency. |
| Independent PSDP | QC3 |
| Independent PSCS | QC4 |
| Note: In the QC1 form if either Design, PSDP, or PSCS roles are not required, all the criteria in the corresponding Health and Safety supplement are set to 'Not Applicable'. | |

3: Preparing the Form

3.1 Overview

Purpose

This guidance note should be read in conjunction with the suitability assessment questionnaire forms for service providers under the restricted procedure (QC1, QC3 and QC4). The forms are intended to be largely self-explanatory, as guidance for the Contracting Authority is included within the form under the relevant criteria and in the accompanying short instructions on how to use the form.

This chapter provides detailed information on how to understand and prepare questionnaires in a restricted procedure for service providers (QC1, QC3 and QC4). The open procedure and form QC2 is covered in *Assessment of Service Providers*, Open Procedure (GN1.6.2)

Contents

This chapter contains the following topics:

| Topic | See Page |
|---|----------|
| 3.2 Tasks and Requirements | 32 |
| 3.3 Determining the Criteria | 33 |
| 3.4 Determining the Marking Scheme | 36 |

3.2 Tasks and Requirements

Introduction

Before issuing the questionnaire(s), careful preparation is essential to ensure that Contracting Authorities will identify and select the most suitable applicants to invite to tender. In order to do this, some tasks are necessary – see below.

Preparation tasks

Before the Contract Notice and the suitability assessment can be published, the Contracting Authority needs to complete the following tasks:

| Task | Action |
|------|--|
| 1 | Determine which criteria will apply – from the range in the questionnaire form. |
| 2 | Establish the minimum standards for each criterion. These standards should be set with regard to the nature, complexity and scope of the project, and with regard to the principle of proportionality. |
| 3 | Determine which criteria are Pass/Fail Only and which are Pass/Fail plus Qualitative (where relevant). |
| 4 | Establish the maximum standards for those qualitative assessment criteria that maximum standards can be applied to (if required). |
| 5 | Establish and record the marks allocated and percentage weighting for each qualitative assessment criterion. |

The principle of proportionality means that standards should be set in proportion to the requirements of the technical services for the project and should not be designed to discriminate against certain groups in a particular sector that are otherwise capable of providing the service in favour of other groups in the same sector also eligible to provide the service. The criteria, minimum standards, and maximum standards, must be published in the Contract Notice and stated in the questionnaire or an attachment to the questionnaire issued to prospective applicants. All information requested in the questionnaire must be consistent with the Contract Notice.

3.3 Determining the Criteria

Introduction

When determining suitability assessment criteria for a particular service, it is important to be aware that if a criterion is not initially selected, it cannot be subsequently introduced into the procedure after the closing date for receipt of questionnaires. Therefore, the Contracting Authority should take care to ensure that the chosen criteria will enable an appropriate number of suitable candidates to participate in the tender competition be selected. Also the criteria must relate to the nature, size and complexity of the technical service to be provided for project.

Further information about how to select the criteria can be found in the questionnaire form on the first page of section 3. This section covers:

- Including additional requirements;
- Which criteria are optional;
- How to select criteria on the questionnaire form; and
- How to apply specialist skills criteria.

Note: European case law prohibits using the same criteria more than once in a procurement procedure.

Including additional requirements

The suitability assessment criteria referred to in this guidance and in the questionnaire are the same as those in Directive 2004/18/EC and SI No 329 of European Communities (Award of Public Authorities' Contracts) Regulation 2006. The Contracting Authority may include additional requirements in the questionnaire where permitted, provided they are objective, proportionate and non-discriminatory. See Chapter 4: Completing the Questionnaire on page 37 for information about requesting additional requirements.

Optional criteria

The Contracting Authority needs to be familiar with each criterion – Chapter 4: Completing the Questionnaire, page 37 – before deciding whether or not to use any optional criteria.

The range of optional criteria in the questionnaire are:

- Enrolment on professional or trade register criterion – section 3.2;
- Some of the economic and financial standing criteria – section 3.3; and
- Some of the technical capability criteria – sections 3.4, 3.4.1, 3.4.2 and 3.4.3.

All other criteria on the questionnaire form are automatically required.

Note: Contracting Authorities should give due consideration to the use of optional criteria before choosing them. Where it is decided to use them they should be customised according to the service required; they should not automatically be selected as the default. If using an optional criterion, ensure that the same option is implemented at each instance of that criterion in 3.4, 3.4.1, 3.4.2 or 3.4.3 as appropriate.

Continued on next page

3.3 Determining the Criteria, Continued

Selecting the criteria

For each optional criterion in the form, the Contracting Authority must:

| Step | Action | | | | | | |
|---|--|-----------------------|---------------------------------|--|---|---|--------------|
| 1 | <p>Indicate in the criterion header the response required:</p> <ul style="list-style-type: none"> ▪ If the criterion is selected the Contracting Authority enters: <ul style="list-style-type: none"> ▪ SUBMIT ON REQUEST where applicants are requested to provide the information if requested (if the Contracting Authority does not already have such up-to-date material on file). It can be supplied after latest date for submissions but before the commencement of the evaluation exercise as notified by the Contracting Authority; or ▪ REQUIRED with initial response where applicants must provide the information specified in the criterion no later than the date set for the return of response to the questionnaire. ▪ If the criterion is not selected NOT REQUIRED should be chosen in which case applicants should not provide the information. | | | | | | |
| 2 | <p>Indicate in the criterion header which principal service (listed in section 1.3 of the questionnaire) the criterion is Applicable to.</p> <table border="1"> <thead> <tr> <th>If the response is...</th><th>Contracting Authority enters...</th></tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> ▪ Required or ▪ Submit on Request </td><td>All or the Code(s) for each principal service to which the criterion applies.</td></tr> <tr> <td> <ul style="list-style-type: none"> ▪ Not Required </td><td>None.</td></tr> </tbody> </table> | If the response is... | Contracting Authority enters... | <ul style="list-style-type: none"> ▪ Required or ▪ Submit on Request | All or the Code(s) for each principal service to which the criterion applies. | <ul style="list-style-type: none"> ▪ Not Required | None. |
| If the response is... | Contracting Authority enters... | | | | | | |
| <ul style="list-style-type: none"> ▪ Required or ▪ Submit on Request | All or the Code(s) for each principal service to which the criterion applies. | | | | | | |
| <ul style="list-style-type: none"> ▪ Not Required | None. | | | | | | |
| <p>Note:</p> <ol style="list-style-type: none"> 1. Project Supervisor forms do not use codes for principal service. 2. Health and Safety supplements to the QC1 form should have all criteria set to 'Not Applicable' when the role is not required. | | | | | | | |

Specialist skills criteria

Specialist skills – excluding the role of PSDP or PSCS as a special skill – are to be demonstrated in response to the same main questionnaire criteria as the principal service. The amount of evidence required for applicable criteria is determined by how specialist skills are provided, as follows:

Continued on next page

3.3 Determining the Criteria, Continued

Specialist skills criteria (continued)

| Specialist Skills provided by | then separate evidence required for... |
|-------------------------------|---|
| subcontractors | all set criteria. |
| in-house experts | technical capability criteria and any other criteria as stated by Contracting Authority |

Qualitative assessment

If the specialist skills are to be evaluated as sub-criteria the weightings and maximum marks should be disclosed to applicants in a transparent way when the weightings and maximum marks for the main criteria are being made known⁶. See **6.2 General Guidance** on page 84, for details about evaluating specialist skills.

Note: Where the specialist skill required is for Design, PSDP or PSCS services supplementary subsections 3.4.1, 3.4.2 or 3.4.3 should be prepared as appropriate.

⁶ Arising out of recent case law it is a requirement to disclose sub-criteria to applicants and the weightings to those sub-criteria used in a qualitative evaluation.

3.4 Determining the Marking Scheme

Introduction

When a decision on the options associated with each criterion has been made, the Contracting Authority must, in relation to **QUALITATIVE ASSESSMENT**, determine the marking scheme for assessing the relevant criteria in submissions. This must be stated in the summary table on the second page of Section 3 of QC1 form. For each relevant criterion, the Contracting Authority needs to complete the column headed Pass/Fail Only with 'Yes' or 'No'. If 'No' is entered this means that the relevant criterion will be Qualitative Assessed and a % Weighting and marks need to be entered against each criterion in the Qualitative Assessment table.

The Contracting Authority must also set minimum standards where required and determine where maximum standards should be applied.

Note: This option applies only to the main form of QC1 (QC3 and QC4 for Project Supervisors are Pass/Fail Only). This option is not applicable to the QC1 supplementary criteria for health and safety roles (3.4.1, 3.4.2 and 3.4.3) which are always Pass/Fail Only.

Qualitative assessment

The Questionnaire must indicate whether each criterion selected will be assessed on a Pass/Fail Only basis or assessed on a Pass/Fail plus Qualitative basis. Where Qualitative Assessment is an option, the Contracting Authority must make a selection as shown below:

| If the applicant... | Select... |
|--|----------------------------------|
| only needs to pass the criterion | No |
| must pass the criterion and be qualitatively assessed on it | All |
| must pass the criterion and be qualitatively assessed on it for the Principal Service with H&S Design and PSDP as a specialist skill assessed separately (Pass/Fail Only). | All Except H&S Design or PSDP |
| must pass the criterion and be qualitatively assessed on it for Archaeology with PSCS as a specialist skill assessed separately (Pass/Fail Only). | All Except Archaeologist as PSCS |
| is not required to respond to the criterion | No |

Applying the Pass/Fail Only method

The Contracting Authority can decide to apply the Pass/Fail Only method for all evidence. In this situation, all applicants on Short List 1 of the suitability assessment must be invited to the tender competition and it is not necessary to proceed to Short List 2. The Pass/Fail Only method is not normally used for a restricted procedure – except for H&S roles (see above) which are always evaluated on a Pass/Fail Only basis. See 6.2 General Guidance on page 84 for more details on evaluating H&S competency.

Continued on next page

3.4 Determining the Marking Scheme, Continued

Qualitative assessment (continued)

Note: When Qualitative Assessment is selected for a criterion (where it is an option) it applies to all principal services entered on the form. If one or more of the services require that the criterion be assessed as Pass/Fail Only then another Questionnaire must be used.

Weighting

The Weighting table (for allocated marks) is only used for criteria that may be qualitatively assessed.

The Contracting Authority may enter the maximum marks or the equivalent percentage (of the total maximum marks) for each criterion that is going to be qualitatively assessed in the summary table on the second and third pages of Section 3 of the QC1 form. The total marks available represented by the total percentage weighting for all criteria allocated a weighting should equal 100%.

Alternatively the Contracting Authority may allocate a different weighting to each principal service and may also allocate a portion of the weighting to a specialist skill.

For criteria that are not qualitatively assessed, the Contracting Authority must enter **NA** in this column.

Minimum and maximum standards

Minimum standards

The Contracting Authority can set minimum standards for each criterion. It is important that the minimum standards set are not too high, as this may be discriminatory in the assessment process. Where no minimum standard is set, the submission of any information for a particular criterion may be deemed to satisfy the minimum requirements.

Maximum standards

The Contracting Authority can also set maximum standards for qualitatively assessed criteria. Applicants who exceed the maximum standard do not score any higher marks. Furthermore, applicants who exceed the maximum standard must not be eliminated because they have exceeded the maximum standard.

4: Completing the Questionnaire

4.1 Overview

Purpose

This chapter provides guidance for the Contracting Authority on how the questionnaire should be completed. It does not detail every field; instead it covers areas where the required input might not be immediately obvious.

The main questionnaire for the restricted procedure – *Suitability Assessment of Service Provider, Restricted Procedure* QC1 is split into five sections (QC3 and QC4 contain less) as follows:

| QC1 Section | | Description | QC3/QC4 |
|-------------|-------------------------------|---|---------|
| 1 | Project Particulars | This section contains details of the project and the principal services required. The Contracting Authority completes this section prior to publication of the suitability assessment questionnaire. | Yes |
| 2 | Applicant Details | This section collects basic information about the applicant. The applicant completes this section and returns it to the Contracting Authority. | Yes |
| 3 | Assessment Criteria | This section specifies the criteria that will be used to assess applicants for each principal service requirement to establish their suitability to provide the technical services required. This section is split into a further four subsections: <ul style="list-style-type: none">▪ Applicant's personal situation;▪ Enrolment on professional or trade register;▪ Economic and financial standing; and▪ Technical capability. The Contracting Authority completes this section prior to publication of the suitability assessment questionnaire. The applicant completes the required details and confirms that other required information is appended. | Yes |
| 4 | Health and Safety supplements | This part is a subsection of technical capability and has two separate supplements in the QC1 form. Its purpose is to assess the various health and safety roles that a service provider is expected to fulfil on a project. | N/A |
| 5 | Appendices | The appendices contain declarations and forms of information that are associated with a number of the criteria in the questionnaire. | Yes |

Continued on next page

4.1 Overview, Continued

Completing the summary table for criteria

The Contracting Authority must use the summary table to list by criterion the response required from applicants.

Before the applicant returns the questionnaire to the Contracting Authority, they need to check that they have included all the required information in their submission. To assist them in this they should complete the summary table at the beginning of section 3. This table provides a checklist in the right-hand column, under the heading 'Service Provider's Response' in QC1 (Applicant PSDP or PSCS in QC3 and QC4 respectively).

Any information that does not accompany the questionnaire response should not be subsequently be submitted after closing date unless the response is **SUBMIT ON REQUEST**, which allows material to be provided later if the Contracting Authority does not have an up-to-date version on its files.

Contents

This chapter contains the following topics:

| Topic | See Page |
|--|----------|
| 4.2 Project Particulars | 40 |
| 4.3 Applicant Details | 43 |
| 4.4 Personal Situation | 45 |
| 4.5 Economic and Financial Standing | 47 |
| 4.6 Technical Capability (QC1) | 52 |

4.2 Project Particulars

Introduction

This section provides the applicant with details of the project and the project requirements. It must be completed by the Contracting Authority prior to publication of the questionnaire. Project Particulars contains the following subsections:

- 1.1 – Project information;
- 1.2 – Contracting Authority information;
- 1.3 – Service(s) required;
- 1.4 – Other Services;
- 1.5 – Project Category; and
- 1.6 – Health and Safety.

Time and date for return of questionnaire

It is important to complete the time and date for return of the questionnaire. The return name and address are not required if they are the same as those for the Contracting Authority at section 1.2.

Project information – 1.1

The Contracting Authority must provide a brief description of the technical services required for the project and their scope. Consult the European Commission Common Procurement Vocabulary (CPV) at www.simap.europa.eu to find the relevant code for the technical services required.

The Form of Contract to be used for services required is the *Standard Conditions of Engagement for Consultancy Services (Technical)*, COE 1 or the *Standard Conditions of Engagement for Archaeology Services*, COE 2.

The number of candidates to be entered on Short List 2 should be stated. This should match the number stated in the Contract Notice.

Contracting Authority information – 1.2

The Contracting Authority must provide the name and details of a contact person who will respond to, and action all contract enquiries.

Continued on next page

4.2 Project Particulars, Continued

Principal services required – 1.3, QC1 only

The Contracting Authority must provide as much detailed information as possible on the nature and scope of the technical services required, as follows:

| Detail | Description |
|---|---|
| Principal service | The service required must be named, and a code must be attached for reference, for example, A = Architecture, CE = Civil Engineering, QS = Quantity Surveying. Code(s) will be used later in the form where criteria apply to some services and not to others. |
| No. to be shortlisted | The number of service providers to be shortlisted (i.e. Short List 2) for invitation to tender, should be stated. This can either be a whole number or a range with a minimum of five and no limit for the maximum. If there are more applicants that meet the minimum requirements than the number stated in the Contract Notice, they must be shortlisted (Short List 2) to prevent the maximum number from being exceeded. |
| Scope of service | This varies from project to project, but it should always be clearly described either in full or by referring to a recognised template – for example, <i>Department of Education and Science Design Team Procedures</i> – full service, partial pre-tender and full post-tender service, inspection services, or contract supervision only. |
| Specialist skills required | <p>If required these skills supplement the expected skills for a particular of principal service. For example:</p> <ul style="list-style-type: none"> ▪ Producing a <i>Bill of Quantities</i> is an expected skill for a quantity surveyor, but advice on capital allowances could be regarded as a specialist skill; ▪ Specialisation in conservation is a specialist skill for a service provider commissioned to design a building; ▪ Providing the PSDP or PSCS service – in this situation, the specialist skill could be provided in-house or subcontracted to the service provider. <p>Follow each skill with an initial letter(s) code in brackets so that it may be used for reference, for example, CA=Conservation Architect.</p> |
| Professional Indemnity Insurance minimum cover | Minimum cover should be stated for each technical service as required. |
| Professional Indemnity Insurance maximum excess | Maximum excess should be stated for each technical service as required. |

Continued on next page

4.2 Project Particulars, Continued

Project Supervisor service required – 1.3, QC3 or QC4 only

In the QC3 or QC4 form the Contracting Authority must detail the scope of service for Independent PSDP or Independent PSCS respectively. These services are required under statute to be provided on all projects except for projects as stated under Regulation 6(5) and (6) of the Safety, Health and Welfare at Work (Construction) Regulations 2006.

Whilst the PSDP service (QC3) spans the design and construction stages of a project it can be carried out by different parties during that period depending on whether it is a traditional or a design and build project. Irrespective as to who carries out the service it should always be clearly described either in full or by referring to a recognised stage in the project delivery process. The PSCS service is required under Regulation 6 (3) “...before commencement of construction work” This should be at main contract award stage and the appointment would normally be carried out by one party for the duration of the commission.

Other services providers and participants – 1.4

The Contracting Authority should list any other principal service (known at the time) where independent service providers will be appointed to working alongside the principal service providers procured under this procedure.

Project Category – 1.5

The Contracting Authority states here the category of project for which the technical services in this questionnaire are required, the options are:

- Type 1 project has a value < €500,000;
- Type 2 project has a value €500,000 to €5,000,000; or
- Type 3 project has a value > €5,000,000.

This categorisation governs the level of assessment required in the criteria of Health and Safety in QC3, QC4 and the supplements to QC1. All the foregoing amounts are VAT inclusive.

Note: If a significant Health and Safety risk associated with a particular project warrants a higher level of investigation than the category Type related to the project value indicates, a higher category Type should be selected to adequately reflect the Health and Safety risk exposure.

Health and Safety – 1.6

The Contracting Authority should also list the known areas of the work which involve particular risks – as defined in the Safety, Health and Welfare at Work (Construction) Regulations 2006 as far as the Contracting Authority is aware of at the time the questionnaire is issued.

4.3 Applicant Details

Introduction

This section of the questionnaire is completed by the applicant as follows:

- A single applicant completes this section themselves – excluding the consortium details and then completes the rest of the questionnaire as required; or
- The lead applicant of a consortium or joint venture completes this section themselves – including the consortium details – and copies the questionnaire with all the common information for each member of the consortium to complete their own questionnaire. The completed forms are then submitted as one application.

The subsections for applicant details are explained on the next page.

Note: Where specialist skills (identified in section 1.3) are required, the applicant must give details of the personnel providing those skills (in-house or subcontractors) to the same level as required for the applicant.

Continued on next page

4.3 Applicant Details, Continued

Information
supplied by the
applicant

| QC1 Section | | Description | QC3/QC4 |
|-------------|---------------------------------------|--|---------|
| 2.1 | Principal service | The applicant identifies the principal service they are applying for. Only one of the principal services listed in section 1.3 can be applied for in any one application. If the applicant wishes to apply for more than one principal service, separate questionnaires for each should be completed and submitted. | No |
| 2.2 | Main / lead applicant | The applicant provides their name, address and company details. | Yes |
| 2.3 | Applicant's authorised representative | The applicant provides the name and contact details of their authorised representative. | Yes |
| 2.4 | Nature of applicant | <p>The applicant:</p> <ul style="list-style-type: none"> ▪ Describes the nature of their business and its legal form; ▪ Provides the company registration number (if applicable); ▪ States the number of years it has been actively trading; and ▪ Provides the name of the chairperson and any interest the chairperson has in other companies. <p>NA to QC3 or QC4 Where relevant, details of a legal partnership, consortium or joint venture, must be provided by the lead applicant.</p> | Yes |
| 2.5 | Additional applicant company details | The Contracting Authority must objectively determine whether additional details are necessary. For most projects, additional company details will not be required. For large and complex projects, or where there could be a conflict of interest, such details may be required. | Yes |
| 2.6 | Specialist subcontractor to applicant | The applicant provides details (where relevant) of any service providers proposed to provide the specialist skills specified at section 1.3. | Yes |

4.4 Personal Situation and Professional/Trade Registration

Introduction

The Contracting Authority completes this subsection 3.1 and the following subsections 3.2, 3.3 and 3.4 prior to issuing the questionnaire. The applicant then fills in the required details. The criteria in this subsection are:

- 3.1 – Evidence of applicant’s personal situation; and
- 3.2 – Enrolment on professional or trade register.

Evidence of applicant’s personal situation – 3.1

| | |
|-------------------|--|
| Use | In order to confirm that the exclusion principles detailed in the EC Directives do not apply to the applicant, evidence of the applicant’s personal situation is always REQUIRED . In QC1 this criterion applies to ALL the principal services listed at section 1.3. |
| Evaluation | This criterion can be evaluated as Pass/Fail Only. The minimum standard for a Pass is submitting the declaration in Appendix A of the questionnaire. This declaration must have been made within 12 months of the date of application. |
| Details | <p>The applicant must supplement the questionnaire with a declaration on oath sworn in the last 12 months and witnessed by a practising solicitor or Commissioner for Oaths where such a facility exists in the country of origin or in the country whence the applicant comes.</p> <p>The declaration can be a certified copy signed by either the applicant or a person authorised to sign on the applicant’s behalf. The Contracting Authority should reserve the right to inspect the original at anytime if considered necessary.</p> <p>The applicant (or person on the applicant’s behalf) should accompany the declaration with a signed confirmation that the applicant’s legal situation has not changed in any way since the declaration was signed, which would prohibit the applicant from making a new declaration on the same basis.</p> <p>Applicants from Ireland and the UK <i>must</i> provide a declaration on oath. In countries where a declaration on oath does not exist, the applicant can instead make a solemn declaration in their country of origin or in the country whence the applicant comes before a judicial or administrative authority, a notary or a competent professional or trade body.</p> |

Note: Prior to contract award of the principal service, the successful applicant will also be required to produce a current tax clearance certificate or C2 certificate (for subcontractors). If the applicant is outside Ireland, a statement of suitability on tax grounds and current certificates from the competent authority in the relevant country will suffice.

Continued on next page

4.4 Personal Situation and Professional/Trade Registration, Continued

Enrolment on professional or trade register – 3.2

| | |
|-------------------|--|
| Use | <p>If the Contracting Authority decides that evidence of enrolment on a professional or trade register is required, the response setting should be changed from the default NOT REQUIRED to REQUIRED or SUBMIT ON REQUEST.</p> <p>Note: This requirement is not to be confused with one of the professional bodies that represent architects, engineers, quantity surveyors, contractors etc (such as the Royal Institute of Architects of Ireland, the Association of Consulting Engineers of Ireland, the Society of Chartered Surveyors or the Construction Industry Federation).</p> |
| Evaluation | <p>This criterion can be evaluated as Pass/Fail Only. The minimum standard for a Pass is submitting the information below.</p> |
| Details | <p>The EC Directive 2004/18/EC, <i>Annex IX C</i> has a list of approved professional and trade registers. The professional or trade register in Ireland and the UK is either the Registrar of Companies or the Registrar of Friendly Societies. If required, the Contracting Authority can also ask for the applicant's registration number as part of proof of registration.</p> <p>For countries other than Ireland and the UK if the relevant body is not identified in <i>Annex IX C</i>, the applicant can submit a declaration on oath stating that they are:</p> <ul style="list-style-type: none">▪ Engaged in a specified profession or trade in a specified place; and▪ Under a specified business name in the country of establishment. <p>If a declaration on oath does not exist under the jurisdiction in their country of origin or in the country from which the applicant comes, the applicant can make a solemn declaration instead.</p> |

Note: There is no standard declaration form available for the information above. If the Contracting Authority requires the information in a particular format, they should state this in the questionnaire.

4.5 Economic and Financial Standing

Introduction

Evidence of an applicant's economic and financial standing may be provided by one or more of the following references:

- A bank statement;
- A balance sheet or extracts from a balance sheet; and
- The turnover of the relevant consultancy service.
- Professional Indemnity Insurance

The Contracting Authority determines the required evidence that must be provided. If the applicant has a valid reason for being unable to provide the required evidence, they may provide an alternative that the Contracting Authority considers appropriate instead.

The economic and financial standing criteria listed in the questionnaire is not intended to be exhaustive. Section 3.3d – other financial/economic information/references – is provided to allow Contracting Authorities request other evidence that is appropriate and relevant to demonstrate economic and financial standing.

The Contracting Authority must always use the three insurance criteria listed below.

Economic and financial standing criteria

Evidence of economic and financial standing contains the following criteria:

- 3.3a – Evidence of turnover;
- 3.3b – Balance sheet or extracts from a balance sheet;
- 3.3c – Banker's letter;
- 3.3d – Other financial references/economic information/references;
- 3.3e – Professional Indemnity Insurance;
- 3.3f – Public Liability Insurance; and
- 3.3g – Employer's Liability Insurance.

Continued on next page

4.5 Economic and Financial Standing, Continued

Evidence of turnover – 3.3a

| | |
|--------------------|--|
| Use | Evidence of the applicant's turnover is optional, but the default setting for this criterion is REQUIRED , the response can also be set to SUBMIT ON REQUEST . If the Contracting Authority determines that evidence of turnover is not required, it can change the response setting to NOT REQUIRED . |
| Evaluation | <p>This criterion can be evaluated as Pass/Fail Only, or as both Pass/Fail and Qualitative. The minimum standard for a Pass is normally the minimum average turnover for each service provider – over the last three financial years.</p> <p>If an applicant does not include this evidence, but has a good reason for not providing it and has equivalent evidence of economic standing that is considered appropriate by the Contracting Authority, the applicant should not be excluded.</p> |
| Details | <p>The minimum turnover specified by the Contracting Authority should be proportionate to the value of the technical service in question. Care needs to be taken to ensure that the minimum level is not set so high as to impact on competition or be discriminatory. If this criterion is qualitatively assessed, it can also be assigned a maximum threshold to set a limit to the marks that can be attained. Exceeding the maximum turnover limit is not a reason for disqualification. This will ensure that the qualitative assessment is not biased in favour of larger firms.</p> <p>In addition, if the applicant has multiple business units or businesses, the Contracting Authority can request the overall turnover of the business/unit that is providing the technical service.</p> <p>Note: If the Contracting Authority requires additional information, or information to be presented in a particular format, this should be stated at 3.3a, and it must be objective, relevant and proportionate to the project.</p> |
| Alternative | The Contracting Authority can change the requirement and create an equivalent in its place if it is appropriate and relevant to the criterion. The objective or title must not be changed. |

Continued on next page

4.5 Economic and Financial Standing, Continued

Balance sheet or extracts from a balance sheet – 3.3b

| | |
|--------------------|---|
| Use | Requesting balance sheet information is optional and the default setting for this criterion is NOT REQUIRED . If the Contracting Authority determines that balance sheet information is required, it can change the response setting to REQUIRED or SUBMIT ON REQUEST . |
| Evaluation | <p>This criterion can be evaluated as Pass/Fail Only, or as both Pass/Fail and Qualitative. The minimum standard for a Pass is normally to submit balance sheet information or alternative evidence as stated by the Contracting Authority.</p> <p>Qualitative assessment could be, for example, where a minimum net worth is stated. This should be proportionate to the value of the service so that it is not discriminatory. A maximum threshold may also be assigned to set a limit to the marks attained. If an applicant does not provide this evidence, but has a good reason for not providing and has equivalent evidence of economic standing that is considered appropriate by the Contracting Authority, the applicant should not be excluded.</p> |
| Details | <p>If balance sheets are required to be published (by law) in the applicant's country, the presentation of balance sheets (or extracts from the balance sheets) is listed as another normal requirement under:</p> <ul style="list-style-type: none"> ▪ Directive 2004/18/EC and SI No 329 of 2006 European Communities (Award of Public Authorities' Contracts) Regulation 2006; or ▪ Directive 2004/17/EC and SI No 50 of 2007 European Communities (Award of Contracts by Utility Undertakings) Regulations 2007. <p>Balance sheet requirements (including presentation and format) should be stated at 3.3b.</p> |
| Alternative | The Contracting Authority can change the requirement and create an equivalent in its place if it is appropriate and relevant to the criterion. The objective or title must not be changed. |

Continued on next page

4.5 Economic and Financial Standing, Continued

Bankers letter – 3.3c

| | |
|--------------------|---|
| Use | Requesting a banker's letter from the applicant is optional, and the default setting for this criterion is NOT REQUIRED . If the Contracting Authority determines that a banker's letter is required, it can change the response setting to REQUIRED or SUBMIT ON REQUEST . |
| Evaluation | <p>This criterion can be evaluated as Pass/Fail Only. The minimum standard for a pass is normally submitting an original banker's letter – dated within the previous three months – stating that the applicant's principal account is in good standing. If an applicant does not provide this evidence, but has a good reason for not providing it and has equivalent evidence of economic standing that is considered appropriate by the Contracting Authority, the applicant should not be excluded.</p> <p>Note: Because banks usually only provide general information about a client's financial standing, this criterion is only suitable for a Pass/Fail assessment. It is very difficult to obtain appropriate information that can be qualitatively assessed. However, if it is considered possible to qualitatively assess, the entry under QUALITATIVE ASSESSMENT should be changed to YES.</p> |
| Alternative | The Contracting Authority can change the requirement and create an equivalent in its place as long as it is appropriate and relevant to the criterion. The objective or title must not be changed. |

Other financial / economic information / references – 3.3d

| | |
|-------------------|---|
| Use | As an additional criterion in section 3.3 the Contracting Authority can use other financial/economic information/evidence. The default setting for this criterion is NOT REQUIRED . If the Contracting Authority determines that it is required, they can change the response to REQUIRED or SUBMIT ON REQUEST . |
| Evaluation | This criterion can be evaluated as Pass/Fail Only, or as both Pass/Fail and Qualitative. |
| Details | This criterion gives the Contracting Authority the flexibility to request other financial references and allows additional evidence to be provided. The request for such evidence must be objective, relevant and proportionate to the project. |

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4.5 Economic and Financial Standing, Continued

Insurance: Professional Indemnity / Public Liability / Employer's Liability – 3.3e-g

| | |
|--------------------|--|
| Use | Evidence for these three insurances is mandatory and the default setting for these criteria is REQUIRED . However, if the Contracting Authority already has this evidence on file from an earlier exercise, they do not have to request this evidence to be resubmitted and the response setting can be changed to SUBMIT ON REQUEST . By default, these criteria apply to ALL of the principal services listed at section 1.3. If the criteria do not apply to all of the principal services listed, the relevant code(s) should be entered in the CRITERION APPLICABLE TO box. |
| Evaluation | These criteria can be evaluated as Pass/Fail Only. The minimum standard for a Pass is submitting the stated evidence. |
| Details | <p>Before contract award the applicant must present evidence that they can obtain insurance with cover and excess levels as stated by the Contracting Authority on the questionnaire. The insurance does not need to be in force at the time of tender submission.</p> <p>If the Contracting Authority has additional requirements these should be stated in the questionnaire. Care should be taken to ensure that requirements are not unnecessarily onerous as to impact on competition or be discriminatory.</p> |
| Alternative | The Contracting Authority can change the requirement and create an equivalent in its place if it is appropriate and relevant to the criterion. The objective or title must not be changed. While this discretion exists under the Directives, care needs to be taken to ensure that the Irish insurance laws are also complied with – that is the requirement to have, Public Liability and Employer Liability Insurance. Furthermore, it would be very rare, if ever, for a Contracting Authority to seek such an equivalent to Professional Indemnity Insurance and would require the approval of the Sanctioning Authority. |

Note: For Employer's Liability and Public Liability Insurance, separate evidence must be provided by the subcontractors (providing specialist skills) of their ability to cover themselves. For Professional Indemnity insurance, the applicant must give evidence that the applicant will cover any subcontractor.

4.6 Technical Capability (QC1)

Introduction

The technical capability criteria listed in the questionnaire – as stated in Directive 2004/18/EC and SI No 329 of 2006 [Works, Supplies, and Services] – is exhaustive. When preparing the questionnaire, the Contracting Authority must not request any evidence that is not listed in the Directive.

Directive 2004/17/EC and SI No 50 of 2007 [Utilities] calls for the use of transparent objective criteria and rules. The criteria listed in the questionnaire satisfy this requirement however, the list is not exhaustive for utilities and additional evidence can be requested if it complies with the Directive.

Specialist skills

Evidence of technical capability for specialist skills (except PSDP or PSCS) – identified at 1.3 – should be detailed under each criterion under the following subsections. Contracting Authorities should state how this evidence is to be presented.

Technical capability criteria

Evidence of technical capability contains the following criteria:

- 3.4a – Educational and professional qualifications (management);
- 3.4b – Educational and professional qualifications (personnel);
- 3.4c – Services of a similar nature;
- 3.4d – Measures for ensuring quality;
- 3.4e – Average annual manpower over the past 3 years;
- 3.4f – Technical equipment available; and
- 3.4g – Technicians or technical bodies available.

Health and Safety Roles

If the principal service is a Design role, or a role with design input – for example, a quantity surveyor – only the design aspects are targeted under each criterion in this subsection. A supplementary subsection must be completed for the Health and Safety (H&S) aspects of design (3.4.1). Similarly, where the PSDP or PSCS role is identified as a *specialist skill*, a supplementary subsection (3.4.2 or 3.4.3) must be completed for H&S aspects of PSDP or PSCS.

The H&S evidence in relation to Design, PSDP or PSCS role are assessed under criteria at 3.4.1, 3.4.2 or 3.4.3 respectively. Such evidence may, where allowed, be identical to the response to 3.4. (The Contracting Authority must always keep copies as appropriate to form separate Health and Safety files.) The level of information required depends on the category of project.

Note: For Health and Safety roles, the onus under the Safety, Health and Welfare at Work (Construction) Regulations 2006, is on the Contracting Authority (as Client) to ensure that the firm's managerial qualifications, training programmes, experience and resources are adequate for the required service, given the nature and complexity of the project.

Continued on next page

4.6 Technical Capability (QC1), Continued

Educational and professional qualifications of managerial staff – 3.4a

| | |
|-------------------|--|
| Use | This criterion is used to assess the experience and educational and professional qualifications of the applicant's managerial staff. The criterion is mandatory and the response default setting is always REQUIRED , the response can also be set to SUBMIT ON REQUEST . The criterion applies to ALL of the principal services listed at subsection 1.3 |
| Evaluation | <p>This criterion is best suited for evaluation as both Pass/Fail and Qualitative, but if necessary it can be evaluated as Pass/Fail Only. Generally the minimum standard for a Pass is adequate:</p> <ul style="list-style-type: none">▪ Educational qualifications;▪ Professional qualifications;▪ Experience; and▪ Managerial skills appropriate to the size of project. |
| Details | <p>If the Contracting Authority requires a more defined minimum standard or has additional requirements, these should be stated at 3.4a. Such requirements must be limited to the qualifications and experience of the firm's principals and management staff, or the people responsible for providing the services or managing the works. Requirements must comply with:</p> <ul style="list-style-type: none">▪ Article 48(2)(e) of Directive 2004/18/EC and SI No 329 of 2006; or▪ Article 54 of Directive 2004/17/EC and SI No 50 of 2007. <p>If Health and Safety evidence of the educational and professional qualifications and experience of the applicant's management staff in relation to Design, PSDP or PSCS services are included here it should then be cross-referenced at sections 3.4.1a(HS), 3.4.2a(HS) or 3.4.3a as appropriate; such evidence will be assessed only under those supplements.</p> |

Continued on next page

4.6 Technical Capability (QC1), Continued

Educational and professional qualifications of personnel – 3.4b

| | |
|-------------------|---|
| Use | This criterion is used to assess the experience and educational and professional qualifications of the applicant's proposed personnel. The criterion is mandatory and the default response setting is always REQUIRED , the response can also be set to SUBMIT ON REQUEST . The criterion applies to ALL of the principal services listed at subsection 1.3. |
| Evaluation | <p>This criterion is best suited for evaluation as both Pass/Fail and Qualitative, but if necessary it can be evaluated as Pass/Fail Only. Generally the minimum standard for a Pass is adequate:</p> <ul style="list-style-type: none">▪ Educational qualifications;▪ Professional qualifications;▪ Experience; and▪ Organisational skills of the proposed personnel – including subcontractors and in-house experts. |
| Details | <p>If the Contracting Authority has additional requirements – such as ensuring that professional qualifications have regard to the EC Directives on mutual recognition of qualifications – this should be stated at 3.4b. Such requirements must comply with:</p> <ul style="list-style-type: none">▪ Article 48.2(e) of Directive 2004/18/EC and SI No 329 of 2006; or▪ Article 54 of Directive 2004/17/EC and SI No 50 of 2007. <p>If Health and Safety evidence of the educational and professional qualifications and experience of the applicant's management staff in relation to Design, PSDP or PSCS services are included here it should then be cross-referenced at sections 3.4.1b(HS), 3.4.2b(HS) or 3.4.3b(HS) as appropriate; such evidence will be assessed only under those supplements.</p> |

Continued on next page

4.6 Technical Capability (QC1), Continued

Services of a similar nature – 3.4c

| | |
|-------------------|--|
| Use | Evidence of services of a similar nature is mandatory and the default response setting is always REQUIRED , it can also be set to SUBMIT ON REQUEST . The criterion applies to ALL of the principal services listed at subsection 1.3. |
| Evaluation | This criterion is best suited for evaluation as both Pass/Fail and Qualitative, but if necessary it can be evaluated as Pass/Fail Only. The Contracting Authority must determine and state the minimum standard for a Pass. For example, services provided over the past three years in three successful commissions that have been carried out (of similar nature and complexity) to be reported in a Certificate of Satisfactory Execution with the level of detail required in the standard form at Appendix B of the questionnaire. |
| Details | <p>The required evidence should be stated in the standard form of Certification of Satisfactory Execution supplied at Appendix B to the questionnaire. Health and Safety evidence in relation to Design, PSDP or PSCS should NOT be supplied here – it must be dealt with at sections 3.4.1c(HS), 3.4.2c(HS), or 3.4.3c(HS) as appropriate.</p> <p>These certificates can be filled in by the applicant and provided by the applicant either directly to the Contracting Authority (before closing time for submission of responses to questionnaire) or submitted by the applicant at the same time as the rest of the response to the questionnaire. The information in the certificates can subsequently be verified by the Contracting Authority through enquiries made with relevant third parties if it so wishes.</p> <p>If the Contracting Authority requires additional information, this can be requested at the end of this form provided it is compliant with the EC Directives. Further conditions can also be stated at 3.4c. Typically the type of additional information that can be asked for in relation to 3.4c is:</p> <ol style="list-style-type: none"> 1. Quality Was the technical and intellectual input at planning and implementation stages satisfactory? 2. Cooperation Did the consultant support in practice the principal of reciprocal cooperation on the project as required under clause 8 of the <i>Standard Conditions of Engagement for Consultancy Services (Technical)</i>? 3. Communications Did the consultant interpret purposefully all communications on the project as required by clause 6 of the <i>Condition of Engagement for Consultancy Services (Technical)</i>? |

Continued on next page

4.6 Technical Capability (QC1), Continued

Measures for ensuring quality – 3.4d

| | |
|-------------------|--|
| Use | Evidence of measures for ensuring quality is mandatory and the default response setting is always REQUIRED , it can also be set to SUBMIT ON REQUEST . The criterion applies to ALL of the principal services listed at subsection 1.3. |
| Evaluation | This criterion is best suited for evaluation as both Pass/Fail and Qualitative, but if necessary it can be evaluated as Pass/Fail Only. The minimum standard for a Pass could be to submit any evidence that is available; however, the Contracting Authority should set a more appropriate minimum standard. The Contracting Authority should not require applicants to be certified to any particular Quality Assurance standard, merely to detail the quality control procedure used. |
| Details | <p>This criterion is based on Article 48 (2)(c) of Directive 2004/18/EC which specifies ‘Technical facilities and measures used by the supplier or service provider for ensuring quality and the undertaking’s study and research facilities’. The Contracting Authority can add or amend these requirements in the questionnaire provided they are in accordance with Article 48 (2)(c).</p> <p>Health and Safety evidence in relation to Design, PSDP or PSCS should NOT be supplied here – it must be dealt with at sections 3.4.1d(HS), 3.4.2d(HS) or 3.4.3c(HS) as appropriate.</p> |

Continued on next page

4.6 Technical Capability (QC1), Continued

Average annual manpower over the past 3 years – 3.4e

| | |
|-------------------|---|
| Use | This evidence of manpower over the past 3 years is mandatory, and the response setting is always REQUIRED , it can also be set to SUBMIT ON REQUEST . The criterion applies to ALL of the principal services listed at subsection 1.3. |
| Evaluation | This criterion is best suited to evaluation as both Pass/Fail and Qualitative, but if necessary it can be evaluated as Pass/Fail Only. The minimum standard for a Pass is normally adequate manpower for the project. |
| Detail | <p>This requirement is a straightforward request for information on manpower. The Contracting Authority can specify the nature and format of this information – for example, separate into:</p> <ul style="list-style-type: none">(i) the number of managerial personnel,(ii) qualified professionals,(iii) technicians and(iv) unqualified personnel. <p>If Health and Safety evidence in relation to average annual manpower for Design, PSDP or PSCS services over the past 3 years is included here it should then be cross-referenced at sections 3.4.1e(HS), 3.4.2e(HS) or 3.4.3e(HS); such evidence will be assessed under those sections.</p> <p>If a maximum manpower figure is set, it is for marking purposes only and indicates the limit at which the applicant gets maximum marks. Applicants with resources in excess of this limit are not to be excluded.</p> |

Continued on next page

4.6 Technical Capability (QC1), Continued

Technical
equipment
available – 3.4f

| | |
|-------------------|---|
| Use | This criterion is used to assess the technical equipment available to assist in the delivery of the required service, for example, IT equipment. Evidence of technical equipment is mandatory and the default response setting is REQUIRED . The setting can also be changed to SUBMIT ON REQUEST . |
| Evaluation | This criterion can be evaluated as Pass/Fail Only, or as both Pass/Fail and Qualitative. The minimum standard for a Pass is normally providing the required information in the prescribed format. |
| Details | <p>The Contracting Authority determines the nature and format of this information. A common requirement is the applicant's IT capacity – the minimum standard would be the capacity to operate as part of a design team by electronic means and with relevant modern software.</p> <p>Health and Safety evidence in relation to Design, PSDP or PSCS should NOT be supplied here – it must be dealt with at sections 3.4.1f(HS), 3.4.2f(HS) or 3.4.3f(HS) as appropriate.</p> |

Continued on next page

4.6 Technical Capability (QC1), Continued

Technicians or technical bodies available – 3.4g

| | |
|-------------------|---|
| Use | This criterion is used to assess evidence of technicians or technical bodies available to the applicant (other than those providing a specialist skill), especially in the area of quality control. Evidence of technicians is optional and the default response setting is NOT REQUIRED . If the Contracting Authority determines that evidence is required, they can change the response setting to REQUIRED or SUBMIT ON REQUEST . |
| Evaluation | This criterion can be evaluated as Pass/Fail Only, or as both Pass/Fail and Qualitative. The minimum standard for a Pass is normally adequate evidence of relevant skills presented in the prescribed format. |
| Details | <p>The applicant describes (at their discretion) any extra technical resources – especially those responsible for quality control – available to them, whether they are in-house experts or subcontractors. This gives the applicant the opportunity to demonstrate an extended range of relevant abilities. This criterion <i>does not</i> apply to in-house specialists or subcontracted service providers who:</p> <ul style="list-style-type: none"> ▪ Augment or enhance services similar to those provided by the service provider applicant; or ▪ Provide specialist skills identified at section 1.3). <p>The Contracting Authority can limit the nature and format of this information by stating this at section 3.4g.</p> <p>Health and Safety evidence in relation to Design, PSDP or PSCS should NOT be supplied here – it must be dealt with at sections 3.4.1g(HS), 3.4.2g(HS) or 3.4.3g(HS) as appropriate.</p> |

5. Evaluating Health and Safety Competence

5.1 Overview

Introduction

It is a statutory requirement that the competence and satisfactory allocation of resources of Designer or Project Supervisors are established in compliance with the Safety, Health and Welfare at Work (Construction) Regulations 2006 by a client commissioning or procuring these technical services for construction works.

The client has a duty to ensure as far as is reasonably practicable that an appointee is competent and has sufficient resources. The information required from prospective appointees in order to demonstrate their suitability should be proportionate to the nature of the project, its size, the technical service required and the magnitude of potential hazards. This guidance provides assistance in assessing the responses to the Health and Safety criteria.

For the purpose of the Regulations, 'competence' means a person or organisation is deemed to be competent where, having regard to the task he or she is required to perform and taking account of the size or hazards (or both) of the undertaking or establishment in relation to which or in which the person or organisation undertakes work, the person or organisation possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken.' *Guidelines on the Procurement, Design and Management Requirements of the Safety, Health and Welfare at Work (Construction) Regulations 2006*

Assessing H&S criteria

H&S evidence is assessed under criteria at supplements to QC1 or in separate questionnaires QC3 and QC4 respectively. (Refer to

2.3 Suitability Assessment Forms, page 28 for details of when to use forms or supplements).

The criteria here have the same general uses as in the main QC1 form but take account of H&S requirements. Response settings are the same as in the main QC1 form. In QC1 any changes to the supplements should reflect changes to the corresponding criteria in the main questionnaire

In the case of QC1 the same evidence may be used in response to more than one criterion wherever it is stated that this is allowed, so that it is not necessary in that case to repeat the information, however it must then be cross-referenced clearly.

The responses will ultimately be required to form separate H&S files. The level of information required for H&S depends on the category of project as indicated at subsection 1.4.

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5.2 Competence for Design (QC1)

Introduction

Clause 17 of the Safety Health & Welfare at Work Act 2005 and Regulation 5 and 15 of the Safety Health & Welfare at Work (Construction) Regulations 2006 detail requirements for Designer.

Technical capability criteria

The QC1 supplement to be used for evidence of Health and Safety design competence contains the following criteria:

- 3.4.1a – Educational and professional qualifications (management);
- 3.4.1b – Educational and professional qualifications (personnel);
- 3.4.1c – Services of a similar nature;
- 3.4.1d – Measures for ensuring quality;
- 3.4.1e – Average annual manpower over the past 3 years;
- 3.4.1f – Technical equipment available; and
- 3.4.1g – Technicians or technical bodies available.

Continued on next page

5.2 Competence for Design (QC1), Continued

Qualifications of management – 3.4.1a

| | |
|-------------------------------------|--|
| Use | When the response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The response may also be changed to SUBMIT ON REQUEST or Not Applicable . |
| Application Minimum Standard | The minimum standard for a <i>Type 1</i> project is sufficient evidence of the company's management staff with appropriate educational and professional qualifications and experience <i>in the design discipline that is relevant to the works</i> . |
| Evaluation - Type 1 | <p>In the case of a <i>Type 1</i> project at least one member of the management staff responsible for the project should provide evidence of suitable professional qualifications and/or expertise by reason of professional experience in relation to construction projects.</p> <p>For small companies the Principal of the company will have an awareness of design services being provided for all projects within the company. This should be sufficient to satisfy the requirement 'responsible for the project'.</p> |
| Evaluation - Type 2 and 3 | <p>In the case of <i>Type 2</i> or <i>Type 3</i> projects in addition to the requirements for <i>Type 1</i> the dedicated member of the management staff with responsibility for Health and Safety on projects should have suitable training and expertise by reason of experience in relation to Design services on construction projects.</p> <p>Design management staff at this level are required to have Health and Safety training and qualifications (for example, degree, diploma, certificate, CPD). A more structured approach to safety management is required at this level. Formal H&S training (ideally from a management perspective) and/or membership of an H&S professional institution is necessary. Typically such training might include some or all of the following:</p> <ol style="list-style-type: none"> 1. In-house H&S training/seminars; 2. H&S Continual Professional Development (CPD); 3. General structured externally validated H&S training; 4. Formal post-graduate training; and 5. Specific additional qualifications. <p>(1-3 should be >4 man hours per annum.) There should be at least one management individual who will have a direct involvement in the Design role and should be able to demonstrate specific H&S training under headings 1-3 above or equivalent H&S competencies.</p> |

Continued on next page

5.2 Competence for Design (QC1), Continued

Qualifications of management (continued)

Management of *Type 3* projects require in addition to the requirements at *Type 1 and Type 2* projects above at least one management individual who will have a direct involvement in the management of the project must have some form of externally validated H&S training (3, 4 or 5 as above) or equivalent H&S competencies. In this context in-house H&S training/seminars or H&S CPD are not sufficient. In this context in-house H&S training/seminars or H&S CPD are not sufficient.

Continued on next page

5.2 Competence for Design (QC1), Continued

Qualifications of personnel – 3.4.1b

| | |
|--|--|
| Use | When the response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The response may also be changed to SUBMIT ON REQUEST or Not Applicable . |
| Application of Minimum Standard | The minimum standard for a <i>Type 1</i> project is evidence of sufficient of the company's personnel responsible for the project with appropriate educational and professional qualifications and/or expertise by reason of experience in the relevant discipline and relevant to the works. |
| Evaluation - Type 1 | In the case of <i>Type 1</i> project the personnel responsible for the particular project should be able to provide evidence of appropriate educational and professional qualifications and/or expertise by reason of experience in the relevant discipline and in relation to the works. This refers to professional H&S and other construction-related or other relevant qualifications and experience. |
| Evaluation - Types 2 and 3 | <p>The personnel responsible for the works or services on a <i>Type 2</i> or <i>Type 3</i> project should have suitable professional qualifications <i>and/or</i> (in the case of Type 2) <i>and</i> (in the case Type 3) expertise by reason of experience.</p> <p>At least one of the personnel responsible and directly involved with the works or services should be able to demonstrate specific H&S training as follows:</p> <ol style="list-style-type: none"> 1. In-house H&S training/seminars; 2. H&S Continual Professional Development (CPD); 3. General structured externally-validated H&S training; 4. Formal post-graduate training; and 5. Specific additional qualifications; or <p>otherwise demonstrate equivalent Health and Safety competencies. (1-3 should be >4 man hours per annum.)</p> <p>The personnel responsible for the Design services on a <i>Type 3</i> project should additionally have some form of externally-validated H&S training such as:</p> <ol style="list-style-type: none"> 1 General structured externally-validated H&S training (>4 man hours per annum) 2 Formal post-graduate training; and 3 Specific additional qualifications; or <p>otherwise demonstrate equivalent H&S competencies. In this context in-house H&S training/seminars or H&S CPD are not sufficient.</p> |

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5.2 Competence for Design (QC1), Continued

List of services – 3.4.1c

| | |
|--|--|
| Use | When the response is REQUIRED it must be submitted according to the instructions in the questionnaire. The response may be changed to SUBMIT ON REQUEST or Not Applicable . |
| Application of Minimum Standard | The minimum standard is evidence of company's previous experience (as Designer) on completed projects of a similar nature and complexity, it refers to previous services provided in the same professional design discipline. |
| Evaluation | The required evidence should be stated in the standard form of Certification of Satisfactory Execution supplied at Appendix B. These can be filled in and provided by the applicant either directly to the Contracting Authority (before closing time for submission of responses to questionnaire) or submitted by the applicant at the same time as the rest of the response to the questionnaire. The information in the certificates can subsequently be verified by the Contracting Authority through enquiries made with relevant third parties if it so wishes. |

Measures for ensuring quality – 3.4.1d

| | |
|--|---|
| Use | When the response is REQUIRED it must be submitted according to the instructions in the questionnaire. The response may be changed to SUBMIT ON REQUEST or Not Applicable . |
| Application of Minimum Standard | The minimum standard for a Type 1 project is the submission of the signed declaration and – where enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded – adequate measures put in place by the applicant's company to address any deficiencies in H&S procedures. The minimum standard for Type 2 and 3 projects is the submission of the declaration and the evidence (when requested) of the requirements (a) to (g) in this criterion. |
| Evaluation – all projects | It is important that the declaration made on the form at Appendix C is signed as an original and appended to the response to the questionnaire. The Project Title must be entered at the top of the declaration so that it is specific to the project and the date on the form must be current. Where no Notices, enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded on the declaration, this may be accepted at face value unless the person(s) or organisation assessing the submission has information to the contrary (from whatever source). |

Continued on next page

5.2 Competence for Design (QC1), Continued

Measures for ensuring quality (continued)

Where any Notices, enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded, an assessment must be carried out as to whether adequate measures have been put in place by the Designer's company to address any deficiencies in their H&S procedures. The onus is on the Designer's company to supply sufficient information to demonstrate this. For a **Type 3** project expert advice may be required as to the adequacy of such measures.

In **Type 2** and **Type 3** projects it is not required that the general H&S policy document be examined in detail, but it should be checked to ensure that it is relevant to the scale and complexity of the project. A check should also be made to ensure that all the information in the list mentioned above has been provided (either in the Safety Statement or otherwise appended) and is also relevant to the scale and complexity of the project.

Generally there should be reliance on some system that provides a consistent framework. It may be unduly onerous to require a Quality Assurance (QA) type validated system but the submission should be informed by a QA type approach of standardise, audit, review, revise and refine with consistent documentation and an auditable process.

Note: It is recommended in the questionnaire that prospective designers should structure their responses to the above questions by providing a Safety statement (when requested) within which all of the above questions can be addressed using the format available at [http://www.hsa.ie/eng/FAQs/Safety Statement and Risk Assessment/](http://www.hsa.ie/eng/FAQs/SafetyStatementandRiskAssessment/). But this is not obligatory. Designers have the right to structure their responses in whatever format they choose.

Average annual manpower – 3.4.1e

| | |
|--|---|
| Use | When the response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The response may also be changed to SUBMIT ON REQUEST or Not Applicable . |
| Application of Minimum Standard | The minimum standard is the submission for the relevant details: evidence of adequate personnel/staff resources to carry out the work in compliance with Safety, Health and Welfare at Work (Construction) Regulations 2006. |
| Evaluation | Evaluation of the standard should take account of the H&S requirements for adequate staff/personnel resources. As long as the design service provider has submitted in response to the main questionnaire the information as requested no further assessment is required. |

Continued on next page

5.2 Competence for Design (QC1), Continued

Technical equipment – 3.4.1f

| | |
|--|--|
| Use | When the response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The response may also be changed to SUBMIT ON REQUEST or Not Applicable . |
| Application of Minimum Standard | The minimum standard is evidence of adequate knowledge resources to carry out the work in compliance with Safety, Health and Welfare at Work Act 2005. |
| Evaluation | Adequate access (online or offline) to appropriate levels of Codes of Practice, Regulatory and Statutory guidance should be demonstrated. As long as the design service provider has submitted the information as requested and has met the standard for the main questionnaire no further assessment is required. Note however that the standard for the main questionnaire should take account of the H&S requirements for adequate resources. |

Technicians and Technical Bodies – 3.4.1g

| | |
|--|---|
| Use | The default setting is NOT REQUIRED . It can be changed to REQUIRED or SUBMIT ON REQUEST if the Contracting Authority determines that the evidence is required. It must be submitted according to the options given in the instructions in the questionnaire. The response should be changed to Not Applicable where the design is not required. |
| Application of Minimum Standard | The minimum standard is evidence of adequate skill, experience and resources to carry out the work in compliance with Safety, Health and Welfare (Construction) Regulations 2006. |
| Evaluation | This item is not usually critical unless there is some aspect of the project requiring esoteric expertise outside the scope of normal projects. This would have to be assessed on a scheme-by-scheme basis where the requisite resources are not all available in-house the shortfall of resources may be provided under this criterion. As long as the design service provider has submitted in response to this questionnaire the information as requested no further assessment is required. |

5.3 Competence of PSDP (QC1 and QC3)

Introduction

Regulations 6 & 7 of the Safety Health & Welfare at Work (Construction) Regulations 2006 detail requirements for the PSDP.

Technical capability criteria

The criteria in the QC1 supplement to be used for evidence of competence of PSDP are:

- 3.4.2a – Educational and professional qualifications (management);
- 3.4.2b – Educational and professional qualifications (personnel);
- 3.4.2c – Services of a similar nature;
- 3.4.2d – Measures for ensuring quality;
- 3.4.2e – Average annual manpower over the past 3 years;
- 3.4.2f – Technical equipment available; and
- 3.4.2g – Technicians or technical bodies available.

These same criteria are in the QC3 form for the independent PSDP, numbered 3.4a to g.

Continued on next page

5.3 Competence of PSDP (QC1 and QC3), Continued

Qualifications
of management
– QC1, 3.4.2a
and QC3, 3.4a

| | |
|------------------------------|---|
| Use | When the response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The response may be changed to SUBMIT ON REQUEST or in the case of QC1 only to Not Applicable . |
| Application Minimum Standard | The minimum standard for a <i>Type 1</i> project is sufficient evidence of the company's management staff with appropriate educational and professional qualifications and experience <i>specific to the PSDP role</i> and relevant to the Works. |
| Evaluation – Type 1 | In the case of <i>Type 1</i> projects at least one member of the management staff responsible for the project should provide evidence of suitable professional qualification and/or expertise by reason of his/her professional experience in relation to construction projects. For small companies the principal of the company will have an awareness of design services being provided for all projects within its company. This should be sufficient to satisfy the requirement 'responsible for the project'. |
| Evaluation - Types 2 and 3 | In the case of <i>Types 2</i> and <i>Type 3</i> projects in addition to the requirements for <i>Type 1</i> projects the dedicated member of the management staff with responsibility for Health and Safety on projects should have suitable training <i>and</i> expertise by reason of experience in relation to PSDP services on construction projects. PSDP management staff at this level are required to have Health and Safety training and qualifications (e.g. degree, diploma, certificate, CPD). A more structured approach to safety management is required at this level. Formal H&S training (ideally from a management perspective) and/or membership of an H&S professional institution is necessary. Typically such training might include some or all of the following: <ol style="list-style-type: none"> 1. In-house H&S training/seminars; 2. H&S Continual Professional Development (CPD); 3. General structured externally-validated H&S training; 4. Formal post-graduate training; and 5. Specific additional qualifications. (1-3 should be >16 man hours per annum.) There should be at least one management individual who will have a direct involvement in the role of PSDP and should be able to demonstrate specific H&S training under headings 1-3 above or equivalent H&S competencies. |

Continued on next page

5.3 Competence of PSDP (QC1 and QC3), Continued

Qualifications of management (continued)

Management of *Type 3* projects require, in addition to the requirements at *Type 1* and *Type 2* projects above, at least one management individual who will have a direct involvement in the management of the project must have some form of externally-validated H&S training (3, 4 or 5 as above) or equivalent H&S competencies. In this context in-house H&S training/seminars or H&S CPD are not sufficient.

Continued on next page

5.3 Competence of PSDP (QC1 and QC3), Continued

Qualifications
of personnel
– QC1, 3.4.2b
and QC3, 3.4b

| | |
|---------------------------------|---|
| Use | When the response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The response may be changed to SUBMIT ON REQUEST or in the case of QC1 only to Not Applicable . |
| Application of Minimum Standard | The minimum standard for a <i>Category Type 1</i> project is evidence of sufficient of the company's personnel responsible for the project with appropriate educational and professional qualifications and/or expertise specific to the PSDP role. This refers to professional H&S, construction related or other relevant qualifications and experience. |
| Evaluation - Type 1 | In the case of <i>Type 1</i> projects the personnel responsible for the works should be able to provide evidence of appropriate educational and professional qualifications and/or expertise by reason of experience in the relevant discipline and in relation to the works. This refers to professional H&S and other construction-related or other relevant qualifications and experience. |
| Evaluation - Type 2 and 3 | <p>The personnel responsible for the services on a <i>Type 2</i> or <i>Type 3</i> project should have suitable professional qualifications <i>and/or</i> (in the case of Type 2) <i>and</i> (in the case of Type 3) expertise by reason of experience in relation to the PSDP role.</p> <p>At least one of the personnel responsible and directly involved with provision of the service should be able to demonstrate specific H&S training under the following headings</p> <ol style="list-style-type: none"> 1. In-house H&S training/seminars; 2. H&S Continual Professional Development (CPD); 3. General structured externally-validated H&S training; 4. Formal post-graduate training; 5. Specific additional qualifications; or <p>otherwise demonstrate equivalent H&S competencies.1-3 should be >16 man hours per annum. In this context in-house H&S training/seminars or H&S CPD are not sufficient.</p> |

Continued on next page

5.3 Competence of PSDP (QC1 and QC3), Continued

Qualifications of personnel (continued)

| | |
|--|---|
| | <p>The personnel responsible for the PSDP services on a Type 3 project should additionally have some form of externally-validated H&S training such as:</p> <ol style="list-style-type: none"> 1. General structured externally-validated H&S training (>16 man hours per annum) 2. Formal post-graduate training; and 3. Specific additional qualifications; or <p>Otherwise demonstrate equivalent H&S competencies.</p> |
|--|---|

List of services – QC1, 3.4.2c and QC3, 3.4c

| | |
|--|---|
| Use | <p>When the response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The response may be changed to SUBMIT ON REQUEST or in the case of QC1 only to Not Applicable.</p> |
| Application of Minimum Standard | <p>The minimum standard is evidence of the company's previous experience (as PSDP) on completed projects of a similar nature and complexity.</p> <p>In QC1 when the Response is REQUIRED it must be submitted for the PSDP (specialist skill) as Appendix 3.4.2c(HS) separate from the response to the corresponding criterion on the main form.</p> |
| Evaluation | <p>The required evidence should be stated in the standard form of Certification of Satisfactory Execution supplied at Appendix B. These certificates can be filled in by the applicant and provided by the applicant either directly to the Contracting Authority (before closing time for submission of responses to questionnaire) or submitted by the applicant at the same time as the rest of the response to the questionnaire. The information in the certificates can subsequently be verified by the Contracting Authority (if it so wishes) through enquiries made with relevant third parties.</p> |

Continued on next page

5.3 Competence of PSDP (QC1 and QC3), Continued

Measures for
ensuring
quality
– QC1, 3.4.2d
and QC3, 3.4d

| | |
|--|---|
| Use | When the response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The response may be changed to SUBMIT ON REQUEST or in the case of QC1 only to Not Applicable . |
| Application of Minimum Standard | The minimum standard for a <i>Type 1</i> project is the submission of the signed declaration, and where enforcement actions, legal proceedings accidents, fatalities or incidents have been recorded, adequate measures put in place by the PSDP service provider to address any deficiencies in H&S procedures. The minimum standard for <i>Type 2</i> and <i>3</i> projects is the submission of the declaration as above and the evidence (when requested) of the list of requirements (a) to (g) under this criterion. |
| Evaluation | <p>It is important that the declaration made on the form at Appendix C is signed as an original and appended to the response to the questionnaire. The Project Title must be entered at the top of the declaration so that it is specific to the particular project and the date on the declaration must be current.</p> <p>Where no Notices, enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded on the declaration, this may be accepted at face value unless the person(s) or organisation assessing the submission has information to the contrary (from whatever source). Where any Notices, enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded, an assessment must be carried out as to whether adequate measures have been put in place by the PSDP company to address any deficiencies in H&S procedures. The onus is on the PSDP to supply information to demonstrate this. To assess the adequacy of such measures expert advice may be required.</p> <p>In the case of <i>Type 2</i> or <i>3</i> projects it is not a requirement that the general H&S policy document be examined in detail. However, a check should be made to see that it is relevant to the scale and complexity of the project. A check should also be made to ensure that all the information in the list mentioned above (when requested) has been provided (in the Safety Statement or otherwise) and is relevant to the scale and complexity of the project.</p> |

Continued on next page

5.3 Competence of PSDP (QC1 and QC3), Continued

Measures for ensuring quality (continued)

| | |
|--|---|
| | Generally there should be some system or approach that provides a consistent framework. It may be unduly onerous to require a Quality Assurance (QA) type validated system but the submission should be informed by a QA type approach of standardise, audit, review, revise and refine with consistent documentation and an auditable process. |
|--|---|

Note: It is recommended in the questionnaire that the applicant PSDP should structure their responses (when requested) to the above questions by providing a Safety statement within which all of the above questions can be addressed using the format available at www.hsa.ie/eng/FAQs/Safety Statement and Risk Assessment/. However this is not obligatory, PSDP service providers have the right to structure their responses in whatever format they choose.

Average annual manpower – QC1, 3.4.2e and QC3, 3.4e

| | |
|--|---|
| Use | When the response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The response may be changed to SUBMIT ON REQUEST or in the case of QC1 only Not Applicable . |
| Application of Minimum Standard | The minimum standard is the submission of the relevant details: evidence of adequate personnel/staff resources to carry out the work in compliance with Safety, Health and Welfare at Work (Construction) Regulations 2006. |
| Evaluation | The standard should take account of the H&S requirements for adequate staff/personnel resources. As long as the PSDP service provider has submitted in response to the main questionnaire (QC1) the information as requested no further assessment is required. |

Technical equipment – QC1, 3.4.2f and QC3, 3.4f

| | |
|--|--|
| Use | When the response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The response may be changed to SUBMIT ON REQUEST or in the case of QC1 only to Not Applicable . |
| Application of Minimum Standard | The minimum standard is evidence of adequate knowledge resources to carry out the service in compliance with Safety, Health and Welfare at Work Act 2005. |
| Evaluation | Adequate access (online or offline) to appropriate levels of Codes of Practice, Regulatory and Statutory guidance should be demonstrated. As long as the PSDP service provider has submitted in response to the main questionnaire (QC1) the information as requested no further assessment is required. |

Continued on next page

5.3 Competence of PSDP (QC1 and QC3), Continued

Technicians and Technical Bodies

– QC1, 3.4.2g
and QC3, 3.4g

| | |
|--|--|
| Use | The default setting is NOT REQUIRED . It can be changed to REQUIRED or SUBMIT ON REQUEST if the Contracting Authority determines that evidence is required. When the response is required, it must be submitted according to the options given in the instructions in the questionnaire. In the case of QC1 only the response can be changed to Not Applicable . |
| Application of Minimum Standard | The minimum standard is evidence of adequate skill, experience and resources to carry out the work in compliance with Safety, Health and Welfare (Construction) Regulations 2006. |
| Evaluation | This item is not usually critical unless there is some aspect of the project requiring esoteric expertise outside the scope of normal projects. This would have to be assessed on a scheme-by-scheme basis. Where the requisite resources are not all available in-house the shortfall may be covered under this criterion. As long as the PSDP service provider has submitted in response to this questionnaire the information as requested no further assessment is required. |

Continued on next page

5.3 Competence of PSCS (QC1 and QC4), Continued

Introduction

Clause 17 of the Safety Health & Welfare at Work Act 2005 and Regulations 6 and 7 of the Safety Health & Welfare at Work (Construction) Regulations 2006 detail requirements for the PSCS.

Technical capability criteria

The criteria in the QC1 supplement to be used for evidence of competence of PSCS are:

- 3.4.3a – Educational and professional qualifications (management);
- 3.4.3b – Educational and professional qualifications (personnel);
- 3.4.3c – Services of a similar nature;
- 3.4.3d – Measures for ensuring quality;
- 3.4.3e – Average annual manpower over the past 3 years;
- 3.4.3f – Technical equipment available; and
- 3.4.3g – Technicians or technical bodies available.

These same criteria are in the QC3 form for the independent PSCS, numbered 3.4a to g.

Continued on next page

5.3 Competence of PSCS (QC1 and QC4), Continued, Continued

Qualifications
of management
– QC1, 3.4.3a
and QC4, 3.4a

| | |
|------------------------------|--|
| Use | When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The response may also be changed to SUBMIT ON REQUEST or in the case of QC1 only to Not Applicable . |
| Application Minimum Standard | The minimum standard for <i>Type 1</i> projects is sufficient evidence of the company's management staff with appropriate educational and professional qualifications and experience <i>specific to the PSCS role</i> and relevant to the Works. |
| Evaluation - Type 1 | <p>In the case of <i>Type 1</i> projects at least one member of the management staff should provide evidence of suitable training and/or expertise by reason of experience in relation to construction projects.</p> <p>For small companies the principal of the company will have an awareness of PSCS services being provided for of all projects within its company. This should be sufficient to satisfy the requirement 'responsible for the project'.</p> |
| Evaluation - Types 2 and 3 | <p>In addition to the <i>Type 1</i> requirements, the dedicated member of the management staff with responsibility for Health and Safety on projects should have suitable training <i>and</i> expertise by reason of experience in relation to PSCS services on construction projects.</p> <p>PSCS management staff at this level are required to have H&S training and qualifications (e.g., degree, diploma, certificate, CPD). A more structured approach to safety management is required. Formal H&S training (ideally from a management perspective) and/or membership of an H&S professional institution is necessary. Typically such training might include:</p> <ol style="list-style-type: none">1. In-house H&S training/seminars;2. H&S Continual Professional Development (CPD);3. General structured externally-validated H&S training;4. Formal post-graduate training; and5. Specific additional qualifications. <p>(1-3 should be >16 man hours per annum.) There should be at least one management individual with direct involvement in the role able to demonstrate specific H&S training under 1-3 or equivalent H&S competencies.</p> |

Continued on next page

5.3 Competence of PSCS (QC1 and QC4), Continued, Continued

Qualifications of management (continued)

Management of *Type 3* projects require, in addition to the requirements at *Type 1* and *Type 2* projects above, at least one management individual who will have a direct involvement in the management of the project must have some form of externally-validated H&S training (3, 4 or 5 as above) or equivalent H&S competencies. In this context in-house H&S training/seminars or H&S CPD are not sufficient.

Continued on next page

5.3 Competence of PSCS (QC1 and QC4), Continued, Continued

Qualifications
of personnel –
QC1, 3.4.3b and
QC4, 3.4b

| | |
|---------------------------------|--|
| Use | When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The response may also be changed to SUBMIT ON REQUEST or in the case of QC1 only to Not Applicable . |
| Application of Minimum Standard | The minimum standard for a <i>Type 1</i> project is evidence of sufficient of the company's personnel responsible for the project with appropriate educational and professional qualifications and/or expertise specific to the PSCS role. |
| Evaluation – Type 1 | In the case of <i>Type 1</i> projects the personnel responsible for the Works should be able to provide evidence of appropriate educational and professional qualifications and/or expertise by reason of his/her experience in the relevant discipline and in relation to the works. This refers to professional H&S and other construction-related or other relevant qualifications and experience. |
| Evaluation – Type 2 and 3 | <p>The personnel responsible for the PSCS service to be provided on a <i>Type 2</i> or <i>Type 3</i> project should have suitable professional qualifications <i>and/or</i> (in the case of Type 2) <i>and</i> (in the case of Type 3) expertise by reason of experience.</p> <p>At least one of the personnel responsible and directly involved with the services should be able to demonstrate specific H&S training as follows:</p> <ol style="list-style-type: none"> 1. In-house H&S training/seminars; 2. H&S Continual Professional Development (CPD); 3. General structured externally-validated H&S training; 4. Formal post-graduate training; 5. Specific additional qualifications; <p>or otherwise demonstrate equivalent H&S competencies. (1-3 should be >16 man hours per annum.)</p> <p>The personnel responsible for the PSCS services on <i>Type 3</i> projects should additionally have some form of externally-validated H&S training such as:</p> <ol style="list-style-type: none"> 1. General structured externally-validated H&S Training (>16 man hours per annum) 2. Formal post-graduate training; and 3. Specific additional qualifications. <p>or otherwise demonstrate equivalent H&S competencies. In this context in-house H&S training/seminars or H&S CPD are not sufficient.</p> |

Continued on next page

5.3 Competence of PSCS (QC1 and QC4), Continued, Continued

List of services
– QC1, 3.4.3c
and QC4, 3.4c

| | |
|--|---|
| Use | When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The response may also be changed to SUBMIT ON REQUEST or in the case of QC1 only to Not Applicable . |
| Application of Minimum Standard | The minimum standard is evidence of the company's previous experience (as PSCS) on completed projects of a similar nature and complexity. In QC1 when the Response is REQUIRED it must be submitted for the PSCS (specialist skill) as Appendix 3.4.3c(HS) separate from the response to the corresponding criterion on the main form. |
| Evaluation | The required evidence should be supplied in the standard form of Certification of Satisfactory Execution at Appendix B. These certificates can be filled in by the applicant and provided by the applicant either directly to the Contracting Authority (before closing time for submission of responses to questionnaire) or submitted by the applicant at the same time as the rest of the response to the questionnaire. The information in the certificates can subsequently be verified by the Contracting Authority through enquiries made with relevant third parties if it so wishes. |

Continued on next page

5.3 Competence of PSCS (QC1 and QC4), Continued, Continued

Measures for ensuring quality – QC1, 3.4.3d and QC4, 3.4d

| | |
|--|---|
| Use | When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The response may also be changed to SUBMIT ON REQUEST or in the case of QC1 only to Not Applicable . |
| Application of Minimum Standard | <p>The minimum standard for a <i>Type 1</i> project is the submission of the signed declaration, and where enforcement actions, legal proceedings accidents, fatalities or incidents have been recorded, adequate measures put in place by the PSCS service provider's company to address any deficiencies in H&S procedures.</p> <p>The minimum standard for <i>Type 2</i> and <i>Type 3</i> projects is the standard for <i>Type 1</i> and the evidence (when requested) of the list of requirements (a) to (g) in this criterion.</p> |
| Evaluation - Type 1, 2 and 3. | <p>It is important to ensure that an original signature is affixed to the declaration and that it is the same as the declaration supplied with the questionnaire (Appendix C). The Project Title must be entered at the top of the declaration so that it is specific to the particular project and the date on the declaration must be current.</p> <p>Where no Notices, enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded on the declaration, this may be accepted at face value unless the person(s) or organisation assessing the submission has information to the contrary (from whatever source). Where any Notices, enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded, an assessment must be carried out as to whether adequate measures have been put in place by the PSCS company to address any deficiencies in their H&S procedures. The onus is on the PSCS company to supply sufficient information to demonstrate this. For a <i>Type 3</i> project expert advice may be required as to the adequacy of such measures.</p> <p>In <i>Type 2</i> or <i>Type 3</i> projects it is not a requirement that the general H&S policy document be examined in detail, but a check should be made to ensure that it is relevant to the scale and complexity of the project. A check should also be made to ensure that all the information in the list above has been provided (either in the Safety Statement or otherwise appended) and that it is also relevant to the scale and complexity of the project.</p> |

Continued on next page

5.3 Competence of PSCS (QC1 and QC4), Continued, Continued

Measures for ensuring quality (continued)

| | |
|--|---|
| | Generally there should be some system or approach that provides a consistent framework. It may be unduly onerous to require a Quality Assurance (QA) type validated system but the submission should be informed by a QA type approach of standardise, audit, review, revise and refine with consistent documentation and an auditable process. |
|--|---|

Note: It is recommended in the questionnaire that the applicant PSCS should structure their response by providing a Safety Statement (when requested) within which all of the above questions can be addressed using the format available at [www.hsa.ie/eng/FAQs/Safety Statement and Risk Assessment/](http://www.hsa.ie/eng/FAQs/Safety%20Statement%20and%20Risk%20Assessment/). But this is not obligatory. The applicant PSCS has the right to structure their responses in whatever format they choose.

Average annual manpower – QC1, 3.4.3e and QC4, 3.4e

| | |
|--|---|
| Use | When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The response may also be changed to SUBMIT ON REQUEST or in the case of QC1 only Not Applicable . |
| Application of Minimum Standard | The minimum standard is the submission of the relevant details: evidence of adequate personnel/staff resources to carry out the work in compliance with Safety, Health and Welfare at Work (Construction) Regulations 2006. |
| Evaluation | The standard should take account of the H&S requirements for adequate staff/personnel resources. As long as the PSCS service provider has submitted in response to the main questionnaire (QC1) the information as requested no further assessment is required. |

Technical equipment – QC1, 3.4.3f and QC4, 3.4f

| | |
|--|--|
| Use | When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The response may also be changed to SUBMIT ON REQUEST or in the case of QC1 only Not Applicable . |
| Application of Minimum Standard | The minimum standard is evidence of adequate resources to carry out the service in compliance with Safety, Health and Welfare at Work Act 2005. |
| Evaluation | Adequate access (online or offline) to appropriate levels of Codes of Practice, Regulatory and Statutory guidance should be demonstrated. As long as the PSCS service provider has submitted in response to the main questionnaire (QC1) the information as requested no further assessment is required. |

Continued on next page

5.3 Competence of PSCS (QC1 and QC4), Continued, Continued

Technicians
and Technical
Bodies – QC1,
3.4.3f and QC4,
3.4g

| | |
|--|---|
| Use | The default setting is NOT REQUIRED . It can be changed to REQUIRED or SUBMIT ON REQUEST if the Contracting Authority determines that evidence is required, or in the case of QC1 only to Not Applicable . When the response is required, it must be submitted according to the options given in the instructions in the questionnaire. |
| Application of Minimum Standard | The minimum standard is evidence of adequate skill, experience and resources to carry out the work in compliance with Safety, Health and Welfare (Construction) Regulations 2006. |
| Evaluation | This item is not usually critical unless there is some aspect of the project requiring esoteric expertise outside the scope of normal projects. This would have to be assessed on a scheme-by-scheme basis. Where the requisite resources are not all available in-house the shortfall of resources may be provided under this criterion. |

6: Evaluating the Questionnaire

6.1 Overview

Purpose

Once suitability assessment responses have been received from applicants, they must be evaluated using the criteria in the questionnaire. The restricted procedure has two evaluation stages:

- Short List 1 – Pass/Fail assessment
 - Short List 2 – Qualitative assessment.
-

Contents

This chapter contains the following topics:

| Topic | See Page |
|---------------------------------------|----------|
| 6.2 General Guidance | 85 |
| 6.3 Short List 1 – Pass / Fail | 88 |
| 6.4 Short List 2 – Qualitative | 92 |

6.2 General Guidance

Introduction

The Contracting Authority is recommended to set up a small assessment panel to evaluate the questionnaires.

A marking sheet should be prepared – using the templates in Appendix C and D – which has the same criteria, minimum standards and relative weightings/marks as stated in the questionnaire.

This section provides general guidance on evaluating suitability assessment questionnaires, and includes the following topics:

- Clarifying submissions;
 - Inability to negotiate with applicants;
 - Using Assessment templates;
 - How to evaluate health and safety competency; and
 - How to evaluate specialist skills.
-

Clarification of submissions

After the closing date for receipt of suitability assessment questionnaires, all eligible applicants can be asked to clarify aspects of their submissions.

Applicants need to be aware that any additional evidence they supply must strictly be to clarify material they have already provided in their submission – to do otherwise would compromise the whole procedure.

Prohibition on Negotiation with applicants

During the suitability assessment process, the Contracting Authority cannot enter into negotiations with an applicant on fundamental aspects of their submission. Any variation is likely to distort the competition and lead to discrimination.

The assessment templates

The suitability assessment templates in Appendix C and D, are provided to assist the Contracting Authority when marking service provider submissions. They should be tailored to suit the questionnaire for a particular project, as follows:

- Short List 1 (Appendix C) should be used to establish which applicants meet the minimum criteria; and
- Short List 2 (Appendix D) should be used to determine – by means of a marking system – the ranking of all applicants who have obtained entry to Short List 1.

Note: Short List 2 is not necessary if the assessment is Pass/Fail Only.

Continued on next page

6.2 General Guidance, Continued

Health and safety competency

The Contracting Authority must ensure that those applying for the roles of PSDP, Designer (or roles with design input) and PSCS, are competent in Health and Safety – with regards to the nature and complexity of the project and the respective role. For statutory purposes, competence is determined by having adequate resources, training, experience and knowledge, appropriate to, and sufficient for, the nature of the technical service involved.

In relation to QC1 the Health and Safety competency of Design, PSDP and PSCS roles must always be assessed separately – (at supplements 3.4.1, 3.4.2 or 3.4.2 respectively) using the Pass/Fail Only method – **before** other service provider competencies (for example, design) are assessed. Independent PSDP and PSCS service providers are assessed based on suitability assessment evidences in response to the relevant questionnaires, QC3 and QC4 respectively. Refer to the previous chapter for details of criteria.

Evaluating submissions with specialist skills

Submissions with specialist skills can be evaluated using Pass/Fail Only or Pass/Fail plus Qualitative (with the exception of PSDP/PSCS).

Pass/Fail assessment

For Pass/Fail assessment, evidence should be treated as follows:

| If the specialist skill is provided by... | then the Pass/Fail assessment... |
|---|--|
| a subcontractor | must be first performed separately on the subcontractor's information. |
| an in-house expert | must be first performed separately on the in-house expert's evidence of technical capability after which the applicant's remaining criteria are subjected to the assessment. |

If an applicant's subcontractor or in-house expert fails the Pass/Fail assessment, the main applicant fails also unless the applicant supplies an alternative subcontractor or in-house expert who passes.

Continued on next page

6.2 General Guidance, Continued

Evaluating submissions with specialist skills (continued)

Qualitative assessment

Specialist skills are evaluated qualitatively in the course of the qualitative evaluation for the principal service and may be:

- seamlessly assessed as if part of those criteria; or
- assessed separately on the basis of weighted sub-criteria.

If the specialist skills are to be evaluated as sub-criteria the weightings should be disclosed to applicants in a transparent way when the weightings for the main criteria are being made known⁷.

The evaluation templates at Appendix C and Appendix D should be used separately where separate evaluation for specialist skills is required.

Note: Only subcontractors and in-house experts who pass the assessment(s) may be included in the applicant's future tender submission.

⁷ Arising out of recent case law it is a requirement to disclose sub-criteria to applicants and the weightings to those sub-criteria used in a qualitative evaluation.

6.3 Short List 1 – Pass / Fail

Introduction

The first evaluation stage in a restricted procedure is the Pass/Fail assessment. Applicants who pass the minimum standards form an initial shortlist or Short List 1, before proceeding to Short List 2. If submissions are being assessed on a Pass/Fail Only basis, **all** applicants who meet the minimum standards are invited to tender – and it is not necessary to proceed to Short List 2.

This section provides information on:

- Applying the minimum standards;
 - Considering convictions and misconduct;
 - Seeking clarification on submissions;
 - Completing the Short List 1 template;
 - Which order the forms must be evaluated; and
 - Assessing the result of Short List 1.
-

Minimum standards

Before the Contracting Authority opens and evaluates the submissions for Short List 1, they need to be clear about how to apply the minimum standards. In all cases, minimum standards must be applied equally to all applicants. Other criteria – for example, a third party's opinion – cannot be used to make a judgment with the exception of third parties confirming the information in the Certificate of Satisfactory Execution is correct.

Where no minimum standard is set, providing the requested information for those criteria can be deemed to satisfy the minimum requirement.

Convictions and misconduct

If the applicant's submission indicates that they have been convicted for a relevant professional conduct offence, or that they meet any of the circumstances stated in item 2 of the Applicant's Personal Situation Declaration (Appendix A of the questionnaire), the Contracting Authority must consider the case made by the applicant before deciding whether to pass or fail them (except in circumstances where there is mandatory disqualification).

Clarification

If evidence for a particular criterion is not in the prescribed format and it is unclear how to interpret it, the Contracting Authority can ask for clarification – provided that this policy is applied equally to all applicants.

However as a general rule, if the requested information is either not provided in full, or in the prescribed format, the Contracting Authority should *not* seek clarification or request additional information. In such circumstances, the Contracting Authority needs to determine whether or not the applicant meets the minimum standard, based only on the information provided.

Continued on next page

6.3 Short List 1 – Pass / Fail, Continued

List of Services of a Similar Nature

Where the Contracting Authority states a number of examples in the minimum standard for a Pass and more than that number are submitted there is no obligation to consider all examples submitted. Instead the Contracting Authority should pick those examples first-in-line up to the minimum and evaluate them. In order to indicate which examples are first-in-line the applicant must fill out the template list at Appendix B to QC1 and include this in its response.

Short List 1 template

For Pass/Fail evaluation, the Contracting Authority should use the *Service Provider's Suitability Assessment Template –Short List 1* in Appendix C to this guidance. The following table provides details of how the Contracting Authority should complete the columns in the Short List template.

| Column name | Details |
|------------------|--|
| Minimum standard | It is essential that applicants are assessed on the criteria stated in the questionnaire and on pre-determined minimum standards. Each minimum standard should be stated in this column beside the relevant criterion. |
| Notes | This column is for the Contracting Authority to use to make notes on the applicant's response to each criterion. |
| Pass/Fail | In the Pass/Fail column, the Contracting Authority must enter for each criterion Yes for a Pass or No for a Fail. |

Continued on next page

6.3 Short List 1 – Pass / Fail, Continued

Evaluation order

Health and Safety competency must be evaluated first, before other competencies are evaluated. The order of evaluation for Short List 1 – Pass/Fail, is presented in Figure 2.

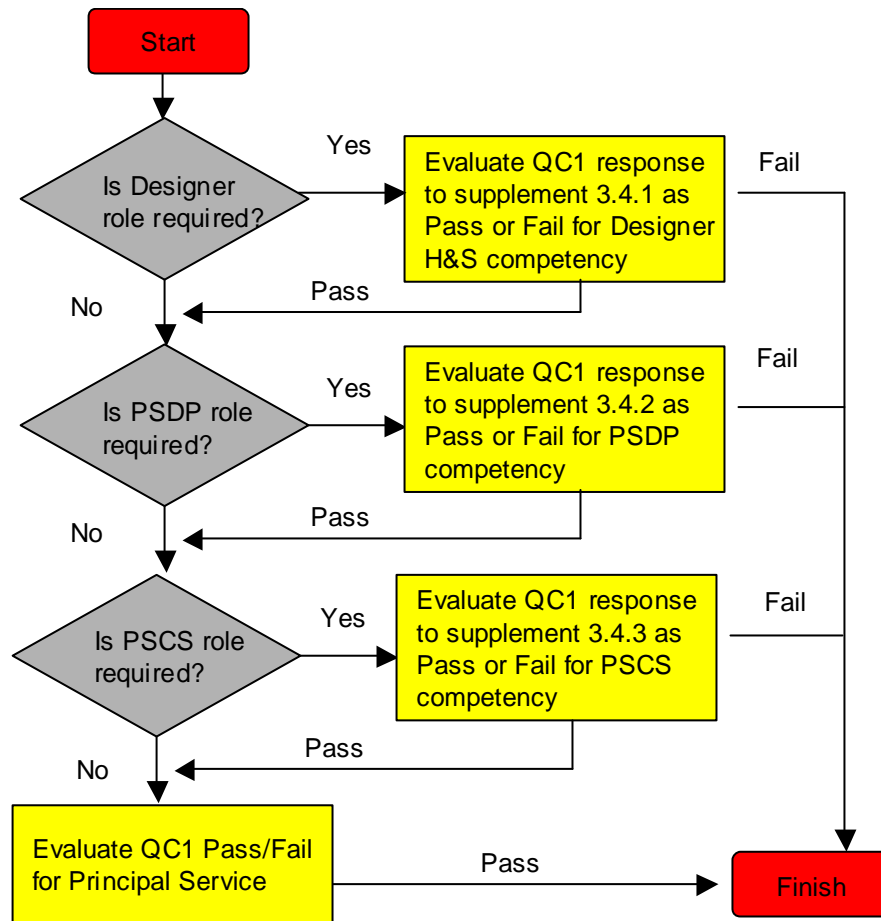


Figure 2: The order of evaluation for Short List 1 in a restricted process

Continued on next page

6.3 Short List 1 – Pass / Fail, Continued

Assessing the result of Short List 1

When submissions are assessed on a Pass/Fail plus Qualitative basis, the Contracting Authority can proceed to Short List 2 of the assessment with all those applicants that have attained a place on Short List 1. However, depending on the total number of applicants who have attained a place on Short List 1 it may not be necessary to proceed to Short List 2 – see the table below.

| If the number of applicants who meet the minimum standards (pass)... | Then the Contracting Authority... |
|--|---|
| exceed the maximum number or range specified in the Contract Notice | can proceed to Short List 2 (Qualitative assessment) with all qualifying applicants. |
| does not exceed the maximum number or range specified in the Contract Notice | can invite to tender all qualifying applicants. |
| is lower than the minimum number to be shortlisted (five) | can invite to tender all qualifying applicants – only if the Contracting Authority is satisfied that there are sufficient candidates for genuine competition. |

Note: If an applicant fails to meet the minimum standard for *any one* criterion, they *must* be excluded from Short List 1 which in turn will exclude them from being considered for Short List 2, regardless of how impressive the rest of their submission is.

6.4 Short List 2 – Qualitative

Introduction

Once applicants have attained a position on Short List 1 of the suitability assessment process, they become referred to as candidates. In Stage 2, the Contracting Authority marks and ranks the candidates submissions to reduce the number or range of successful candidates – stated in the Contract Notice and questionnaire.

This section provides information on the following:

- Completing the Short List 2 template;
 - Applying the marking criteria;
 - Assessing the result of Short List 2;
 - Notifying unsuccessful candidates; and
 - Inviting successful candidates to tender.
-

Stage 2 template

For qualitative evaluation, the Contracting Authority should use the *Service Provider's Suitability Assessment Template – Short List 2* in Appendix D. This template should reflect the Contracting Authority's chosen criteria, marks and relative weightings. Criteria evaluated as Pass/Fail Only in Short List 1, should be omitted from evaluation in Short List 2. The following table provides detail of the columns in the Short List 2 template.

| Column name | Details |
|-------------------|---|
| Notes | This column is for the Contracting Authority make notes on the candidate's response to each criterion. |
| Maximum marks | Candidates must be assessed on the criteria as stated in the questionnaire and on the basis of the pre-determined maximum marks or relative weightings. These should be stated in this column beside the relevant criterion. |
| Applicant's score | <p>The Contracting Authority should mark each candidate for all applicable criteria. Generally:</p> <ul style="list-style-type: none">▪ Where the candidate meets the minimum standard but does not exceed it, the score should be zero; and▪ Where the candidate reaches the maximum standard, the score should be the maximum marks available for that criterion. <p>More information about how to mark each criterion is given on the following page.</p> |

Continued on next page

6.4 Short List 2 – Qualitative, Continued

Marking criteria The following table provides guidance for the Contracting Authority when marking candidate's submissions.

| Section | | Description |
|-------------------|---|---|
| 3.3a | Evidence of Turnover (if applicable) | Marks are given for turnover above the minimum standard. Candidates can receive full marks if they meet or exceed the maximum where it exists. |
| 3.4a and b | Educational & Professional Qualifications of Management (and Personnel) | Marks are given for relevant qualifications and experience above the minimum standard. If some information is incomplete or does not allow an accurate evaluation, marks should not be awarded for that part of the criterion. |
| 3.4c | List of Services of a Similar Nature | Marks should be deducted for incomplete information or examples of service of lesser size or complexity to the service in question. No extra marks should be given for services greater. Where the Contracting Authority states a maximum number of examples and more than that number are submitted it would be disproportionate to disqualify the applicant because of this. Instead the Contracting Authority should pick those examples first-in-line up to the maximum and evaluate them. There is no obligation to consider all examples submitted. In order to indicate which examples are first-in-line the applicant must fill out the template list at Appendix B to QC1 and include this in its response. |
| 3.4d | Measures for Ensuring Quality | Marks are given for evidence over and above the minimum standard. If the information is incomplete, irrelevant or does not allow accurate evaluation, marks should not be awarded for that part of the criterion. |
| 3.4e | Average Annual Manpower | Marks are given for manpower over and above the minimum standard. Higher marks should be given for greater manpower up to a maximum where it exists. |
| 3.4f | Technical Equipment | Marks are given for equipment over and above the minimum standard. Higher marks should be given for evidence of a higher standard. |
| 3.4g | Technical Bodies | Marks are given for available technicians above the minimum standard. Higher marks should be given for evidence of a higher standard. No marks should be given for technical bodies not required for the project, e.g, conservation skills in a new build. |

Continued on next page

6.4 Short List 2 – Qualitative, Continued

Assessing the result of Short List 2

Once each candidate's submission has been marked, the Contracting Authority ranks the candidates according to the order of their scores. Successful candidates are those with the highest total scores (up to the maximum number or range) and should be invited to tender. Figure 3 describes this process.

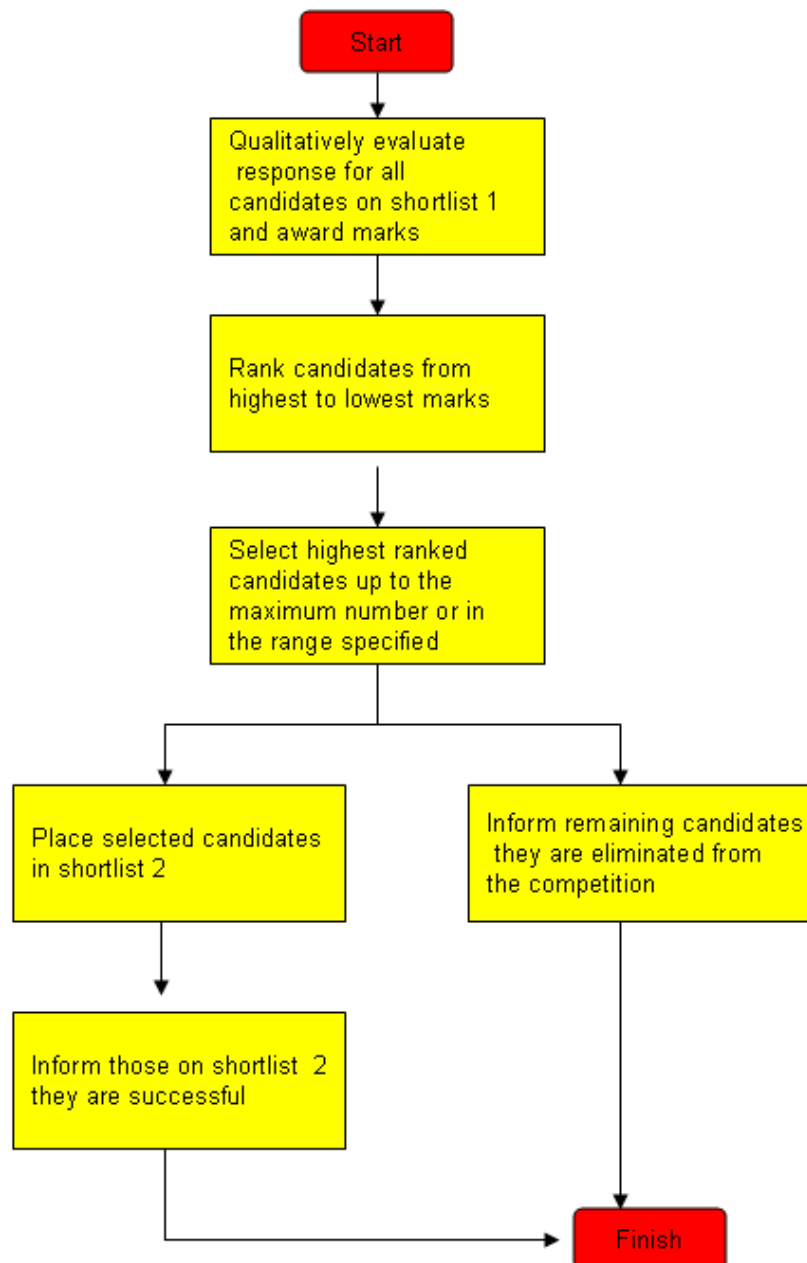


Figure 3: The Qualitative assessment process

Continued on next page

6.4 Short List 2 – Qualitative, Continued

Notifying unsuccessful candidates

Unsuccessful candidates should be notified as soon as possible after Stage 2 has been completed, and at least in advance of tenders being sought. Article 41 of Directive 2004/18/EC states that if unsuccessful candidates make a written request, the Contracting Authority must – within 15 days of receipt of their request – inform the candidates why their submission was rejected.

Inviting successful candidates to tender

The Contracting Authority should issue an *Instructions To Tender* to all successful candidates in the restricted procedure. There are a number of tender documents the Contracting Authority must prepare, before inviting candidates to tender, refer to *Instructions to Tender Services, Restricted Procedure* (ITTS 1 (a)⁸ and ITTS1 (b)⁹).

For more information about the tender process for service providers, see *Procurement Process for Consultancy Services (Technical)* (GN 1.6).

⁸ ITTS1 (a) can be used where hourly rates for extra services need to be identified. These rates are a formula in ITTS1 (a).

⁹ ITTS1 (b) can be used where tendered hourly rates for extra services need to be identified.

Appendices

Overview

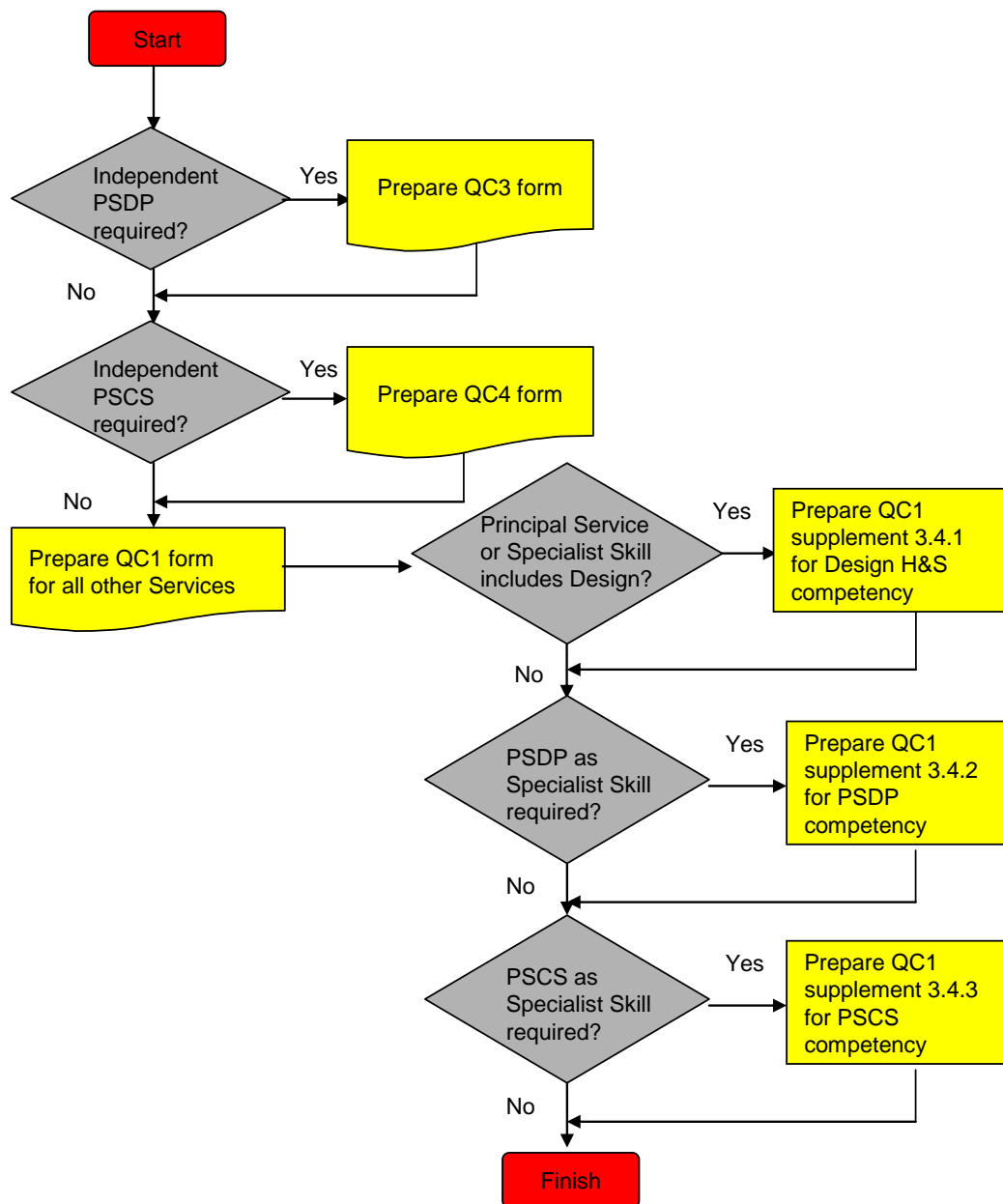
Contents

This section contains the following appendices that supplement the information in this guidance note:

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| Appendix B: Summary of Forms (Service Providers) | 97 |
| Appendix C: Short List 1 Template | 98 |
| Appendix D: Short List 2 Template | 102 |

Appendix A: Deciding on Forms for Service Providers (Restricted Procedure)

Service
Providers in a
restricted
procedure



Note: Qualitative Assessment may be selected for some criteria (where indicated on the form), but this selection then applies to all services on that Questionnaire, if an alternative selection is required for a service(s) a new Questionnaire must be created.

Appendix B: Summary of Forms (Service Providers)

Service provider forms

The suitability assessment process provides a range of questionnaire forms for the Contracting Authority to select from and prepare depending on the project requirements and procurement method. The service provider completes a questionnaire which the Contracting Authority then uses as a basis for assessment. The following table summarises all of the different forms for service providers:

| Form | Title | Description |
|------|---|--|
| QC1 | Suitability Assessment for Service Providers, <i>Restricted Procedure</i> | Applicants for a position (other than Independent Project Supervisor) complete this form in order to be considered eligible to participate in a tender competition as an independent service provider. The information submitted is assessed by the Contracting Authority using the Pass/Fail plus Qualitative assessment method. |
| QC2 | Suitability Assessment for Service Providers, <i>Open Procedure</i> | Tenderers for a position (other than Independent Project Supervisor) complete this form as part of their tender submission, in order to reach the standard required for tender evaluation. The information submitted is assessed by the Contracting Authority using the Pass/Fail Only method. |
| QC3 | Suitability Assessment for Service Provider, PSDP, <i>Health and Safety</i> | Applicants/tenderers for the position of Independent PSDP, complete this form in order to confirm competence. The information submitted is assessed by the Contracting Authority using the Pass/Fail Only method. |
| QC4 | Suitability Assessment for Service Provider, PSCS, <i>Health and Safety</i> | Applicants/tenderers for the position of Independent PSCS, complete this form in order to confirm their competence. The information submitted is assessed by the Contracting Authority using the Pass/Fail Only method. |

Appendix C: Short List 1 Template

SERVICE PROVIDER'S SUITABILITY ASSESSMENT TEMPLATE – SHORT LIST 1 (PASS/FAIL)

| | |
|---|--|
| Applicant Firm: | |
| Discipline: | |
| Client: | |
| Project Title: | |
| Assessor/Chairperson of Assessors: | |

Continued on next page

Appendix C: Short List 1 Template, Continued

| Criteria | | Minimum Standard | Notes | Pass /Fail |
|----------|--|------------------|-------|------------|
| 3.1 | APPLICANT'S PERSONAL SITUATION | | | |
| 3.2 | ENROLMENT ON PROFESSIONAL OR TRADE REGISTER | | | |
| 3.3 | FINANCIAL & ECONOMIC STANDING | | | |
| 3.3a | Evidence of Turnover | | | |
| 3.3b | Banker's Letter | | | |
| 3.3c | Balance Sheet | | | |
| 3.3d | Other Financial/Economic Information/References | | | |
| 3.3e | Public Liability Insurance | | | |
| 3.3f | Employer's Liability | | | |
| 3.3g | Professional Indemnity | | | |
| 3.4 | TECHNICAL CAPABILITY | | | |
| 3.4a | Educational & Professional Qualifications (Managers) | | | |
| 3.4b | Educational & Professional Qualifications (Personnel) | | | |
| 3.4c | List of Services of a similar nature over the Past 3 Yrs | | | |
| 3.4d | Measures for Quality | | | |
| 3.4e | Average Annual Manpower over the Past 3 Yrs | | | |
| 3.4f | Technical Equipment Available | | | |
| 3.4g | Technical Bodies Available | | | |

Continued on next page

Appendix C: Short List 1 Template, Continued

| Criteria | | Minimum Standard | Notes | Pass /Fail |
|-------------------|--|------------------|-------|------------|
| 3.4.1(H S) | TECHNICAL CAPABILITY (Health and Safety Competence of Designer) | | | |
| 3.4.1a (HS) | Educational & Professional Qualifications of Management | | | |
| 3.4.1b (HS) | Educational & Professional Qualifications of Personnel | | | |
| 3.4.1c (HS) | List of Services of a similar nature over the Past 3 Yrs | | | |
| 3.4.1d (HS) | Measures for Quality | | | |
| 3.4.1e (HS) | Average Annual Manpower over the Past 3 Yrs | | | |
| 3.4.1f (HS) | Technical Equipment Available | | | |
| 3.4.1g (HS) | Technical Bodies Available | | | |
| 3.4.2 (HS) | TECHNICAL CAPABILITY (Health and Safety competence of PSDP as specialist skill) | | | |
| 3.4.2a (HS) | Educational & Professional Qualifications of Management | | | |
| 3.4.2b (HS) | Educational & Professional Qualifications of Personnel | | | |
| 3.4.2c (HS) | List of Services of a similar nature over the Past 3 Yrs | | | |
| 3.4.2d (HS) | Measures for Quality | | | |
| 3.4.2e (HS) | Average Annual Manpower over the Past 3 Yrs | | | |
| 3.4.2f (HS) | Technical Equipment Available | | | |
| 3.4.2g (HS) | Technical Bodies Available | | | |

Continued on next page

Appendix C: Short List 1 Template, Continued

| Criteria | | Minimum Standard | Notes | Pass /Fail |
|-------------------|--|------------------|-------|------------|
| 3.4.3 (HS) | TECHNICAL CAPABILITY (Health and Safety competence of PSCS as specialist skill) | | | |
| 3.4.3a (HS) | Educational & Professional Qualifications of Management | | | |
| 3.4.3b (HS) | Educational & Professional Qualifications of Personnel | | | |
| 3.4.3c (HS) | List of Services of a similar nature over the Past 3 Yrs | | | |
| 3.4.3d (HS) | Measures for Quality | | | |
| 3.4.3e (HS) | Average Annual Manpower over the Past 3 Yrs | | | |
| 3.4.3f (HS) | Technical Equipment Available | | | |
| 3.4.3g (HS) | Technical Bodies Available | | | |

Appendix D: Short List 2 Template

SERVICE PROVIDER'S SUITABILITY ASSESSMENT TEMPLATE – SHORT LIST (QUALITATIVE)

| | |
|---|--|
| Candidate Firm: | |
| Discipline: | |
| Client: | |
| Project Title: | |
| Assessor/Chairperson of Assessors: | |

Continued on next page

Appendix D: Short List 2 Template, Continued

| Criteria | | Notes | Maximum Marks | Applicant Score |
|------------|--|-------|---------------|-----------------|
| 3.3 | FINANCIAL & ECONOMIC STANDING | | | |
| 3.3a | Evidence of Turnover | | | |
| 3.3b | Banker's Letter | | | |
| 3.3c | Balance Sheet | | | |
| 3.3d | Other Financial/Economic Information/References | | | |
| 3.4 | TECHNICAL CAPABILITY | | | |
| 3.4a | Educational & Professional Qualifications of Management | | | |
| 3.4b | Educational & Professional Qualifications of Personnel | | | |
| 3.4c | List of Services of a similar nature over the Past 3 Years | | | |
| 3.4d | Measures for ensuring quality | | | |
| 3.4e | Average Annual Manpower over the Past 3 Years | | | |
| 3.4f | Technical Equipment Available | | | |
| 3.4g | Technical Bodies Available | | | |
| | TOTAL MARKS: | | | |

| | |
|-------------------------------|--|
| Assessors' Signatures: | |
| | |
| | |

| | |
|--------------|--|
| Date: | |
|--------------|--|