

Capital Works Management Framework

Guidance Note

Suitability Assessment of Service Providers, Open Procedure

GN 1.6.2

Suitability Assessment of Service Providers
under Open Procedure
Document Reference GN 1.6.2 v.1.2

17 January 2012

© 2012 Department of Public Expenditure & Reform
Published by: Department of Public Expenditure & Reform
Government Buildings
Upper Merrion Street
Dublin 2.

This document is not to be taken as a legal interpretation of the provisions governing public procurement. All parties must rely exclusively on their own skills and judgement or upon those of their advisors when making use of this document. The Government Construction Contracts Committee (GCCC), the National Public Procurement Policy Unit (NPPPU) and the Department of Public Expenditure & Reform and any other contributor to this guidance note do not assume any liability to anyone for any loss or damage caused by any error or omission, whether such error or omission is the result of negligence or any other cause. Any and all such liability is disclaimed.

Contents

1: About Suitability Assessment	14
1.1 Overview	14
1.2 Suitability Assessment Method.....	15
1.3 Health and Safety Roles	16
1.4 Advertisement of the Contract Notice	18
1.5 Rules of Participation.....	18
2: Assessment of Service Providers	20
2.1 Overview	21
2.2 Tasks and Requirements	22
2.3 Suitability Assessment Forms	25
3: Preparing the Form.....	27
3.1 Overview	27
3.2 Tasks and Requirements	28
3.3 Determining the Criteria	29
4: Completing the Questionnaire.....	32
4.1 Overview	32
4.2 Project Particulars	34
4.3 Tenderer Details.....	37
4.4 Personal Situation and Professional/Trade Registration.....	39
4.5 Economic and Financial Standing	41
4.6 Technical Capability (QC2).....	46
5. Evaluating Health and Safety Competence	53
5.1 Overview	53
5.2 Competence for Design (QC2)	54
5.3 Competence of PSDP (QC2 and QC3)	61
5.3 Competence of PSCS (QC2 and QC4)	69
6: Evaluating the Questionnaire	76
6.1 Overview	76
6.2 General Guidance.....	77
6.3 Pass / Fail Evaluation.....	79
Appendices.....	83
Overview	83
Appendix A: Deciding on Forms for Service Providers (Open Procedure)	84
Appendix B: Summary of Forms (Service Providers)	85
Appendix C: Evaluation Template.....	86

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 services providers (in tender competitions) must be based on EC Directives and subject to the EU procurement rules when the services are 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.
-

Continued on next page

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 18). However, in order to ensure the principal 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 a service provider's position 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 open procedure for Service Providers only, for details on the restricted procedure refer to *Suitability Assessment for Service Providers, Restricted Procedure* (GN 1.6.1).

Continued on next page

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

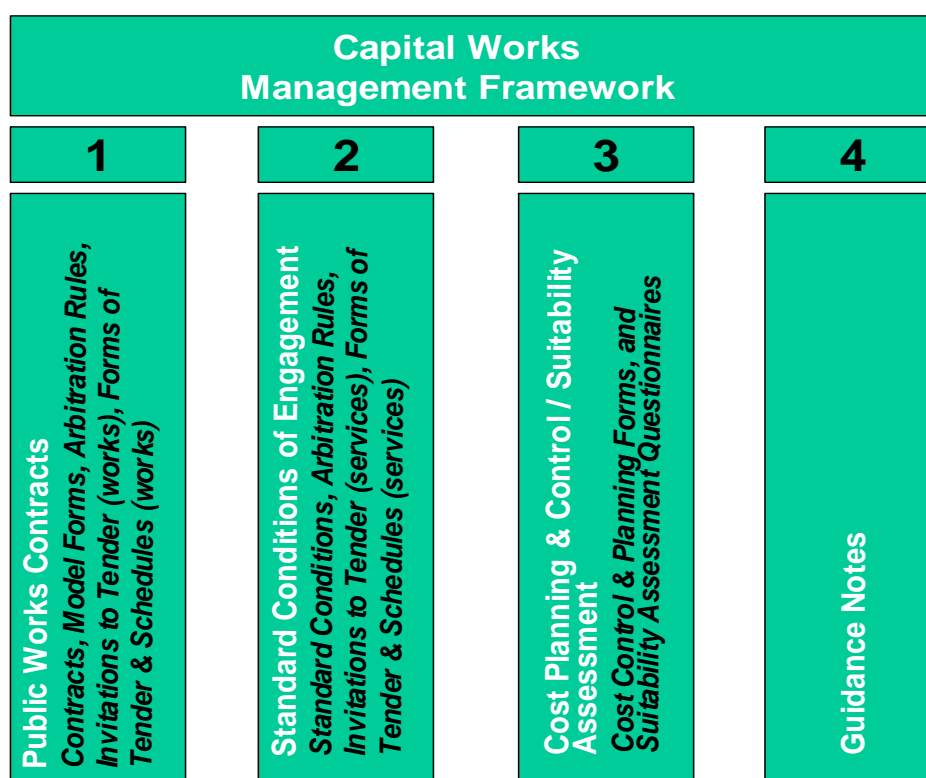
³ Services include Category 12 services which are listed in the EC Directives under Annex XVII A of 2004/17/EC and SI No 329 of 2006, and Annex II A of 2004/18/EC and SI No 50 of 2007. Category 12 services include Project Supervisor and Health and Safety Coordinator services in relation to Health & Safety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

Foreword, Continued

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.



Continued on next page

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 Éireann's calculations of Weather Events

Continued on next page

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

Continued on next page

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

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>

Continued on next page

Foreword, Continued

CWMF Pillar 4

Guidance Notes

Guidance Notes	
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 Process for Consultancy Services (Technical)</i>
GN 1.6.1	<i>Suitability Assessment of Construction Service Providers, Restricted Procedure</i>
GN 1.6.2	<i>Suitability Assessment of Construction Service Providers, Open Procedure⁴</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>
Glossary	
GL 1.0	<i>Glossary</i>

Continued on next page

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.

Continued on next page

Foreword, Continued

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.

Continued on next page

Foreword, Continued

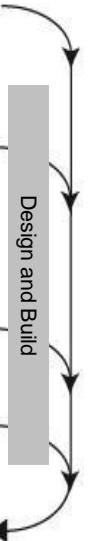
Structure of this document

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

Chapter	See Page
1: About Suitability Assessment Outlines the key concepts of the suitability assessment process for service providers in an open procurement procedure.	14
2: Assessment of Service Providers Outlines the tasks and forms required in assessing for service providers in open procedure.	20
3: Preparing the Form Describes how to determine which criteria to use and the marking scheme and other important considerations.	27
4: Completing the Questionnaire Describes how to complete each section of the questionnaire.	32
5. Evaluating Health and Safety Competence Details how to evaluate the Health and Safety Supplements to the Questionnaire using the Pass/Fail Only method.	53
6: Evaluating the Questionnaire Details how to evaluate the whole questionnaire using the Pass/Fail Only method.	76
Appendix A: Deciding on Forms for Service Providers (Open Procedure) Provides a diagram of which suitability assessment forms need to be prepared and issued, depending on project requirements.	84
Appendix B: Summary of Forms (Service Providers) Summarises the range of suitability assessment forms the Contracting Authority can use for service providers.	85
Appendix C: Evaluation Template Provides a template for evaluating Pass / Fail for suitability assessment questionnaires.	86

Project Stages			Capital Works Management Framework								
			Main Project Processes								
			Project Management		Design Activities (Building)	Design Activities (Civil Eng.)	Cost Control Activities		Risk and Value Management	Documents for Approval	
Appraisal	Capital Appraisal	Standard Conditions of Engagement	Stage (i) Feasibility Study / Preliminary Report		Manage outputs: Project Definition (through 16 N° overall parameters)	Conduct Feasibility Studies Develop Definitive Project Brief	Conduct Preliminary Report Conduct design studies Develop Definitive Project Brief	Conduct cost assessment of Feasibility Studies / Preliminary Report (capital and maintenance costs)	VM: Confirm strategic functional performance Review Feasibility Studies / Preliminary Report options Identify VM strategies Develop functional performance model	Project Management Structure Preliminary Project Brief Preliminary Output Specification Feasibility Study and Cost Plan Design Brief	
Approval in Principle					Manage technical experts' appointment (if required)	Appoint technical experts (if required) Appoint PSDP (if required)	Appoint technical experts (if required) Appoint PSDP (if required)		RM: Identify and assess risk relating to the Project Execution Plan Develop high-level Risk Management Plan	Final Output Specification Definitive Project Brief Project Execution Plan Risk Management Plan	
Stage 1 Planning Initial			Stage (ii) Design	Project Review 1: Confirm approval for design expenditure (Report to Sanctioning Authority and await approval prior to proceeding)							
				Manage procurement strategy Manage design consultant appointment Manage assessment of output requirements	Appoint Design Team / Design Team Leader Assess output requirements	Appoint Design Team / Lead Consultant Develop design standards Assess output requirements	Check / assess budget	VM: Consider VM in relation to procurement strategy	Definitive Procurement Strategy Contract Type Proposal Project Team Selection Report		
								RM: Identify risk in relation to procurement Agree risk allocation			
				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)							
				Manage Outline Design process	Develop Outline Sketch Scheme Appoint PSDP (if not appointed earlier)	Develop Preliminary Planning Appoint PSDP (if not appointed earlier)	Develop Outline Cost Plan	VM: Consider VM in relation to Outline Sketch Scheme / Preliminary Planning	Outline Sketch Scheme (Building) Preliminary Planning drawings (C. Eng.) Outline Cost Plan		
						RM: Consider RM in relation to Outline Sketch Scheme					
Stage 2 Planning Developed			Stage (iii) Tender	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)							
				Manage Developed Design process Manage procurement process	Develop Developed Sketch Scheme Prepare submission for statutory approval	Continue Preliminary Planning Prepare submission for statutory approval	Develop Developed Cost Plan Develop Whole Life Cost Appraisal	VM: Carry out value engineering Assess buildability of the design Consider VM in relation to Detailed Sketch Scheme	Developed Sketch Scheme Developed Cost Plan Statutory Approval Submission		
								RM: Identify residual risks Consider RM in relation to Detailed Sketch Scheme Suitability assessment of contractors			
				Project Review 4: Assess project prior to statutory approval (Report to Sanctioning Authority and await approval prior to proceeding)							
				Manage statutory submission process	Submit for statutory approval Review statutory approval outcome	Submit for statutory approval Review statutory approval outcome	Review Developed Cost Plan	VM: Review any planning conditions for value management impact.	Developed Cost Plan (reviewed)		
								RM: Review any planning conditions for risk impact.			
				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)							
				Manage the Detailed Design Process	Develop Detailed Design (not design-and-build) Prepare tender documents	Develop Detailed Planning (Design) (not design-and-build) Prepare tender documents	Conduct Detailed and Pre-Tender Cost Checks and Whole Life Cost Update in advance of preparing tender documents	VM: Review suitability assessment of contractors for VM potential	Tender Documentation Detailed Pre-tender Cost Check		
								RM: Review suitability assessment of contractors for risk impact	Whole Life Cost Update Contractor List Selection		
	Project Review 6: Approve detailed design solution; review pre-tender cost check; review risk (Report to Sanctioning Authority and await approval prior to proceeding)										
Manage the Tender Process	Issue tender documents Assess tender returns Recommend successful tenderer	Issue tender documents Assess tender returns Recommend successful tenderer	Develop Tender Cost Analysis Develop Tender Report	VM: Assess tender returns for VM potential RM: Assess tender returns for risk impact	Tender Assessment Criteria Tender Analysis And Report Contractor Recommendation						
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	Manage the implementation / construction process Manage change control Manage contract	Develop Detailed Design (Design and Build) Implement design	Develop Detailed Planning (Design and Build) Implement design	Manage change control for costs Prepare final account	VM: Carry out value engineering (for design and build projects only) RM: Manage residual risk Manage construction risk	Various contract management reports				
Stage 4 Review			Manage the Project Review	Conduct design review	Conduct design review	Develop Analysis of Outturn Cost	VM: Evaluate value achieved RM: Evaluate the risk management and risk mitigation process Consider operational risk reviews	Project Outturn Review			

Design and Build



1: About Suitability Assessment

1.1 Overview

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

Contents This chapter contains the following topics:

Topic	See Page
1.2 Suitability Assessment Method	15
1.3 Health and Safety Roles	16
1.4 Advertisement of the Contract Notice	18

1.2 Suitability Assessment Method

The open procedure

The open procedure consists of one only one phase (in two parts): tenderers for service provider are invited by the Contracting Authority to participate in a tender competition, which is preceded by a suitability assessment. Those who respond are assessed for suitability (within a pre-determined range), and those deemed suitable are evaluated on the commercial aspects of their tender submission.

Suitability assessment and tender evaluation must be separate processes. Only tenderers who pass the suitability assessment will have their tender evaluated.

For information about the tender process for service provider including what documentation needs to be produced, see *Procurement Process for Consultancy Services* (GN 1.6).

Assessment method

The method of assessment to be used in the open procedure is: *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.

There is no restriction on the number to be shortlisted when the Pass/Fail Only method is used.

1.3 Health and Safety Roles

Health and Safety roles

Health and Safety 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 tenderer are established in compliance with the Safety, Health and Welfare at Work (Construction) Regulations 2006 by the Contracting Authority.

Health and Safety 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 77 for details on evaluating Health and Safety 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 Design, PSDP or PSCS in an open procedure is covered in the guidance for assessment of works contractors. Refer to *Assessment of Works Contractors, Open Procedure* (GN 2.3.2) for more information.

Continued on next page

1.3 Health and Safety Roles, Continued

PSDP 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. 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:

1. as a Archaeologist *and* as a PSCS; or
2. as a PSCS only.

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

Note: The appointment of a main contractor responsible for PSCS in an open procedure is covered in the guidance for assessment of works contractors. Refer to *Assessment of Works Contractors, Open Procedure* (GN 2.3.2) for more information.

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 advertise.

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 project, 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

Applications from a consortium

If a tenderer is a consortium/joint venture or a group of tenderers 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 Tenderer 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 tenderer or group of tenderers 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 tenderer 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 tenderers to potential conflicts of interest at the earliest possible stage.

If appropriate, the Contracting Authority can ask tenderers 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 tenderers participating in more than one bidding team, as this could be viewed as a disproportionate response to the issue.

1.5 Rules of Participation

Introduction

This section explains what the Contracting Authority can do where:

- The tenderer 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 tenderer's 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 a tenderer 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 a tenderer 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.

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 open 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	22
2.3 Suitability Assessment Forms	25

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 open procedure.

Overview of tasks

In order to procure independent service providers, Contracting Authorities must complete a number of different procurement tasks. Figure 1 outlines the tasks that need to be completed in an open procedure with a Pass/Fail Only assessment.

This guidance note details only the boxes highlighted below.

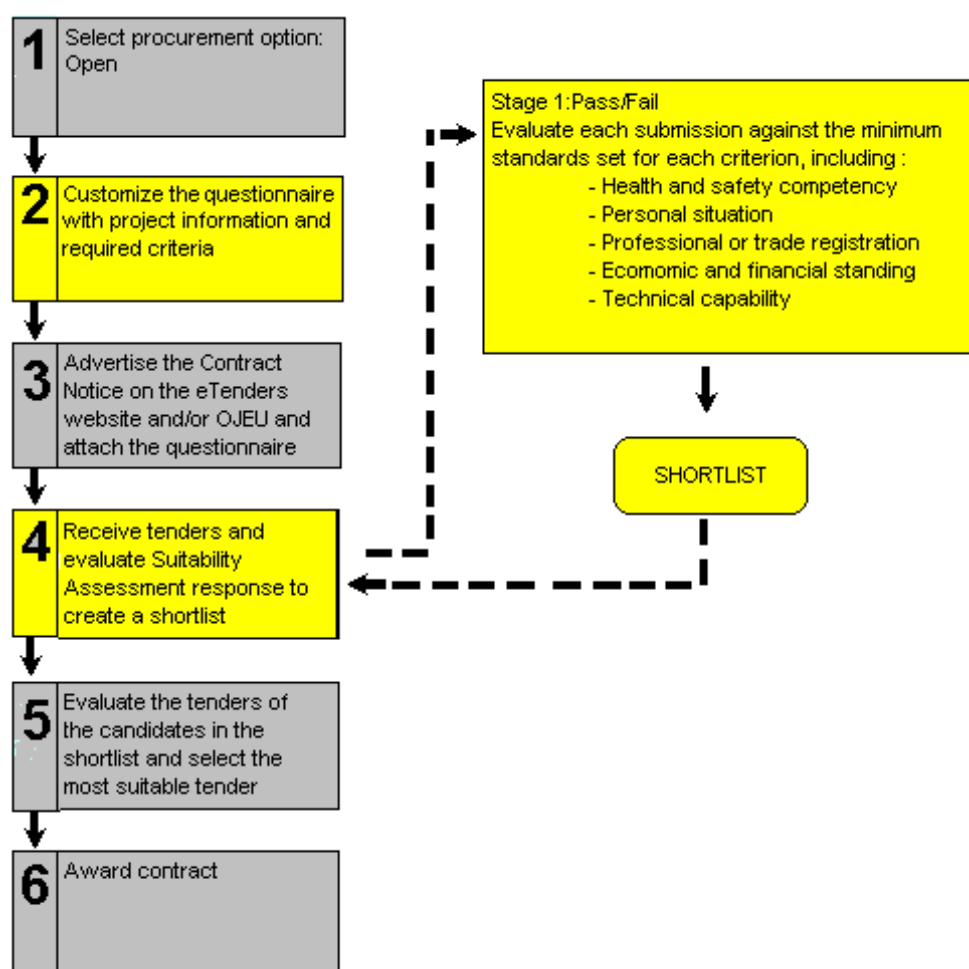


Figure 1: Suitability assessment tasks for the open procedure

Continued on next page

2.2 Tasks and Requirements, Continued

Step-by-Step Open Procedure

The parties involved in the suitability assessment process are the **Contracting Authority** and the **tenderer** (Service Provider). The tenderers 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 tenderers are suitable, they will progress to tender evaluation. 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 tenderer 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 and tender documents are on the eTenders website.</p> <p>Note: the questionnaire and tender documents are to be always made available on the eTenders website and if required can be issued in hard copy also.</p>
The tenderer must...	
3	<ul style="list-style-type: none">▪ Complete and submit the questionnaire and tender and appropriate supporting material, within the given time period. The minimum period is usually 52 days however, if notices are developed and transmitted electronically, this can be reduced to 45 days – in accordance with Article 38(5) of Directive 2004/18/EC. Where a Prior Information Notice (PIN) is published, the minimum time limit for the receipt of tenders may, as a general rule, be shortened to 36 days but under no circumstances to less than 22 days.▪ 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 Open Procedure (continued)

Step	Action
For each Tender received the Contracting Authority must...	
4	Only consider for evaluation, tenderers who have submitted their suitability assessment questionnaire before the closing date and time for receipt of expressions of interest.
5	Open the outer envelope and check that envelopes labelled “Package 1 – [name of project] – ‘Suitability Assessment Submission’ and “Package 2 –[name of project]-“Tender” are included.
6	Open the envelope marked ‘Package 1 [name of project] Suitability Assessment Submission’ only. Evaluate and proceed with tenderers who pass the minimum standards. These tenderers form the shortlist Note: Health and Safety competence must be evaluated first separately, on a Pass/Fail Only basis.
7	Inform tenderers who do not make the shortlist (with compliant/not compliant specialists) that they are eliminated from the competition.
8	Proceed to open envelope marked ‘Package 2 [name of project] Tender’ of the short listed tenderers, evaluate submissions and select the most economically advantageous tender.

Specialist skills

As well as demonstrating their suitability for the principal service, tenderers 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 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 tenderer. Each criterion that applies to the principal service applies also to the specialist skills. See 3.3 Determining the Criteria on page 29, 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 will depend on the service required. Suitability assessment forms used for independent service providers, within the open procedure, are:

- *Suitability Assessment for Service Providers, Open Procedure (QC2);*
- *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 open procedure, see Appendix A on page 84. For an overview of *all* service provider forms, and when each should be used, see Appendix B on page 85.

This section covers:

- How to complete and evaluate the QC2 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 QC2 suitability assessment form QC3 and QC4 are shorter versions of QC2.

Completing the QC1 form

The Contracting Authority completes Section 1 and parts of Section 2 (if required) and Section 3 according to the tenderer'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 tenderer 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 is going to be and how each criterion is going to be assessed at evaluation stage. See Chapter 4: Completing the Questionnaire on page 32 for detailed explanations on how to complete each section of the form.

Evaluating the QC2 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 76 for information about evaluating the form.

Continued on next page

2.3 Suitability Assessment Forms, Continued

Health and Safety roles - open

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 QC2 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	QC2 with 3.4.1 supplement for design H&S competency.
Designer with PSDP as a specialist skill	QC2 with: <ul style="list-style-type: none"> ▪ 3.4.1 supplement for design H&S competency; and ▪ 3.4.2 supplement for PSDP as a specialist skill.
Archaeologist with PSCS as a specialist skill	QC2 with 3.4.3 supplement for PSCS competency.
Independent PSDP	QC3
Independent PSCS	QC4
Note: In the QC2 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 open procedure (QC2, 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 instruction document on how to use the form.

This chapter provides detailed information on how to understand and prepare questionnaires in an open procedure for service providers (QC2, QC3 and QC4). The restricted procedure and form QC1 are covered in *Assessment of Service Providers, Restricted Procedure* (GN1.6.1)

Contents

This chapter contains the following topics:

Topic	See Page
3.2 Tasks and Requirements	28
3.3 Determining the Criteria	29

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 tenderers 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.

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 and minimum standards must be published in the Contract Notice and stated in the questionnaire or an attachment to the questionnaire issued to prospective tenderers. 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) Regulations 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 32 for information about requesting additional requirements.

Optional criteria

The Contracting Authority needs to be familiar with each criterion – Chapter 4: Completing the Questionnaire, page 32 – 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 services 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 and 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 tenderers are requested to provide the information if requested (that is if the Contracting Authority does not already have such up-to-date material on file). The information 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 tenderers 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 tenderers 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> <p>Note:</p> <ol style="list-style-type: none"> 1. Project Supervisor forms do not need codes for principle service. 2. Health and Safety supplements to the QC1 form should have all criteria set to 'Not Applicable' when the role is not required. 	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.						

Specialist skills criteria

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

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

Note: Where the specialist skill required is PSDP use 3.4.2.

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

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.

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 open procedure – *Suitability Assessment of Service Provider, Open Procedure* QC2 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	Tenderer Details	This section collects basic information about the tenderer. The tenderer completes this section and returns it to the Contracting Authority.	Yes
3	Assessment Criteria	<p>This section specifies the criteria that will be used to assess tenderers for each principal service requirement to establish their suitability to provide the technical services required. This section is split into a further four subsections:</p> <ul style="list-style-type: none">▪ Tenderer's personal situation;▪ Enrolment on professional or trade register;▪ Economic and financial standing; and▪ Technical capability. <p>The Contracting Authority completes this section prior to publication of the suitability assessment questionnaire. The tenderer completes the required details and confirms that other required information is appended.</p>	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 tenderers.

Before the tenderer 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 QC2 (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	34
4.3 Tenderer Details	37
4.4 Personal Situation	39
4.5 Economic and Financial Standing	41
4.6 Technical Capability (QC2)	46

4.2 Project Particulars

Introduction

This section provides the tenderer 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.eu/int 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.

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	<p>The type of technical service required must be named, and a code must be attached for reference, for example:</p> <ul style="list-style-type: none"> ▪ A = Architecture ▪ CE = Civil Engineering ▪ QS = Quantity Surveying <p>Code(s) will be used later in the form where criteria apply to some principal services and not to others.</p>
Scope of service	<p>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.</p>
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 Bill of Quantities is an expected skill for a quantity surveyor, but advice on capital allowances could be regarded as a specialist skill; ▪ Archaeological expertise or specialisation in conservation is a specialist skill for a service provider commissioned to design a road or building; ▪ Providing the PSDP or PSCS service – in this situation, the specialist skill could be provided in-house or subcontracted to the service provider.
Professional Indemnity Insurance minimum cover	<p>Minimum cover should be stated for each technical service as required.</p>
Professional Indemnity Insurance maximum excess	<p>Maximum excess should be stated for each technical service as required.</p>

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 QC2. 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 Tenderer Details

Introduction

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

- A single tenderer completes this section themselves – excluding the consortium details and then completes the rest of the questionnaire as required; or
- The lead tenderer 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 tenderer details are explained on the next page.

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

Continued on next page

4.3 Tenderer Details, Continued

Information
supplied by the
tenderer

QC2 Section		Description	QC3/QC4
2.1	Principal service	The tenderer 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 tenderer wishes to apply for more than one principal service, separate questionnaires for each should be completed and submitted.	No
2.2	Main / lead tenderer	The tenderer provides their name, address and company details.	Yes
2.3	Tenderer's authorised representative	The tenderer provides the name and contact details of their authorised representative.	Yes
2.4	Nature of tenderer	<p>The tenderer:</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</p> <p>Where relevant, details of a legal partnership, consortium or joint venture, must be provided by the lead tenderer.</p>	Yes
2.5	Additional tenderer 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 tenderer	The tenderer 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 5.4 and the following subsections 5.5 and 5.6 prior to issuing the questionnaire. The tenderer then fills in the required details. The criteria in this subsection are:

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

Evidence of tenderer’s personal situation – 3.1

Use	In order to confirm that the exclusion principles detailed in the EC Directives do not apply to the tenderer, evidence of the tenderer’s personal situation is always REQUIRED . In QC1 this criterion applies to ALL the principal services listed at section 1.3.
Evaluation	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 tenderer 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 tenderer comes.</p> <p>The declaration can be a certified copy signed by either the tenderer or a person authorised to sign on the tenderer’s behalf. The Contracting Authority should reserve the right to inspect the original at anytime if considered necessary.</p> <p>The tenderer (or person on the tenderer’s behalf) should accompany the declaration with a signed confirmation that the tenderer’s legal situation has not changed in any way since the declaration was signed, which would prohibit the tenderer from making a new declaration on the same basis.</p> <p>Tenderers from Ireland and the UK <i>must</i> provide a declaration on oath. In countries where a declaration on oath does not exist, the tenderer can instead make a solemn declaration in their country of origin or in the country whence the tenderer 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 tenderer will also be required to produce a current tax clearance certificate or C2 certificate (for subcontractors). If the tenderer 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>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 tenderer'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 tenderer 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 tenderer comes, the tenderer 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 tenderer'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 tenderer 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 (i.e. 3.3e, 3.3f and 3.3g).

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 tenderer'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>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 a tenderer 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 tenderer 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.</p> <p>In addition, if the tenderer 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>The minimum standard for a Pass is normally to submit balance sheet information or alternative evidence as stated by the Contracting Authority.</p> <p>If a tenderer 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 tenderer should not be excluded.</p>
Details	<p>If balance sheets are required to be published (by law) in the tenderer'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 tenderer 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	The minimum standard for a Pass is normally submitting an original banker's letter – dated within the previous three months – stating that the tenderer's principal account is in good standing. If a tenderer 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 tenderer should not be excluded.
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	The minimum standard for a Pass is submitting the stated evidence.
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.

Continued on next page

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	The minimum standard for a Pass is submitting the stated evidence.
Details	<p>Before contract award the tenderer 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 tenderer must give evidence that the tenderer will cover any subcontractor.

4.6 Technical Capability (QC2)

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) – 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 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 / 3.4.3) must be completed for Health and Safety aspects of PSDP or PSCS.

The Health and Safety 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 (QC2), 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 tenderer'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	Generally the minimum standard for a Pass is adequate: <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 tenderer's management staff in relation to Design or PSDP services are included here it should then be cross-referenced at sections 3.4.1a(HS), 3.4.2a(HS) or 3.4.3a(HS) as appropriate; such evidence will be assessed only under those supplements.</p>

Continued on next page

4.6 Technical Capability (QC2), 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 tenderer'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	Generally the minimum standard for a Pass is adequate: <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 tenderer's management staff in relation to Design or PSDP services are included here it should then be cross-referenced at sections 3.4.1b(HS), 3.4.2b(HS) or 3.4.3(HS) as appropriate; such evidence will be assessed only under those supplements.</p>

Continued on next page

4.6 Technical Capability (QC2), 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	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 tenderer/ specialist and provided by the tenderer/ specialist either directly to the Contracting Authority (before closing time for submission of responses to questionnaire with tender submission) or submitted by the tenderer at the same time as the rest of the response to the questionnaire together with the tender submission. The information in the certificates can subsequently be verified by the Contracting Authority by enquiry to the 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>Standard Conditions of Engagement for Consultancy Services (Technical)</i>?

Continued on next page

4.6 Technical Capability (QC2), 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	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 tenderers 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 3.4.3d(HS) as appropriate.</p>

Continued on next page

4.6 Technical Capability (QC2), 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	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>

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	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 tenderer'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 (QC2), Continued

Technicians or
technical
bodies
available – 3.4g

Use	This criterion is used to assess evidence of technicians or technical bodies available to the tenderer (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	The minimum standard for a Pass is normally adequate evidence of relevant skills presented in the prescribed format.
Details	<p>The tenderer 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 tenderer 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 tenderer; 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 for Designer or Project Supervisor 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 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 25 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.

Contents

This chapter contains the following topics:

Topic	See Page
5.2 Competence for Design (QC2)	54
5.3 Competence of PSDP (QC2 and QC3)	61
5.3 Competence of PSCS (QC2 and QC4)	69

5.2 Competence for Design (QC2)

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 QC2 form supplement 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 (QC2), 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 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 (QC2), Continued

Qualifications of management (continued)

Management of *Type 3* projects require, in addition to the requirements for *Type 1* or *Type 2* projects above, that 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 (QC2), 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 <i>Type 2</i>) <i>and</i> (in the case <i>Type 3</i>) 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> projects should additionally have some form of external validated H&S training such as:</p> <ol style="list-style-type: none"> 1 General Structured External Validated Health and Safety Training (>4 man hours per annum) 2 Formal post-graduate training; and 3 Specific additional qualifications; or <p>otherwise demonstrate equivalent Health and Safety competencies. In this context in-house H&S training/seminars or H&S CPD are not sufficient.</p>

Continued on next page

5.2 Competence for Design (QC2), 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 certificates can be filled in and provided by the tenderer/ specialist either directly to the Contracting Authority (before closing time for submission of responses to questionnaire with tender submission) or submitted by the applicant at the same time as the rest of the response to the questionnaire together with the tender submission. The information in the certificates can subsequently be verified by the Contracting Authority by enquiry to the 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 tenderer's company to address any deficiencies in H&S procedures. The minimum standard for Type 2 or Type 3 projects is the submission of the declaration and the evidence (when requested) of the requirements (a) to (g) of 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 (QC2), Continued

Measures for ensuring quality (continued)

	<p>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.</p> <p>In a Type 2 or Type 3 project it is not a required 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 has been provided (either in the Safety Statement or otherwise appended) and is also relevant to the scale and complexity of the project.</p> <p>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.</p>
--	---

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/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 for the main questionnaire should take account of the H&S requirements for adequate staff/personnel resources. As long as the design service provider has submitted the information as requested no further assessment is required.

Continued on next page

5.2 Competence for Design (QC2), 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 in response to the main questionnaire the information as requested no further assessment is required.

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 role 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 (QC2 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 QC2 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 (QC2 and QC3), Continued

Qualifications
of management
– QC2, 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 QC2 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>Type 2</i> or <i>Type 3</i> projects in addition to the requirements for <i>Type 1</i> projects above 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 (QC2 and QC3), Continued

Qualifications of management (continued)

Management of *Type 3* projects require, in addition to the requirements for Type 1 or 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

5.3 Competence of PSDP (QC2 and QC3), Continued

Qualifications of personnel

– QC2, 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 QC2 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.
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 <i>Type 2</i>) <i>and</i> (in the case of <i>Type 3</i>) expertise by reason of experience in relation to the PSDP role.</p> <p>At least one of the personnel responsible and directly involved with the works or services should be able to demonstrate specific Health and Safety 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 (QC2 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 External Validated Health and Safety Training (>16 man hours per annum) 2. Formal post-graduate training; and 3. Specific additional qualifications; or <p>Otherwise demonstrate equivalent Health and Safety competencies.</p>
--	---

List of services – QC2, 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 also be changed to SUBMIT ON REQUEST or in the case of QC2 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>
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 tenderer/ specialist and provided by the tenderer/ specialist either directly to the Contracting Authority (before closing time for submission of responses to questionnaire with tender submission) or submitted by the tenderer at the same time as the rest of the response to the questionnaire together with the tender submission. The information in the certificates can subsequently be verified by the Contracting Authority by enquiry to the relevant third parties if it so wishes.</p>

Continued on next page

5.3 Competence of PSDP (QC2 and QC3), Continued

Measures for
ensuring
quality
– QC2, 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 also be changed to SUBMIT ON REQUEST or in the case of QC2 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> or <i>Type 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 service provider to address any deficiencies in H&S procedures. The onus is on the PSDP service provider to supply information to demonstrate this. For a <i>Type 3</i> project expert advice may be required to assess the adequacy of such measures.</p> <p>In the case of <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. 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 (QC2 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 PSDP service provider 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/. But this is not obligatory. PSDP service providers have the right to structure their responses in whatever format they choose.

Average annual manpower – QC2, 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. It may be changed to SUBMIT ON REQUEST or in the case of QC2 only to 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 (QC2) the information as requested no further assessment is required.

Technical equipment – QC2, 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. It may be changed to SUBMIT ON REQUEST or in the case of QC2 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 (QC2) the information as requested no further assessment is required.

Continued on next page

5.3 Competence of PSDP (QC2 and QC3), Continued

Technicians and Technical Bodies

– QC2, 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 the information may be provided according to the instructions in the questionnaire. In the case of QC2 only the response may 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 the questionnaire the information as requested no further assessment is required.

Continued on next page

5.3 Competence of PSCS (QC2 and QC4)

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 (QC2 and QC4), 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 design 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>The requirements given here are in addition to those given for Type 1 above.</p> <p>A dedicated member of the management staff must 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 Health and Safety training and qualifications (for example, 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; and 5. Specific additional qualifications. <p>(1-3 should be >16 man hours per annum.)</p> <p>Additionally for <i>Type 3</i> projects at least one management individual with direct involvement in the PSCS role should be able to demonstrate specific H&S training (1 to 3 above) or equivalent H&S competence. At least one 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 above) or equivalent H&S competence. In this context in-house H&S training/seminars or CPD are not sufficient.</p>

Continued on next page

5.3 Competence of PSCS (QC2 and QC4), 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 service to be provided should be able to supply 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 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 <i>Type 2</i>) <i>and</i> (in the case of <i>Type 3</i>) expertise by reason of experience.</p> <p>At least one of the personnel responsible and directly involved with the service should be able to demonstrate specific Health and Safety 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 Health and Safety 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 External Validated Health and Safety Training (>16 man hours per annum) 2. Formal post-graduate training; and 3. Specific additional qualifications. <p>or otherwise demonstrate equivalent Health and Safety 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 (QC2 and QC4), 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. This refers to previous services in the same professional discipline.
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 tenderer/ specialist and provided by the tenderer/ specialist either directly to the Contracting Authority (before closing time for submission of responses to questionnaire with tender submission) or submitted by the tenderer at the same time as the rest of the response to the questionnaire together with the tender submission. The information in the certificates can subsequently be verified by the Contracting Authority by enquiry to the relevant third parties if it so wishes.

Continued on next page

5.3 Competence of PSCS (QC2 and QC4), 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 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 to address deficiencies in H&S procedure.</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 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 (whatever the source) to the contrary. 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 taken by the PSCS service provider to address deficiencies in H&S procedures. The onus is on the PSCS service provider 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 a <i>Type 2</i> or <i>Type 3</i> project it is not required that the 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> <p>Generally there should be reliance on a system that provides a consistent framework. It may be unduly onerous to require a Quality Assurance (QA) type validation but the submission should be informed by a QA type approach of standardise, audit, review, revise and refine with consistent documentation and auditable process.</p>

Continued on next page

5.3 Competence of PSCS (QC2 and QC4), Continued

Measures for ensuring quality (continued)

Note: It is recommended in the questionnaire that the tenderer 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/. But this is not obligatory. The PSCS service provider 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 the information should be provided 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 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 only) 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 the information should be provided 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 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 only) the information as requested no further assessment is required.

Continued on next page

5.3 Competence of PSCS (QC2 and QC4), Continued

Technicians and Technical Bodies – 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 the information may be provided according to 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. As long as the PSCS service provider has submitted in response to this questionnaire the information as requested no further assessment is required.

6: Evaluating the Questionnaire

6.1 Overview

Introduction

Once the tender submission has been received from tenderers, only the material marked 'Suitability Assessment' should be opened and evaluated using the criteria in the questionnaire. The open procedure has a simple Pass/Fail Only evaluation process for suitability assessment. Those that pass progress to have their tenders evaluated.

Contents

This chapter contains the following topics:

Topic	See Page
6.2 General Guidance	77
6.3 Pass / Fail Evaluation	79

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 template in Appendix C – which uses the same criteria and minimum standards as stated in the questionnaire.

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

- Clarifying submissions;
 - Prohibition on negotiation with tenderers;
 - 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 tenderers can be asked to clarify aspects of their submissions. Tenderers 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 tenderers

During the suitability assessment process, the Contracting Authority cannot enter into negotiations with a tenderer 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 are provided to assist the Contracting Authority when marking evaluating service provider submissions. They should be tailored to suit the questionnaire for a particular project. A shortlist should be used to establish which tenderers meet the minimum criteria.

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 QC2 the Health and Safety competency of Design, PSDP and PSCS roles must always be assessed separately – (at supplements 3.4.1 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 are evaluated using Pass/Fail Only.

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 and for the remaining criteria, the evaluation is performed as part of the tenderer's.

If any of the tenderer's subcontractors or in-house experts fail the Pass/Fail assessment, the main tenderer fails also.

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

6.3 Pass / Fail Evaluation

Introduction

The evaluation in an open procedure is the Pass/Fail assessment. Tenderers who pass the minimum standards form a shortlist, before proceeding to have their tender evaluated. All tenderers who meet the minimum standards have their tenders evaluated. This section provides information on:

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

Minimum standards

Before the Contracting Authority opens and evaluates the submissions for the shortlist, they need to be clear about how to apply the minimum standards. In all cases, minimum standards must be applied equally to all tenderers. Other criteria – for example, a third party’s opinion – cannot be used to make a judgment with the exception of third parties confirming that 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 tenderer’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 Tenderer’s Personal Situation Declaration (Appendix A of the questionnaire), the Contracting Authority must consider the case made by the tenderer before deciding whether to pass or fail them (except in the 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 tenderers.

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 tenderer meets the minimum standard, based only on the information provided.

Continued on next page

6.3 Pass / Fail Evaluation, 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 QC2 and include this in its response.

Evaluation template

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

Column name	Details
Notes	This column is for the Contracting Authority to make notes on the tenderer's response to each criterion. It is essential that tenderers are assessed on the criteria and on the pre-determined minimum standards as stated in the Questionnaire.
Pass/Fail	In the Pass/Fail column, the Contracting Authority must enter for each criterion Y for a Pass or N for a Fail.

Continued on next page

6.3 Pass / Fail Evaluation, Continued

Evaluation order

Health and Safety competency must be evaluated first, before other competencies are evaluated. The order of evaluation is presented in Figure 2.

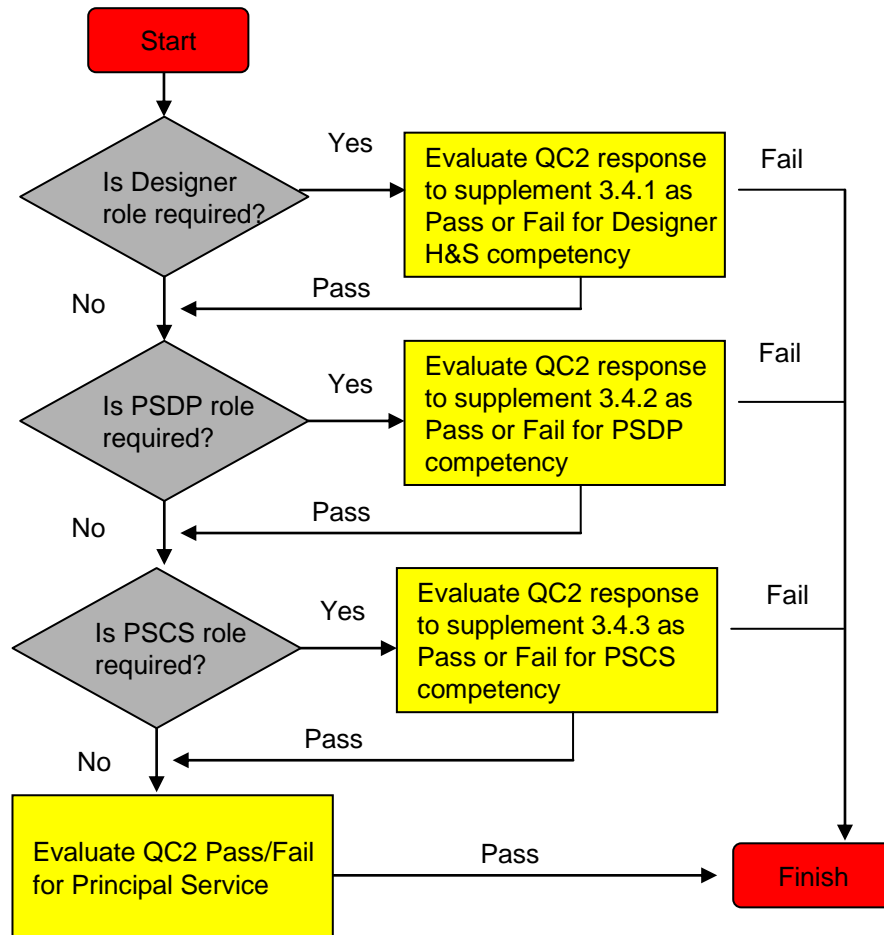


Figure 2: The order of evaluation for the shortlist in an open process

Continued on next page

6.3 Pass / Fail Evaluation, Continued

Assessing the result

All tenderers who pass the minimum standards will proceed to the tender evaluation stage to have the commercial aspects of their tender opened and examined. If a tenderer fails to meet the minimum standard for *any one* criterion, they *must* be excluded from progressing to tender evaluation regardless of how impressive the rest of their submission is

Notifying unsuccessful candidates

Unsuccessful candidates should be notified as soon as possible after the shortlist has been completed. 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.

Evaluating tender submissions

The Contracting Authority must open the envelope marked ‘Commercial Aspects of Tender’ and evaluate all tenderers on the shortlist to determine which is the Most Economically Advantageous Tender (MEAT). MEAT is the tender which is most beneficial to the Contracting Authority after assessing its technical, management and commercial criteria.

For more information about the tender process and how to evaluate tenders refer to *Procurement for Consultancy Services (Technical)*, GN 1.6

Appendices

Overview

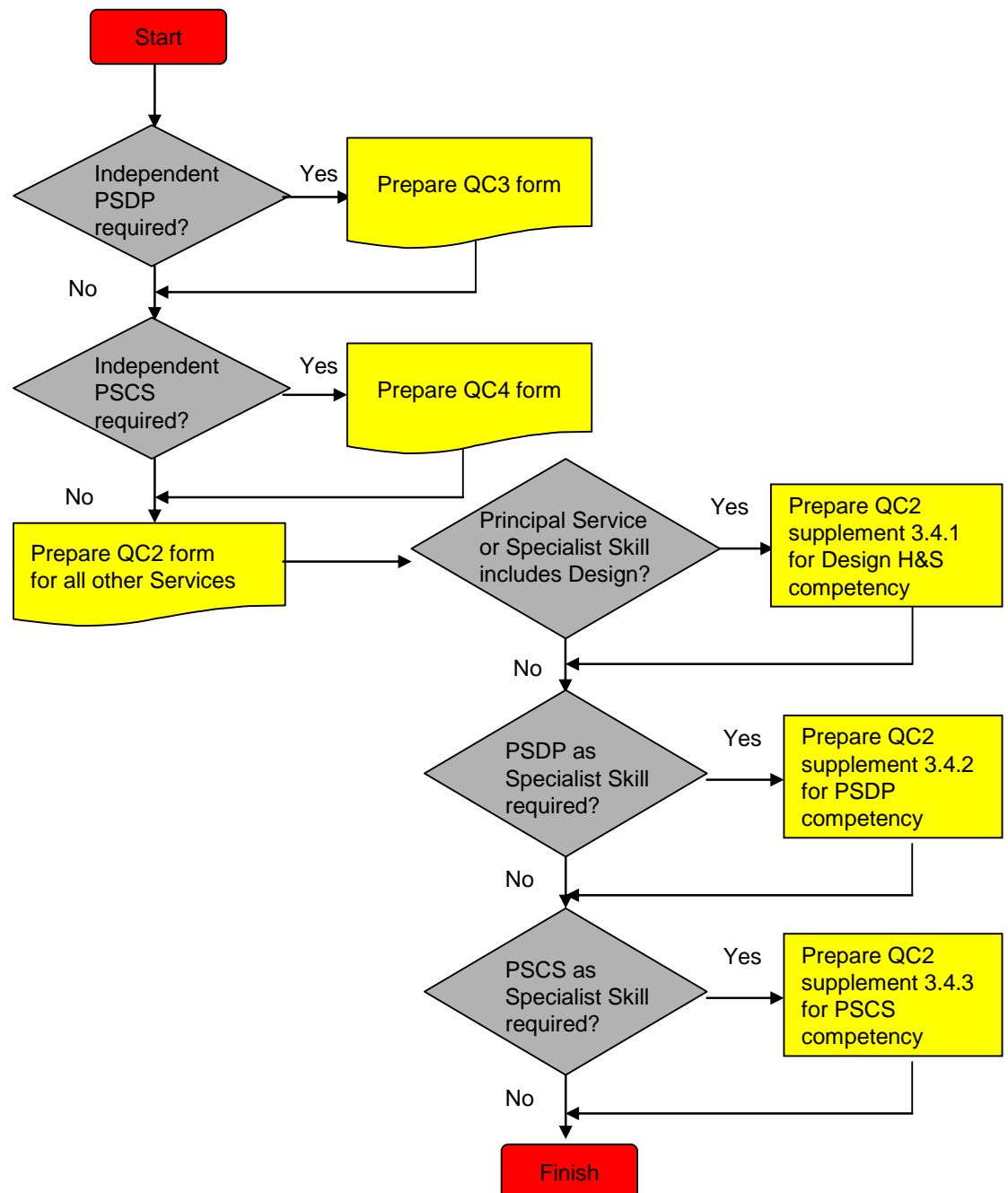
Contents

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

Appendix	See Page
Appendix A: Deciding on Forms for Service Providers (Open Procedure)	84
Appendix B: Summary of Forms (Service Providers)	85
Appendix C: Evaluation Template	86

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

Service Providers in an open 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 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 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 Providers, PSDP, <i>Health and Safety</i>	Applicants/tenderers for the position of 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 Providers, PSCS, <i>Health and Safety</i>	Applicants/tenderers for the position of 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.

Continued on next page

Appendix C: Evaluation Template

SERVICE PROVIDER'S SUITABILITY ASSESSMENT TEMPLATE (PASS/FAIL)

Tenderer Firm:	
Discipline:	
Client:	
Project Title:	
Assessor/Chairperson of Assessors:	

Continued on next page

Appendix C: Evaluation Template, Continued

Criteria		Notes	Pass /Fail
3.1	TENDERER'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: Evaluation Template, Continued

Criteria		Notes	Pass /Fail
3.4.1 (HS)	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: Evaluation Template, Continued

Criteria		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		