

Capital Works Management Framework

Guidance Note

Suitability Assessment of Works Contractors, Restricted Procedure

GN 2.3.1

Suitability Assessment of Works Contractors
under Restricted Procedure
Document Reference GN 2.3.1 v.1.1

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	16
1.1 Overview.....	16
1.2 Suitability Assessment Method	17
1.3 Specialist Areas of Work.....	18
1.4 Health and Safety Roles.....	19
1.5 Advertisement of the Contract Notice	22
1.6 Rules of Participation	25
2: Assessment for Works Contractors.....	26
2.1 Overview.....	26
2.2 Tasks and Requirements	27
2.3 Suitability Assessment Forms.....	31
3: Specialists proposed by Contracting Authority	34
3.1 Overview.....	34
3.2 Tasks and Requirements	35
3.3 Alternative Specialists	39
4: Preparing the Form.....	41
4.1 Overview.....	41
4.2 Tasks and Requirements	42
4.3 Determining the Criteria	43
4.4 Determining the Marking Scheme	45
5: Completing the Questionnaire.....	48
5.1 Overview.....	48
5.2 Project Particulars	50
5.3 Applicant/Specialist Details.....	55
5.4 Applicant's/Specialist's Personal Situation/Registration.....	57
5.5 Economic and Financial Standing	60
5.6 Technical Capability	66
6: Evaluating Health and Safety Competence	75
6.1 Overview.....	75
6.2 Health and Safety Competence of Works Contractor/Specialist.....	76
6.3 Competence of PSCS.....	83
6.4 Health and Safety Competence for Design.....	90
6.5 Competence of PSDP	97

Continued on next page

Contents, Continued

7: Evaluating the Questionnaire	104
7.1 Overview.....	104
7.2 General Guidance	105
7.3 Short List 1 – Pass / Fail	108
7.4 Short List 2 – Qualitative.....	112
Appendices	116
Overview.....	116
Appendix A: What Forms to Provide (Works, Restricted).....	117
Appendix B: Summary of Questionnaire Forms (Works).....	118
Appendix C: Short List 1 Template.....	120
Appendix D: Short List 2 Template.....	123
Appendix E: Information on Works of a Similar Nature	125

Foreword

Background

A standard approach to the task of assessing the suitability of works contractors 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 in order to achieve better value for money for publicly-funded works projects.

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

Objective of suitability assessment

The suitability of works contractors is determined:

- on the basis of objective criteria, transparency, open competition, equal treatment, and proportionality;
 - without discrimination; and
 - in the case of projects governed by the EU rules to ensure compliance with the procedure in those rules (i.e. 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 publicly-funded contracts

Procurement of works contractors (in a tender competition) must be based on EC Directives and subject to the EU procurement rules when the contract is valued above the EU threshold¹. The threshold (excluding VAT) above which a publicly-funded contract is subject to the EU procurement rules is €5,000,000.

This threshold applies to:

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

Continued on next page

¹ EU Threshold 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

Below EU threshold for publicly-funded contracts

This Guidance Note and the associated Questionnaires apply equally to projects that are not governed by the EU Directives but by the Treaties¹. This is because the principles of transparency, non-discrimination and proportionality on which procurement policy is based apply 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 1.5 Advertisement of the Contract Notice, page 22). However, in order to ensure the principle of transparency under the Treaty is observed consideration should be given to publishing a Prior Indicative Notice at the beginning of each year stating that all below-threshold works contracts for that year will be advertised on the eTenders website at various intervals throughout that year.

Terminology in this guidance note

A **Works Contractor** is a contractor who carries out the main contract work under a traditional contract or designs and completes the main contract work under a design and build contract. (There is normally one main contract per project, however in a large or complex project the works may be divided into several main contracts.)

A **Specialist** is employed by the Works Contractor to carry out work of a specialist nature that is of particular interest to a Contracting Authority. The specialist may be a subcontractor or an in-house expert. The work may in some contracts include an element of design or service.

Procurement procedure

The procurement procedures used to appoint those who carry out Works on public section projects are:

- The **open procedure** – where any tenderer for a Works Contractor position can simultaneously submit suitability assessment material and a tender for evaluation in a tender competition; and
 - when tenderers are required to nominate at least one specialist for a particular specialist area of work that nominee must pass assessment before the tenderer can pass the suitability assessment; or
 - when a Panel of Specialists is proposed in tender documents the tender submission must identify which specialists from the Panel are proposed to do the specialist work or nominate at least one alternative who must pass assessment before the tender progresses to tender evaluation.
-

Continued on next page

¹ Treaty of Rome 1957 and subsequent treaties such as Maastricht Treaty, Amsterdam Treaty, Nice Treaty etc.

Procurement procedure (Continued)

- The **restricted procedure** – where any applicant can express an interest in participating in a tender competition, but only those that pass the suitability assessment are subsequently invited to tender:
 - when applicants are required to nominate at least one specialist for a particular specialist area of work that nominee must pass assessment before the applicant can pass the suitability assessment; or
 - when a Panel of Specialists is proposed in tender documents the tender submission must identify which specialists from the Panel are proposed to do the specialist work or nominate at least one alternative who must pass assessment before the tenderer progresses to tender evaluation.
- The **restricted procedure for the creation of a Specialist Panel** – where any applicant can express an interest in being included on a panel in the main tender documents, but only those that pass the suitability assessment are placed on the panel.

Note: If a panel of specialists is to be formed and presented in the tender documents, the Contracting Authority must complete this in advance of the invitation to tender for the main works.

Scope of this guidance note

This guidance note is intended primarily for the assistance of Contracting Authorities embarking on public sector building and civil engineering projects. It assumes you have read the *Procurement Process for Works Contracts* (GN 2.3).

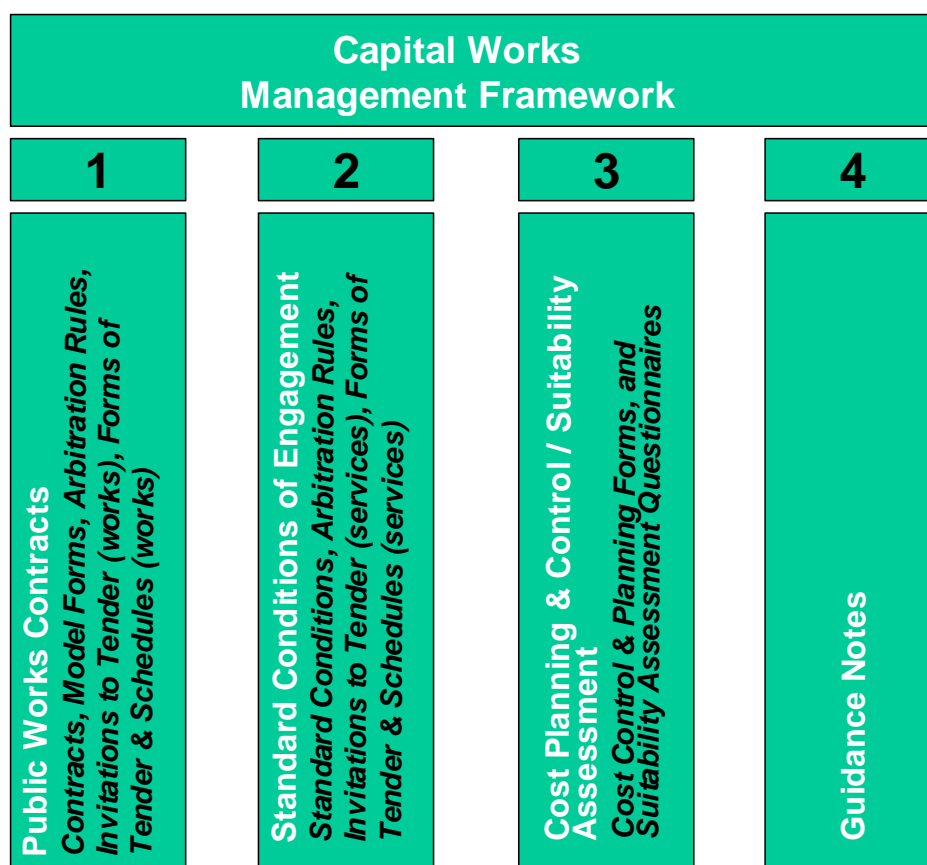
This guidance note deals with suitability assessment in the restricted procedure for Works Contractors; for details on the open procedure refer to *Suitability Assessment for Works Contractors, Open Procedure* (GN 2.3.2).

Continued on next page

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 invitations to tender, forms of tender and schedules;
2. The standard conditions of engagement for consultants, dispute resolution rules, model invitations 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

What is the Capital Works Framework (continued)

The content of the four pillars is outlined below. Furthermore, the 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	Invitation To Tender, Services	ITTW	Invitation 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, Invitations to Tender (works), 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
Invitations to Tender	
ITTW 1	Invitation to Tender for Works, Restricted Procedure
ITTW 2	Invitation to Tender for Works, Open Procedure
ITTW 3	Invitation 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 of Engagement**

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

Standard Conditions	
COE 1	Standard Conditions of Engagement for Consultancy Services (Technical)
COE 2	Standard Conditions of Engagement for Archaeology Services
Arbitration Rules	
AR1.0	Arbitration Rules
Invitation to Tender (services)	
ITTS 1	Invitation to Tender for Services, Restricted Procedure
ITTS 2	Invitation to Tender for Services, Open Procedure
Tender & Schedule (services)	
FTS 9	Form of Tender and Schedule, Consultancy Services (Technical)
FTS 10	Form of Tender and Schedule, Archaeology Services

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

Continued on next page

Foreword, Continued

CWMF Pillar 4

Guidance Notes

Guidance Notes	
GN 1.0	Introduction to the Capital Works Management Framework
GN 1.1	Project Management
GN 1.2	Project Definition and Development of the Definitive Project Brief
GN 1.3	Budget Development
GN 1.4	Procurement and Contract Strategy for Public Works Contracts
GN 1.5	Public Works Contracts
GN 1.6	Procurement Process for Consultancy Services (Technical)
GN 1.6.1	Suitability Assessment of Construction Service Providers, Restricted Procedure
GN 1.6.2	Suitability Assessment of Construction Service Providers, Open Procedure
GN 1.7	Standard Conditions of Engagement, Guidance Note and Sample Schedules
GN 2.1	Design Development Process
GN 2.2	Planning and Control of Capital Costs
GN 2.3	Procurement Process for Works Contractors
GN 2.3.1	Suitability Assessment of Works Contractors, Restricted Procedure²
GN 2.3.2	Suitability Assessment of Works Contractors, Open Procedure
GN 3.1	Implementation Process
GN 4.1	Project Review
Glossary	
GL 1.0	Glossary

Continued on next page

² 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.

Structure of this document

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

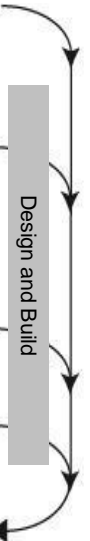
Chapter	See Page
1: About Suitability Assessment Outlines the key concepts of the suitability assessment process for works contractors in a restricted procurement procedure.	17
2: Assessment for Works Contractors Outlines the tasks and forms required in assessing for main contractors and their specialists.	27

Continued on next page

Structure of this document (continued)

Chapter	See Page
3: Specialists proposed by Contracting Authority Outlines the assessment for works specialists to be proposed by the Contracting Authority. Also details the process for alternatives proposed by the main contract applicant.	35
4: Preparing the Form Describes how to determine which criteria to use, the marking scheme, and other important considerations.	42
5: Completing the Questionnaire Describes how to complete each section of the questionnaire.	49
6: Evaluating Health and Safety Competence Details the Health and Safety supplements to the Questionnaire and how to assess using the Pass/Fail method.	76
7: Evaluating the Questionnaire Details how to evaluate the whole questionnaire using the Pass/Fail plus Qualitative method.	105
Appendix A: What Forms to Provide (Works, Restricted) Provides a diagram of which suitability assessment forms need to be prepared and issued, depending on project requirements.	118
Appendix B: Summary of Questionnaire Forms (Works) Summarises the range of suitability assessment forms the Contracting Authority can use for works contractors.	119
Appendix C: Short List 1 Template Provides a template for evaluating Stage 1 – Pass / Fail for suitability assessment questionnaires.	121
Appendix D: Short List 2 Template Provides a template for evaluating Stage 2 – Qualitative for suitability assessment questionnaires.	124
Appendix E: Information on Works of a Similar Nature Outlines how performance assessment can form the basis of a response to certain criteria.	126

Project Stages			Capital Works Management Framework							
			Main Project Processes							
Appraisal	Capital Appraisal	Standard Conditions of Engagement	Project Management	Design Activities (Building)	Design Activities (Civil Eng.)	Cost Control Activities		Risk and Value Management	Documents for Approval	
Approval in Principle										
Stage 1 Planning Initial			Stage (i) Feasibility Study / Preliminary Report	Manage outputs: Project Definition (through 16 N° overall parameters) Manage technical experts' appointment (if required)	Conduct Feasibility Studies Develop Definitive Project Brief Appoint technical experts (if required) Appoint PSDP (if required)	Conduct Preliminary Report Conduct design studies Develop Definitive Project Brief Appoint technical experts (if required) Appoint PSDP (if required)	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 RM: Identify and assess risk relating to the Project Execution Plan Develop high-level Risk Management Plan	Project Management Structure Preliminary Project Brief Preliminary Output Specification Feasibility Study and Cost Plan Design Brief Final Output Specification Definitive Project Brief Project Execution Plan Risk Management Plan	
			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 RM: Identify risk in relation to procurement Agree risk allocation	Definitive Procurement Strategy Contract Type Proposal Project Team Selection Report			
Stage 2 Planning Developed			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 RM: Consider RM in relation to Outline Sketch Scheme	Outline Sketch Scheme (Building) Preliminary Planning drawings (C. Eng.) Outline Cost Plan		
			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 RM: Identify residual risks Consider RM in relation to Detailed Sketch Scheme Suitability assessment of contractors	Developed Sketch Scheme Developed Cost Plan Statutory Approval Submission		
			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. RM: Review any planning conditions for risk impact.	Developed Cost Plan (reviewed)		
			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 RM: Review suitability assessment of contractors for risk impact	Tender Documentation Detailed Pre-tender Cost Check 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		
Stage 3 Implementation			Stages (iv) Construction & (v) Handover	Project Review 7: Review tender returns in advance of awarding the contract (Report to Sanctioning Authority and await approval prior to proceeding)						
				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

The restricted procedure consists of two distinct phases:

1. **Applicants** for a Works Contractor position are invited (with their proposed specialists where required) by the Contracting Authority to participate in a suitability assessment and those who respond are assessed; or

Applicants for a specialist position on a panel are invited by the Contracting Authority to participate in a suitability assessment and those who respond are assessed.

2. Those works contractors deemed suitable (within a pre-determined range) are invited (with their pre-qualified specialists where required) to compete as **candidates** in a separate tender competition for the main works contract; or

Those specialists deemed suitable are invited to take a place on the panel.

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	17
1.3 Specialist Areas of Work	18
1.4 Health and Safety Roles	19
1.5 Advertisement of the Contract Notice	22
1.6 Rules of Participation	25

1.2 Suitability Assessment Method

Introduction

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

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

Assessment methods

Methods of assessment that may be used are:

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

When to use each method

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

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

1.3 Specialist Areas of Work

Introduction

The next decision that the Contracting Authority must make is:

- What areas of work require specialists; and
 - How specialists are procured.
-

When are specialists required?

The Contracting Authority should consider carefully if specialists are required:

Do not use for ...	Use for...
Standard painting, plumbing, landscaping, roofing, steelwork, etc.	Complex technical installations, proprietary curtain-walling, special demolition works, etc.

Procurement of specialists

If specialists are required the Contracting Authority must decide how to procure for each specialist area before the suitability assessment process. Specialist works can be dealt with in the following ways:

- Main contractors pre-qualify with their proposed specialists (including contractor design specialists in the case of Design and Build) at suitability assessment stage; or
- Main contractors pre-qualify on their own at suitability assessment stage, and a panel(s) of specialists – proposed by the Contracting Authority – is included in the main contract tender documents. The main contract tenderers can then choose to use a panel specialist or propose an alternative specialist with their tender submission.

Note: Main Contractors wishing to change proposed specialists (after being placed on Short List 2 must write to the Contracting Authority requesting permission to do so. Such a request must be made at latest before the last date for submission of queries as set out in the *Invitation To Tender* (ITTW).

Assessment of specialists

- Specialists proposed by Works Contractor applicants are pre-qualified by Pass/Fail Only assessment. Contracting Authorities' panel of specialists or alternative specialists proposed at tender stage by Works Contractors are pre-qualified by Pass/Fail plus Qualitative assessment.

If specialists are...	Refer to assessment of
proposed by the main works contractor	Works Contractors, page 26.
<ul style="list-style-type: none">▪ proposed by the Contracting Authority in the form of a panel; and▪ may be proposed by the Works Contractor as an alternative to the panel	Specialists proposed by Contracting Authority, page 34.

1.4 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 are as follows:

- Health and Safety Coordinator (during tender period);
- Designer;
- Project Supervisor for the Design Process;
- Project Supervisor for the Construction Stage; and
- Works Contractor.

It is a statutory requirement that the competence and satisfactory allocation of resources of the applicant/specialist 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 7.2 General Guidance on page 105 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.

Continued on next page

1.4 Health and Safety Roles, Continued

The Health and Safety Coordinator

The appointment of Health and Safety Coordinators (during the tendering period) is of special importance in a design-and-build contract.

Where the role is required the Health and Safety Coordinator (HSC) should always be proposed and employed by main contract candidates (that is those invited to tender). The reason for this arrangement is to protect the confidentiality of tenderers proposals during the tendering period and ensure probity in the procurement procedure. It is therefore important that it is stated in the main tender documents for a design and build project that it is a condition of the tender that each tenderer is to engage, at the commencement of the main contract tendering period, a HSC who is approved and appointed by the Project Supervisor for the Design Process (PSDP). Each tenderer will be required to bear the cost of such a HSC service as part of the tendering costs.

The purpose of the HSC is to assist the PSDP (appointed by the Contracting Authority prior to the main contract tender competition) in fulfilling its statutory role. This PSDP service should last-until at least the award of the main contract after which the main contractor may be engaged to fulfil the PSDP role.

The HSC role in a design and build tender is unique in the procurement procedure in that it is mandatory for the duration of the tender competition and ceases at contract award stage. It is different to the normal discretionary arrangements available to the Project Supervisor for the Construction Stage (PSCS) and the PSDP under the Regulations.

Assessment method

The Health and Safety Coordinator is assessed using the Pass/Fail Only method of suitability assessment. Refer to the information on forms in the next chapter.

Design role options

When the main Works Contractor is appointed to a design-and-build contract, the appointment may include:

1. Designer *and* PSDP roles; or
2. Designer with the appointment of an independent PSDP.

Assessment method

Health and Safety competency in design (this includes any works contractor or specialist with design input) and the PSDP role is always assessed separately first using the Pass/Fail Only method of suitability assessment for a place on Short List 1. Refer to the information on forms in the next chapter.

Continued on next page

1.4 Health and Safety Roles, Continued

Contractor and PSCS roles

The Works Contractor role must incorporate Health and Safety competency. The PSCS is a Health and Safety role. Both of these roles must comply with the Safety, Health and Welfare at Work (Construction) Regulations 2006.

The Contracting Authority has two options to choose from, for the role of PSCS. The appointment can be as:

1. Works Contractor and as the PSCS; or
2. Works Contractor only with the appointment of an independent PSCS.

Assessment method

Health and Safety competence in construction works (this includes any works contractor or specialist) and the PSCS role is assessed separately first using the Pass/Fail Only method of suitability assessment for a place on Short List

1. Refer to the information on forms in the next chapter.

Note: The appointment of an independent PSCS is covered in the guidance for assessment of service providers. Refer to *Assessment of Service Providers, Open Procedure* (GN 1.6.2) for more information.

1.5 Advertisement of the Contract Notice

EU Rules on Publication of Notices

Above the EU threshold, 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;
 - Conditions for exception to Mandatory Publication;
 - Notice of Specialist Works;
 - Concurrent Notices; and
 - Notice of Numbers to be shortlisted.
-

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 works 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 EU threshold projects. There are also particular circumstances when a Contract Notice is not mandatory³.

Continued on next page

³ Refer to Article 37 of Directive 2004/18/EC and SI No 329 of 2006 Regulation 45(11).

1.5 Advertisement of the Contract Notice, Continued

Conditions for Exception to Mandatory Publication Rules

When specialist works are part of a works contract and the main contract tenderers are asked to tender for both the main construction work and specialist works, an exception to the mandatory publication requirement is made under either of the following conditions:

1. The main works threshold of €5,000,000 is not exceeded.
2. The main works threshold of €5,000,000 is exceeded and the position of specialist works is identified as one that will have a panel proposed by the Contracting Authority in main contract tender documents and will be tendered for as part of the main works contract for which a separate (mandatory) notice is published.

Under the second condition in order to comply with the transparency principal and to obtain maximum coverage a notice for a panel of specialists may be published according to the rules for mandatory publication even though it is not mandatory to do so (this is designated ‘non-mandatory publication’).

Specialist Works

Specialist can be dealt with in two ways:

1. Main contract applicants pre-qualify with their proposed specialists at suitability assessment stage (this includes contractor design specialists); or
2. Main contract applicants pre-qualify on their own at suitability assessment stage and a panel of specialists proposed by the Contracting Authority is included in the main contract tender documents. The main contract tenderers can choose a panel specialist or propose an alternative and include it with their tender submission.

In the first case the rules regarding mandatory publication of notices governed by the EC Directives² apply to main contractors and their specialists who are pre-qualified and shortlisted.

In the second case the rule regarding non-mandatory publication of a notice permitted under the Directive³ are followed. This is where a full tender competition for specialists is not undertaken and main contractors are pre-qualified and shortlisted on their own prior to main contract tenders being sought. The specialists’ competition is taken only to suitability assessment stage in the case of panel specialists.

Continued on next page

² Article 36 of Directive 2004/18/EC and Article 44 of Directive 2004/17/EC deals with mandatory publication rules.

³ Article 37 of Directive 2004/18/EC and Article 44(8) of Directive 2004/17/EC deals with the non-mandatory publication provision.

1.5 Advertisement of the Contract Notice, Continued

Concurrent use of mandatory and non-mandatory notices

Concurrent use of the mandatory publication requirement and the non-mandatory publication provision for a contract are not prohibited by the EC Directives. Therefore, it is open to a Contracting Authority to publish two notices in the OJEU for a particular requirement, one mandatory and the other non-mandatory, as in the second case mentioned above:

- The mandatory notice advertised in the OJEU for main contractors (allowing them to propose alternative specialists to those identified on a panel) applies where main contractors are to be asked to tender for both main works and specialist works. In such circumstances main contractor applicants tender for the specialist in the same way as they would tender for the rest of the work on a project. When this arises the suitability assessment material for alternative specialists proposed by main contractors is submitted with their tenders and must be assessed before the tenders are evaluated.
- The non-mandatory notice for specialists advertised in the OJEU independently of the main construction works applies where a panel is to be drawn up and included in main contract tender documents. The purpose of the notice and the panel is to set a level of standards that are not discriminatory and for the procedure to be transparent. This notice should state that this procurement procedure ends once the panel is formed.

Number of candidates to be shortlisted

Minimum number of candidates

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

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

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

Maximum number of candidates

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

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

1.6 Rules of Participation

Convictions and misconduct

Mandatory Exclusion Rules

The Contracting Authority must exclude applicant'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 an applicant who:

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

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

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

Applications from a consortium

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

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

2: Assessment for Works Contractors

2.1 Overview

Introduction

This chapter explains the tasks and requirements involved in determining suitability of the works contractors, using the restricted procedure. Also detailed, is the range of suitability questionnaire forms that can be used – depending on the circumstances – when procuring works contractors.

Lastly, this chapter deals with specialists and Health and Safety roles – and how they are validated within the main contractor's suitability assessment.

Contents

This chapter contains the following topics:

Topic	See Page
2.2 Tasks and Requirements	27
2.3 Suitability Assessment Forms	31

2.2 Tasks and Requirements

Introduction

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

Overview of tasks

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

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

This guidance note deals only with the details in the boxes highlighted.

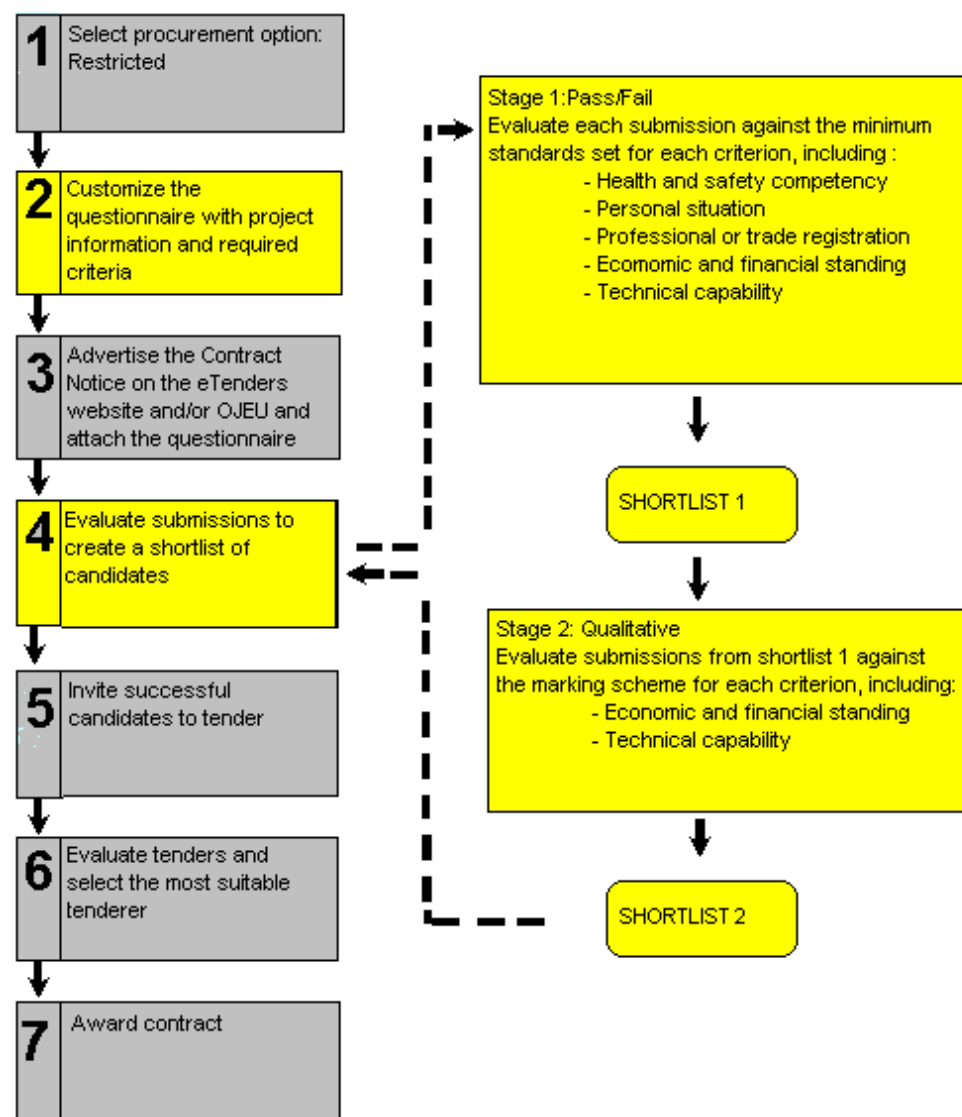


Figure 1: Suitability assessment tasks for the restricted procedure

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

Continued on next page

2.2 Tasks and Requirements, Continued

Step-by-step restricted procedure

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

Step	Action
The Contracting Authority must...	
1	Prepare the suitability assessment questionnaire(s) for a Works Contractor (applicant) with information and criteria: <ul style="list-style-type: none">▪ based on selected criteria in the EU Directive, and Health and Safety competencies required under those criteria; and▪ areas of specialist works/specialist design services for which the applicant must provide nominees.
2	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(s) is on the eTenders website. Note: the questionnaire(s) should always to be made available on the eTenders website and if required can be issued in hard copy also.
The applicant must...	
3	<ul style="list-style-type: none">▪ Complete and submit the questionnaire within the given time period. The minimum period is usually 37 days however, if notices are developed and transmitted electronically, this can be reduced to 30 days – in accordance with Article 38(5) of Directive 2004/18/EC.▪ Include in response to the criteria in a separate questionnaire, details of specialist nominees for any specialist works/specialist design services identified and requested by the Contracting Authority.

Continued on next page

2.2 Tasks and Requirements, Continued

Step-by-step restricted procedure (continued)

Step	Action
The Contracting Authority must...	
4	Only consider for evaluation, applicants who have submitted their questionnaire(s) before the closing date and time for receipt of expressions of interest.
5	Evaluate and proceed only with applicants who pass the minimum standards – they form shortlist 1 (see Figure 1) and their title changes to candidates from this point on. Note: Health and Safety competency and specialist nominees must be evaluated first separately, on a Pass/Fail Only basis.
6	Ensure only candidates with the required range of compliant specialists (Pass/Fail assessed) are qualitatively assessed and ranked according to their scores to form shortlist 2 (see Figure 1). Proceed only with those who have the highest marks and are within the number given for candidates to be selected.
7	Alternatively, where there is no maximum number set the need for qualitative selection does not arise and in such a situation all those that pass the minimum standard are placed on a tender list.
8	Inform the selected candidates that they have been deemed suitable to proceed and have been placed on a tender list (i.e. Short list 2 – see Figure 1), and that of their specialists included with their questionnaire of which at least one has passed the minimum standard for each specialist area of work or for contractor specialist design service.
9	Inform applicants who do not make shortlist 1 (with compliant specialists) and candidates who do not make shortlist 2, that they are eliminated from the competition.
10	Invite all successful candidates to participate in the tender competition.

Continued on next page

2.2 Tasks and Requirements, Continued

Validation of specialists

Specialists are employed by the main contractor to provide *specialist works*, *specialist works with a design input* and *specialist design services* as specified by the Contracting Authority. Specialist works can be carried out by either subcontractors or in-house experts.

A separate suitability assessment is used to validate the specialist and only those who pass this validation are included in the main contractor's suitability assessment. At least one specialist for each specialist area must be validated before the Works Contractors can themselves be assessed.

In addition to the Works Contractor's Questionnaire, separate Questionnaires need to be completed for each specialist work area or specialist design service when a specialist is proposed by a Works Contractor. The specialist's validation uses the Pass/Fail Only method for a place on a Short List 1. Health and Safety supplements must be included as instructed (see next subsection).

2.3 Suitability Assessment Forms

Introduction

There is a range of suitability assessment questionnaire forms to be used on their own and in combination with each other – depending on the circumstances.

The suitability assessment form used for Works Contractor within the restricted procedure, is: *Suitability Assessment for Works Contractor, Restricted Procedure* (QW1).

For a diagrammatic representation of which forms the Contracting Authority will need to prepare and issue for works in a restricted procedure, see Appendix A on page 117.

For an overview of *all* suitability assessment forms for works – and when each should be used, see Appendix B on page 118.

This section covers:

- How to complete and evaluate the QW1 questionnaire form;
 - What form is used for specialist works; and
 - What supplements are used for Health and Safety roles.
-

Completing and evaluating the QW1 form

The information provided in this document is based primarily on the QW1 suitability assessment form.

Completing the QW1 form

The Contracting Authority completes Section 1, part 2.4 of Section 2 (if required) and the Contracting Authority's part of Section 3 according to the requirements of a particular project. The Works Contractor completes the remainder of Section 2 and 3.

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

Refer to Chapter 5: Completing the Questionnaire, page 48 for detailed explanations on how to complete each section of this form.

Evaluating the QW1 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 7: Evaluating the Questionnaire, page 104 for information about evaluating this form.

Continued on next page

2.3 Suitability Assessment Forms, Continued

Form for specialist work

As well as demonstrating their suitability for Works Contractor, the applicant may be asked to propose specialists to carry out specialist works or specialist design services. In the case of panels of specialists proposed by the Contracting Authority Works Contractors may propose alternative specialists.

The suitability assessment form to use for specialist subcontractors is:

Suitability Assessment for Works Specialist/Works Specialist with a Design Input/Contractor Design Specialist (QW3). The Contracting Authority must indicate in the title of QW3 the specialist area of work (as identified in QW1, 1.7) or specialist area of work and specialist design service (as identified in QW1 1.6) and indicate the purpose of the form as follows:

If a specialist is to be ...	The QW1 should identify the...	The QW3 should be prepared and issued so as to...	The specialist's response should be...
named by Contracting Authority on a panel in the main contract tender documents	specialist area of work in Section 1.7	establish a panel of specialists (Option A)	submitted directly to the Contracting Authority
proposed as subcontractor by the Works Contractor applicant at suitability assessment	specialist area of work, or specialist design service in Section 1.6	establish which specialist pre-qualifies with the Works Contractor (Option B)	submitted with Works Contractor's suitability assessment application
proposed as an alternative subcontractor by the main contract tenderer	NA	establish if the alternative specialist meets the minimum standard (Option C)	submitted as part of the Works Contractor's tender

Refer to Chapter 7: Evaluating the Questionnaire, page 104 for information about evaluating the QW3 form.

Continued on next page

2.3 Suitability Assessment Forms, Continued

Health and Safety supplements - restricted

Supplements used to assess Health and Safety competence are incorporated within the main QW1 and QW3 forms as outlined in the table below.

Which supplements need to be prepared, depends on the particular Health and Safety roles required.

If the role being provided is ...	Then the Health and Safety supplement(s) to be used is...	In form...
Works Contractor	3.4.1 – for Contractor Health and Safety competence	QW1
Specialist work sub-contractor (Contractor's Specialists/Panel Specialists/Alternative Specialist)	3.4.1 – for Specialist Health and Safety competence	QW3
PSCS proposed by Works Contractor	3.4.2 – for PSCS competency	QW1
Designer proposed by Works Contractor	3.4.3 – for Designer Health and Safety competence	QW1
Specialist work subcontractor with Design input (Contractor's Specialists/Panel Specialists/Alternative Specialist)	3.4.2 – for Specialist as Designer Health and Safety competence	QW3
Specialist design service subcontractor (Contractor's Specialist)	3.4.2 – for Specialist as Designer Health and Safety competence.	QW3
Health and Safety Coordinator and/or PSDP proposed by Works Contractor;	3.4.4 – for PSDP competence	QW1

If a role is not required, all the criteria in the corresponding Health and Safety supplement are to be set to 'Not Applicable'.

3: Specialists proposed by Contracting Authority

3.1 Overview

Introduction

The Contracting Authority must decide what specialist areas of work are required and whether a panel of specialists should be set up or the Works Contractor should propose the required specialists.

If there are specialist areas of work required, and specialists are not to be proposed by the Works Contractor applicants, the Contracting Authority must conduct a separate procurement exercise(s) involving the suitability assessment of specialists competing for a place on a panel(s).

Following a qualitative assessment, those successful specialist applicants competing for panel placement will receive panel membership and will be subsequently included in the main contract *tender* documents. The main contract Candidates can exercise a choice regarding panels of specialists in their tenders, they can either choose to use a specialist from the panel(s), or to propose an alternative specialist(s) of their choice.

Assessment method

The Pass/Fail plus Qualitative method is generally used to procure a panel of specialists for the restricted procedure. The Pass/Fail plus Qualitative method is also used to assess specialists proposed by main contract tenderers as alternatives to those on a panel. The qualitative element of the process is used to check that the proposed alternative specialist has obtained marks that are at least equal to the specialist with lowest marks on the panel.

Panel terms and conditions

Panel Specialists must accept the possibility that if they receive panel membership, there is no guarantee that the successful Works Contractor will select them for the specialist work. The Works Contractor may instead propose and choose an alternative specialist for the work.

Panel Specialists must also accept that if they are selected for the specialist work, they must be willing to be a works subcontractor to the main contractor under a Public Works Contract.

Contents

This chapter contains the following topics:

Topic	See Page
3.2 Tasks and Requirements	35
3.3 Alternative Specialists	39

3.2 Tasks and Requirements

Introduction

To determine suitability of applicants' placement on a panel, there are a number of tasks that the Contracting Authority must complete. This section provides an overview and a step-by-step guide to the suitability assessment process for the panel procedure. It also covers what suitability assessment form to use and how to advertise the Contract Notices.

Overview of tasks

In order to procure specialists for placement on a panel(s), Contracting Authorities must complete a number of different procurement tasks. Figure 2 outlines the tasks that need to be completed in a Pass/Fail plus Qualitative assessment for suitability. The evaluation task is divided into two stages:

- Stage 1 – Pass/Fail
- Stage 2 – Qualitative

This guidance note only details the boxes highlighted.

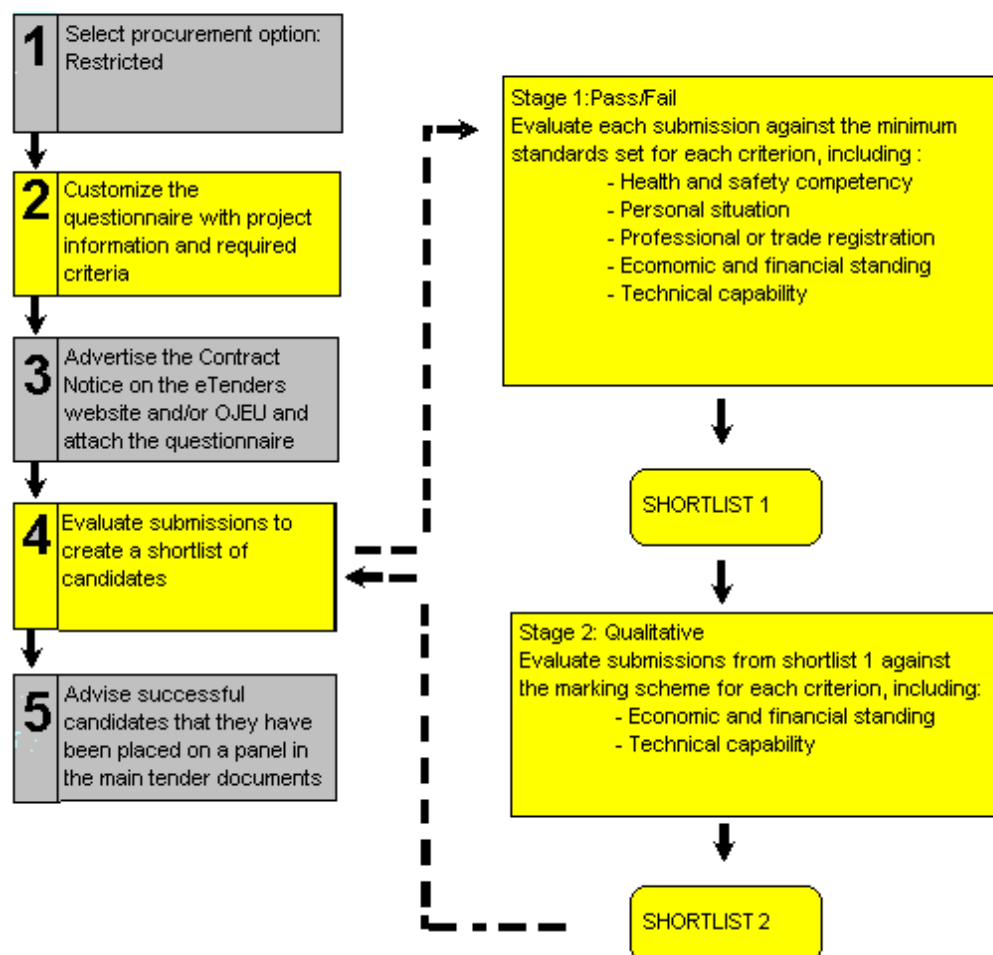


Figure 2: Suitability assessment tasks for the panel procedure

Continued on next page

3.2 Tasks and Requirements, Continued

Step-by-step panel procedure

The parties involved in the suitability assessment process for panel placement are the *Contracting Authority* and the *applicant* (specialist). For panel placement, the suitability assessment process occurs at the same time as for the Works Contractor. Panel Specialists who are deemed suitable, are included in the main tender documents for the Works Contractor. The following table describes the panel specialist procedure step-by-step.

Step	Action
The Contracting Authority must...	
1	Prepare the suitability assessment questionnaire(s) for specialists (applicant) with information and criteria: <ul style="list-style-type: none">▪ based on selected criteria in the EU Directive, and▪ Health and Safety competencies required under those criteria
2	Place an advertisement (<i>Contract Notice</i> ⁴) for expressions of interest in the media – i.e. the eTenders website and if appropriate the Official Journal of the European Union (OJEU) – and noting that the suitability assessment questionnaire(s) is on the eTenders website. Note: the questionnaire(s) should always be made available on the eTenders website and if required can be issued in hard copy also.
The applicant must...	
3	Complete and submit the questionnaire and appropriate supporting material ⁵ , within the given time period. The minimum period is usually 37 days however, if notices are developed and transmitted electronically, this can be reduced to 30 days – in accordance with Article 38(5) of Directive 2004/18/EC.

Continued on next page

⁴ Article 37 of Directive 2004/18/EC and Article 44(8) of Directive 2004/17/EC deals with the non-mandatory publication provision

⁵ This may be by electronic means, or hard copy, or both

3.2 Tasks and Requirements, Continued

Step-by-step panel procedure (continued)

Step	Action
The Contracting Authority must...	
4	Only consider for evaluation, applicants who have submitted their questionnaire(s) before the closing date for receipt of expressions of interest.
5	Evaluate and proceed only with applicants who pass the minimum standards. They form shortlist 1 (see Figure 2). Note: Health and Safety competence must be evaluated first separately, on a Pass/Fail Only basis.
6	Qualitatively assess and rank according to scores to form shortlist 2 (see Figure 2). Proceed only with those who have the highest marks and are within the maximum number to be selected.
6a	Alternatively, where there is no maximum number set the need for qualitative selection does not arise so all those that pass the minimum standard are allowed go through to the next stage which is to be placed on a panel in tender documents.
7	Inform the selected specialists that they have been deemed suitable for panel placement.
8	Inform applicants who do not make shortlist 1 and specialists who do not make shortlist 2, that they are eliminated from the competition.
9	Include the shortlist (panel) of specialists in the main contract tender documents.

Suitability assessment form

The suitability assessment questionnaire to be used for panel specialists proposed by Contracting Authorities, or specialist subcontractors (works or design services) to be prequalified with Works Contractors or alternative specialists proposed by Works Contractors in tenders, is: *Suitability Assessment for Works Specialist* (QW3). The applicant will also need to complete the appropriate Health and Safety supplements. Refer to 2.3 Suitability Assessment Forms, page 31 for full details of forms and supplements.

Continued on next page

3.2 Tasks and Requirements, Continued

Advertising the Contract Notices

First Contract Notice

In order to propose a panel of specialists for projects above the EU thresholds, the Contracting Authority must first publish a *mandatory Contract Notice* in the Official Journal of the European Union (OJEU). This notice invites expressions of interest for the role of Works Contractor for the complete works including all specialist works.

The Contract Notice should indicate to the Works Contractor applicants that panel of specialists will be used at tender stage and that the applicant will be given discretion to propose alternative specialists of their choice at main contract tender stage. If applicants choose to nominate alternative specialists to those on a panel they will be required to submit completed QW3 forms for such specialists which must be submitted at the same time as part of the main contract tenders.

Second Contract Notice

The Contracting Authority publishes a second *non-mandatory Contract Notice* in the OJEU for the same specialist works above, inviting expressions of interest from specialists wishing to be considered for inclusion on a panel.

The notice should state that its purpose is to create a panel of suitable specialists to be included in the main contract tender documentation. The notice should also state that the procedure will end once the panel has been established.

3.3 Alternative Specialists

Introduction

Where the Contracting Authority has identified a panel(s) of works specialists in the main contract tender documents, the candidates (Works Contractor) must be allowed to either select from the panel(s) or propose *alternative specialists*.

Alternative specialists must be assessed for suitability just prior, but separate, to the main contract tender evaluation.

This section covers:

- The main contract tender documents;
 - How to validate alternative specialists; and
 - What suitability assessment form to use.
-

Main contract tender documents

Where the Contracting Authority proposes a panel, the candidate (Works Contractor) must always be allowed to propose an alternative specialist. It is therefore necessary to include in the main contract tender documents a QW3 (appropriately prepared) for each area of specialist work identified in Section 1.7 of QW1 so as to enable applicants to make appropriate responses in relation to alternative specialists.

The main contract tender documents must clearly state that – for the specialist works areas – the candidate (Works Contractor) can choose from the panel in the main contract tender documents or name alternatives of their choice. This should also have been stated in the Contract Notice.

If the candidate (Works Contractor) wants to propose an alternative specialist to do the specialist works, it should put the alternative specialists questionnaire(s) and details in a sealed envelope marked ‘Suitability Assessment Material’, and place the commercial elements of its tender in a separate sealed envelope marked ‘Commercial Aspects of Tender’ both envelopes should be submitted as part of its tender submission.

Validation of alternative specialists

The suitability assessment is used to validate the alternative specialist and only those who pass this validation are included in the Works Contractor’s tender evaluation. At least one alternative specialist for each specialist area of work must be validated before the commercial aspects of the Works Contractor’s tender can be evaluated.

Assessment method

The alternative specialist's validation uses the Pass/Fail plus Qualitative method, with criteria and weightings identical to those used to form the panel of specialists for the same specialist area of work. Alternative specialists whose marks are not lower than the minimum achieved by the corresponding panel specialists, are deemed to be compliant specialists.

Continued on next page

3.3 Alternative Specialists, Continued

Suitability assessment form

The suitability assessment form used for alternative specialists, is: *Suitability Assessment for Works Specialist*, (QW3). The applicant will also need to complete the appropriate Health and Safety supplements. Refer to the tables on the use of this form in 2.3 Suitability Assessment Forms, page 31.

4: Preparing the Form

4.1 Overview

Introduction

This guidance note should be read in conjunction with the suitability assessment questionnaire forms for the restricted procedure (QW1 and QW3). The forms are intended to be largely self-explanatory, as guidance for the Contracting Authority is included within the forms under the relevant criteria and accompanying instructions.

The open procedure and form QW2 is covered in *Assessment of Works Contractors, Open Procedure* (GN 2.3.2).

Contents

This chapter contains the following topics:

Topic	See Page
4.2 Tasks and Requirements	42
4.3 Determining the Criteria	43
4.4 Determining the Marking Scheme	45

4.2 Tasks and Requirements

Introduction

Before issuing the questionnaire(s), careful preparation is essential to ensure that Contracting Authorities identify and select the most suitable applicants for panel placement or as candidates in a tender competition. This preparatory work is outlined below.

Preparation steps

The Contracting Authority needs to complete the following steps:

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

The principle of proportionality means that standards should be set in proportion to the requirements of the project and should not be designed to discriminate against certain groups in a particular sector that are otherwise eligible to do the work in favour other groups in the same sector also eligible to do the work.

The criteria, minimum standards, and maximum standards, must be published in the Contract Notice and stated in the questionnaire or an attachment to the questionnaire issued to prospective applicants. All information requested in the questionnaire must be consistent with the Contract Notice.

4.3 Determining the Criteria

Introduction

When determining suitability assessment criteria, 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.

The Contracting Authority should take care to ensure that the chosen criteria will enable an appropriate number of suitable applicants for panel placement or to be candidates for a tender competition be selected. The criteria must relate to the nature, size and complexity of the works.

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:

- Which criteria are optional;
- How to select criteria on the questionnaire form; and
- How to determine criteria for specialists proposed by Works Contractors.

Note: European case law prohibits using the same criteria more than once in a procurement procedure. It also prohibits mixing suitability assessment criteria and tender award criteria at tender evaluation stage.

Optional criteria

The Contracting Authority should be familiar with each criterion – refer to Chapter 5: Completing the Questionnaire on page 48 for details – 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 – section 3.4.

All other criteria in the suitability assessment questionnaire are automatically required.

Including additional requirements

The suitability assessment criteria referred to in this guidance and in the questionnaire are the same as those in Directive 2004/18/EC and SI No 329 of European Communities (Award of Public Authorities Contracts) Regulation 2006. The Contracting Authority may include additional requirements in the questionnaire where permitted, provided they are objective, proportionate and non-discriminatory. Refer to Chapter 5: Completing the Questionnaire on page 48 for information about requesting additional requirements.

Note: The Contracting Authority 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 project; they should not be automatically selected as the default. If using optional criterion, ensure that the same option is implemented at each instance of that criterion in 3.4, 3.4.1, 3.4.2, 3.4.3 or 3.4.4 as appropriate.

Continued on next page

4.3 Determining the Criteria, Continued

Selecting the criteria

For each optional criterion in the questionnaire, the Contracting Authority should indicate in the header to the criterion the response required:

- If the criterion is selected the Contracting Authority should consider whether the entry should be:
 - **SUBMIT ON REQUEST** where applicants 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 applicants must provide the information specified in the criterion no later than the date set for the return of response to the questionnaire.
- If the criterion is not being selected **NOT REQUIRED** should be chosen in which case applicants should not provide the information.

In the case of Health and Safety supplements when the role is not required all criteria in the supplement should be set to Not Applicable.

Determining criteria for specialists proposed by Works Contractor

If Works Contractor applicants are required to include with their submissions suitability assessment material for particular specialists, the specialist area or specialist design service must be identified by the Contracting Authority under section 1.6 of QW1 form.

Where specialists are proposed by the applicant, the applicant is required to complete and submit a separate QW3 form for each area of specialist work or specialist design service as part of the Works Contractor application with the QW1 response.

4.4 Determining the Marking Scheme – Qualitative Assessment

Introduction

When a decision on the options associated with each criterion has been made, the Contracting Authority must, in relation to **QUALITATIVE ASSESSMENT**, determine the marking scheme for assessing the relevant criteria in submissions. This must be stated in the summary table on the fourth page of Section 3 of QW1 and third page of Section 3 of QW3 forms.

For each relevant criterion in the summary page of the QW1 form, the Contracting Authority needs to complete the column headed Pass/Fail Only with 'Yes' or 'No'. If 'No' is entered this means that the relevant criterion will be Qualitative Assessed and a % Weighting and marks need to be entered on the fourth page against that criterion.

The arrangement for Qualitative Assessment in the QW3 form is different. This is to allow it be used in a number of situation such as for panel specialists, or alternative named specialists by contractors, or contractor nominated specialists. In the case of panel specialists and alternative named specialists a qualitative assessment is carried out and therefore a marking system must be in place. In the case of contractor named specialists a Pass/Fail Only assessment is used.

Where there is the choice in the QW3 form between Qualitative Assessment and Pass/Fail Only there is a drop down menu at **TYPE OF EVALUATION** in the header to allow for the appropriate selection to be made.

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

Continued on next page

4.4 Determining the Marking Scheme, Continued

Qualitative assessment

In the case of QW1 and QW3 the Contracting Authority must determine whether each criterion selected will be assessed on Pass/Fail Only or assessed on Pass/Fail plus Qualitative Assessment basis. The Contracting Authority must then indicate this in the header of each selected criterion in the questionnaire for QW1 as indicated below.

If the applicant...	Then enter...
only needs to pass the criterion	No
must pass the criterion and be qualitatively assessed	Yes
is not required to respond to the criterion	NA

and in the case of QW3 questionnaire in the header as indicated below.

If the applicant...	Then enter...
only needs to pass the criterion	Pass/Fail
must pass the criterion and be qualitatively assessed	Qualitative Assessment

Applying the Pass/Fail Only method

The Contracting Authority can decide to apply the Pass/Fail Only method for all evidence. In this situation, all applicants who pass Short List 1 of the suitability assessment must be invited to the tender competition and it is not necessary to proceed to Short List 2.

The Pass/Fail Only method is not normally used for a restricted procedure except for Health and Safety competency and specialists proposed by the main contractor (when the contractor is seeking to be pre-qualified) which are always evaluated using Pass/Fail Only. Refer to 7.2 General Guidance on page 105 for more details about evaluating for Health and Safety competency, for specialist areas of work and for specialist design services.

Continued on next page

4.4 Determining the Marking Scheme, Continued, Continued

Marks or percentage weighting

Percent weighting and marks is only used for criteria that are qualitatively assessed. The Contracting Authority enters the maximum mark or a percentage (of a total maximum mark) for each criterion that is going to be qualitatively assessed in the summary table on the fourth page of Section 3 of QW1 form and the third page of QW3 form. The total percentage weighting for all criteria allocated should equal 100%.

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

Panel specialists and alternative specialists

When preparing QW3 the marks and/or weightings applied to the panel specialist's questionnaire and the alternative specialist's questionnaire must be exactly the same. This is so the marks awarded can be easily comparable, in order to ensure that the alternative specialist meets the standards set by the panel specialist.

Minimum and maximum standards

Minimum standards

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

Maximum standards

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

5: Completing the Questionnaire

5.1 Overview

Introduction

This chapter provides guidance for the Contracting Authority on completing the suitability assessment questionnaire. It does not detail every field; instead it covers areas where the required input might not be immediately obvious. The main questionnaire – *Suitability Assessment for Works Contractor, Restricted Procedure* (QW1) and *Suitability Assessment for Works Specialist* (QW3) – are split into five main sections:

Section		Description
1	Project Particulars	This section contains details of the works project its size and complexity. The Contracting Authority completes this section prior to publication of the suitability assessment questionnaire.
2	Applicant/ Specialist Details	This section collects basic information about the applicant/specialist. The applicant/specialist completes this section and returns it to the Contracting Authority.
3	Assessment Criteria	<p>This section specifies the criteria that will be used to assess applicants/specialists to establish their suitability to carry out the work. This section is split into a further four subsections:</p> <ul style="list-style-type: none">▪ Applicant's/specialist'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 applicant/specialist completes the required details and confirms that other required information is appended.</p>
4	Health and Safety supplements	This is a subsection of technical capability and has four separate supplements in QW1 form and two in the QW3 form. The purpose of the supplements is to acquire appropriate material that can be used in the assessment of the various Health and Safety roles that a Works Contractor or specialist is expected to fulfil on a project.
5	Appendices	The appendices contain declarations and forms of information that are associated with a number of the criteria in the questionnaire.

Continued on next page

5.1 Overview, Continued

Form Title

The title of the QW3 questionnaire must be changed to suit the particular Specialist situation. There are three situations to choose from:

- Works Specialist
- Works Specialist with Design Input, and
- Contractor Design Specialist

A description of the specialist works or specialist design services must be inserted under the title which should correspond with the entries in QW1 questionnaire subsection 1.6 or 1.7.

Completing the Summary Table

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

Before returning the questionnaire to the Contracting Authority, the applicant/specialist needs to check that all the required information has been included in the submission. This should be done by completing the summary table at the beginning of Section 3 of QW1 and QW3. The table provides a checklist in the right-hand column, under the heading 'Applicant's or Specialist's Response'.

Any information which does not accompany the questionnaire should not subsequently be submitted after the 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 based on subsections of the form:

Topic	See Page
5.2 Project Particulars	50
5.3 Applicant/Specialist Details	55
5.4 Applicant's/Specialist's Personal Situation/Registration	57
5.5 Economic and Financial Standing	60
5.6 Technical Capability	66

5.2 Project Particulars

Introduction

This section provides the applicant with details of the project and the project requirements. The Contracting Authority must complete it prior to issuing the questionnaire. Project particulars contains the following subsections:

Subsections appearing on form...	QW1	QW3
1.1 – Project information	Yes	Yes
1.2 – Contracting Authority information	Yes	Yes
1.3 – Contractor's Role	Yes	Yes
1.4 – Project Category	Yes	Yes
1.5 – Health and Safety Risk	Yes	Yes
1.6 – Specialists proposed by Applicant	Yes	No
1.7 – Specialists proposed by Contracting Authority	Yes	No
1.8 – Specialists novated by Contracting Authority	Yes	No
1.9 – Other Works	Yes	No

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 project and the scope of the works. Consult the European Commission Common Procurement Vocabulary (CPV) at www.simap.europa.eu to find the relevant code for the required works.

In the case of Works Contractor the Form of Contract to be used for the works should be stated. See *Public Works Contracts* (GN 1.5) for details about the different types of works contract.

The number of candidates/specialists to be shortlisted should be stated. This should match the number stated in the Contract Notice

Contracting Authority information – 1.2

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

Continued on next page

5.2 Project Particulars, Continued

Health and Safety role – 1.3, NA to QW3

In this section, the Contracting Authority states whether the applicant will be appointed as:

- The Works Contractor and as the Project Supervisor for the Construction Stage (PSCS); or
- The Works Contractor only – an independent PSCS will be appointed.

If the project is design-and-build, the Contracting Authority must also state whether the applicant will be appointed as:

- The Designer and as the Project Supervisor for the Design Process (PSDP) with a Health and Safety Coordinator (HSC) proposed by the applicant for the duration of the tendering period; or
- The Designer with a HSC proposed by the applicant for the duration of the tendering period – an independent PSDP for the duration of the project will be appointed by the Contracting Authority.

Note: Clients have a responsibility to appoint an independent PSDP who should ensure any initial design work (i.e. the work done by the client's designers) complies with all health and safety requirements. The PSDP should during the main contract tendering period, appoint a HSC for each tenderer – as proposed by the tenderer and approved by the PSDP.

Specialist requirement – 1.3, QW3 only

The Contracting Authority chooses from the following to determine the purpose of the form:

- A. The successful specialist is to be named in the Main Contract tender documents as one of a panel for the specialist work identified at the beginning of the questionnaire and may subsequently be included in the tender submission for Main Contractor. The questionnaire is provided to facilitate an assessment of suitability for this independent applicant for specialist. Responses accompanied with appropriate evidence should be submitted directly to the Contracting Authority.
 - B. The successful specialist is qualified for the specialist work or specialist design services identified at the beginning of the questionnaire and may subsequently be appointed as subcontractor by the Main Contractor. This questionnaire is provided to facilitate an assessment of suitability for a specialist proposed by the Main Contractor applicant. Responses accompanied with appropriate evidence should be submitted as part of the application for Main Contractor.
 - C. The successful specialist is qualified for the specialist work identified at the beginning of this questionnaire and may subsequently be appointed as subcontractor by the Main Contractor. This questionnaire is provided to facilitate an assessment of suitability for a specialist proposed by the Main Contractor as an alternative to the specialist(s) named in the main contract tender documents. Responses accompanied with appropriate evidence should be submitted with the Main Contractor candidate's tender.
-

Continued on next page

5.2 Project Particulars, Continued

Project Category – 1.4

Each project must be categorised as follows:

- Type 1 applies to projects that have a value of <€500,000
- Type 2 applies to projects that have a value of > €500,000 and < €5,000,000
- Type 3 applies to projects that have a value > €5,000,000

This categorisation governs the level of assessment required in the criteria of the Health and Safety supplements. 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 value would allow, that category Type should be disregarded and a higher category Type chosen relative to the Health and Safety risk exposure.

Health and Safety risk – 1.5

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

Continued on next page

5.2 Project Particulars, Continued

Specialist areas required

– 1.6 and 1.7,
NA to QW3

The Contracting Authority should list all specialist works required at sections 1.6 (specialist design services are also included) and 1.7 and include an approximate proportion of the overall project cost for each specialist area.

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

Section	Description
1.6 Specialists proposed by the applicant	The applicant must propose at least one and not more than the maximum number of nominees specified for each specialist area. A separate questionnaire must be completed for each proposed specialist subcontractor (QW3).
1.7 Specialists named by Contracting Authority	<p>If the Works Contractor is not required to propose specialists at suitability assessment and specialists are required, the Contracting Authority must indicate the specialist areas of work for which it will select a panel of specialists.</p> <p>Separate competitive procedures must be conducted to create a panel(s) of specialists. The names of these specialists are to be disclosed to tendering Works Contractors in the tender documents.</p>

Specialists novated by Contracting Authority

– 1.8, NA to QW3

If a part of the works is required to start, or an advanced contract is to be placed before the main contract is awarded, the Contracting Authority can enter into a contract with a specialist(s) for each specialist area of work. After the main contract is awarded, the specialist is novated⁶ to the Works Contractor and completes the rest of the specialist work under the control of the Works Contractor.

Note: In this situation, the specialist is treated initially as a Works Contractor and the QW1 form is used for the specialist's suitability assessment. This is because the specialist is initially fulfilling the role of a Works Contractor (while independent), before being novated to the Work Contractor under a main contract.

Continued on next page

⁶ Novated contracts are subject to the application of the Directives except where their value is less than €1m and the aggregate value of all specialist contracts are less than 20% of the overall of the project. Where they are not exempt the same OJEU contract notice for the Specialist can also cover the principle works and other specialist works.

5.2 Project Particulars, Continued

Other works – 1.9, NA to QW3

The Contracting Authority should list any other works (known at the time) that will be carried out by independent contractors when the Works Contractor is present on the site.

5.3 Applicant/Specialist Details

Introduction

NA to QW3

Section 2 of Questionnaire QW1 is completed by the applicant as follows:

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

QW3 Only

A specialist completes section 2 and then completes the rest of the Questionnaire as required.

The subsections for Applicant Details are explained on the next page.

Note: Where the applicant must propose a specialist to complete specialist areas of work or a specialist design service, a separate questionnaire (QW3) must be completed for each subcontractor proposed.

Continued on next page

5.3 Applicant/Specialist Details, Continued

Information
supplied by the
applicant/
specialist

	Section	Description
2.1	Applicant / Lead Applicant/ Specialist	The applicant/specialist must provide their name, address and company details.
2.2	Applicant's/ Specialist's authorised representative	The applicant/specialist provides the name and contact details of their authorised representative
2.3	Nature of Applicant/ Specialist	<p>The applicant/specialist:</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 QW3</p> <p>Where relevant, details of a legal partnership, consortium or joint venture, must be provided by the lead applicant.</p>
2.4	Additional Applicant/Specialist 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.

5.4 Applicant's/Specialist's Personal Situation/Registration

Introduction

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

- Evidence of applicant's/specialist's personal situation; and
- Enrolment on a professional or trade register.

Continued on next page

5.4 Applicant's/Specialist's Personal Situation/Registration, Continued

Evidence of applicant's personal situation

– 3.1 (QW1 and QW3)

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

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

Continued on next page

5.4 Applicant's/Specialist's Personal Situation/Registration, Continued

Enrolment on professional or trade register – 3.2 (QW1 and QW3)

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 for enrolment is not to be confused with membership of one of the bodies that represent contractors (such as the Construction Industry Federation).</p>
Evaluation	<p>This criterion is to be evaluated as Pass/Fail Only. The minimum standard for a Pass is submitting the information below.</p>
Details	<p>The EC Directive 2004/18/EC, <i>Annex IX C</i> has a list of approved professional and trade registers. The professional or trade register in Ireland and the UK is either the Registrar of Companies or the Registrar of Friendly Societies. If required, the Contracting Authority can also ask for the applicant's/specialist's registration number as part of proof of registration.</p> <p>For countries other than Ireland and the UK if the relevant body is not identified in <i>Annex IX C</i>, the applicant/specialist 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 in the jurisdiction of the applicant's/specialist's country of origin or in the country from which the applicant /specialist comes, the Applicant/specialist 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.

5.5 Economic and Financial Standing

Introduction

Evidence of an applicant's/specialist'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;
- The turnover of the relevant works; and
- Professional Indemnity Insurance.

The Contracting Authority determines the required evidence that must be provided. If the applicant/specialist 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.

Insurance criteria

The Contracting Authority must always use the two insurance criteria listed below (i.e 3.3f and 3.3g) however, Professional Indemnity Insurance (PII) will on occasions also be required (see 3.3e).

Economic and financial standing criteria

Evidence of economic and financial standing contains the following criteria:

Criterion appearing on form...	QW1	QW3
3.3a – Evidence of turnover	Yes	Yes
3.3b – Balance sheet or extracts from a balance sheet	Yes	Yes
3.3c – Banker's letter	Yes	Yes
3.3d – Other financial references/economic information/references	Yes	Yes
3.3e – Professional Indemnity Insurance	Yes	Yes
3.3f – Public Liability Insurance	Yes	Yes
3.3g – Employers Liability	Yes	Yes
3.3h – Performance Bond	Yes	No

Continued on next page

5.5 Economic and Financial Standing, Continued

Evidence of turnover – 3.3a (QW1 and QW3)

Use	Evidence of the applicant's/specialist's turnover is optional, but the default setting for this criterion is REQUIRED . The response can also be changed 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	This criterion can be evaluated as Pass/Fail Only, or as both Pass/Fail and Qualitative. The minimum standard for a Pass is normally the minimum average turnover for the applicant/specialist – over the last three financial years. If an applicant/specialist does not include this evidence, but has a good reason for not providing it and has equivalent evidence of economic standing that is considered appropriate by the Contracting Authority, the applicant/specialist should not be excluded.
Details	<p>The minimum turnover specified by the Contracting Authority should be proportionate to the value of the works 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. (It is important not to discriminate against groups in a particular sector capable of carrying out the work or to favour other groups in the sector that are well capable of carrying out the work.) If this criterion is qualitatively assessed, it can also be assigned a maximum threshold to set a limit to the marks that can be attained. Exceeding the maximum turnover limit is not a reason for disqualification. However, use of the threshold ensures that the qualitative assessment is not biased in favour of larger firms.</p> <p>In addition, the Contracting Authority can request the overall turnover of the business/unit that is going to carry out the work if the applicant has multiple business units or businesses.</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

5.5 Economic and Financial Standing, Continued

Balance sheet or extracts from a balance sheet – 3.3b (QW1 and QW3)

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, they can change the response setting to REQUIRED or SUBMIT ON REQUEST .
Evaluation	<p>This criterion can be evaluated as Pass/Fail Only, or as both Pass/Fail and Qualitative. The minimum standard for a Pass is normally submitting balance sheet information or alternative evidence as stated by the Contracting Authority.</p> <p>Qualitative assessment could be, for example, where a minimum net worth is stated. This should be proportionate to the value of the works so that it is not discriminatory. A maximum threshold may also be assigned to set a limit to the marks attained. If an applicant/specialist does not provide this evidence, but has a good reason for not providing it and has equivalent evidence of economic standing that is considered appropriate by the Contracting Authority the applicant/specialist should not be excluded.</p>
Details	<p>If balance sheets are required to be published (by law) in the applicant's/specialist'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

5.5 Economic and Financial Standing, Continued

Banker's letter – 3.3c (QW1 and QW3)

Use	Requesting a banker's letter from the applicant/specialist is optional, and the default setting for this criterion is NOT REQUIRED . If the Contracting Authority determines that a banker's letter is required, they can change the response setting to REQUIRED or SUBMIT ON REQUEST .
Evaluation	This criterion is to be evaluated as Pass/Fail Only. The minimum standard for a Pass is normally submitting an original banker's letter – dated within the previous three months – stating that the applicant's/specialist's principal account is in good standing. If an applicant/specialist does not provide this evidence, but has a good reason for not providing it and has equivalent evidence of economic standing that is considered appropriate by the Contracting Authority the applicant/specialist should not be excluded. Note: Because banks usually only provide general information about a client's financial standing, this criterion is only suitable for a Pass/Fail assessment. It is very difficult to obtain appropriate information that can be qualitatively assessed. However, in the case of QW1 if it is considered possible to qualitatively assess, the entry under Qualitative Assessment insert 'Yes' and in the case of QW3 the entry under TYPE OF EVALUATION in header should be changed to Qualitative Assessment
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 (QW1 and QW3)

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

Continued on next page

5.5 Economic and Financial Standing, Continued

**Insurance:
Professional
Indemnity /
Public Liability /
Employer's
Liability**
–
**3.3e/3.3f/3.3g
(QW1 and QW3)**

Use	Evidence of Public Liability and Employer Liability Insurances is always required and where Professional Indemnity Insurance is asked for evidence is mandatory. The default setting for Public Liability and Employer Liability Insurances is REQUIRED . However, if this evidence is already on file from an earlier exercise and it is up-to-date, the Contracting Authority does not have to request the evidence be resubmitted and the response setting can be changed to SUBMIT ON REQUEST . In the case of PII the default setting is NOT REQUIRED . However if PII is required the setting can be changed to REQUIRED or SUBMIT ON REQUEST .
Evaluation	These criteria can be evaluated as Pass/Fail Only. The minimum standard for a Pass is submitting the stated evidence.
Details	Before contract award the applicant/specialist must present evidence that it 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. 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.
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 specialist as subcontractor of the specialist's ability to cover themselves (QW3). For Professional Indemnity insurance, the applicant must give evidence that the applicant will cover any subcontractor.

Continued on next page

5.5 Economic and Financial Standing, Continued

Performance Bond – 3.3h, NA to QW3

Use	The use of this criterion is optional and the default setting is REQUIRED . If the Contracting Authority determines that it is not required, the Contracting Authority may change the response to NOT REQUIRED or SUBMIT ON REQUEST .
Evaluation	This criterion is to be evaluated as Pass/Fail Only. The Minimum Standard for a Pass is the submission of the required information.
Details	Evidence is required that the applicant can supply a Performance Bond for the percentage amount and period of cover after Substantial Completion stated by the Contracting Authority in the questionnaire. The Bond must also be in the form set out in the model form supplied with the contract.

5.6 Technical Capability

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 completing 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.

Technical capability criteria

Evidence of technical capability contains the following criteria:

Criterion appearing on form...	QW1	QW3
3.4a – Educational and professional qualifications (management)	Yes	Yes
3.4b – Educational and professional qualifications (personnel)	Yes	Yes
3.4c – Works of a similar nature	Yes	Yes
3.4d – Measures for ensuring quality	Yes	Yes
3.4e – Average annual manpower over the past 5 years	Yes	Yes
3.4f – Technical equipment available	Yes	Yes
3.4g – Technicians or technical bodies available	Yes	No

Health and Safety (H&S)

Whether the applicant is being asked to fulfil the role of Works Contractor, H&S Coordinator, Designer, PSDP or PSCS, the appropriate level of H&S competence must also be assessed relative to the category of project. Where the specialist proposed is being asked to fulfil the role of specialist or specialist with Design, the appropriate level of H&S competence must also be assessed. The H&S supplements to the questionnaire form must be used by the Contracting Authority to select H&S competency requirements. The Contracting Authority can also add to these requirements to suit a particular project.

The H&S evidence is assessed under criteria at supplements numbered 3.4.1 to 3.4.4 respectively. (Refer to 2.3 Suitability Assessment Forms, page 31 for a list of H&S supplements.) This evidence may be identical to the response to 3.4 so that it is not necessary to repeat it, however it must then be cross-referenced in the H&S supplements. This information will ultimately be required to form separate H&S files for the Contracting Authority. The level of information required for H&S depends on the category of project as indicated at subsection 1.4.

Continued on next page

5.6 Technical Capability, Continued

Health and Safety (H&S) (continued)

Refer to Chapter

6: Evaluating Health and Safety Competence, Page 75 for details of the supplements that must be completed for the H&S aspects of each role.

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 qualifications, training programmes, experience and resources of the company are adequate for the required role, given the nature and complexity of the project.

Continued on next page

5.6 Technical Capability, Continued

Educational and professional qualifications of managerial staff – 3.4a (QW1 and QW3)

Use	This criterion is used to assess the experience and educational and professional qualifications of the applicant's/specialist's managerial staff. This criterion is mandatory and the response setting is always REQUIRED . The setting can also be changed to SUBMIT ON REQUEST .
Evaluation	<p>This criterion is best suited for evaluation as both Pass/Fail and Qualitative, but if necessary it can be evaluated as Pass/Fail Only. Generally the minimum standard for a Pass is adequate:</p> <ul style="list-style-type: none"> ▪ Educational qualifications; ▪ Professional qualifications; ▪ Experience; and ▪ Managerial skills appropriate to the size of project.
Details	<p>If the Contracting Authority requires a more defined minimum standard or has additional requirements, these should be stated at 3.4a. Such requirements must be limited to the qualifications and experience of the company's principals and management staff, or the people responsible for managing the delivery of 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>In relation to QW1 if Health and Safety evidence of the educational and professional qualifications and experience of the applicant's management staff in relation to Construction Works, Design (in-house), PSDP or PSCS services are included here it should then be cross-referenced at sections 3.4.1a(HS); 3.4.2a(HS); 3.4.3a(HS) and 3.4.4a(HS) as appropriate; such evidence will be assessed only under those supplements. In relation to QW3 if Health and Safety evidence of the educational and professional qualifications and experience of the applicant's management staff in relation to Work Specialist/Works Specialist with Design Input or Contractor Design Specialist are included here they should be cross-referenced at sections 3.4.1a(HS) and 3.4.2a(HS) as appropriate, such evidence will be assessed only under those supplements.</p>

Continued on next page

5.6 Technical Capability, Continued

Educational and professional qualifications of personnel – 3.4b (QW1 and QW3)

Use	This criterion is used to assess the experience, and educational and professional qualifications of the applicant's/specialist's proposed personnel. This criterion is mandatory and the response is always REQUIRED . The setting can also be changed to SUBMIT ON REQUEST .
Evaluation	<p>This criterion is best suited for evaluation as both Pass/Fail and Qualitative, but if necessary it can be evaluated as Pass/Fail Only. Generally the minimum standard for a Pass is adequate:</p> <ul style="list-style-type: none"> ▪ Educational qualifications; ▪ Professional qualifications; ▪ Experience; and ▪ Organisational skills of the proposed personnel – including subcontractors and in-house experts.
Details	<p>If the Contracting Authority requires a more defined minimum standard or has additional requirements (for example, ensuring that professional qualifications have regard to the EC Directives on mutual recognition of qualifications) these should be stated at 3.4a. Such requirements must be limited to the qualifications and experience of the personnel responsible for providing the service or carrying out the work. These 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>In relation to QW1 if Health and Safety evidence of the educational and professional qualifications and experience of the applicant's management staff in relation to Construction Works, Design (in-house), PSDP or PSCS services are included here it should then be cross-referenced at sections 3.4.1b(HS); 3.4.2b(HS); 3.4.3b(HS) and 3.4.4b(HS) as appropriate; such evidence will be assessed only under those supplements. In relation to QW3 if Health and Safety evidence of the educational and professional qualifications and experience of the applicant's management staff in relation to Work Specialist/Works Specialist with Design Input or Contractor Design Specialist are included here they should be cross-referenced at sections 3.4.1b(HS) and 3.4.2b(HS) as appropriate, such evidence will be assessed only under those supplements.</p>

Continued on next page

5.6 Technical Capability, Continued

Works of a similar nature – 3.4c (QW1 and QW3)

Use	Evidence of works of a similar nature is mandatory and a response is always REQUIRED . The setting can also be changed to SUBMIT ON REQUEST .
Evaluation	<p>In the case of QWI and QW3 (works) this criterion is best suited for evaluation as both Pass/Fail and Qualitative, but if necessary it can be evaluated as Pass/Fail Only. The Contracting Authority must determine and state the minimum standard for a Pass. For example, works provided over the past five years, for three successful projects (of similar nature and complexity) to be reported in a Certificate of Satisfactory Execution with the level of detail required in the standard form supplied at Appendix B to the questionnaire.</p> <p>In the case of QW3 (services) for example, technical services provided over the past three years, for three successful projects (of similar nature and complexity) to be reported in a Certificate of Satisfactory Execution with the level of detail required in the standard form supplied at Appendix B to the questionnaire.</p>
Details	<p>The required evidence should be stated in the standard form of Certificate of Satisfactory Execution supplied at Appendix B to the questionnaire.</p> <p>These certificates can be filled in by the applicant/ specialist and provided by the applicant/ specialist either directly to the Contracting Authority (before closing time for submission of responses to questionnaire) or submitted by the applicant/ specialist at the same time as the rest of the response to the questionnaire. The information in the certificates can subsequently be verified by the Contracting Authority through enquiries made with relevant third parties if it so wishes.</p> <p>If the Contracting Authority requires additional information, this can be requested at the end of this form provided it is in-compliance with the EC Directives.</p> <p>Further conditions can also be stated at 3.4c. The type of additional information that can be asked for is outlined in Appendix E to these guidelines.</p> <p>It is not necessary for the applicant to supply evidence of projects or services of the same type, for example in relation to projects, details in relation to a hotel may suffice where the project is university residential accommodation. If an applicant submits more than the stated maximum number of examples (for example, eight), no extra marks will be awarded. However, the best eight examples will be included in the evaluation exercise.</p>

Continued on next page

5.6 Technical Capability, Continued

Measures for ensuring quality

– 3.4d (QW1 and QW3)

Use	Evidence of measures for ensuring quality is mandatory and a response is always REQUIRED . The setting can also be changed to SUBMIT ON REQUEST .
Evaluation	This criterion is best suited for evaluation as Pass/Fail and Qualitative, but if necessary it can be evaluated as Pass/Fail Only. The minimum standard for a Pass could be to submit any evidence that is available; however, a more appropriate minimum standard should be set by the Contracting Authority. The Contracting Authority should not require applicants/specialists to be certified to any particular quality assurance standard, merely to detail the quality control procedures they use.
Details	<p>This criterion is based on Article 48 (2)(c) of Directive 2004/18/EC that 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 Designer, PSDP and PSCS should NOT be supplied here- it must be dealt with at sections 3.4.1d(HS), 3.4.2d(HS) and 3.4.3d(HS) as appropriate.</p>

Continued on next page

5.6 Technical Capability, Continued

Average annual manpower over the past 3 years – 3.4e (QW1 and QW3)

Use	Evidence of average annual manpower over the past three years is mandatory, and a response is always REQUIRED . The setting can also be changed to SUBMIT ON REQUEST .
Evaluation	This criterion is best suited to evaluation as both Pass/Fail and Qualitative, but if necessary it can be evaluated as Pass/Fail Only. The minimum standard 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 groups:</p> <ul style="list-style-type: none"> ▪ the managerial staff, ▪ the qualified professionals, ▪ the technicians, and ▪ the unqualified personnel. <p>In relation to QWI if Health and Safety evidence in relation to average annual manpower for Construction Works, Design (in-house), 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); 3.4.3e(HS); 3.4.4e(HS); such evidence will be assessed under those supplements.</p> <p>In the case of QW3 if Health and Safety evidence in relation to average annual manpower for Works Specialist/Works Specialist with Design Input or Contractor Design Specialist are included here they should be cross-referenced at sections 3.4.1e(HS) and 3.4.2e(HS) as appropriate, such evidence will be assessed only under those supplements.</p> <p>If a maximum manpower figure is set, it is for marking purposes only and indicates the limit at which the applicant gets maximum marks. Applicants with resources in excess of this limit are not to be excluded.</p>

Continued on next page

5.6 Technical Capability, Continued

Technical
equipment
available
– 3.4f (QW1 and
QW3)

Use	This criterion is used to assess the technical equipment available to carry out the works. Evidence of technical equipment is mandatory, and a response is always REQUIRED . The setting can also be changed to SUBMIT ON REQUEST .
Evaluation	This criterion can be evaluated as Pass/Fail Only, or as both Pass/Fail and Qualitative. The minimum standard for a pass is normally providing the required information in the prescribed format.
Details	The Contracting Authority determines the nature and format of this information.

Note: Under QW1 for Type 2 and Type 3 projects H&S evidence in relation to Works, Design (in-house), PSCS, PSDP/HSC is not to be provided here it is to be dealt with separately at sections 3.4.1f, 3.4.2f, 3.4.3f and 3.4.4f. In the case of QW3 for Type 2 and Type 3 projects H&S evidence in relation to Works Specialist, Works Specialist with Design Input and Contractor Design Specialist is not to be provided here it is to be dealt with separately at sections 3.4.1f and 3.4.2f.

Continued on next page

5.6 Technical Capability, Continued

Technicians or technical bodies available – 3.4g, NA to QW3

Use	This criterion is used to assess evidence of technicians or technical bodies available to the applicant (other than specialist subcontractors for which questionnaire QW3 is used), especially in the area of quality control. Evidence of technicians and technical bodies is optional and the default setting is NOT REQUIRED . If the Contracting Authority decides that such evidence is required, the response setting should be changed to REQUIRED or SUBMIT ON REQUEST .
Evaluation	This criterion can be evaluated as Pass/Fail Only, or as both Pass/Fail and Qualitative. The minimum standard for a Pass is normally adequate evidence of relevant skills presented in the prescribed format.
Details	<p>In this section, the applicant describes (at its discretion) any extra technical resources – especially those responsible for quality control – available to them, whether they are in-house or subcontractors. This gives the applicant the opportunity to demonstrate an extended range of relevant abilities.</p> <p>This criterion <i>does not</i> apply to:</p> <ul style="list-style-type: none"> ▪ In-house or sub-contracted specialists who augment or enhance skills similar to those provided by the Works Contractor; or ▪ Specialists identified by the Contracting Authority (at section 1.6). <p>The Contracting Authority can limit the nature and format of this information by including such a limitation at section 3.4g.</p>
<p>Note: For Type 3 projects H&S evidence in relation to Works, Design, PSCS, PSDP/HSC is not to be provided here it is to be dealt with separately at sections 3.4.1g, 3.4.2g, 3.4.3g and 3.4.4g.</p>	

6: Evaluating Health and Safety Competence

6.1 Overview

Introduction

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

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

Note: 'For the purpose of the Regulations, 'competence' is deemed to mean a person or organisation 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*

Responses to criteria

The H&S evidence is assessed under criteria at supplements numbered 3.4.1 to 3.4.4 respectively. (Refer to 2.3 Suitability Assessment Forms, page 31 for a list of supplements.) and in the case of QW1 form and supplements numbered 3.4.1 to 3.4.2 in the case of QW3 form. Where it is stated that this is allowed the same evidence may be used in response to more than one criterion, so that it is not necessary to repeat it, however it must then be cross-referenced clearly. This information 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
6.2 Health and Safety Competence of Works Contractor/Specialist	76
6.3 Competence of PSCS	83
6.4 Health and Safety Competence for Design	90
6.5 Competence of PSDP	97

6.2 Health and Safety Competence of Works Contractor/Specialist

Introduction

Clause 17 of the Safety Health & Welfare at Work Act 2005 and Regulation 7 of the Safety Health & Welfare at Work (Construction) Regulations 2006 detail requirements for the Works Contractor and specialist.

Technical capability criteria

The criteria in QW1 and QW3 for evidence of competence for the Works Contractor/ specialists are as follows:

Criterion appearing on form...	QW1	QW3
3.4.1a – Educational and professional qualifications (management)	Yes	Yes
3.4.1b – Educational and professional qualifications (personnel)	Yes	Yes
3.4.1c – Works or Services of a similar nature	Yes	Yes
3.4.1d – Measures for ensuring quality	Yes	Yes
3.4.1e – Average annual manpower over the past 3 years	Yes	Yes
3.4.1f – Technical equipment available	Yes	Yes
3.4.1g – Technicians or technical bodies available	Yes	No

Continued on next page

6.2 Health and Safety Competence of Works Contractor/Specialist, Continued

Qualifications of management – 3.4.1a (QW1 and QW3)

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST .
Application Minimum Standard	The minimum standard for a <i>Type 1</i> project is sufficient of the company's management staff with appropriate professional qualifications and relevant experience.
Evaluation - Type 1	In the case of a <i>Type 1</i> project at least one member of the management staff should provide evidence of suitable training <i>and/or</i> expertise by reason of his/her experience in the relevant discipline in relation to works.
Evaluation - Types 2 and 3	<p>In a <i>Type 2</i> or <i>3</i> project the requirement additional to Type 1 is for a member of the management staff to have suitable training <i>and</i> expertise by reason of experience and be responsible for the project.</p> <p>Applicant's /specialist's management staff at this level are required to have H&S training and qualifications (e.g. degree, diploma, certificate, CPD). A more structured approach to safety management is required 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 >8 man hours per annum.) There should be at least one management individual who will have a direct involvement in the role and should be able to demonstrate specific H&S training under headings 1-3 above or equivalent H&S competencies.</p> <p>Management of <i>Type 3</i> projects require in addition to the requirements for <i>Type 1</i> or <i>2</i> projects above that 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 as above) or equivalent H&S competencies. In this context in-house H&S training/seminars or CPD are insufficient.</p>

Continued on next page

6.2 Health and Safety Competence of Works Contractor/Specialist, Continued

Qualifications of personnel
– 3.4.1b (QW1 and QW3)

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST .
Application of Minimum Standard	The minimum standard for a <i>Type 1</i> project is evidence of sufficient of the personnel responsible for the project with appropriate educational and professional qualifications and/or expertise by reason of experience relevant to the works.
Evaluation - Type 1	In the case of <i>Type 1</i> projects personnel responsible for the works should be able to provide evidence of appropriate educational and professional qualifications and/or expertise by reason experience in the relevant discipline 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 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> and 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 works/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); and 3. General structured externally-validated H&S training; or <p>Otherwise, demonstrate equivalent Health and Safety competencies. (1-3 should be >8 man hours per annum.)</p>
Evaluation - Type 3	<p>The personnel responsible for the H&S of works on a <i>Type 3</i> project should additionally have some form of externally-validated H&S training such as:</p> <ol style="list-style-type: none"> 1. General structured externally-validated Health and Safety training (>8 man hours per annum); 2. Formal post-graduate training; 3. Specific additional qualifications; or <p>Otherwise, demonstrate equivalent H&S competency. In-house H&S training, seminars or CPD are insufficient.</p>

Continued on next page

6.2 Health and Safety Competence of Works Contractor/Specialist, Continued

List of Works
– 3.4.1c (QW1
and QW3)

Use in	When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST .
Application of Minimum Standard	The minimum standard is evidence of the company's previous experience as Works Contractors/specialists on projects of a similar nature and complexity which is the same as for the main questionnaire.
Evaluation	The standard template (at Appendix B to the questionnaire) must be used. These certificates can be filled in by the applicant/ specialist and provided at the same time as the rest of the response to the questionnaire. The information in the certificate can subsequently be verified by the Contracting Authority through enquiries with third parties if it so wishes.

Continued on next page

6.2 Health and Safety Competence of Works Contractor/Specialist, Continued

Measures for ensuring quality

– 3.4.1d (QW1 and QW3)

Use	When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST .
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 applicant company to address any deficiencies in its H&S procedures. The minimum standard for a <i>Type 2</i> or <i>Type 3</i> project is the submission of the declaration referred to above and the evidence (when requested) of the requirements at (a) to (g).
Evaluation	<p>It is important to ensure that an original signature is affixed to the declaration (Appendix C1) and that it is the same as the declaration supplied with the questionnaire. The project title must be entered so that it is specific to the particular 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) 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 to address any deficiencies in H&S procedures. The onus is on the applicant/Specialist to supply sufficient information to demonstrate this. For <i>Type 3</i> projects expert advice may be required as to 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. A check should be made to see that it is relevant to the scale and complexity of the project. A check should also 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. In general there should be reliance on some system or approach that provides a consistent framework. It may be unduly onerous to require a Quality Assurance (QA) type of validation 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>

Continued on next page

6.2 Health and Safety Competence of Works Contractor/Specialist, Continued

Measures for ensuring Quality (continued)

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

Average annual manpower – 3.4.1e (QW1 and QW3)

Use in Project Category	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST .
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	As long as the applicant/specialist has submitted the information as requested and has met the standard for the main questionnaire at 3.4e no further assessment is required. Note however that the standard for the main questionnaire should take into account the H&S requirements for adequate staff/personnel resources.

Technical equipment – 3.4.1f (QW1 and QW3)

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST .
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 applicant/specialist has submitted the information as requested and has met the standard for the main questionnaire at 3.4f no further assessment is required. Note however that the standard for the main questionnaire should take into account the H&S requirements for resources.

Continued on next page

6.2 Health and Safety Competence of Works Contractor/Specialist, Continued

Technicians
and Technical
Bodies
– 3.4.1g, NA to
QW3

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST or 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 at Work (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 Works Contractor has submitted in response to this questionnaire the information as requested no further assessment is required.

6.3 Competence of PSCS

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 QW1 supplement to be used for evidence of competence of PSCS 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.

Continued on next page

6.3 Competence of PSCS, Continued

Qualifications of management – QW1, 3.4.2a

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST or Not Applicable .
Application Minimum Standard	The minimum standard for <i>Type 1</i> projects is evidence of sufficient of the company's management staff with 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 all projects within the company and therefore should satisfy the requirement of having suitable training and/or expertise by reason of experience in relation to construction projects.</p> <p>In the case of medium or large companies carrying out <i>Type 1</i> or <i>Type 2</i> projects the appropriate standard is at least one management team member responsible for the project having suitable training and/or expertise by reason of experience in relation to construction projects.</p>
Evaluation - Types 2 and 3	<p>In addition to the <i>Type 1</i> requirements, the member of the management staff with responsibility for H&S on projects should have suitable training <i>and</i> expertise by reason of experience in PSCS services on construction projects.</p> <p>PSCS management staff at this level are required to have H&S 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:</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.) There should be at least one management individual with direct involvement in the role able to demonstrate specific H&S training under 1-3 or equivalent H&S competencies.</p>

Continued on next page

6.3 Competence of PSCS, Continued

Qualifications of management – QW1, 3.4.2a (continued)

Evaluation - Types 3	Management of <i>Type 3</i> projects require in addition to the requirements at <i>Type 1 and 2</i> 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.
-----------------------------	--

Qualifications of personnel – QW1, 3.4.2b

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may 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 <i>specific to the PSCS role</i> .
Evaluation – Type 1	In the case of <i>Type 1</i> projects the personnel responsible for the Works should be able to provide evidence of appropriate educational and professional qualifications and/or expertise by reason of his/her experience in the relevant discipline and in relation to the works. This refers to professional H&S and other construction-related or other relevant qualifications and experience.
Evaluation – Type 2 and 3	<p>The personnel responsible for the Works/service on a <i>Type 2</i> or <i>3</i> project should have suitable professional qualifications <i>and/or</i> (Type 2) <i>and</i> (Type 3) expertise by reason of experience in relation to PSCS services on construction projects.</p> <p>At least one of the personnel responsible and directly involved with the works/services should be able to demonstrate specific H&S training as follows:</p> <ol style="list-style-type: none"> 1. In-house H&S training/seminars; 2. H&S Continual Professional Development (CPD); 3. General structured externally-validated H&S training; 4. Formal post-graduate training; 5. Specific additional qualifications; or <p>Otherwise, demonstrate equivalent Health and Safety competencies. (1-3 should be >16 man hours per annum.)</p>

Continued on next page

6.3 Competence of PSCS, Continued

Qualifications of personnel – QW1, 3.4.2b (continued)

Evaluation – Type 3	<p>The personnel responsible for the PSCS services on <i>Type 3</i> projects should additionally have some form of externally-validated H&S training such as:</p> <ol style="list-style-type: none"> 1. General structured externally-validated H&S training (>16 man hours per annum) 2. Formal post-graduate training; and 3. Specific additional qualifications; or <p>otherwise demonstrate equivalent H&S competencies. In this context in-house H&S training/seminars or H&S CPD are not sufficient.</p>
----------------------------	--

List of services – QW1, 3.4.2c

Use	When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST or 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 size, nature and complexity.
Evaluation	The standard template (at Appendix B to the questionnaire) must be used. These certificates can be filled in by the applicant/ specialist and provided at the same time as the rest of the response to the questionnaire. The information in the certificate can subsequently be verified by the Contracting Authority through enquiries with third parties if it so wishes.

Measures for ensuring quality

– QW1, 3.4.2d

Use	When the Response is REQUIRED it must be submitted separately as Appendix 3.4.2d. The setting may be changed to SUBMIT ON REQUEST or Not Applicable .
Application of Minimum Standard	<p>The minimum standard for a <i>Type 1</i> project is the submission of the signed declaration, and where enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded, adequate measures put in place by the PSCS service provider's company to address any deficiencies in H&S procedures.</p> <p>The minimum standard for <i>Type 2</i> and <i>3</i> projects is the submission of the declaration as above and the evidence (when requested) at (a) to (g) under this criterion.</p>

Continued on next page

6.3 Competence of PSCS, Continued

Measures for ensuring quality (continued)

Evaluation - Type 1, 2 and 3.

It is important to ensure that an original signature is affixed to the declaration (Appendix C1) and that the declaration is in the form provided with the questionnaire. The Project Title must be entered at the top of the declaration so that it is project specific to the particular 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). 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 to address any deficiencies in their H&S procedures. The onus is on the PSCS company to supply sufficient information to demonstrate this. For a **Type 3** project expert advice may be required as to the adequacy of such measures.

In the case of **Type 2** or **3** 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 above has been provided –when requested (either in the Safety Statement or otherwise appended) and that it is also relevant to the scale and complexity of the project. More generally there should be reliance on some system or approach that provides a consistent framework for managing H&S as part of the Design function. It may be unduly onerous to require a Quality Assurance (QA) type validation 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 prospective PSCS should structure their responses to the above questions (when requested) by providing a Safety statement 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. The Applicant PSCS has the right to structure their responses in whatever format they choose.

Continued on next page

6.3 Competence of PSCS, Continued

Average annual
manpower
– QW1, 3.4.2e

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may 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 service in compliance with Safety, Health and Welfare at Work (Construction) Regulations 2006.
Evaluation	This response may reference that provided for 3.4e of the main questionnaire. As long as the PSCS service provider has submitted the information as requested and has met the standard for the main questionnaire no further assessment is required. It is noted however that the standard for the main questionnaire should take account of the H&S requirements for adequate staff/personnel resources.

Technical
equipment
QW1, 3.4.2f

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may 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 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 the information as requested and has met the standard for the main questionnaire no further assessment is required. It is noted however that the standard for the main questionnaire should take account of the H&S requirements for adequate resources

Continued on next page

6.3 Competence of PSCS, Continued

**Technicians
and Technical
Bodies**
– QW1, 3.4.2g

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST, NOT REQUIRED , or Not Applicable .
Application of Minimum Standard	The minimum standard is evidence of adequate skill, experience and resources to carry out the service 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 has submitted in response to this questionnaire the information as requested no further assessment is required.

6.4 Health and Safety Competence for Design

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 a Designer.

Technical capability criteria

The criteria in the QW1 and QW3 supplement to be used for evidence of design competence are:

Criterion appearing on form...	QW1	QW3
Educational and professional qualifications (management)	Yes	Yes
Educational and professional qualifications (personnel)	Yes	Yes
Works of a similar nature	Yes	Yes
Measures for ensuring quality	Yes	Yes
Average annual manpower over the past 3 years	Yes	Yes
Technical equipment available	Yes	Yes
Technicians or technical bodies available	Yes	No

Continued on next page

6.4 Health and Safety Competence for Design, Continued

Qualifications
of management
– QW1, 3.4.3a
and QW3, 3.4.2a

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST or Not Applicable .
Application Minimum Standard	The minimum standard for a Type 1 project is sufficient of the company's management staff with educational and professional qualifications and experience <i>in the relevant design discipline</i> and relevant to the Works
Evaluation - Type 1	<p>In the case of a Type 1 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 experience in construction. For small companies the Principal of the company will have an awareness of all projects within the company. This should be sufficient to satisfy the requirement 'responsible for the project'. For small companies the principal of the company will have an awareness of all projects within the company and therefore should satisfy the requirement of having suitable training and/or expertise by reason of experience in relation to construction projects.</p> <p>In the case of medium or large companies carrying out Type 1 and 2 projects the appropriate standard is at least one principal or management team member responsible for the project having suitable training and/or expertise by reason of experience in relation to construction projects.</p>
Evaluation - Type 2 and 3	<p>In the case of Type 2 or 3 projects in addition to the requirements for Type 1 the dedicated member of the management staff with responsibility for H&S on projects should have suitable training and expertise by reason of experience in relation to Design on construction projects. Design management staff at this level are required to have H&S 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:</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.

Continued on next page

6.4 Health and Safety Competence for Design, Continued

Qualifications of management (continued)

	<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> <p>Management of Type 3 projects requires, in addition to the requirements of Type 1 and 2 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 competency. In-house H&S training, seminars or CPD are insufficient.</p>
--	--

Qualifications of personnel – QW1, 3.4.3b and QW3, 3.4.2b

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 Not Applicable .
Application of Minimum Standard	The minimum standard for a Type 1 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 design discipline and relevant to the works.
Evaluation - Type 1	In the case of Type 1 projects the personnel responsible for the project should be able to provide evidence of appropriate educational and professional qualifications and/or expertise by reason of experience in the relevant design discipline and in relation to the works. This refers to professional H&S and other construction-related or relevant qualifications and experience.
Evaluation - Types 2 and 3	<p>The personnel responsible for the works or services on a Type 2 or Type 3 projects should have suitable professional qualifications and/or (Type 2) and (Type 3) expertise by reason of experience. At least one of the personnel responsible and directly involved with the works/services should be able to demonstrate:</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

Continued on next page

6.4 Health and Safety Competence for Design, Continued

Qualifications of personnel (continued)

	<p>otherwise demonstrate equivalent H&S. (1-3 should be >4 man hours per annum.) The personnel responsible for Design on a Type 3 project should additionally have some form of externally-validated H&S training such as:</p> <ol style="list-style-type: none"> 1 General structured externally-validated H&S training (>4 man hours per annum) 2 Formal post-graduate training; and 3 Specific additional qualifications; or <p>otherwise, demonstrate equivalent H&S competency. In-house H&S training, seminars or CPD are insufficient.</p>
--	--

List of services – QW1, 3.4.3c and QW3, 3.4.2c

Use	When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. It 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 size, nature and complexity. (Examples of services provided for works in the same professional design discipline.)
Evaluation	The standard template (at Appendix B to the main questionnaire) must be used. These certificates can be filled in by the applicant/ specialist and provided at the same time as the rest of the response to the questionnaire. The information in the certificate can subsequently be verified by the Contracting Authority through enquiries with third parties if it so wishes.

Measures for ensuring quality – QW1, 3.4.3d and QW3, 3.4.2d

Use	When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. It 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 in place to address any deficiencies in its H&S procedures. The minimum standard for Type 2 and 3 projects is the submission of the declaration as above and evidence (when requested) at (a) to (g) for this criterion.

Continued on next page

6.4 Health and Safety Competence for Design, Continued

Measures for ensuring quality (continued)

Evaluation – all projects

It is important to ensure that an original signature is affixed to the declaration (Appendix C1) and that the declaration is in the form appended to the questionnaire. The Project Title must be entered at the top of the declaration so that it is project specific to the particular 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). Where any Notices, enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded, an assessment must be carried out as to whether adequate measures have been put in place by the Designer's company to address any deficiencies in their H&S procedures. The onus is on the Designer's company to supply sufficient information to demonstrate this. For a **Type 3** project expert advice may be required as to the adequacy of such measures.

In the case of **Type 2** and **Type 3** projects it is not a requirement that the general Health and Safety 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 - when requested (either in the Safety Statement or otherwise appended) and that it is also relevant to the scale and complexity of the project.

More generally there should be reliance on some system or approach that provides a consistent framework. It may be unduly onerous to require a Quality Assurance 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 text of the questionnaire that prospective designers should structure their responses to the above questions (when requested) by providing a Safety statement within which all of the above questions can be addressed using the format available at <http://www.hsa.ie/eng/FAQs/Safety Statement and Risk Assessment/>. But this is not obligatory. Designers have the right to structure their responses in whatever format they choose.

Continued on next page

6.4 Health and Safety Competence for Design, Continued

Average annual manpower
– QW1, 3.4.3e
and QW3, 3.4.2e

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may 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	As long as the Designer has submitted the information as requested and has met the standard for the main questionnaire at 3.4e no further assessment is required. Note however that the standard for the main questionnaire should take account of the H&S requirements for adequate staff/personnel resources.

Technical equipment
– QW1, 3.4.3f
and QW3, 3.4.2f

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may 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 Designer has submitted the information as requested and has met the standard for the main questionnaire at 3.4f no further assessment is required. Note however that the standard for the main questionnaire should take account of the H&S requirements for adequate resources.

Continued on next page

6.4 Health and Safety Competence for Design, Continued

**Technicians
and Technical
Bodies**
– QW1, 3.4.3g

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST, NOT REQUIRED, or 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 of resources may be provided under this criterion. As long as Works Contractor as Designer has submitted in response to this questionnaire the information as requested here no further assessment is required.

6.5 Competence of PSDP

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 QW1 supplement to be used for evidence of competence of PSDP are:

- 3.4.4a – Educational and professional qualifications (management);
- 3.4.4b – Educational and professional qualifications (personnel);
- 3.4.4c – Services of a similar nature;
- 3.4.4d – Measures for ensuring quality;
- 3.4.4e – Average annual manpower over the past 3 years;
- 3.4.4f – Technical equipment available; and
- 3.4.4g – Technicians or technical bodies available.

Continued on next page

6.5 Competence of PSDP, Continued

Qualifications of management – QW1, 3.4.4a

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST or Not Applicable .
Application Minimum Standard	The minimum standard for a <i>Type 1</i> project is evidence of sufficient of the company's management staff with educational and professional qualifications and experience <i>specific to the PSDP 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 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.</p> <p>For small companies the Principal of the company will have an awareness of all projects within its company and therefore should satisfy the requirement of having suitable training and/or expertise by reason of experience in relation to construction projects.</p> <p>In the case of medium or large companies carrying out <i>Type 1</i> and <i>2</i> projects the appropriate standard is at least one management team member responsible for the project having suitable training and/or expertise by reason of experience in relation to construction projects.</p>
Evaluation - Types 2 and 3	<p>In the case of <i>Type 2 and 3</i> projects in addition to the requirements for <i>Type 1</i> projects the dedicated member of the management staff with responsibility for Health and on projects should have suitable training <i>and</i> expertise by reason of experience in relation to PSDP services on construction projects.</p> <p>PSDP management staff at this level are required to have H&S 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:</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.

Continued on next page

6.5 Competence of PSDP, Continued

Qualifications of management (continued)

	<p>(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. Management of Type 3 projects require, in addition to the requirements at Type 1 and 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.</p>
--	---

Qualifications of personnel – QW1, 3.4.4b

Use	When the Response is REQUIRED it must be submitted according to the options given in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST or Not Applicable .
Application of Minimum Standard	The minimum standard for a Type 1 project is evidence of sufficient of the company's personnel responsible for the project with appropriate educational and professional qualifications and/or expertise <i>specific to the PSDP role</i> and relevant to the works.
Evaluation - Type 1	In the case of Type 1 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	The personnel responsible for the services on a Type 2 or 3 project should have suitable professional qualifications <i>and/or</i> (Type 2) <i>and</i> (Type 3) expertise by reason of experience in relation to PSDP on construction projects.

Continued on next page

6.5 Competence of PSDP, Continued

Qualifications of personnel (continued)

	<p>At least one of the personnel responsible and directly involved with the works should be able to demonstrate specific H&S training under the following headings:</p> <ol style="list-style-type: none"> 1. In-house H&S training/seminars; 2. H&S Continual Professional Development (CPD); 3. General structured externally-validated H&S training; 4. Formal post-graduate training; 5. Specific additional qualifications; or <p>otherwise demonstrate equivalent Health and Safety 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> <p>The personnel responsible for the PSDP services on a Type 3 project should additionally have some form of externally-validated H&S training such as:</p> <ol style="list-style-type: none"> 1. General structured externally-validated H&S training (>16 man hours per annum) 2. Formal post-graduate training; and 3. Specific additional qualifications; or 4. Otherwise demonstrate equivalent H&S competencies
--	--

List of services – QW1, 3.4.4c

Use	When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST or Not Applicable .
Application of Minimum Standard	The minimum standard is evidence of the company's previous experience (as PSDP) on completed projects of a similar size, nature and complexity that is the same as for the main questionnaire.
Evaluation	The standard template (at Appendix B to the questionnaire) must be used. These certificates can be filled in by the applicant/ specialist and provided at the same time as the rest of the response to the questionnaire. The information in the certificate can subsequently be verified by the Contracting Authority through enquiries with third parties if it so wishes.

Continued on next page

6.5 Competence of PSDP, Continued

Measures for
ensuring
quality
– QW1, 3.4.4d

Use	When the Response is REQUIRED it must be submitted according to the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST or Not Applicable .
Application of Minimum Standard	<p>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 PSDP service provider to address any deficiencies in H&S procedures.</p> <p>The minimum standard for Type 2 and 3 projects is the submission of the declaration as at Type 1 above and the evidence (when requested) at (a) to (g) under this criterion.</p>
Evaluation	<p>It is important to ensure that an original signature is affixed to the declaration (Appendix C1) and that the declaration is the form in the questionnaire. The Project Title must be entered at the top of the declaration so that it is project specific to the particular 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).</p> <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 to address any deficiencies in H&S procedures. The onus is on the PSDP 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 the case of Type 2 or 3 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 has been provided – when requested (in the Safety Statement or otherwise) and that it is also relevant to the scale and complexity of the project.</p>

Continued on next page

6.5 Competence of PSDP, Continued

Measures for ensuring quality (continued)

	Generally there should be an approach that provides a consistent framework to manage Health and Safety as part of the Design function. It may be unduly onerous to require a Quality Assurance 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 text of the questionnaire that prospective PSDPs should structure their responses to the above questions (when requested) by providing a Safety statement within which all of the above questions can be addressed using the format available at <http://www.hsa.ie/eng/FAQs/Safety Statement and Risk Assessment/>. But this is not obligatory. PSDP service providers have the right to structure their responses in whatever format they choose.

Average annual manpower – QW1, 3.4.4e

Use	When the Response is REQUIRED it must be submitted according to the options in the instructions in the questionnaire. The setting may 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 service in compliance with Safety, Health and Welfare at Work (Construction) Regulations 2006.
Evaluation	This may reference the response provided for the main questionnaire at 3.4e. As long as the PSDP service provider has submitted the information as requested and has met the standard for the main questionnaire no further assessment is required. Note however that the standard for the main questionnaire should take account of the H&S requirements for adequate staff/personnel resources.

Continued on next page

6.5 Competence of PSDP, Continued

Technical equipment – QW1, 3.4.4f

Use	When the Response is REQUIRED it must be submitted according to the options in the instructions in the questionnaire. The setting may 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 PSDP has submitted the information as requested no further assessment is required. As long as the PSDP service provider has submitted the information as requested and has met the standard for the main questionnaire no further assessment is required. Note however that the standard for the main questionnaire should take account of the H&S requirements for adequate resources.

Technicians and Technical Bodies – QW1, 3.4.4g

Use	When the Response is REQUIRED it must be submitted according to the options in the instructions in the questionnaire. The setting may be changed to SUBMIT ON REQUEST, NOT REQUIRED or Not Applicable .
Application of Minimum Standard	The minimum standard is evidence of adequate skill, experience and resources to carry out the service 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 has submitted in response to this questionnaire the information as requested here no further assessment is required.

7: Evaluating the Questionnaire

7.1 Overview

Purpose

Once suitability assessment questionnaires have been received from applicants (i.e. Works Contractors or specialists), they must be evaluated using the criteria in the questionnaire. The restricted procedure has two evaluation stages:

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

Contents

This chapter contains the following topics:

Topic	See Page
7.2 General Guidance	105
7.3 Short List 1 – Pass / Fail	108
7.4 Short List – Qualitative	112

7.2 General Guidance

Introduction

The Contracting Authority is recommended to set up a small assessment panel to evaluate the questionnaires. A marking sheet should be prepared – using the templates in Appendix C and D – which has the same criteria, minimum standards and relative weightings/marks as stated in the questionnaire.

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

- Clarifying submissions;
 - Inability to negotiate with applicants;
 - The two assessment templates;
 - How to evaluate Health and Safety competency; and
 - How to evaluate specialist areas.
-

Clarification of submissions

After the closing date for receipt of suitability assessment questionnaires, all eligible applicants may be asked to clarify aspects of their submissions. Applicants need to be aware that any additional evidence that they supply must strictly be to clarify material they have already provided in their submission – otherwise their submission may be compromised.

Negotiation with applicants

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

Continued on next page

7.2 General Guidance, Continued

The assessment templates

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

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

Tailoring the templates

The templates should be tailored and adjusted to suit whichever questionnaire is being assessed, for example:

- For the main Contractor/Contractor Designer (in-house) –the template must be customised to reflect the QW1 questionnaire.
- For specialists (including specialist designer), the template must be customised to reflect the QW3 questionnaire; and
- For Health and Safety roles – including the Works Contractor – the template must be customised to reflect the appropriate Health and Safety supplements;

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

Health and Safety competency

The Contracting Authority must ensure that tenderers offering to fulfil any of the following roles are competent in Health and Safety:

- Main contractor;
- Specialist subcontractors;
- Health and Safety Coordinator;
- Main Contractor Designer (in-house)
- Contractor Design Specialist
- PSDP; and
- PSCS.

Competency must relate to the nature and complexity of the project in question and the respective role. The Health and Safety competency of these roles must be assessed separately – using Short List 1 (Pass/Fail Only) method – **before** all other competencies are assessed (Figure 3). Refer to the previous chapter for specific details on Health and Safety criteria.

Continued on next page

7.2 General Guidance, Continued

Evaluating submissions with specialist areas

Where specialist works areas are identified and specialists have to be named, the QW3 form should always be used for subcontractors. If they are part of a Works Contractor's submission they should always be evaluated before, and separate to, the Works Contractor. Whether the specialist is proposed by the Works Contractor, or applying to be on a specialist's panel, or proposed as an alternative specialist by a Works Contractor, determines how their submissions are assessed.

If the specialist...	Then they are assessed by...
is proposed by the main contractor	Pass/Fail Only (Short List 1)
is applying to be a panel specialist	Pass/Fail plus Qualitative (Short List 1 and 2)
is proposed as an alternative specialist	Pass/Fail plus Qualitative (Short List 1 and 2)

The evaluation for specialist is similar to that for the Works Contractor as described in the remainder of this chapter.

If any of Works Contractor's specialists fail their suitability assessment, the main contractor fails also. However, if the main contractor has submitted details of more than one specialist for that area of specialist work, and at least one specialist passes in each of those areas of work, the submission can proceed (only with successful specialists) to evaluation of the main contractor. The result of the specialist evaluation should have no further bearing on the main contractor's assessment.

Note: Only specialist subcontractors and in-house experts – proposed by the Works Contractor in response to 1.6 of QW1 – who pass the assessment may be included in the applicant's future tender submission.

7.3 Short List 1 – Pass / Fail

Introduction

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

This section provides information on:

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

Minimum standards

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

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

Convictions and misconduct

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

Clarification

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

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

Continued on next page

7.3 Short List 1 – Pass / Fail, Continued

List of Services of a Similar Nature

Where the Contracting Authority states a number of examples in the minimum standard for a Pass and more than that number are submitted there is no obligation to consider all examples submitted. Instead the Contracting Authority should pick those examples first-in-line up to the minimum and evaluate them. In order to indicate which examples are first-in-line the applicant must fill out the template list at Appendix B to QW1 and QW3 and include this in its response.

Short List 1 template

For Pass/Fail evaluation, the Contracting Authority should use the *Works Contractors/Specialists Suitability Assessment Template – Short List 1* in Appendix C. The following table provides details of how the Contracting Authority should complete the columns in the Short List 1 template.

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

Evaluation order

The evaluation order of Short List 1 emphasises the importance of achieving Health and Safety competency. This must be evaluated first, before other competencies are evaluated. It also emphasises the importance of having qualified specialists. At least one specialist must pass for each specialist area at 1.6, before the main contractor can be assessed. Figure 3 presents the order of evaluation where main contractors are proposing specialists, for Short List 1 – Pass/Fail.

Continued on next page

7.3 Short List 1 – Pass / Fail, Continued

Evaluation
order
(continued)

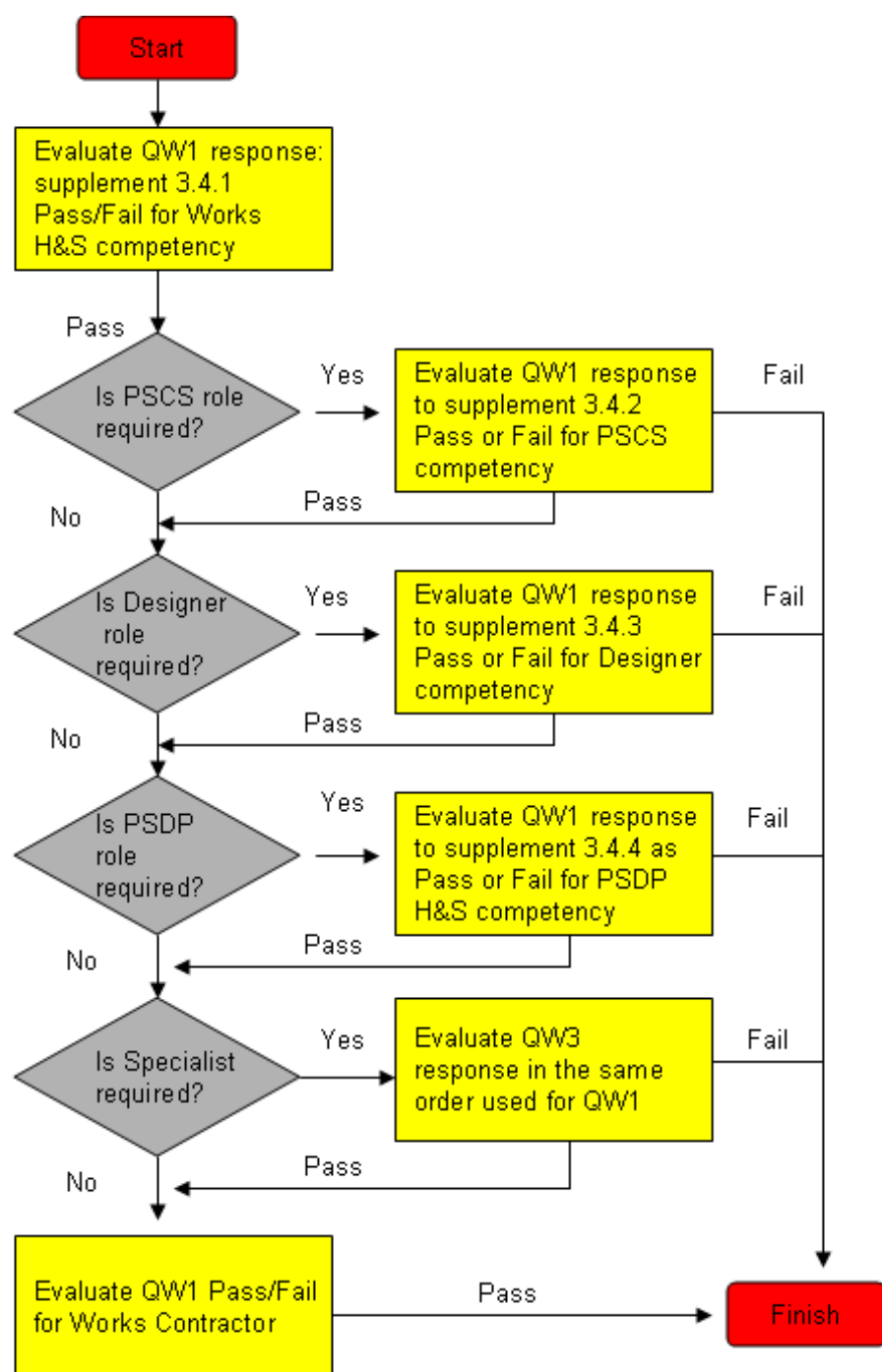


Figure 3: The order of evaluation for Short List 1 in a restricted procedure

Continued on next page

7.3 Short List 1 – Pass / Fail, Continued

Evaluation order (continued)

Evaluation order for panel specialists

When panel specialists are being procured, the evaluation order for Short List 1 – Pass/Fail, is more straight-forward. In this situation, the order is as follows:

1. The Health and Safety supplement(s) is evaluated first.
2. The main questionnaire is evaluated second.

Assessing the result of those on Short List 1

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

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

Note: If an applicant fails to meet the minimum standard for *any one* criterion, they *must* not be included on Short List 1 which will exclude them from being considered for Short List 2 regardless of how impressive the rest of their submission is.

Assessing alternative specialists

When assessing alternative specialists (at tender stage), the Contracting Authority proceeds to the minimum standard set by those on Short List 2 and uses this to assess the alternative specialists proposed by Works Contractors. The restriction on number of specialists in this case is normally three.

7.4 Short List 2 – Qualitative

Introduction

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

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

Short List 2 template

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

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

Continued on next page

7.4 Short List 2 – Qualitative, Continued

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

Section		Description
3.3a	Evidence of Turnover (if applicable)	Marks are given for turnover above the minimum standard. Candidates can receive full marks if they meet or exceed the maximum – where it exists.
3.4 a and b	Educational & Professional Qualifications (Management /Personnel)	Marks are given for relevant qualifications and experience above the minimum standard. If some information is incomplete or does not allow an accurate evaluation, marks should not be awarded.
3.4c	List of Works of a Similar Nature	<p>Marks should be deducted for incomplete information or examples of works that are not of similar size, nature and complexity. No extra marks should be given for works that are of the same nature but are larger and more complex.</p> <p>Where the Contracting Authority states a maximum number of examples and more than that number are submitted it would be disproportionate to disqualify the applicant because of this. Instead the Contracting Authority should pick those examples first-in-line up to the maximum and evaluate them. There is no obligation to consider all examples submitted. In order to indicate which examples are first-in-line the applicant must fill out the template list at Appendix B to QW1 and include this in its response.</p>
3.4d	Measures for Ensuring Quality	Marks are given for evidence above the minimum standard. If the information is incomplete, irrelevant or does not allow accurate evaluation, marks should not be awarded.
3.4e	Average Annual Manpower	Marks are given for manpower above the minimum standard. Higher marks should be given for greater manpower up to a maximum standard – if it exists.
3.4f	Technical Equipment	Marks are given for equipment over and above the minimum standard. Higher marks should be given for evidence of a higher standard.
3.4g	Technical Bodies	Marks are given for available technicians above the minimum standard. More marks should be given for evidence of a higher standard. No marks should be given for technicians not required for the project – for example, conservation skills in a new build.

Continued on next page

7.4 Short List 2 – Qualitative, Continued

Assessing the result of Short List 2

Once each submission has been marked, the Contracting Authority ranks the candidates according to the order of their scores. Candidates with the highest total scores (up to the maximum number or range) should be invited to tender or placed on a panel. Figure 4 describes this process.

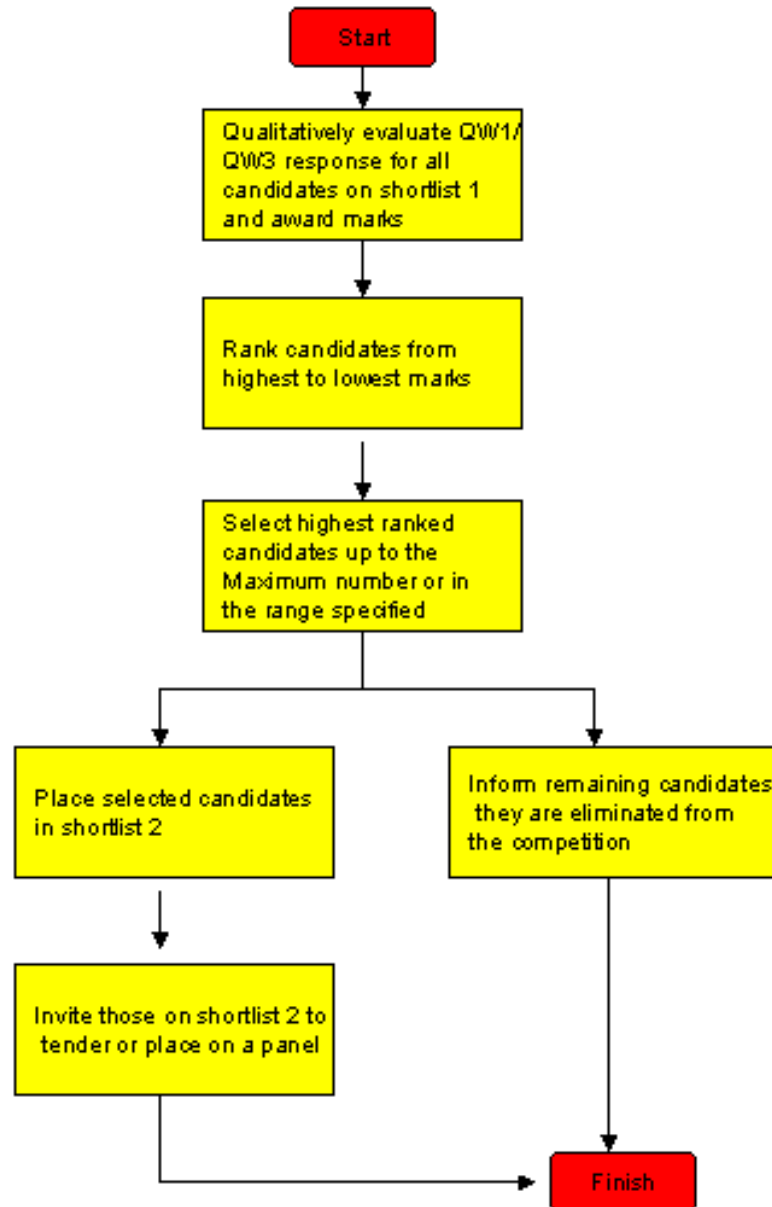


Figure 4: The Qualitative assessment process

Continued on next page

7.4 Short List 2 – Qualitative, Continued

Assessing alternative specialists

If a panel has been procured for specialists and the Works Contractor proposes alternative specialists when submitting their tender, these specialists are assessed using the same marking scheme as for panel specialists during suitability assessment.

In order for an alternative specialist to be eligible as a substitute for the panel specialists, they must obtain at least the marks achieved by the panel specialist with the lowest marks for the same specialist area.

Notifying unsuccessful candidates

Unsuccessful candidates should be notified as soon as possible after Short List 2 has been completed, and at least in advance of tenders being sought or names placed on a panel in the tender documents. 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.

Successful candidates

Successful main contractor candidates

For the restricted procedure, the Contracting Authority should issue an *Invitation to Tender* to all eligible Works Contractor candidates. There are a number of tender documents the Contracting Authority must prepare, before inviting candidates to tender. For information about the tender process for works contractors, see *Procurement Process for Works Contractors* (GN 2.3).

Successful panel specialist candidates

The Contracting Authority should state the names of all successful panel specialists in the main works tender documents. This option requires main contract Tenderers to choose a specialist from a panel, with a proviso that if they do not want to use any specialists on the panel they can propose an alternative of similar standing who is assessed for suitability against the specialist on the panel that obtained least marks.

Appendices

Overview

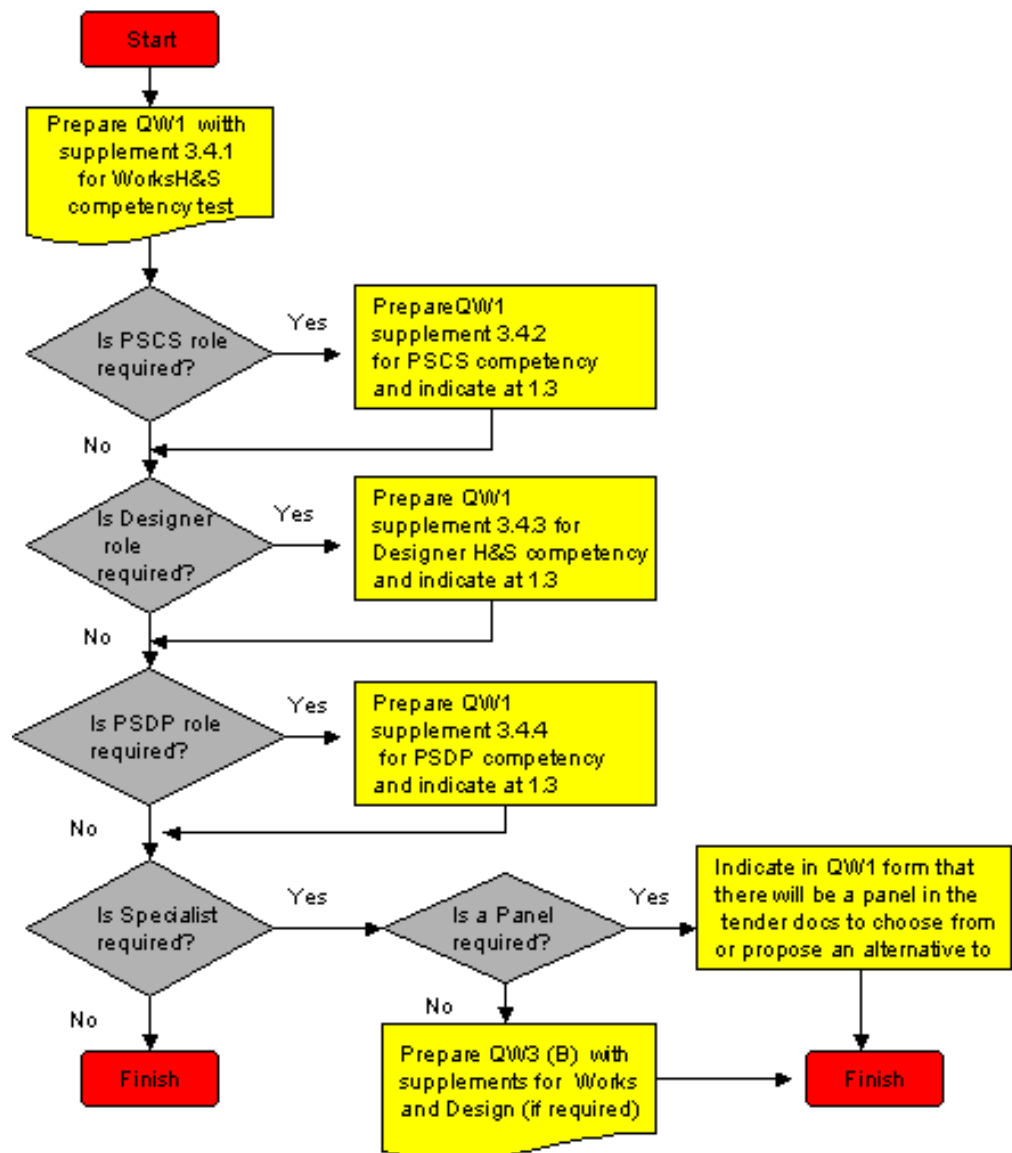
Contents

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

Appendix	See Page
Appendix A: What Forms to Provide (Works, Restricted)	117
Appendix B: Summary of Questionnaire Forms	118
Appendix C: Short List 1 Template	120
Appendix D: Short List 2 Template	123
Appendix E: Information on Works of a Similar Nature	125

Appendix A: What Forms to Provide (Works, Restricted)

Deciding on
forms for
Works
Contractor,
Restricted



Appendix B: Summary of Questionnaire Forms (Works)

Works contractor forms

The suitability assessment process requires contractors and specialists to complete a range of questionnaire forms, which the Contracting Authority uses as a basis for assessment. The following table summarises all of the different forms for works contractors:

Form	Title	Description
QW1	Suitability Assessment for Main Contractor, <i>Restricted Procedure</i>	Applicants complete this form in order to be considered eligible to participate in a tender competition for the main contractor. The Contracting Authority assesses the information submitted using the Pass/Fail plus Qualitative assessment method.
QW2	Suitability Assessment for Main Contractor, <i>Open Procedure</i>	Applicants complete this form as part of their tender submission, in order to reach the standard required for tender evaluation. The Contracting Authority assesses the information submitted using the Pass/Fail Only assessment method.
QW3 (A)	Suitability Assessment for Specialist Works Contractor (Panel), <i>Selected by the Contracting Authority</i>	Independent applicants complete this version of the QW3 form in order to be considered eligible to be included on a panel of pre-qualified specialists, proposed by the Contracting Authority in the main contract tender documents. The Contracting Authority assesses the information submitted using the Pass/Fail plus Qualitative assessment method.
QW3 (B)	Suitability Assessment for Specialist Works Contractor or Contractor Design Specialist, <i>Proposed by Main Contract Applicant</i>	Specialist works contractors or Contractor Design Specialists proposed by the main contract applicant complete this version of the QW3 form in order to be considered eligible to be included in that applicant's suitability assessment. The Contracting Authority assesses the information submitted using the Pass/Fail Only assessment method.

Continued on next page

Appendix B: Summary of Questionnaire Forms (Works),

Continued

**Works
contractor
forms
(continued)**

Form	Title	Description
QW3 (C)	Suitability Assessment for Specialist Works Contractor, <i>Alternative Proposed by Main Contract Applicant</i>	<p>Specialist works contractors are proposed by the main contract applicant as alternatives to those on a panel in the main contract tender documents and complete this version of the QW3 form in order to be considered eligible and thereby allow the applicant's tender to be evaluated.</p> <p>The Contracting Authority assesses the information submitted using the Pass/Fail plus Qualitative assessment method.</p>

Appendix C: Short List 1 Template

WORKS CONTRACTORS⁷/SPECIALISTS SUITABILITY ASSESSMENT TEMPLATE – SHORT LIST 1 (PASS/FAIL)

Applicant/Specialist:			
Discipline:			
Client:			
Project Title:			
Assessor/Chairperson of Assessors:			
Section	Criteria	Notes	Pass/Fail
3.1	PERSONAL SITUATION		
3.2	ENROLMENT ON REGISTER		
3.3	FINANCIAL & ECONOMIC STANDING		
3.3a	Evidence of Turnover		
3.3b	Banker's Letter		
3.3c	Balance Sheet		
3.3d	Other Financial References		
3.3e	Public Liability Insurance		
3.3f	Employer's Liability		
3.3g	Professional Indemnity		
3.3h	Performance Bond		
3.4	TECHNICAL CAPABILITY		
3.4a	Management Qualifications		
3.4b	Personnel Qualifications		
3.4c	Works of a similar nature over 5 Years		
3.4d	Measures for Quality		
3.4e	Average Annual Manpower over 3 Yrs		
3.4f	Technical Equipment Available		
3.4g	Technical Bodies Available		

Continued on next page

⁷ Strike out one as appropriate

Appendix C: Short List 1 Template, Continued

Section	Criteria	Notes	Pass/Fail
3.4.1(HS)	TECHNICAL CAPABILITY (Health and Safety Competence of Works Contractor)		
3.4.1a(HS)	Educational & Professional Qualifications of Management		
3.4.1b(HS)	Educational & Professional Qualifications of Personnel		
3.4.1c(HS)	List of Works of a similar nature over the Past 5 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 PSCS)		
3.4.2a(HS)	Educational & Professional Qualifications of Management		
3.4.2b(HS)	Educational & Professional Qualifications of Personnel		
3.4.2c(HS)	List of Works of a similar nature over the Past 3 Yrs		
3.4.2d(HS)	Measures for Quality		
3.4.2e(HS)	Average Annual Manpower over the Past 3 Yrs		
3.4.2f(HS)	Technical Equipment Available		
3.4.2g(HS)	Technical Bodies Available		

Continued on next page

Appendix C: Short List 1 Template, Continued

Section	Criteria	Notes	Pass/Fail
3.4.3(HS)	TECHNICAL CAPABILITY (Health and Safety Competence of Designer)		
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		
3.4.4(HS)	TECHNICAL CAPABILITY (Health and Safety competence of PSDP and Health and Safety Coordinator)		
3.4.4a(HS)	Educational & Professional Qualifications of Management		
3.4.4b(HS)	Educational & Professional Qualifications of Personnel		
3.4.4c(HS)	List of Services of a similar nature over the Past 3 Yrs		
3.4.4d(HS)	Measures for Quality		
3.4.4e(HS)	Average Annual Manpower over the Past 3 Yrs		
3.4.4f(HS)	Technical Equipment Available		
3.4.4g(HS)	Technical Bodies Available		

Continued on next page

Appendix D: Short List 2 Template

WORKS CONTRACTOR/SPECIALIST⁸ SUITABILITY ASSESSMENT TEMPLATE – SHORT LIST 2 (QUALITATIVE)

Candidate				
Discipline				
Client:				
Project Title:				
Assessor/Chairperson of Assessors:				

Sect.	Criteria	Notes	Maximum Marks	Applicant's Score
3.3	FINANCIAL & ECONOMIC STANDING			
3.3a	Evidence of Turnover			
3.3b	Banker's Letter			
3.3c	Balance Sheet			
3.3d	Other Financial References			
3.4	TECHNICAL CAPABILITY			
3.4a	Management Qualifications			
3.4b	Personnel Qualifications			
3.4c	Works of a similar nature over 5 Years			
3.4d	Measures for ensuring quality			
3.4e	Average Annual Manpower over 3 Years			
3.4f	Technical Equipment Available			
3.4g	Technical Bodies Available			
	TOTAL MARKS:			

Continued on next page

⁸ Strike out one as appropriate

Appendix D: Short List 2 Template, Continued

Assessors' Signatures:	

Date:	
--------------	--

Appendix E: Information on Works of a Similar Nature

Typically the type of additional information that can be asked for in relation to 3.4c is as follows:

Heading	Assessment
Quality	(i) was the project delivered on time (ii) were all defects rectified (iii) was the facility constructed to specification (iv) were competent tradesmen/skilled workers employer to carry out the work were specialist works completed properly
Time	(i) was the project delivered on time (ii) were liquidated damages under sub-clause 9.8 of the Public Works Contract instituted.
Cooperation	did the contractor and his personnel (including Specialists) support reciprocal co-operation for the Contract purposes as specified under sub-clause 4.1 of the Public Works Contract.
Programme	was the programme kept up to date as required by sub-clause 4.9 of the Public Works Contract.
Communications	were all communications with the contractor and his personnel interpreted purposefully, having regard to the Contract's purposes as required by sub-clause 4.14 of the Public Works Contract.

Note: The references to contract clauses above only relates to the five main Public Works Contracts. The absence of these clauses in the Short Form or the Investigation Contracts should not deter the Contracting Authority from requesting such information.
