

GUIDANCE NOTE

SUITABILITY CRITERIA FOR WORKS CONTRACTORS

Minimum Standards

Suitability Criteria for Works Contractors Minimum Standards

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Foreword

Background

A standard approach to the task of assessing the suitability of a contractor 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 has been introduced to achieve better value for money on publicly-funded works projects.

Objective of suitability assessment

The suitability of a contractor is determined:

- on the basis of using objective criteria which are transparent, proportionate and non-discriminatory in a competitive process; 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 European Communities [Award of Public Authorities' Contracts] Regulations 2006, and Directive 2004/17/EC and SI No. 50 of European Communities [Award of Contracts by Utility Undertakings] Regulations 2007).
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Publicly funded contracts

This Guidance Note applies to all works contracts that are publicly funded not simply those subject to the EU procurement directives.

Procurement procedure

The normal procurement procedures used to award public works contracts 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
 - The **restricted procedure** - where any economic operator can express an interest in participating in a tender competition, but only those that pass the suitability assessment, and also in most cases qualitative or random selection, are subsequently invited to tender. In order to address concerns about an overly restrictive pre-qualification procedure the open procedure is to be used as the norm for all works contracts between €50,000 and €250,000 in value.
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Evidence

The evidence for each criterion in the Suitability Questionnaire that an applicant is required to provide should be provided in accordance with the declaration and certificate arrangements in GN 2.3.1.2 *Submission Of Evidence and Procurement Threshold*.

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Procurement procedure continued

Competitive Dialogue may also be used as a procurement procedure for exceptionally complex contracts. However, the **Negotiated** procedure should only be used in very exceptional circumstances as set out in EU Directive 2004/18/EC.

Small to Medium Enterprises

When work is scarce there is greater competition as construction firms compete for contracts in a shrinking market. This can make it more difficult for Small to Medium Enterprises (SMEs) to compete and win public works contracts that are appropriate to their size¹. In these circumstances it is important that SMEs are not systematically excluded from participating in competitions for projects that they could perform very efficiently. Careful consideration should be given to the thresholds set for minimum standards of suitability criteria used to pre-qualify candidates; setting of unnecessarily high requirements for technical and financial capacity by contracting authorities is disproportionate and are often cited as being a barrier to SME participation.

EU Directive/ Regulations/ Questionnaire

References to Articles in this document means Articles in Directive 2004/18/EC and reference to Regulations means Regulations in SI No 329 of 2006 European Communities (Award of Public Authorities' Contracts) Regulations 2006. Reference numbers below criteria headings in margins relate to the reference numbers of the criteria in the standard Suitability Assessment Questionnaire

Use with other documents

This guidance note should be read by Contracting Authorities when using the Suitability Assessment Questionnaires QW1, QW2 and QW3 in regard to determining the minimum suitability standards for the selection of Works Contractors for public works projects.

Appendices references

For the convenience of this Guidance Note the references to Appendices in questionnaires QW1, QW2 and QW3 have been changed to appear in alphabetical order. When the appendices are being used in a procurement situation the title of the template will be as shown with questionnaires QW1, QW2 and QW3 on the website. A table reconciling the different alphanumerical appendices in guidance note GN 2.3.1.2 and QW1, QW2 and QW3 are illustrated in guidance note GN 2.3.1.3.1.

¹ About 60% of public capital expenditure is spent on works projects with a value of €500,000 or less, and about 80% is spent on projects valued at €5 million or less.

1: Main Suitability Criteria

1.1 Standard Main Criteria

Limits

A Contracting Authority should exercise care when setting minimum standards to ensure that they are *related and proportionate to the subject matter of the contract*². Minimum standards should not be set at a level that discriminates against certain groups in a particular sector that would otherwise be eligible to do the work.

In order to satisfy the principle of transparency the minimum standards should be made known in the Contract Notice advertised on eTenders and/or in the OJEU and also in the suitability questionnaire made available to interested contractors. There is a need to establish minimum standards for each criterion used in an assessment process for any competition, particularly in the following circumstances:

- where a restricted procedure is used (i.e. for contracts over €250,000) to establish those contractors that meet the minimum suitability standards which permit them to be:
 - subsequently invited to tender, or
 - subsequently qualitatively selected to form a short list which are invited to tender, or to form a short list to participate in a competitive dialogue/ negotiated procedure
 - subsequently randomly selected to form a short list that are invited to tender, or to form a short list to participate in a competitive dialogue/ negotiated procedure
- where an open procedure is used (for all projects between €50,000 and €250,000). It should be noted that both suitability and award criteria are included in the tender documents, and that the minimum standards set for suitability criteria is assessed on a Pass/Fail basis

Main criteria

There are sixteen suitability criteria that can be identified under Articles 45 to 48 Section 2 titled *Criteria for qualitative selection*. These are divided into three main categories: *Personal situation of candidate*; *Economic and financial standing* and *Technical and/or professional ability*. Two of the criteria relate to the *Personal situation of candidate*, eight relate to *Economic and financial standing* and six relate to *Technical and/or professional ability*.

Continued on the next page

² See Article 44 (2) of Directive 2004/18/EC and Regulation 52 (4)(a) of SI No 329 of 2006

1.1 Standard Main Criteria *Continued*

Main criteria continued

The lists of criteria that relate to *Personal situation of candidate* and *Technical and/or professional ability* are exhaustive and the list relating to *Economic and financial standing* is not exhaustive. If for any reason an applicant cannot supply evidence requested under *Economic and financial standing* the applicant can supply alternative evidence that the Contracting Authority deems as a suitable substitute.

Schedule of main suitability criteria

The following table lists the sixteen suitability main criteria in the Works Contractors standard Suitability Assessment Questionnaire.

MAIN SUITABILITY CRITERIA	
Criterion 1	PERSONAL SITUATION
Criterion 2	SUITABILITY TO PURSUE THE PROFESSIONAL ACTIVITY
ECONOMIC AND FINANCIAL STANDING	
Criterion 3	Turnover*
Criterion 4	Balance Sheet or Extracts from a Balance Sheet*
Criterion 5	Banker's Letter
Criterion 6	Other Financial/Economic Information/References
Criterion 7	Professional Indemnity Insurance
Criterion 8	Public Liability Insurance
Criterion 9	Employer Liability Insurance
Criterion 10	Performance Bond

Continued on the next page

1.1 Standard Main Criteria Continued

Main criteria (continued)

TECHNICAL AND/OR PROFESSIONAL ABILITY	
Criterion 11	Educational and Professional Qualifications (Managerial)
Criterion 12	Educational and Professional Qualifications (Personnel)*
Criterion 13	List Works carried out over the Past 5 Years**
Criterion 14	A statement of the Average Annual Number of Persons Employed by the contractor and those in a Managerial Position over the Past 3 Years.
Criterion 15	Technical Equipment Available*
Criterion 16	List of Technicians or Technical Bodies responsible for Quality Control and those upon whom the contractor can call in order to carry out the work

Note: The three year period should be regarded as a maximum period and if for any valid reason a contractor cannot provide statements for three years (i.e. a firm has not been trading for three years) this should not be used as a reason to reject it. **In relation to this criterion a contracting authority can accept evidence that goes back further than 5 years up to 7 years once this is clearly stated in the Suitability Questionnaire.*

Reference numbers and letters

The reference numbers and letters below each criterion in the left hand margin of each page throughout this document is the code given to that particular criterion in the standard Suitability Questionnaire for Works Contractors (QW1; QW2 and QW3).

1.2 Main Criteria (Personal Situation)

Criterion 1 (Ref: 3.1)

PERSONAL SITUATION

Article 45 and Regulation 53 list specific grounds for excluding contractors from competing in a tender competition. These exclusions are divided into two categories, the first deals with mandatory exclusions and the second deals with discretionary exclusions.

The Mandatory Exclusion Rule is:

The Contracting Authority must exclude contractors 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 Discretionary Exclusion Rules are:

If a contractor:

- 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.

Because the rules are discretionary the Contracting Authority must investigate the event thoroughly before a decision is taken on the course of action to take.

Minimum Standard: *The minimum standard is not to have breached the mandatory or discretionary rules under this criterion. Evidence should be provided in the form of the declaration at Appendix B properly executed³ by the relevant contractor in the presence of a practising solicitor or Commissioner for Oaths or, where there is no provision for a declaration on oath in the country of origin for applicants from other EU jurisdictions, one of the alternatives referred to in the Directive appropriate to the jurisdiction concerned can be provided. Also a Letter of Confirmation should accompany the completed declaration (see model at Appendix A), signed by the contractor or on behalf of the contractor, stating that since the making of the declaration the legal situation of the contractor regarding the circumstances stated in the declaration has not changed in any way that would prohibit the contractor from making a new declaration on oath (or using one of the alternatives mentioned above) on the same basis.*

Continued on next page

³ A certified copy of the original not more than 12 months old signed and dated by the contractor should be acceptable provided the Contracting Authority reserves the right to inspect the original at any time if considered necessary.

1.2 Main Criteria (Personal Situation) Continued

Criterion 2 (Ref: 3.2)

SUITABILITY TO PURSUE A PROFESSIONAL ACTIVITY

Article 46 and Regulation 54 refer to the contractor's enrolment on professional or trade registers in a Member State.

Minimum Standard (Ireland and UK): *The minimum standard is to provide proof of registration with the Register of Companies or the Register of Friendly Societies. This may be done by a contractor providing a certificate of enrolment which includes the contractor's registration number*

Note: *In Ireland the relevant bodies under the aegis of the Department of Enterprise, Trade and Employment, are the Companies Registration Office and the Office of Register of Friendly Societies*

Minimum Standard (Other EU Member States): *The minimum standard is to provide proof of registration in the EU country of establishment on one of its professional or trade registers by providing a certificate of enrolment. If there is no such professional or trade register in a particular member state the contractor should provide a declaration or where permitted a declaration on oath stating that the contractor is engaged in a specific profession or trade in a specified place; and under a specified business name in the country of establishment.*

A contracting authority in deciding on whether to use this criterion or not needs to ensure that there would be no discrimination against Sole Traders not required to be registered. Furthermore, enrolment in a profession or trade register should not be confused with being a member of an Institute, Federation, Association or any other similar body. Annex IX A attached to the Directive lists the titles of Registers in all Member States for which certificates of membership can be obtained.

1.3 Main Criteria (Economic and Financial Standing)

Criterion 3 (Ref: 3.3a)

TURNOVER

Article 47(1)(c) and Regulation 55(1)(c)(i) and (ii) refer to the contractor's turnover. The initial evidence requested for this criterion should be the declaration at Appendix C.

Minimum Standards: *The minimum standard is to provide the overall annual turnover and, if appropriate, the annual turnover in the kind of business covered by the proposed contract for a specific period not exceeding the preceding 3 years. **The three year period should be regarded as a maximum period and if for any valid reasons a firm cannot provide statements for three years (i.e. a firm has not been trading for three years) this should not be used as a reason to reject it.** Minimum standard should be determined by reference to the percentages in the range shown in the table below. In applying the percentages below it is important to ensure that they are proportionate to the size and complexity of the project. The use of specific financial amounts for turnover should be avoided as they tend to be too rigid and can be disproportionate due to their failure to recognize prevailing market conditions. Ratios follow market trends and in a downward direction will result in lower minimum turnover levels being identified.*

<i>Project Type</i>	<i>Multiplier</i>
<i>Civil Engineering Projects other than Complex Rail Projects</i>	
<i>All types of Civil Engineering Projects</i>	<i>30% - 60% of the annualized turnover of the capital value of the contract.</i>
<i>Complex Civil Engineering Rail Projects⁴</i>	
<i>Complex Civil Engineering Rail Projects</i>	<i>200% - 300% of the annualized turnover of the capital value of the contract.</i>
<i>Building Projects</i>	
<i>All types of Building Projects</i>	<i>75% - 150% of the annualized turnover of the capital value of the contract.</i>

The statement of turnover should relate to the same financial year as the firm's financial year that the Revenue Commissioners use for tax assessment purposes. It should be noted that details provided on turnover for current year (if not at start of the financial year) could be up to twelve months old. conditions

Continued on next page

⁴ The type of projects envisaged are large civil engineering utility diversion projects in complex city centre sites with tight delivery periods which require extra financing in the form of additional working capital.

1.3 Main Criteria (Economic and Financial Standing) *Continued*

Criterion 3 Continued (Ref: 3.3a)

Also historical information on turnover may disguise the fact that in very competitive marketing conditions tenders could be 20% to 30% lower than in previous years whilst volume of work might be up on those years. Contracting Authorities should be flexible in relation to the evidence they require in regard to turnover taking into account prevailing economic climates.

Financial Capacity

Turnover in the context of suitability assessment is used to determine capacity not financial robustness of a particular firm. Financial robustness can be assessed under Criterion 6 “Other Financial/Economic Information/References”. Minimum turnover levels that are set should be proportionate to the value of the contract in question and not set so high as to impact on competition or be over-restrictive. Over-restriction can unintentionally arise, as a result of copying material from other projects without considering it in detail; or it may be intentional, where a contracting authority specifies higher than necessary minimum standards as a means of managing the numbers of expected tender submissions. **In either case this approach is not appropriate and should be abandoned.** It is therefore essential that appropriate levels of turnover and evidence requested should be determined only after deliberate consideration of the needs of the particular contract. Furthermore, information should not be sought if it has not been identified beforehand as being required.

Special Circumstances

There may be special circumstances where the national guidelines do not apply. In such circumstances the minimum standard used must be relevant and proportionate to the size and complexity of the projects in question. Furthermore, Contracting Authorities should consider alternative means of satisfying themselves on whether or not there is a genuine financial risk should a particular company be successful in tendering for a project.

Disclosure of Budget

Contracting authorities should not disclose the percentage used to calculate turnover, this is confidential information and its disclosure would enable applicants to calculate the budget for a project which can subsequently be used to distort the tender competition.

Low Value Contracts

For contracts with a value of € 15,000 or less the annualized turnover should be at least four times this value or €60,000.

Alternative Evidence

If a contractor cannot, for a valid reason, provide turnover statements alternative evidence which the contracting authority considers appropriate should be provided.

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1.3 Main Criteria (Economic and Financial Standing) *Continued*

Criterion 3 Continued (Ref: 3.3a)

Different Percentages

The reason the percentages for building are different to those for civil engineering is because civil engineering projects tend to be very large and the pool of civil engineering contractors being relatively small and which vary in size from small to very big all with the capacity to carry out large scale capital works projects. In relation to building work most small capital works projects are carried out by contractors that are small or very small.

Annualised Turnover

The annualised turnover of the capital value of a project is the capital value divided by the number of years in which expenditure will occur

For example:

- (i) the annualised turnover of the capital value of a project costing €15 million (medium sized project) would be €10 million assuming that it takes 18 months to build.

Or

- (ii) the annualised turnover of the capital value of a project costing €500,000 (small sized project) would be €1million assuming that it takes 6 months to build.

For building work: Applying the lowest percentage in the range in table at the start of this criterion the above example (i) would result in a €7.5 million annual turnover requirement (i.e. 75% of €10m), and example (ii) the annual turnover requirement would be €750,000 (i.e.75% of €1million).

For civil engineering work: Applying the lowest percentage in the range in the table at the start of this criterion the above example (i) would result in a €3 million annual turnover requirement (i.e. 30% of €10m), and example (ii) the annual turnover requirement would be €300,000 (i.e.30% of €1million).

Maximum Number of Years and Average Annual Turnover

Contracting Authorities should be aware that the period for which statements of turnover are required is a ***maximum of three years***. Shorter periods should be considered where appropriate to facilitate recently established businesses that may not be in a position to provide evidence for three years. This would be particularly important in relation to lower value projects. Consideration should be given to assessing the percentage of the annualized turnover of the capital value of the contract with the average turnover of a business over the three year period rather than actual yearly turnover to meet the minimum standard.

If it is decided to use average annual turnover the Contracting Authority should be conscious of the need to ensure that the applicant has been doing an acceptable amount of work in each of the years declared (this would need to be clearly stated in the questionnaire), and is not using very high turnover figures for one or two years to distort the picture to an unacceptable level.

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1.3 Main Criteria (Economic and Financial Standing) Continued

Criterion 4 (Ref: 3.3b)

BALANCE SHEETS AND EXTRACT FROM BALANCE SHEETS

Article 47(1)(b) and Regulation 55(1)(b) refer to the contractor's balance sheets. The initial evidence requested for this criterion should be the declaration at Appendix C.

Minimum Standard: *The minimum standard is to provide balance-sheets or extracts from balance-sheets where publication of the balance-sheet is required under law of the country in which the contractor is established. The minimum standard can be increased by stating a minimum net worth provided such a requirement is proportionate to the needs of the contract and is not discriminatory. Evidence provided under this criterion should be considered with evidence provided under criterion 6 below (i.e. balance-sheets not required by law to be published) to determine the financial robustness of a particular contractor. If this cannot be provided alternative evidence which the contracting authority considers appropriate should be provided (e.g. the balance sheets of a parent company).*

Criterion 5 (Ref: 3.3c)

BANKERS LETTER

Article 47(1)(a) and Regulation 55(1)(a) refer to the contractor's banker's letter. The initial evidence requested for this criterion should be the declaration at Appendix C.

Minimum Standard: *The minimum standard is to provide a statement from a bank saying that the contractor's principal account is in good standing. The statement must be an original from the contractor's principal account, dated within the previous three months stating that the contractor's account is in good standing. If this cannot be provided alternative evidence which the contracting authority considers appropriate should be provided.*

It is very difficult to get banks to provide any type of valuable information, even to provide the information above.

Criterion 6 (Ref: 3.3d)

OTHER FINANCIAL/ECONOMIC INFORMATION/REFERENCES

Article 47(1) and Regulation 55(1) permits evidence of other financial/economic information/references be requested. The initial evidence requested for this criterion should be the declaration at Appendix C.

Minimum Standard: *The minimum standard is to provide other economic and financial material such as balance-sheets not required by law to be published so that the financial robustness of a contractor can be ascertained (see Appendix S).*

Continued on next page

1.3 Main Criteria (Economic and Financial Standing) Continued

Criterion 7 (Ref: 3.3e)

PROFESSIONAL INDEMNITY INSURANCE

Article 47(1)(a) and Regulation 55(1)(a) refer to professional indemnity insurance cover. The initial evidence requested for this criterion should be the declaration at Appendix C.

Minimum Standard: *The minimum standard is proof from the contractor's insurance broker/underwriter that professional indemnity insurance cover of 2.5 million⁵ is in place, or if not it will be put in place at contract award stage and that the excess is/will be €50,000 [default]⁶. The contractor should also give a declaration that the cover will be renewed annually for six years after completion [default]⁷.*

Flexibility in relation to the evidence required is important as the level of cover required (if particularly high) may not be in place at time of suitability assessment, but could be obtained at contract award stage (if required).

Note: Professional Indemnity Insurance (PII) is only required where a contractor is responsible for a significant part of the design work as well as for all the construction work on a project. PII is always required for design-and-build projects (i.e. Contractor design projects). This type of insurance is not normally required for traditional projects (i.e. Employer design projects) unless a key element of the project is designed by the Contractor (or sub-contractor). Under a traditional contract these key elements are referred to as *Work Items designed by the Contractor* (e.g. PW-CF1 clause 8.1[4]).

Criterion 8 (Ref: 3.3f)

PUBLIC LIABILITY INSURANCE

Article 47 and Regulation 55 permit evidence of public liability insurance to be requested. The initial evidence requested for this criterion should be the declaration at Appendix C.

Minimum Standard: *The minimum standard is proof that the contractor has public liability insurance cover for €6,500,000 [default] in place for any one event. The maximum excess limit should be €10,000 [default] for property only with no excess for death, injury or illness. This minimum level can be increased by stating a higher financial figure; that is provided the threshold set is proportionate to the needs of the contract, reflects what the courts are prepared to award and is not discriminatory.*

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⁵ There is provision in Schedule Part 1D of PW-CF1 to PW-CF4 to insert a figure that is appropriate for the particular project

⁶ See Schedule Part 1D of PW-CF1 to PW-CF4

⁷ There is no model letter for this simple declaration. A project specific bespoke model form will have drawn up if it so requires.

1.3 Main Criteria (Economic and Financial Standing) Continued

Criterion 9 (Ref: 3.3g)

EMPLOYER'S LIABILITY INSURANCE

Article 47 and Regulation 55 permit evidence of employer's liability insurance to be requested. The initial evidence requested for this criterion should be the declaration at Appendix C.

Minimum Standard: *The minimum standard is proof that the contractor has employer liability insurance cover for €13,000,000[default]⁸ in place for any one event with no excess. This minimum level may be increased by stating a higher financial limit; that is provided the threshold set is proportionate to the needs of the contract, reflects what the courts are prepared to award and is not discriminatory.*

Criterion 10 PERFORMANCE BOND

Article 47 and Regulation 55 permit evidence of performance bonds to be requested. The initial evidence requested for this criterion should be the declaration at Appendix C.

Minimum Standard: *The minimum standard is letter of undertaking issued by a Surety Company in the form set out at Appendix Q stating that the contractor will be given a Performance Bond subject to a satisfactory application by the contractor. The letter of undertaking should also say that the bond will be for a certain financial amount (which is the equivalent to 10% [i.e. the default]⁹ of the initial Contract Sum).*

⁸ See Schedule Part1 D of PW-CF1 to PW-CF5.

⁹ See Schedule Part1 E of PW-CF1 to PW-CF5 and PW-CF7. Revised Performance Bond levels required under Circular 07/13 – (i) Contract values up to €10m - 12½%; and (ii) Contract values in excess of €10m 10% of the contract sum should be sought.

1.4 Main Criteria (Technical and/or Professional Ability)

Criterion 11 (Ref: 3.4a)

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Managerial)

Article 48(2)(e) and Regulation 57(1)(c) refer to the educational, professional qualifications and experience of the contractor and/or its managerial staff.

Minimum Standard: *The minimum standard is the contractor and/or that of its managerial staff's educational qualifications. Evidence of the contractor and its managerial staff's educational and professional qualifications (e.g. professionally qualified project managers, engineers etc - with dates obtained) and experience including their curriculum vitae and also the organisation structure of the business should be provided. Furthermore, evidence should be provided that a contractor and/or its managerial staff in a particular role are competency to fulfill that role. This may be demonstrated by examples of previous experience (in the various roles) on contracts of a similar nature, size and complexity satisfactorily completed. Also the contractor and/or its managerial staff should have training/qualifications/experience appropriate to the function they fulfill. Where a contractor and/or its managerial staff have no qualifications or training, the relevant skills must demonstrated by other means for example having a higher level of experience (in addition to any lower level) to the level needed. The contractor and/or its managerial staff with training and qualifications but no experience, or appropriate experience will not be deemed to be adequate. The minimum standard can be increased by asking that at least one member (or more) of the contractor or its managerial staff have acquired certain technical accreditations, qualifications (professional or otherwise) or work experience (on 'x' number of specific project types) as a competent contracts manager(s). Also a requirement may be that the contractor or at least one of its managerial staff has experience in managing 'x' numbers of sub-contractors. However, in setting such requirements they must be proportionate to the needs of the contract.*

There is a need to link this criterion with the relevant Health and Safety management criterion referred to later on.

Criterion 12 (Ref: 3.4b)

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel)

Article 48(2)(e) and Regulation 57(1)(c) refer to contractor's personnel's educational. Professional qualification and experience.

Minimum Standard: *The minimum standard is the educational qualifications of the person or persons in the contractor's organization responsible for managing the works. Evidence of that or those person's or persons' educational and professional qualifications (e.g. professionally qualified project managers, engineers etc - with dates obtained) and experience including their curriculum vitae should be provided.*

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1.4 Main Criteria (Technical and/or Professional Ability) Continued

Criterion 12 continued (Ref: 3.4b)

Where an individual has no qualifications or training, he must demonstrate the relevant skills by other means for example having a higher level of experience (in addition to any lower level) to the level needed. The minimum standard can be increased by asking that at least the person or one of the persons responsible for managing the works has acquired certain technical accreditations, qualifications (or equivalent) or work experience (on projects of a similar nature, size and complexity) in the role of a competent Site Manager, Site Engineer, Foreman or Contractor's Quantity Surveyor.

The minimum standard may further be increased by stating that the person or persons responsible for managing the works has experience on working on 'x' number of projects of a similar size, nature and complexity. The minimum standard may also state that the person or persons responsible for managing the works must have a minimum of 'x' number of years experience working on projects of similar size, nature and complexity after obtaining a particular qualification or equivalent. However, such requirements must be proportionate to the needs of the contract. Individuals with training and qualifications but without experience or appropriate experience will not be deemed adequate.

Criterion 13

LIST WORKS CARRIED OUT OVER THE PAST 5 YEARS

Article 48(2)(a)(i) and Regulation 57(1)(a) refer to works carried out by the contractor over the past 5 years. The 5 year period referred to in this criterion is not a maximum period, it is a default period. If a longer period is considered appropriate having regard to the particular contract, then this should be clearly stated in the Suitability Questionnaire (QW1, QW2 or QW3) by changing the reference to "5 years" in the title to the longer period of 7 years. In this case, the title should be changed to '**List of Works Carried Over the Past 7 Years**'.

Note: If a longer period is specified (e.g. the default longer period of 7 years) and the minimum standard is met having regard to works that have been carried out within that period, then that applicant should be accepted as having passed this criterion. If the response is to be subsequently qualitatively assessed, the applicant with more recent works should not automatically obtain more marks than an applicant who has less recent works which are still within the specific period. The initial evidence requested for this criterion should be the self certification Certificates at Appendix D and list template at Appendix E.

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1.4 Main Criteria (Technical and/or Professional Ability) Continued

Criterion 13 continued

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is satisfactory experience of works of a similar size, nature and complexity, carried out within the specified period. Evidence of works carried should be provided in the form of a list of works carried out over the specified period (whether that be the default period of 5 years or a longer period). The applicant should provide certificates of satisfactory execution for each project cited (Appendix E). **The period specified is a period within which the applicant may provide evidence of projects carried out, but it should not be mandatory to require works to be evidenced for the whole period. If a firm cannot provide evidence for the entire period (e.g. a firm has not been trading for the whole period) this should not be used as a reason to reject it.** The Employer may, if it wishes, set a maximum number of reference projects which may be submitted. If the Employer chooses to do this, it should be clearly state under this criterion in the suitability questionnaire that it will read the projects in the order submitted (which should be listed - see template at Appendix D) up to the maximum number and that any further projects submitted will not be taken into account in the evaluation.*

Care needs to be exercised to ensure that the threshold set for a minimum standard is transparent, relevant and proportionate to the needs of the contract and is not discriminatory. The reason contractors are permitted to submit certificates under their own name is because they are being disadvantaged by a number of contracting authorities who are failing to issue such certificates promptly or at all even though there is no sound reason not to do so. It is deemed that in submitting certificates of satisfactory execution consent is given by the contractor for the Contracting Authority to check the reference project with the relevant Contracting Authority to see that the project was satisfactorily completed and delivered within the time agreed.

Note: In order to address the principles of transparency and non-discrimination the longer period needs to be clearly indicated under this criterion in the suitability questionnaires (QW1, QW2 and QW3) that issued to applicants.

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1.4 Main Criteria (Technical and/or Professional Ability) Continued

Criterion 14 **AVERAGE ANNUAL MANPOWER EMPLOYED BY THE CONTRACTOR AND THE NUMBER OF MANAGERIAL STAFF IN THE PAST 3 YEARS** (Ref: 3.4d)

Article 48(2)(g) and Regulation 57(1)(e)(i) and (ii) deal with the contractor's average annual manpower over the past 3 years.

Minimum Standard: *The minimum standard is a statement from the contractor identifying the average annual number of persons carrying out the works and the number of persons employed by the contractor in managerial positions during the immediately preceding 3 years. Evidence should be provided in the form of a written statement. **The three year period should be regarded as a maximum period and if for any valid reason a firm cannot provide evidence for the three years (i.e. firm has not being trading for three years) this should not be used as a reason to reject it.** The minimum standard may include a requirement that the contractor presents the information in a particular format, for example, separate schedules should be made of (i) managerial administrative staff, (ii) qualified professionals, (iii) technicians (iv) unqualified personnel, (v) Foreman carpenters, (vi) supervisors, (vii) estimators etc. The minimum standard may be increases by stating that the average annual manpower must not be less than a certain number. It is important to ensure that the threshold for such a minimum standard is relevant, proportionate to the needs of the contract and is not discriminatory.*

It can be implied that number of managerial staff in the years preceding the three years are not relevant.

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1.4 Main Criteria (Technical and/or Professional Ability) Continued

Criterion 15 TECHNICAL EQUIPMENT AVAILABLE

(Ref: 3.4e)

Article 48(2)(h) and Regulation 57(1)(f) deal with the technical equipment available to the contractor. The initial evidence requested for this criterion should be the declaration at Appendix G.

Minimum Standard: *The minimum standard is a statement from the contractor regarding the tools, plant or other technical equipment that would be available to the contractor for carrying out the contract. Evidence should be provided in the form of a written statement. The minimum standard may be raised by requiring that a special piece of equipment be available such as a tunneling machine and that the contractor is required to demonstrate its ability to get such a machine even if it is in another jurisdiction should the contractor win the contract. Another requirement might be for the contractor to provide the maintenance records of mechanical and non-mechanical plant (which he owns) to show that the plant is properly maintained and fit to operate.*

The maintenance records are important because they show how regular the maintenance of mechanical and non-mechanical plant has been carried out so that operatives are not at risk. Care needs to be exercised to ensure that the minimum standard is relevant, proportionate to the needs of the contract and is not discriminatory.

Criterion 16 TECHNICIANS OR TECHNICAL BODIES INVOLVED ESPECIALLY THOSE RESPONSIBLE FOR QUALITY CONTROL AND THOSE UPON WHOM THE CONTRACTOR CAN CALL ON IN ORDER TO CARRY OUT THE WORK

(Ref: 3.4.f)

Article 48(2)(b) and Regulation 57(1)(b) deal with the technicians and technical bodies available to the contractor. The initial evidence requested for this criterion should be the declaration at Appendix H.

Minimum Standard: *The minimum standard is a list of the relevant technicians or technical bodies especially those upon whom the contractor can call on in order to carry out the work. Evidence should be provided in the form of a written statement naming the Technicians and Technical Bodies i.e. key subcontractors particularly those involved in quality control.*

2: Heath and Safety Suitability Sub-Criteria

2.1 Standard Sub-Criteria

Introduction Section 17 of the Safety Health & Welfare at Work Act 2005 and Regulation 7 of the Safety Health & Welfare at Work (Construction) Regulations 2006 detail the requirements for Works Contractors. So under an *open* or *restricted procedure* a Contracting Authority in addition to setting general suitability criteria for a particular project, must also set health and safety sub-criteria in order to establish the competence of contractors in relation to health and safety issues associated with the design and construction of a project. Health and Safety sub-criteria are always assessed on a Pass/Fail Only basis.

Competence Extract from H&S Authority Guidance Document: *For the purpose of the Safety Health & Welfare at Work 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 works to be undertaken.*

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2.1 Standard Sub-Criteria Continued

Sub Criteria The Technical and/or Professional Ability criteria to be used to determine the health and safety competence of contractors are:

TECHNICAL AND/OR PROFESSIONAL ABILITY	
Criterion 1 (i),(ii),(iii),(iv)	Educational and Professional Qualifications (Managerial)
Criterion 2 (i),(ii),(iii),(iv)	Educational and Professional Qualifications (Personnel)
Criterion 3 (i)	1). List Works carried out over the Past 5 Years
Criterion 3 (ii), (iii), (iv)	2). List of Technical Services provided for Works over the Past 3 Years
Criterion 4 (i)	1). List of Technicians or Technical Bodies involved especially those responsible for Quality Control and those whom the contractor can call on in order to carry out work
Criterion 4 (ii), (iii), (iv)	2). List of Technicians or Technical Bodies involved especially those responsible for Quality Control.
Criterion 5 (i)	1). A statement of the Average Annual Numbers of Persons Employed by the Contractor and those in a Managerial; Position over the Past 3 Years
Criterion 5(ii),(iii),(iv)	2). A statement of the Average Annual Numbers of Persons Employed by the Contractor to Provide a Service/ PSCS/ Design/ PSDP/SC Services and those in a Managerial; Position over the Past 3 Years
Criterion 6 (i),(ii),(iii),(iv)	A Statement of the Technical Equipment Available
Criterion 7 (ii),(iii),(iv)	Technical Facilities and Measures for Ensuring Quality of Services and Study and Research Facilities

Project type The minimum standards used and level of proof required to determine the health and safety competence of applicants for a project must be proportionate to the size, scale and complexity of that project. Each project must be categorised as follows:

- **Project Type 1** applies to all projects that are €500,000 or less in value
- **Project Type 2** applies to all projects that are between €500,000 and €5 million in value, and
- **Project Type 3** applies to all projects that are over €5 million in value.

If a significant health and safety risk associate with a particular project warrants that a higher category Type be chosen than the category Type related to value would allow, that category Type should be disregarded and the higher category Type chosen relative to the health and safety risk exposure.

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2.1 Standard Sub-Criteria *Continued*

Supplements

There are four health and safety supplements associated with the main suitability questionnaire. The purpose of the supplements is to acquire appropriate information which can be used to assess various health and safety roles that the Contractor is expected to fulfill. The relevant health and safety supplements should accompany the main Contractor questionnaire when issued. The supplements address the following roles:

- health and safety competence of a contractor to carry out works and is titled (in this document) *Health and Safety Supplement for Contractor*. The criteria used to establish competence is 1(i) to 6(i) as Scheduled above.
 - health and safety competence of a contractor to design a project and is titled (in this document) *Health and Safety Supplement for Contractor as Designer*. The criteria used to establish competence is 1(ii) to 7(ii) as Scheduled above.
 - health and safety competence of a contractor to act as health and safety Project Supervisor for the Construction Stage and is titled (in this document) *Health and Safety Supplement for Contractor as Project Supervisor for the Construction Stage*. The criteria used to establish competence is 1(iii) to 7(iii) as Scheduled above.
 - health and safety competence of a contractor to act as health and safety Project Supervisor for the Design Process and is titled (in this document) *Health and Safety Supplement for Contractor as Project Supervisor for the Design Process*. The criteria used to establish competence is 1(iv) to 7(iv) as Scheduled above.
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Information

If evidence requested under the suitability criteria in the *supplements* has been already requested under the criteria in the main questionnaire it should be sufficient to satisfy both conditions provided it contains the relevant details.

2.2 Sub-Criteria (Technical and/or Professional Ability) Health and Safety Supplement for Contractor

Sub-criterion 1(i) EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Managerial) (Ref: 3.4.1a)

Article 48(2)(e) and Regulation 57(1)(c), in the context of health and safety, deal with the educational, professional qualifications and experience of the contractor and/or its managerial staff. A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources will satisfy the minimum standards for this criterion, or alternatively the applicant must meet the minimum standard as stated below. The initial evidence requested for this criterion should be the declaration at Appendix O.

Minimum Standard for Project Type 1: *The minimum standard for health and safety competency of a contractor and/or its managerial staff should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (e.g. professionally qualified project managers, architects, engineers etc – with dates obtained), and experience in so far as they are relevant to health and safety, and/or*
- *educational qualifications, professional qualifications (as above) with at least one member of the contractor or its managerial staff who has experience in relation to projects of similar nature, size and complexity.*
- *The curriculum vitae of the contractor and its managerial staff in so far as they relate to health and safety training and/or experience and also the organisation structure of the firm.*
- *having at least 3 to 4 hours annual (i.e. in-house or a CPD course) health and safety training in relation to works projects*

Where a contractor and/or its managerial staff has no educational or professional qualifications the relevant skills must be demonstrated by other means for example by having a higher level of experience (and lower) to the level needed. The contractor and/or its managerial staff with training and qualifications but no experience, or appropriate experience will not be deemed adequate.

Minimum Standard for Project Types 2 and 3: *In addition to the standard referred to at Type 1 above the contractor or the contractor's managerial staff (at least one) should:*

- *have Health and Safety Training (see below) and Qualifications (Qualifications are optional for Type 2 projects but are mandatory for Type 3 projects) with dates obtained.*

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2.2 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor

Sub-criterion 1(i) continued (Ref: 3.4.1a)

- *have complied with the mandatory training requirement is for the contractor or the contractor's managerial staff (at least one) to have at least 8 hour annual health and safety training (i.e. in-house or a CPD course- except for Type 3 projects see below) relevant to the works apart from experience.*

The minimum standard can be increased by requiring that a higher number (e.g. at least two) of the contractor or the contractor's managerial staff to have the required training or evidence of appropriate Health and Safety qualifications, relevant to the Works.

The experience regarding projects of similar size and complexity referred to at Type 1 above in this case, the experience relates to experience on projects Types 2 and 3

Additional Minimum Standard for Project Type 3: *In addition to the standards referred to at Types 1, and 2 and 3 above the contractor or the contractor's managerial staff (at least one) should:*

- *have attended a generally structured externally-validated health and safety training course that provides at least 8 hours annual training (In this context in-house health and safety training seminars or continuing professional development courses are insufficient), or*
- *have attained some form of formal health and safety post-graduate qualification (for example a health and safety degree or certificate), or specific additional appropriate qualifications.*

The minimum standard can be increased by:

- *requiring that a higher number (e.g. at least two) of the contractor or the contractor's managerial staff (including health and safety Managers) have the required training and qualifications. That is provided such a minimum standard is proportionate to the needs of the contract and is not discriminatory.*

The experience regarding projects of similar size and complexity referred to at Type 1 above in this case, the experience relates to experience on projects Types 3.

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2.2 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor

Sub-criterion 2(i) **EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel)** (Ref: 3.4.1b)

Article 48(2)(e) and Regulation 57(1)(c), in the context of health and safety, deal with the educational, professional qualifications and experience of the person or persons responsible for managing the works. A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources will satisfy the minimum standards for this criterion, or alternatively the applicant must meet the minimum standard as stated below. The initial evidence requested for this criterion should be the declaration at Appendix O.

Minimum Standard for Project Type 1: *The minimum standard for health and safety competency of the person or persons responsible for managing the works should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (e.g. professionally qualified project managers, engineers etc – with dates obtained), and experience in so far as they are relevant to health and safety, and/or*
- *the educational qualifications, professional qualifications (as above) and experience in so far as it is relevant to health and safety on projects of similar size and complexity.*
- *The curriculum vitae in so far as they relate to health and safety training and/or experience.*
- *having at least 3 to 4 hours annual (i.e. in-house or a CPD course) health and safety training in relation to works projects*
- *Where the person or person responsible for managing the works has no educational or professional qualifications the relevant skills must be demonstrated by other means for example by having a higher level of experience (and lower) to the level needed.*

Individuals with training and qualifications but no experience, or appropriate experience will not be deemed adequate.

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2.2 Sub-Criteria (Technical and/or Professional Ability) *Continued*

Health and Safety Supplement for Contractor

Sub-criterion 2(i)
continued
(Ref: 3.4.1b)

Minimum Standard for Project Types 2 and 3: *In addition to the standard referred to at Type 1 above the person or persons responsible for managing the work should:*

- *have Health and Safety Training (see below) and Qualifications (Qualifications are optional for Type 2 projects but are mandatory for Type 3 projects) with dates obtained.*
- *have complied with the mandatory training requirement is for the person or persons responsible for managing the works to have at least 8 hour annual health and safety training (i.e. in-house or a CPD course except for Type 3 projects, see below) relevant to the works apart from experience.*
- *The minimum standard can be increased by:*
 - *requiring that the person or at least one of the persons responsible for managing the work has acquired ‘x’ number of years health and safety training which is at least 8 hours per year or evidence of appropriate Health and Safety qualifications relevant to the works. .*

Individuals with training and qualifications but without experience will not be deemed adequate. The experience regarding projects of similar size and complexity referred to at Type 1 above, in this case the experience relates to experience on projects Types 2 and 3.

Additional Minimum Standard for Project Type 3: *In addition to the standards referred to at Types 1 and 2 and 3 above the person or persons responsible for managing the work should:*

- *have attended a generally structured externally-validated health and safety training course that provides at least 8 hours annual training (In the context of in-house health and safety training seminars or continuing professional development courses are insufficient),or*
- *have attained some form of formal health and safety post-graduate qualification, or specific additional appropriate qualifications.*

The experience regarding projects of similar size and complexity referred to at Type 1 above, in this case the experience relates to experience on projects Types 3.

Continued on next page

2.2 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor

Sub-criterion 3(i) (Ref: 3.4.1c)

LIST OF WORKS CARRIED OUT OVER THE PAST 5 YEARS

Article 48(2)(a)(i) and Regulation 57(1)(a) refer to works carried out by the contractor over the past 5 years. The 5 year period referred to in this criterion is not a maximum period, it is a default period. If a longer period is considered appropriate having regard to the particular contract, then this should be clearly stated in the Suitability Questionnaire (QW1, QW2 or QW3) by changing the reference to “5 years” in the title to the longer period of 7 years. In this case, the title should be changed to ‘**List of Works Carried Over the Past 7 Years**’.

Note: If a longer period is specified (e.g. the default longer period of 7 years) and the minimum standard is met having regard to works that have been carried out within that period, then that applicant should be accepted as having passed this criterion. If the response is to be subsequently qualitatively assessed, the applicant with more recent works should not automatically obtain more marks than an applicant who has less recent works which are still within the specific period. The initial evidence requested for this criterion should be the self certification Certificates at Appendix D and list template at Appendix E.

Minimum Standard Project Types 1, 2 and 3: *The minimum standard is satisfactory experience of works of a similar size, nature and complexity, carried out within the specified period. Evidence of works carried should be provided in the form of a list of works carried out over the specified period (whether that be the default period of 5 years or a longer period). The applicant should provide certificates of satisfactory execution for each project cited (Appendix E). The period specified is a period within which the applicant may provide evidence of projects carried out, but it should not be mandatory to require works to be evidenced for the whole period. If a firm cannot provide evidence for the entire period (e.g. a firm has not been trading for the whole period) this should not be used as a reason to reject it. The Employer may, if it wishes, set a maximum number of reference projects which may be submitted. If the Employer chooses to do this, it should be clearly state under this criterion in the suitability questionnaire that it will read the projects in the order submitted (which should be listed - see template at Appendix D) up to the maximum number and that any further projects submitted will not be taken into account in the evaluation.*

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2.2 Sub-Criteria (Technical and/or Professional Ability) *Continued*

Health and Safety Supplement for Contractor

Sub-criterion 3(i)
continued

(Ref: 3.4.1c)

It is deemed that in submitting certificates of satisfactory execution consent is given by the contractor for the Contracting Authority to check the reference project with the relevant Contracting Authority to see that the project was satisfactorily complete and delivered within the time agreed and there were no health and safety issues. Care needs to be exercised to ensure that the threshold set for the minimum standard is relevant, proportionate to the needs of the contract and is not discriminatory. The reason applicants are permitted to submit certificates under their own name is because they are being disadvantaged by a number of contracting authorities who are failing to issue such certificates promptly or at all event though there is no sound reason not to do so.

Note: In order to address the principles of transparency and non-discrimination the longer period needs to be clearly indicated under this criterion in the suitability questionnaires (QW1, QW2 and QW3) that issued to applicants.

Sub-criterion 4(i)
(Ref: 3.4.1d)

**LIST OF TECHNICIANS OR TECHNICAL BODIES INVOLVED
ESPECIALLY THOSE RESPONSIBLE FOR QUALITY CONTROL AND
THOSE WHOM THE CONTRACTOR CAN CALL ON IN ORDER TO
CARRY OUT THE WORK**

Article 48(2)(b) and Regulation 57(1)(b)(i) and (ii) deal with technicians and technical bodies available to the contractor and measures used by the contractor for ensuring quality control in the context of health and safety. A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources that technicians or technical bodies and those whom the contractor can call on to carry out the work have will satisfy the minimum standards for this criterion, or alternatively the applicant must meet the minimum standard as stated below. The initial evidence requested for this criterion should be the declaration at Appendix O.

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2.2 Sub-Criteria (Technical and/or Professional Ability) *Continued*

Health and Safety Supplement for Contractor

Sub-criterion 4(i)
continued
(Ref: 3.4.1d)

Minimum Standard Project Type 1: *The minimum standard is to:*

- *list the technicians or Technical Bodies especially those responsible for quality control and those the contractor can call on in order to carry out the work,*
- *provide the signed declaration form at Appendix I.*
- *Provide evidence that adequate measures have been put in place by the contractors to address any deficiencies in their Health and Safety procedures arising out of enforcement actions, legal proceedings, accidents, fatalities or incidents that have been recorded.*

Note: Supplemental requirements, if required, should be listed. However, these should be proportionate, non discriminatory and relevant to the nature, size and complexity of the project.

Minimum Standard for Projects Types 2 and 3: *The minimum standard in addition to the minimum standard for Project Type 1 above is to provide an additional signed declaration such as the form at Appendix J.*

Note: Supplemental requirements, if required, should be listed. However, these should be proportionate, non discriminatory and relevant to the nature, size and complexity of the project.

If no Notices, enforcement actions, legal proceedings, accidents, fatalities or incidents have been recorded on the declaration, this may be accepted on face value unless the assessment team has evidence to the contrary (from whatever source). Where Notices, enforcement actions, legal proceedings etc have been recorded an assessment must be carried out as to whether adequate measures have been put in place to address any deficiencies in the applicant's health and safety procedures.

Sub-criterion 5(i)
(Ref: 3.4.1e)

A STATEMENT OF THE AVERAGE ANNUAL NUMBERS OF PERSONS EMPLOYED BY THE CONTRACTOR AND THOSE IN A MANAGERIAL POSITION OVER THE PAST 3 YEARS

Article 48(2)(g) and Regulation 57(1)(e)(i) and (ii), in the context of health and safety, deal with the contractors average annual manpower and those persons in a managerial position over the past three years.

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2.2 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor

Sub-criterion 5(i)
continued
(Ref: 3.4.1e)

Minimum Standard for Projects Types 1, 2 and 3: *The minimum standard is identifying the average annual number of persons carrying out the works and the number of persons employed by the contractor in managerial positions during the immediately preceding 3 years. Evidence should be provided in the form of a written statement **The three year period should be regarded as a maximum period and if for any valid reason a firm cannot provide the evidence for the three years (i.e. the firm has not been trading for three years) this should not be used as a reason to reject it.** The minimum standard may include a requirement that the contractor presents the information in a particular format, for example, separate schedules should be made of (i) managerial administrative staff, (ii) qualified professionals, (iii) technicians (iv) unqualified personnel, (v) Foreman carpenters, (vi) supervisors, (vii) estimators etc.*

It can be implied that number of managerial staff involved in health and safety in the years preceding the three years are not relevant

Sub-criterion 6(i)
(Ref: 3.4.1f)

A STATEMENT OF THE TECHNICAL EQUIPMENT AVAILABLE
Article 48(2)(h) and Regulation 57(1)(f), in the context of health and safety, deal with technical equipment available to the contractor. A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources will satisfy the minimum standards for this criterion, or alternatively the applicant must meet the minimum standard as stated below. The initial evidence requested for this criterion should be the declaration at Appendix G.

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is a statement from the contractor regarding the tools, plant or other technical equipment that would be available for carrying out the contract, and where and also maintenance records. Evidence should be provided in the form of a written schedule of each key piece of plant, tool and technical equipment that is available particularly in relation to up-to-date relevant maintenance records. It is important that such plant tool and equipment is regularly maintained to ensure operatives and users safety.*

The maintenance records which show regular maintenance of mechanical and non-mechanical plant so that operatives are not at risk

2.3 Sub-Criteria (Technical and/or Professional Ability) Health and Safety Supplement for Contractor as Project Supervisor for the Construction Stage (PSCS)

**Sub-criterion
1(ii)**
(Ref: 3.4.2a)

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management). Article 48(2)(e) and Regulation 59(1)(e), in the context of health and safety, deal with the educational, professional qualifications and experience of the contractor as PSCS and/or its managerial staff as PSCS. A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources will satisfy the minimum standards for this criterion, or alternatively the applicant must meet the minimum standard as stated below. The initial evidence requested for this criterion should be the declaration at Appendix P.

Minimum Standard for Project Type 1: *The minimum standard for health and safety competency of the contractor as PSCS and/or its managerial staff should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (with dates obtained), and experience in providing PSCS services, and/or*
- *educational qualifications, professional qualifications (with dates obtained) and experience in providing PSCS services by at least one member of the contractor and/or its managerial staff on projects of a similar size, nature and complexity.*
- *The curriculum vitae of the contractor and/or its managerial staff and also the organisation structure of the contractor as PSCS.*
- *The contractor and/or at least one of its managerial staff having:*
 - *at least 8 hours annual health and safety training in the provision of PSCS services (i.e. in-house or a CPD course).*

The contractor as PSCS and/or its managerial staff that have health and safety training in providing PSCS services without experience will not be deemed adequate

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2.3 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as PSCS

**Sub-criterion
1(ii) continued
(Ref: 3.4.2a)**

Minimum Standard for Project Type 2: *The minimum standard for health and safety competency of the contractor as PSCS and/or its managerial staff should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (with dates obtained), and experience in providing PSCS services, and/or*
- *educational qualifications, professional qualifications (with dates obtained) and experience with at least one member of the contractor and/or its managerial staff with PSCS experience on projects of a similar size, nature and complexity.*
- *The curriculum vitae of the contractor and/or its managerial staff and also the organisation structure of the contractor as PSCS.*
- *The contractor and/or at least one of its managerial staff having:*
 - *at least 16 hours annual health and safety training in PSCS services (i.e. in-house or a CPD course).*

The contractor as PSCS or its managerial staff that have health and safety training in providing PSCS services without experience will not be deemed adequate.

Additional Minimum Standard for Project Type 3: *In addition to the standards referred to at Project Type 2 above the contractor as PSCS and/or at its managerial staff should:*

- *have attended a generally structured externally-validated health and safety training course that provides at least 16 hours annual health and safety training in relation to providing PSCS services (ideally from a management perspective), (In this context in-house PSCS health and safety training seminars or continuing professional development courses are insufficient), or*
- *have attained some form of formal health and safety post-graduate qualification (for example, a health and safety degree, diploma), or specific additional appropriate health and safety qualifications (for example, a certificate), or*
- *be a member of a recognised health and safety professional institute.*

The minimum standard can be increased by

- *requiring that a higher number (e.g. at least two) of the contractor and/or its managerial staff have a specific level of training as PSCS, or*
- *evidence that they have appropriate PSCS Health and Safety qualifications, and experience in providing the services relevant to the size, nature and complexity of the project. That is provided such a minimum standard is proportionate to the needs of the contract and is not discriminatory.*

The contractor or its managerial staff that have health and safety training in the provision of PSCS services and qualifications but without experience will not be deemed adequate.

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2.3 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as PSCS

Sub-criterion 2(ii) (Ref: 3.4.2b)

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel).

Article 48(2)(e) and Regulation 59(1)(e), in the context of health and safety, deal with the educational, professional qualifications and experience of the person or persons responsible for providing the delivery of the service as PSCS. A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources will satisfy the minimum standards for this criterion, or alternatively the applicant must meet the minimum standard as stated below. The initial evidence requested for this criterion should be the declaration at Appendix P.

Minimum Standard for Project Type 1: *The minimum standard for health and safety competency of the person or persons responsible for providing the delivery of PSCS services should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (with dates obtained), and experience in providing such services, and/or*
- *educational qualifications, professional qualifications (as above) and experience in providing such services on projects of a similar size, nature and complexity.*
- *The curriculum vitae in of the person or persons providing the PSCS services*
- *The person or person responsible for providing the PSCS services having:*
 - *at least 8 hours annual health and safety training in PSCS services (i.e. in-house or a CPD course).*

The person or persons responsible for providing the PSCS services that has training and qualifications but without experience, or with insufficient experience will not be deemed adequate.

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2.3 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as PSCS

Sub-criterion
2(ii) continued
(Ref: 3.4.2b)

Minimum Standard for Project Type 2: *The minimum standard for health and safety competency of the person or persons responsible for providing the delivery of PSCS services should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (with dates obtained), and experience in providing such services, and/or*
- *educational qualifications, professional qualifications (as above) and experience in providing such services on projects of a similar size, nature and complexity.*
- *The curriculum vitae in of the person or persons providing the PSCS services*
- *The person or person responsible for providing the PSCS services having:*
 - *at least 16 hours annual health and safety training in PSCS services (i.e. in-house or a CPD course).*

The person or persons responsible for providing the PSCS services that has training and qualifications but without experience, or with insufficient experience will not be deemed adequate.

Additional Minimum Standard for Project Type 3: *In addition to the standards referred to at Type 2 above the person or persons responsible for providing the PSCS services should:*

- *have attended some form of generally structured externally-validated health and safety training course that provides at least 16 hours annual health and safety training in the provision of PSCS services (In this context in-house health and safety training seminars or continuing professional development courses are insufficient), or*
- *have attained some form of formal health and safety post-graduate qualification (for example, a health and safety degree, diploma), or specific additional appropriate health and safety qualifications (for example, a certificate), or*
- *be a member of a recognised health and safety professional institute.*

The minimum standard can be increased by:

- *requiring that the person or persons providing the PSCS services has a specific level of relevant health and safety training, or*
- *evidence of appropriate Health and Safety qualifications, and experience equivalent to that required for projects of similar size, nature and complexity being provided.*

The person or persons responsible for providing the PSCS services that has training and qualifications but without experience, or with insufficient experience will not be deemed adequate.

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2.3 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as PSCS

Sub-criterion 3(ii) (Ref: 3.4.2c)

LIST OF TECHNICAL SERVICES PROVIDED FOR WORKS OVER THE PAST 3 YEARS

Article 48(2)(a)(ii) and Regulation 59(1)(a), in the context of health and safety, deal with technical services provided by the service provider over the past 3 years. The 3 year period referred to in this criterion is not a maximum period, it is a default period. If a longer period is considered appropriate having regard to the particular contract, then this should be clearly stated in the appropriate Supplements to the Suitability Questionnaire (QW1, QW2 or QW3) by changing the reference to “3 years” in the title to the longer period of 5 years. In this case, the title should be changed to ‘**List of Technical Services Provided for Works Over the Past 5 Years**’.

Note: If a longer period is specified (e.g. the default longer period of 5 years) and the minimum standard is met having regard to works that have been carried out within that period, then that applicant should be accepted as having passed this criterion. If the response is to be subsequently qualitatively assessed, the applicant with more recent works should not automatically obtain more marks than an applicant who has less recent works which are still within the specific period. The initial evidence requested for this criterion should be the self certification Certificates at Appendix D and list template at Appendix F

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is satisfactory experience as a PSCS on projects of a similar size, nature and complexity. Evidence of delivery of PSCS services should be provided in the form of a list of commissions carried out over a specified period (whether that be the default period of 3 years or a longer period). The applicant should provide certificates of satisfactory delivery of services for each project cited (Appendix F). The Period specified is a period within which the applicant may provide evidence of PSCS services provided, but it should not be mandatory to require PSCS services to be evidenced for the whole period. If a firm cannot provide evidence for the entire period (e.g. a firm has not been trading for the whole period) this should not be used as a reason to reject it. The Employer may, if it wishes, set a maximum number of reference commissions which may be submitted. If the Employer chooses to do this, it should be clearly stated under this criterion in the suitability questionnaire that it will read the commissions in the order submitted (which should be listed – see template at Appendix D) up to the maximum number and that any further commissions submitted will not be taken into account in the evaluation.*

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2.3 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as PSCS

Sub-criterion 3(ii) continued (Ref: 3.4.2c)

It is deemed that in submitting *certificates of satisfactory delivery of service* consent is given by the contractor as PSCS for the Contracting Authority to check the reference with the relevant Contracting Authority to see that the services were satisfactorily carried out within the time agreed and there were no health and safety issues. Care needs to be exercised to ensure that the threshold set for the minimum standard is relevant, proportionate to the needs of the contract and is not discriminatory. The reason applicants are permitted to submit certificates under their own name is because contracting authorities are not issuing such certificates even though there is no sound reason not to do so.

Note: In order to address the principles of transparency and non-discrimination the longer period needs to be clearly indicated under this criterion in the supplement to the suitability questionnaire (QW1, QW2 and QW3) that issued to applicants

Sub-criterion 4(ii) continued (Ref: 3.4.2d)

LIST OF TECHNICIANS OR TECHNICAL BODIES INVOLVED ESPECIALLY THOSE RESPONSIBLE FOR QUALITY CONTROL

Article 48(2)(b) and Regulation 59(1)(b) deal with technicians and technical bodies involved in providing the services that are available to the contractor acting as PSCS and those used by the contractor as PSCS for ensuring quality control. A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources that technicians or technical bodies and those responsible for quality control have will satisfy the minimum standards for this criterion, or alternatively the applicant must meet the minimum standard as stated below. The initial evidence requested for this criterion should be the declaration at Appendix H

Minimum Standard for Projects Types 1: *The minimum is to provide a:*

- *List of the technicians and technical bodies involved in providing the services that are available to the contractor acting as PSCS and those used by the contractor as PSCS for ensuring quality control.*
- *Signed declaration form at Appendix I.*

Minimum Standard for Projects Types 2 and 3: *The minimum standard in addition to the minimum standard for Project Type 1 above is to provide the additional signed declaration such as the form at Appendix K.*

Note: Supplemental requirements, if required, should be listed. However, these should be proportionate, non discriminatory and relevant to the nature, size and complexity of the service required.

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2.3 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as PSCS

Sub-criterion 5(ii) (Ref: 3.4.2e)

A STATEMENT OF THE AVERAGE ANNUAL NUMBERS OF PERSONS EMPLOYED TO PROVIDE PSCS SERVICES AND THOSE IN A MANAGERIAL POSITION OVER THE PAST 3 YEARS

Article 48(2)(g) and Regulation 59(1)(g), in the context of health and safety, deal with the average annual number of persons employed to provide PSCS services and those in a managerial position in the past 3 years.

Minimum Standard for Projects Types 1, 2 and 3: *The minimum standard is to identify the average annual number of persons and the number of persons employed in managerial positions providing PSCS services over the immediately preceding 3 years. Evidence should be provided in the form of a written statement. The three year period should be regarded as a maximum period and if for any valid reason a firm cannot provide the evidence for the three years (i.e. the firm has not been trading for three years) this should not be used as a reason to reject it. The minimum standard should also require that the contractor as PSCS has adequate qualified resources to carry out the PSCS duties in compliance with Safety, Health and Welfare at Work (Construction) Regulations 2006.*

It can be implied that the number of managerial staff involved in providing design services in the years preceding the three years are not relevant.

Sub-criterion 6(ii) (Ref: 3.4.2f)

A STATEMENT OF THE TECHNICAL EQUIPMENT AVAILABLE

Article 48(2)(h) and Regulation 59(1)(h), in the context of health and safety, deal with technical equipment available to the contractor as PSCS. A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources will satisfy the minimum standards for this criterion or alternatively the applicant must meet the minimum standard as stated below. The initial evidence requested for this criterion should be the declaration at Appendix G.

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is to provide a statement from the contractor as PSCS regarding the tools, plant or other technical equipment that would be available to the contractor as PSCS and show where the contractor as PSCS would be able to access technical literature from an online library that has comprehensive up-to-date health and safety Codes of Practice and Regulatory and Statutory guidance which are relevant to the duties of a PSCS. Evidence should be in the form of a written narrative not more than 650 words.*

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2.3 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as PSCS

Sub-criterion 7(ii) **continued**

(Ref: 3.4.2g)

TECHNICAL FACILITIES AND MEASURES FOR ENSURING QUALITY OF SERVICES AND STUDY AND RESEARCH FACILITIES

Article 48(2)(c) and Regulation 59(c)(i) and (ii) deal with the technical facilities and measures used by the contractor as PSCS for ensuring quality of PSCS services delivered and also the study and research facilities of contractor as PSCS. A Safe-T-Cert, or OHSAS 18001, or other equivalent independently certified health and safety management system with appropriate health and safety training and resources will satisfy the minimum standards for this criterion, or alternatively the applicant must meet the minimum standard as stated below. The initial evidence requested for this criterion should be the declaration at Appendix H.

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is to provide two declarations such as the forms at Appendix I and K to address the technical facilities and measures used for ensuring quality of PSCS services delivered and also the study and research facilities of the contractor as PSCS.*

2.4 Sub-Criteria (Technical and/or Professional Ability)

Health and Safety Supplement for Contractor as Designer

Sub-criterion 1(iii)
(Ref: 3.4.3a)

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management).

Article 48(2)(e) and Regulation 59(1)(e), in the context of health and safety, deal with the educational, professional qualifications and experience of the contractor as designer and/or its managerial staff as designers and/or its subcontractor.

Minimum Standard for Project Type 1: *The minimum standard for health and safety competency of the contractor as designer and/or its managerial staff, and/or its subcontractor as designer should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (e.g. architectural designers, engineering designers etc – with dates obtained), and experience in providing design services in so far as they are relevant to health and safety, and/or*
- *educational qualifications, professional qualifications (as above) and experience in design with at least one member of the contractor and/or its managerial staff/design subcontractor's staff who has design work experience in relation to health and safety on projects of a similar size, nature and complexity.*
- *The curriculum vitae of the contractor, its managerial staff and/or its subcontractor's staff and also the organisation structure of the contractor and the design subcontractor's firm.*
- *The contractor and/or at least one of its managerial staff (the principal in the case a small design company engaged by the contractor to do the design work) having:*
 - *an awareness of all project design work being carried out in the business, and*
 - *experience in doing appropriate design work which enables the contractor and/or one of its managerial staff and/or the principal in the design subcontractor's firm to have the expertise to be a competent designer in the context of health.*

The contractor and/or its managerial staff and/ or its subcontractor's staff that have design training and qualifications but without experience, or with insufficient experience will not be deemed adequate.

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2.4 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Designer

Sub-criterion 1(iii)
continued
(Ref: 3.4.3a)

Minimum Standard for Project Type 2: *The minimum standard for health and safety competency of contractor as designer and/or its managerial staff or its subcontractor should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (e.g. architectural designers, engineering designers etc – with dates obtained), and experience in providing design services in so far as the qualifications are relevant to health and safety, and/or*
- *educational qualifications, professional qualifications (as above) and experience in design with at least one member of the contractor/its and/or its managerial staff and/or its subcontractor's staff who has design work experience in relation to health and safety on projects of a similar size, nature and complexity.*
- *The curriculum vitae of the contractor and/or its managerial staff and/or its subcontractor's staff and also the organisation structure of the contractor and that of its subcontractor.*
- *the contractor and/or at least one of its managerial staff (the principal and technical manager in the case a small/medium sized design company engaged by the contractor to do the design work) having:*
 - *at least 4 hours annual health and safety training in design (i.e. in-house or a CPD course) and*
 - *appropriate design experience to be competent designers in the context of health and safety.*

The contractor, its managerial staff, or its subcontractor's staff that have health and safety training in design and qualifications but without experience will not be deemed adequate.

Additional Minimum Standard for Project Type 3: *In addition to the standards referred to at Project Type 2 above the contractor as designer and/or its managerial staff or its subcontractor should:*

- *have attended a generally structured externally-validated health and safety training course that provides at least 8 hours annual health and safety training in relation to design (In this context in-house health and safety training seminars or continuing professional development courses are insufficient), or*
- *have attained some form of formal health and safety post-graduate qualification (for example, a health and safety degree, diploma), or specific additional appropriate health and safety qualifications (for example, a certificate), or*
- *be a member of a recognised health and safety professional institute.*

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2.4 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Designer

Sub-criterion 1(iii) continued (Ref: 3.4.3a)

The minimum standard can be increased by:

- *requiring that a higher number (e.g. at least two) of the contractor and/or its managerial staff and/or its subcontractor's staff have a specific level of health and safety training in design, or*
- *evidence that they have the appropriate Health and Safety qualifications, and experience equivalent to that level in the context of design, relevant to the size, nature and complexity of the project. That is provided such a minimum standard is proportionate to the needs of the contract and is not discriminatory.*

The contractor, its managerial staff, or its subcontractor's staff that have health and safety training in design and qualifications but without experience will not be deemed adequate.

Sub-criterion 2(iii) (Ref: 3.4.3b)

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel).

Article 48(2)(e) and Regulation 59(1) (e), in the context of health and safety in relation to design, deal with the contractor's personnel's educational qualifications, professional qualifications and experience.

Minimum Standard for Project Type 1: *The minimum standard for health and safety competency of the person or persons responsible for providing the design services for works should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (e.g. architectural designers, engineering designers etc – with dates obtained), and experience in design in so far as it is relevant to health and safety, and/or*
 - *educational qualifications, professional qualifications (as above) and experience in design in so far as it is relevant to health and safety on projects of a similar size, nature and complexity.*
 - *The curriculum vitae of the persons responsible for providing the design services in so far as they relate to health and safety training and/or qualifications and experience.*
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2.4 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Designer

Sub-criterion 2(iii) continued (Ref: 3.4.3b)

- *The design personnel designer (or technical personnel responsible for providing the design services for work in the case of a small design company engaged by the contractor to do the design work) having:*
 - *experience in doing appropriate design work which enables such designers to have the expertise to be competent as designers in the context of health and safety.*

Personnel that have design training and qualifications but without experience, or with insufficient experience will not be deemed adequate.

Minimum Standard for Project Type 2: *The minimum standard for health and safety competency of the person or persons responsible for providing the design services for works should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (e.g. architectural designers, engineering designers etc – with dates obtained), and experience in design in so far as it is relevant to health and safety, and/or*
- *educational qualifications, professional qualifications (as above) and experience in design in so far as it is relevant to health and safety on projects of a similar size, nature and complexity.*
- *The curriculum vitae of the persons responsible for providing the design services in so far as they relate to health and safety training and/or qualifications and experience.*
- *the design personnel (or technical personnel responsible for providing the design services in the case of a small/medium sized design company engaged by the contractor to do the design work) having:*
 - *experience in doing appropriate design work which enables such designers to have the expertise to be competent as designers in the context of health and safety in relation to projects of similar size, nature and complexity and*
 - *should have at least 4 hours annual health and safety training in design (i.e. in-house or a CPD course)*

Personnel responsible for providing the design service that have design training and qualifications but without experience, or with insufficient experience will not be deemed adequate.

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2.4 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Designer

Sub-criterion 2(ii)
continued
(Ref: 3.4.3b)

Additional Minimum Standard for Project Type 3: *In addition to the standards referred to at Type 2 above the person or persons responsible for providing the design services for works should:*

- *have attended some form of generally structured externally-validated health and safety training course that provides at least 8 hours annual health and safety training in relation to design(In this context in-house health and safety training seminars or continuing professional development courses are insufficient), or*
- *have attained some form of formal health and safety post-graduate qualification (for example, a health and safety degree, diploma), or*
- *specific additional appropriate health and safety qualifications (for example, a certificate), or*

be a member of a recognised health and safety professional institute.

The minimum standard can be increased by:

- *requiring that the person or persons responsible for providing the design services for works have a specific level of relevant health and safety training, or*
- *evidence of appropriate Health and Safety qualifications, and relevant experience equivalent to that required (in the context of design) for projects of similar size, nature and complexity being provided. That is provided such a minimum standard is proportionate to the needs of the contract and is not discriminatory.*

Individuals with health and safety training and qualifications in design but without experience will not be deemed adequate.

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2.4 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Designer

Sub-criterion 3(iii) (Ref: 3.4.3c)

LIST OF TECHNICAL SERVICES PROVIDED FOR WORKS OVER THE LAST 3 YEARS

Article 48(2)(a)(ii) and Regulation 59(1)(a), in the context of health and safety, deal with technical services provided by the service provider over the past 3 years. The 3 year period referred to in this criterion is not a maximum period, it is a default period. If a longer period is considered appropriate having regard to the particular contract, then this should be clearly stated in the appropriate Supplements to the Suitability Questionnaire (QW1, QW2 or QW3) by changing the reference to “3 years” in the title to the longer period of 5 years. In this case, the title should be changed to ‘**List of Technical Services Provided for Works Over the Past 5 Years**’.

Note: If a longer period is specified (e.g. the default longer period of 5 years) and the minimum standard is met having regard to works that have been carried out within that period, then that applicant should be accepted as having passed this criterion. If the response is to be subsequently qualitatively assessed, the applicant with more recent works should not automatically obtain more marks than an applicant who has less recent works which are still within the specific period. The initial evidence requested for this criterion should be the self certification Certificates at Appendix D and list template at Appendix F

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is satisfactory experience as a Design on projects of a similar size, nature and complexity. Evidence of delivery of Design services should be provided in the form of a list of commissions carried out over a specific period (whether that be the default period of 3 years or a longer period). The applicant should provide certificates of satisfactory delivery of services for each project cited (Appendix F). The Period specified is a period within which the applicant may provide evidence of Design services provided, but it should not be mandatory to require Design services to be evidenced for the whole period. If a firm cannot provide evidence for the entire period (e.g. a firm has not been trading for the whole period) this should not be used as a reason to reject it. The Employer may, if it wishes, set a maximum number of reference commissions which may be submitted. If the Employer chooses to do this, it should be clearly stated under this criterion in the suitability questionnaire that it will read the commissions in the order submitted (which should be listed – see template at Appendix D) up to the maximum number and that any further commissions submitted will not be taken into account in the evaluation.*

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2.4 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Designer

Sub-criterion 3(iii)
continued
(Ref: 3.4.3c)

It is deemed that in submitting *certificates of satisfactory delivery of service* consent is given by the contractor as service provider for the Contracting Authority to check the reference with the relevant Contracting Authority to see that the services were satisfactorily carried out within the time agreed and there were no health and safety issues. Care needs to be exercised to ensure that the threshold set for the minimum standard is relevant, proportionate to the needs of the contract and is not discriminatory. The reason applicants are permitted to submit certificates under their own name is because contracting authorities are not issuing such certificates even though there is no sound reason not to do so.

Note: In order to address the principles of transparency and non-discrimination the longer period needs to be clearly indicated under this criterion in the supplement to the suitability questionnaire (QW1, QW2 and QW3) that issued to applicants.

Sub-criterion 4(iii)
(Ref: 3.4.3d)

LIST OF TECHNICIANS OR TECHNICAL BODIES INVOLVED ESPECIALLY THOSE RESPONSIBLE FOR QUALITY CONTROL

Article 48(2)(b) and Regulation 59(1)(b) deal with technicians and technical bodies involved in design available to the contractor and those used by the contractor for ensuring quality control in design in the context of health and safety. The initial evidence requested for this criterion should be the declaration at Appendix H.

Minimum Standard Project Type 1: *The minimum standard is to provide a:*

- *List of technicians or Technical Bodies involved in design that are available to the contractor especially those used by the contractor to ensure quality control in design.*
- *Signed declaration such as the form at Appendix N and where enforcement actions, legal proceedings accidents, fatalities or incidents have been recorded arising out of design issues, provide evidence that:*
- *adequate measures have been put in place by the contractor as designer to address any deficiencies in their Health and Safety procedures.*

Minimum Standard for Projects Types 2 and 3: *The minimum standard in addition to the minimum standard for Project Type 1 above is to provide an additional signed declaration such as the form at Appendix L.*

Note: Supplemental requirements, if required, should be listed. However, these should be proportionate, non discriminatory and relevant to the nature, size and complexity of the service required.

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2.4 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Designer

Sub-criterion 5(ii) (Ref: 3.4.3e)

A STATEMENT OF THE AVERAGE ANNUAL NUMBERS OF PERSONS EMPLOYED TO PROVIDE DESIGN SERVICES AND THOSE IN A MANAGERIAL POSITION OVER THE PAST 3 YEARS

Article 48(2)(g) and Regulation 59(1)(g), in the context of health and safety concerning design, deal with the average annual number of persons employed to provide design services and those in a managerial position in the past 3 years.

Minimum Standard for Projects Types 1, 2 and 3: *The minimum standard is to identify the average annual number of persons and the number of persons employed in managerial positions providing design services over the immediately preceding 3 years. Evidence should be provided in the form of a written statement. The three year period should be regarded as a maximum period and if for any valid reason a firm cannot provide the evidence for the three years (i.e. the firm has not been trading for three years) this should not be used as a reason to reject it. The minimum standard should also require that the contractor as designer has adequate qualified resources to carry out design service duties in compliance with Safety, Health and Welfare at Work (Construction) Regulations 2006.*

It can be implied that the number of managerial staff involved in providing design services in the years preceding the three years are not relevant.

Sub-criterion 6(ii) (Ref: 3.4.3f)

A STATEMENT OF THE TECHNICAL EQUIPMENT AVAILABLE

Article 48(2)(h) and Regulation 59(1)(h), in the context of health and safety, deal with technical equipment available to the contractor as designer. The initial evidence requested for this criterion should be the declaration at Appendix G.

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is to provide a statement from the contractor as designer regarding the tools, plant or other technical equipment that would be available to the contractor as designer and show where the contractor as designer would be able to access technical literature from an online library that has comprehensive up-to-date health and safety Codes of Practice and Regulatory and Statutory guidance which are relevant to the duties of a Designer. Evidence should be in the form of a written narrative not more than 650 words.*

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2.4 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Designer

Sub-criterion 7(ii) (Ref: 3.4.3g)

TECHNICAL FACILITIES AND MEASURES FOR ENSURING QUALITY OF SERVICES AND STUDY AND RESEARCH FACILITIES

Article 48(2)(c) and Regulation 59(c)(i) and (ii) deal with the technical facilities and measures used by the contractor as designer, in the context of health and safety, for ensuring quality of design services delivered and also the study and research facilities of the contractor as designer in the context of health and safety. The initial evidence requested for this criterion should be the declaration at Appendix H.

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is to provide two declarations such as the forms at Appendix L and N to address the technical facilities and measures used for ensuring quality of design services delivered in the context of health and safety and also the study and research facilities of the contractor as designer in the context of health and safety.*

2.5 Sub-Criteria (Technical and/or Professional Ability) Health and Safety Supplement for Contractor as Project Supervisor for the Design Process and Health and Safety Coordinator (PSDS/HSC)

Sub-criterion 1(iv) (Ref: 3.4.4a)

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management).

Article 48(2)(e) and Regulation 59(1)(e), in the context of health and safety, deal with the educational, professional qualifications and experience of the contractor as PSDP/HSC and/or its managerial staff as PSDP/HSC

Minimum Standard for Project Type 1: *The minimum standard for health and safety competency of the contractor as PSDP/HSC and/or its managerial staff and/or its subcontractor's staff should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (with dates obtained), and experience in providing PSDP/HSC services, and/or*
- *educational qualifications, professional qualifications (with dates obtained) and experience in providing PSDP/HSC services by at least one member of the contractor and/or its managerial staff and/or its subcontractor's staff with PSDP/HSC experience on projects of a similar size, nature and complexity.*
- *The curriculum vitae of the contractor and/or its managerial staff and/or its subcontractor's staff and also the organisation structure of the contractor and that of its subcontractor as PSDP/HSC.*
- *The contractor and/or at least one of its managerial staff (the principal in the case of a small subcontracting practice engaged by the contractor to provide PSDP/SC services) having:*
 - *at least 8 hours annual health and safety training in PSDP/HSC services (i.e. in-house or a CPD course).*

The contractor as PSDP/HSC and/or its managerial staff and/or its subcontractor that have health and safety training in providing PSDP/HSC services without experience, or with insufficient experience will not be deemed adequate.

Minimum Standard for Project Type 2: *The minimum standard for health and safety competency of contractor as PSDP/HSC and/or its managerial staff and/or its subcontractor should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (with dates obtained), and experience in providing PSDP/HSC services, and/or*
- *educational qualifications, professional qualifications (with dates obtained) and experience in providing PSDP/HSC services with at least one member of the contractor/its and/or its managerial staff and/or its subcontractor's staff with PSDP experience on projects of a similar size, nature and complexity.*
- *The curriculum vitae of the contractor and/or its managerial staff and/or its subcontractor's staff and also the organisation structure of the contractor and*

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2.5 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Project Supervisor for the Design Process and Health and Safety Coordinator (PSDS/HSC)

Sub-criterion 1(iv)
continued
(Ref: 3.4.4a)

that of its subcontractor as PSDP/HSC.

- *The contractor and/or at least one of its managerial staff (the principle and a key technical manager in the case of a small/medium sized subcontracting firm engaged by the contractor to provide PSDP/HSC services) having:*
 - *at least 16 hours annual health and safety training in PSDP/HSC services (i.e. in-house or a CPD course).*

The contractor as PSDP/HSC and/or its managerial staff and/or its subcontractor's staff that have health and safety training in providing PSDP/HSC services without experience will not be deemed adequate.

Additional Minimum Standard for Project Type 3: *In addition to the standards referred to at Project Type 2 above the of contractor as PSDP/HSC and/or at its managerial staff and/or its subcontractor's staff should:*

- *have attended a generally structured externally-validated health and safety training course that provides at least 16 hours annual health and safety training in relation to providing PSDP/HSC services (ideally from a management perspective)(In this context in-house PSDP/HSC health and safety training seminars or continuing professional development courses are insufficient), or*
- *have attained some form of formal health and safety post-graduate qualification (for example, a health and safety degree, diploma), or specific additional appropriate health and safety qualifications (for example, a certificate), or*
- *be a member of a recognised health and safety professional institute.*

The minimum standard can be increased by:

- *requiring that a higher number (e.g. at least two) of the contractor and/or its managerial staff and/or its subcontractor's staff have a specific level of training as PSDP, or*
- *evidence that they have appropriate PSDP/HSC Health and Safety qualifications, and experience providing the services relevant to the size, nature and complexity of the project. That is provided such a minimum standard is proportionate to the needs of the contract and is not discriminatory.*

The contractor, its managerial staff, or its subcontractor's staff that have health and safety training in design and qualifications but without experience will not be deemed adequate.

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2.5 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Project Supervisor for the Design Process and Health and Safety Coordinator (PSDS/HSC)

Sub-criterion 2(iv) (Ref: 3.4.4b)

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel).

Article 48(2)(e) and Regulation 59(1)(e), in the context of health and safety, deal with the educational, professional qualifications and experience of the person or persons responsible for providing the delivery of the as PSDP/HSC services.

Minimum Standard for Project Type 1: *The minimum standard for health and safety competency of the person or person responsible for providing the PSDP/HSC services should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (with dates obtained), and experience in providing the PSDP/HSC services, and/or*
- *educational qualifications, professional qualifications (with dates obtained) and experience in providing the PSDP/HSC services on projects of a similar size, nature and complexity.*
- *The curriculum vitae of the person or persons responsible for providing the PSDP/HSC services*
- *The person or persons responsible for providing the PSDP/HSC services having:*
 - *at least 8 hours annual health and safety training in PSDP/HSC services (i.e. in-house or a CPD course.)*

The person or persons responsible for providing the PSDP/HSC services that has training and qualifications but without experience, or with insufficient experience will not be deemed adequate.

Minimum Standard for Project Type 2: *The minimum standard for health and safety competency of the person or persons responsible for providing the PSDP/HSC services should be demonstrated by way of:*

- *the educational qualifications, professional qualifications (with dates obtained), and experience in providing the PSDP/HSC services, and/or*
- *educational qualifications, professional qualifications (with dates obtained) and experience in providing the PSDP/HSC services on projects of a similar size, nature and complexity.*
- *The curriculum vitae of the person or persons responsible for providing the PSDP/HSC services*

Continued on next page

2.5 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Project Supervisor for the Design Process and Health and Safety Coordinator (PSDS/HSC)

Sub-criterion 2(iv)
continued
(Ref: 3.4.4b)

- *The person or persons responsible for providing the PSDP/HSC services having:*

at least 16 hours annual health and safety training in PSDP/HSC services (i.e. in-house or a CPD course.)

The person or persons responsible for providing the PSDP/HSC services that has training and qualifications but without experience, or with insufficient experience will not be deemed adequate.

Additional Minimum Standard for Project Type 3: *In addition to the standards referred to at Type 2 above the person or persons responsible for providing the PSDP/HSC services should:*

- *have attended some form of generally structured externally-validated health and safety training course that provides at least 16 hours annual health and safety training in PSDP services (In this context in-house PSDP/HSC health and safety training seminars or continuing professional development courses are insufficient), or*
- *have attained some form of formal health and safety post-graduate qualification (for example, a health and safety degree, diploma), or specific additional appropriate health and safety qualifications (for example, a certificate), or*
- *be a member of a recognised health and safety professional institute.*

The minimum standard can be increased by:

- *requiring that the person or person providing the PSDP/SC services has a specific level of relevant health and safety training, or*
- *evidence that they have appropriate Health and Safety qualifications, and experience equivalent to that required for projects of similar size, nature and complexity.*

The person or persons responsible for providing the PSDP/HSC services that has training and qualifications but without experience, or with insufficient experience will not be deemed adequate.

Continued on the next page

2.5 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Project Supervisor for the Design Process and Health and Safety Coordinator (PSDS/HSC)

Sub-criterion 3(iv) (Ref: 3.4.4c)

LIST OF TECHNICAL SERVICES PROVIDED FOR WORKS OVER THE PAST 3 YEARS

Article 48(2)(a)(ii) and Regulation 59(1)(a), in the context of health and safety, deal with technical services provided by the service provider over the past 3 years. The 3 year period referred to in this criterion is not a maximum period, it is a default period. If a longer period is considered appropriate having regard to the particular contract, then this should be clearly stated in the appropriate Supplements to the Suitability Questionnaire (QW1, QW2 or QW3) by changing the reference to “3 years” in the title to the longer period of 5 years. In this case, the title should be changed to ‘**List of Technical Services Provided for Works Over the Past 5 Years**’.

Note: If a longer period is specified (e.g. the default longer period of 5 years) and the minimum standard is met having regard to works that have been carried out within that period, then that applicant should be accepted as having passed this criterion. If the response is to be subsequently qualitatively assessed, the applicant with more recent works should not automatically obtain more marks than an applicant who has less recent works which are still within the specific period. The initial evidence requested for this criterion should be the self certification Certificates at Appendix D and list template at Appendix F

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is satisfactory experience as a PSDP/HSC on projects of a similar size, nature and complexity. Evidence of delivery of PSDP/HSC services should be provided in the form of a list of commissions carried out over a specific period (whether that be the default period of 3 years or a longer period). The applicant should provide certificates of satisfactory delivery of services for each project cited (Appendix F). The Period specified is a period within which the applicant may provide evidence of PSDP/HSC services provided, but it should not be mandatory to require PSDP/HSC services to be evidenced for the whole period. If a firm cannot provide evidence for the entire period (e.g. a firm has not been trading for the whole period) this should not be used as a reason to reject it. The Employer may, if it wishes, set a maximum number of reference commissions which may be submitted. If the Employer chooses to do this, it should be clearly stated under this criterion in the suitability questionnaire that it will read the commissions in the order submitted (which should be listed – see template at Appendix D) up to the maximum number and that any further commissions submitted will not be taken into account in the evaluation.*

Continued on the next page

2.5 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Project Supervisor for the Design Process and Health and Safety Coordinator (PSDS/HSC)

Sub-criterion 3(iv)
continued
(Ref:3.4.4c)

It is deemed that in submitting *certificates of satisfactory delivery of service* consent is given by the contractor as PSDP/HSC for the Contracting Authority to check the reference with the relevant Contracting Authority to see that the services were satisfactorily carried out within the time agreed and there were no health and safety issues. Care needs to be exercised to ensure that the threshold set for the minimum standard is relevant, proportionate to the needs of the contract and is not discriminatory. The reason applicants are permitted to submit certificates under their own name is because Contracting Authorities are not issuing such certificates even though there is no sound reason not to do so.

Note: In order to address the principles of transparency and non-discrimination the longer period needs to be clearly indicated under this criterion in the supplement to the suitability questionnaire (QW1, QW2 and QW3) that issued to applicants.

Sub-criterion 4(iv)
(Ref: 3.4.4d)

A LIST OF TECHNICIANS OR TECHNICAL BODIES INVOLVED ESPECIALLY THOSE RESPONSIBLE FOR QUALITY CONTROL

Article 48(2)(b) and Regulation 59(1)(b) deal with technicians and technical bodies involved in the provision of PSDP/HSC services available to the contractor and those used by the contractor for ensuring quality control in the provision of PSDP/HSC services in the context of health and safety. The initial evidence requested for this criterion should be the declaration at Appendix H

Minimum Standard Project Type 1: *The minimum standard is to provide a:*

- *List of technicians and technical bodies involved in the provision of PSDP/HSC services available to the contractor and those used by the contractor for ensuring quality control in the provision of PSDP/HSC services.*
- *Signed declaration such as the form at Appendix L.*

Minimum Standard for Projects Types 2 and 3: *The minimum standard in addition to the minimum standard for Project Type 1 above is to provide an additional signed declaration such as the form at Appendix M.*

Note: *Supplemental requirements, if required should be listed. However, these should be proportionate, non discriminatory and relevant to the nature, size and complexity of the service required.*

Continued on the next page

2.5 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Project Supervisor for the Design Process and Health and Safety Coordinator (PSDS/HSC)

Sub-criterion 5(iv) (Ref: 3.4.4e)

A STATEMENT OF THE AVERAGE ANNUAL NUMBERS OF PERSONS EMPLOYED TO PROVIDE PSDP/SC SERVICES AND THOSE IN A MANAGERIAL POSITION OVER THE PAST 3 YEARS

Article 48(2)(g) and Regulation 59(1)(g), in the context of health and safety, deal with the average annual number of persons employed to provide PSDP/HSC services and those in a managerial position in the past 3 years.

Minimum Standard for Projects Types 1, 2 and 3: *The minimum standard is to identify provide the average annual number of persons and the number of persons employed in managerial positions providing PSDP/HSC services over the immediately preceding 3 years. Evidence should be provided in the form of a written statement. The three year period should be regarded as a maximum period and if for any valid reason a firm cannot provide the evidence for the three years (i.e. the firm has not been trading for three years) this should not be used as a reason to reject it. The minimum standard should also require that the contractor as PSDP/SC has adequate qualified resources to carry out the PSDP/HSC duties in compliance with Safety, Health and Welfare at Work (Construction) Regulations 2006.*

It can be implied that the number of managerial staff involved in providing design services in the years preceding the three years are not relevant.

Continued on the next page

2.5 Sub-Criteria (Technical and/or Professional Ability) Continued

Health and Safety Supplement for Contractor as Project Supervisor for the Design Process and Health and Safety Coordinator (PSDS/HSC)

Sub-criterion 6(iv) (Ref: 3.4.4 f)

A STATEMENT OF THE TECHNICAL EQUIPMENT AVAILABLE

Article 48(2)(h) and Regulation 59(1)(h), in the context of health and safety, deal with technical equipment available to the contractor as PSDP/HSC. The initial evidence requested for this criterion should be the declaration at Appendix G.

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is to provide a statement from the contractor as PSDP/HSC regarding the tools, plant or other technical equipment that would be available to the contractor as PSDP/HSC and show where the contractor as PSDP/HSC would be able to access technical literature from an online library that has comprehensive up-to-date health and safety Codes of Practice and Regulatory and Statutory guidance which are relevant to the duties of a PSDP/HSC. Evidence should be in the form of a written narrative not more than 650 words.*

Sub-criterion 7(iii) (Ref: 3.4.3g)

TECHNICAL FACILITIES AND MEASURES FOR ENSURING QUALITY OF SERVICES AND STUDY AND RESEARCH FACILITIES

Article 48(2)(c) and Regulation 59(c)(i) and (ii), in the context of health and safety, deal with the technical facilities and measures used by the contractor as PSDP/HSC for ensuring quality of PSDP/HSC services delivered and also the study and research facilities of contractor as PSDP/HSC. The initial evidence requested for this criterion should be the declaration at Appendix H.

Minimum Standard for Project Types 1, 2 and 3: *The minimum standard is to provide two declarations such as the forms at Appendix L and M to address the technical facilities and measures used for ensuring quality of PSDP/HSC services delivered and also the study and research facilities of the contractor as PSDP/HSC.*

[END]

APPENDIX A: Letter of Confirmation that Declaration on Oath is still valid

On letter-headed paper of Contractor

To:	[Name and address of Contracting Authority]
Regarding:	[Title of contract]
Date:	

A Dhaoine Uaisle

We confirm that since making the declaration on oath in accordance with your standard declaration form¹⁰ that the legal situation regarding the circumstances stated in the declaration has not changed in any way that would prohibit this firm from making a new declaration on oath on exactly the same basis. We also confirm that in providing the declaration consent is given to you to check (as you consider necessary) the correctness of the statements made in the declaration with relevant third parties.

Is mise, le meas

Signed _____

On behalf of *[Name of Contractor]*

¹⁰ See Appendix B

APPENDIX B: APPLICANT'S PERSONAL SITUATION Declaration

Text Entry: DECLARATION ON OATH/SOLEMN DECLARATION

in relation to the grounds specified in Article 54 of Directive 2004/17/EC (and Regulation 56 of SI 50 of 2007) or Article 45 and 51 of Directive 2004/18/EC (and Regulation 53 of SI 329 of 2006).

Name of Contractor/Service Provider:	Text Entry <div style="text-align: right;">[block capitals Entry]</div>
--------------------------------------	--

1. On behalf of the above named Contractor/Services Provider I hereby declare that none of the circumstances specified in Directive 2004/17/EC Article 54 and Regulation 56 of SI No 50 of 2007 or Directive 2004/18/EC Article 45 and 51 and Regulation 53 of SI 329 of 2006 apply to the above named Contractor/ Service Provider. This means that no individual (i.e. principal or principals of a Sole Trader) or in the case of a Consortium Group or Joint Venture no member of the Contractor/Service Provider Consortium, Group or Joint Venture has been the subject of a conviction by final judgment for one or more of the following reasons:

- (a) participation in a criminal organisation, as defined in Article 2 of Council Joint Action 2008/841/JHA;
- (b) corruption, as defined in Article 3 of the Council Act of 26 May 1997 and Article 2(1) of Council Joint Action 2003/568/JHA respectively;
- (c) fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities;
- (d) money laundering, as defined in Article 1 of Council Directive 2005/60/EC of 26 October 2005 on prevention of the use of the financial system for the purpose of money laundering.

2. And that no individual or in the case of a Consortium, Group or Joint Venture no member of the Contractor's/ Service Provider's Consortium, Group or Joint Venture:

- (a) is bankrupt or is being wound up in this or any other jurisdiction; or
- (b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up, or under administration by the court, or for an arrangement with creditors, or of any other similar proceedings under national laws or regulations in this or any other jurisdiction; or
- (c) has been convicted of an offence concerning its professional conduct by a judgment which had the force of *res judicata* (for this statement a health and safety offence is not deemed to be an offence concerning professional conduct); or
- (d) has supplied information that is inaccurate or false in relation to the submission.

3. And that each individual or in the case of a Consortium, Group or Joint Venture each member of the Contractor's/ Service Provider's Consortium, Group or Joint Venture:

- (a) has fulfilled its obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which it is established or with those of the country of the Contracting Authority, and
- (b) has fulfilled its obligations relating to the payment of taxes in accordance with the legal provisions of the country in which it is established or with those of the country of the Contracting Authority.

This declaration has been made to the best of my knowledge and belief for and on behalf of Name of Contractor/ Service Provider.

Signed :	[Commissioner of Oaths]	Date:	
Name : [block letters]			

Witnessed in the presence of a Commissioner of Oaths; OR

Witnessed in the presence of a Judicial Authority/Administrative Authority/Notary/ Competent Profession or Trade Body in country of origin of Applicant or in the country whence that Applicant comes. [delete as appropriate]

Signed		Date:	
Name of Witness [block letters]			
Position/Capacity [block letters]			

APPENDIX C: Declaration that Applicant can meet Minimum Standard for Economic and Financial Criteria in Suitability Questionnaire.

On letter-headed paper of Contractor

To:	<div>[Name and address of Contracting Authority]</div>	
Regarding:	<div>[Title of contract]</div>	
Date:	<div></div>	

Suitability criteria: Financial and Economic Standing

A Dhaoine Uaisle

I declare that as an applicant interested in being assessed for suitability for *[insert name of project]* I have the financial capacity to meet the minimum standards set down for economic and financial standing in Suitability Questionnaire *[QW1/QW2/QW3]*.

Furthermore, I will provide the required evidence within seven calendar days to support this declaration when requested to do so *[during tender evaluation stage/ after short-listing]*¹¹.

Is sinne, le meas

Financial Director

[Name of Contractor]

¹¹ Delete as appropriate

APPENDIX D: LIST OF PREVIOUS WORKS/WORKS AND SERVICES FOR WHICH THERE IS A CERTIFICATE OF SATISFACTORY EXECUTION/SERVICE DELIVERY

Name of Firm:

Date:

List of projects for which works/works and services of a similar nature were provided.

Contractor/ Service Provider must organise Certificates in order of precedence and list them below in that order.

Project No.	Title of Works/Works and Services (Must match Certificate)	Certificate
1	Contractor/Service Provider Entry	Attached
2	Contractor/Service Provider Entry	Attached
3	Contractor/Service Provider Entry	Attached
4	Contractor/Service Provider Entry	Attached
5	Contractor/Service Provider Entry	Attached
6	Contractor/Service Provider Entry	Attached
7	Contractor/Service Provider Entry	Attached
8	Contractor/Service Provider Entry	Attached
9	Contractor/Service Provider Entry	Attached
10	Contractor/Service Provider Entry	Attached
11	Contractor/Service Provider Entry	Attached
12	Contractor/Service Provider Entry	Attached
13	Contractor/Service Provider Entry	Attached
14	Contractor/Service Provider Entry	Attached
15	Contractor/Service Provider Entry	Attached
16	Contractor/Service Provider Entry	Attached
17	Contractor/Service Provider Entry	Attached
18	Contractor/Service Provider Entry	Attached
19	Contractor/Service Provider Entry	Attached
20	Contractor/Service Provider Entry	Attached
21	Contractor/Service Provider Entry	Attached
22	Contractor/Service Provider Entry	Attached
23	Contractor/Service Provider Entry	Attached
24	Contractor/Service Provider Entry	Attached
25	Contractor/Service Provider Entry	Attached
26	Contractor/Service Provider Entry	Attached

APPENDIX E: CERTIFICATE OF SATISFACTORY EXECUTION – WORKS ONLY

ACTIVITY <i>(Title of Applicant Activity)</i>	Contractor Entry: Works Contractor/Works Contractor and PSCS/Works Contractor, PSCS, Designer and PSDP/Works Contractor, Designer and PSDP/Works Contractor, Designer and PSCS/Specialist/Specialist and Designer		
SITE Construction contract: <i>(Title & brief description)</i>	Contractor Entry		
Site location:	Contractor Entry		
Proportion of Project undertaken by Applicant:	Contractor Entry	Tender entity (<i>Sole trader/ Joint Venture</i>):	Contractor Entry
VALUE Construction contract value at award stage:	Contractor Entry	Construction contract value at completion:	Contractor Entry
DATES Start Date:	Contractor Entry	Date of Substantial Completion of the Works:	Contractor Entry
Date of issue of Defects Cert for Works contract:	Contractor Entry	Handover Date:	Contractor Entry
GENERAL INFO Role of Company in delivery of Project:	Contractor Entry		
Name & address of Contracting Authority responsible for the project:	Contractor Entry		
Contracting Authority contact name:	Contractor Entry	Phone no.:	Contractor Entry
OTHER INFORMATION Other information required is listed below (where applicable)			
CA Entry / NA	Contractor Entry / NA		
CA Entry / NA	Contractor Entry / NA		
CA Entry / NA	Contractor Entry / NA		
Note: It is deemed that in submitting this certificate consent is given for the Contracting Authority to check the reference project with the relevant Contracting Authority to see that the project was satisfactorily completed and delivered within the time agreed.			
CONTRACTOR'S NAME:		DATE:	

APPENDIX F: CERTIFICATE OF SATISFACTORY DELIVERY OF SERVICES

ACTIVITY (Title of Applicant Activity)	Service Provider Entry: Works Contractor as PSCS/Works Contractor as PSCS, Designer and PSDP/Works Contractor as Designer and PSDP/Works Contractor as Designer and PSCS		
Main Service provided (Title & brief description)	Service Provider Entry		
VALUE Value of commission (excluding VAT) Construction at award stage.	Service Provider Entry	Value of commission at completion	Service Provider Entry
DATES Start Date:	Service Provider Entry	Date at Completion:	Service Provider Entry
Name & address of Contracting Authority responsible for awarding the Commission:	Service Provider Entry		
Contracting Authority contact name:	Service Provider Entry	Phone no.:	Service Provider Entry
OTHER INFORMATION Other information required is listed below (where applicable)			
CA Entry / NA	Service Provider Entry / NA		
CA Entry / NA	Service Provider Entry / NA		
CA Entry / NA	Service Provider Entry / NA		
CA Entry / NA	Service Provider Entry / NA		
CA Entry / NA	Service Provider Entry / NA		
Note: It is deemed that in submitting this certificate consent is given for the Contracting Authority to check the reference with the relevant Contracting Authority to see that the services were satisfactorily carried out within the time agreed.			
SERVICE PROVIDER'S NAME:		DATE:	

APPENDIX G: Declaration that Applicant can meet the Minimum Standard for the Technical Equipment Criterion in Suitability Questionnaire.

On letter-headed paper of Contractor

To:	<i>[Name and address of Contracting Authority]</i>	
Re. Tender for:	<i>[Title of Project]</i>	
Date:		

A Dhaoine Uaisle

I declare as an applicant interested in being assessed for suitability for *[insert name of project]* I confirm that I meet the minimum standards in regard to Technical Equipment as one of the main criteria and also the health and safety sub-criterion in Suitability Questionnaire *[QW1/QW2/QW3]*

Furthermore, I will provide the required evidence within seven calendar days to support this declaration when requested to do so *[during tender evaluation stage/ after short-listing]*¹².

Is mise, le meas

Signed _____

On behalf of *[Name of Contractor]*

¹² Delete as appropriate

APPENDIX H: Declaration that Applicant can meet the Minimum Standard set in the Suitability Questionnaire for Technicians or Technical Bodies responsible for Quality Control and those upon whom the contractor can call in order to carry out the work / in regard to providing a service and also study and research facilities.

On letter-headed paper of Contractor

To:	<i>[Name and address of Contracting Authority]</i>	
Re. Tender for:	<i>[Title of Project]</i>	
Date:		

A Dhaoine Uaisle

I declare as an applicant interested in being assessed for suitability for *[insert name of project]* I confirm that I meet the minimum standards set in regard to *[Technicians or Technical Bodies responsible for Quality Control and those upon whom I can call on to carry out work]*¹³. *[Furthermore, I confirm that I meet the minimum standard in regard to Technicians or Technical Bodies responsible for Quality Control in regard to providing a service and also that I **have/ have not** study and research facilities in place to improve quality of the output]*¹⁴. The minimum standards are those in Suitability Questionnaire [QW1/QW2/QW3] for the main criteria and health and safety sub-criterion.

Furthermore, I will provide the required evidence within seven calendar days to support this declaration when requested to do so during tender evaluation stage

Is mise, le meas

Signed _____

On behalf of *[Name of Contractor]*

¹³ Include only if Contractor is not to be PSCS.

¹⁴ Include this additional statement if the Contractor is to be PSCS and/or Designer and PSDP

APPENDIX I: HEALTH AND SAFETY DECLARATION – Contractor or PSCS Appointment

[All sections to be completed in BLOCK CAPITALS]

In relation to	Contractor/PSCS Entry [Project Title]
We	Contractor/PSCS Entry [Name of Applicant Company]
Proposing to act as	Contractor/PSCS Entry [Required role: Contractor or Contractor and PSCS]

on the above project hereby declare the following:

1. Health and Safety management within the practice is the responsibility of:

Contractor/PSCS Entry [Name of person responsible]
--

2. We confirm that each member of staff is aware of his/her responsibilities under the Safety, Health and Welfare at Work Act 2005 and the Safety Health & Welfare at Work (Construction) Regulations 2006.

In particular we are familiar with our general duties as Contractors as outlined in Part 3 Regulations 24-29 of the *Safety Health & Welfare at Work (Construction) Regulations 2006*; also with the specific duties enumerated in Parts 4-14, Regulations 30-105 of those Regulations and Schedules 1-6 of those Regulations. We are aware of and will take into account the general principles of prevention as enumerated below when carrying out design construction work associated with the project and undertake to liaise with, communicate and cooperate with the PSDP and the PSCS in their roles.

Where the appointment includes the role of PSCS we are familiar with our duties as outlined in Part 2 Regulations 16-23 of the *Safety Health & Welfare at Work (Construction) Regulations 2006*. We are aware of and will take into account and communicate to all contractors (including specialists) the general principles of prevention as enumerated below when coordinating organisational or technical aspects of the project or the programme and undertake to liaise with, communicate and facilitate cooperation amongst the other duty holders under those Regulations, specifically Regulations 16 and 17 of the *Safety Health & Welfare at Work (Construction) Regulations 2006*.

GENERAL PRINCIPLES OF PREVENTION APPLICABLE TO CONTRACTOR AND PSCS

The purpose of the General Principles of Prevention is to provide a framework within which account is taken when identifying hazards in the risk assessment required under *section 19* of the Safety, Health and Welfare at Work Act 2005.

- i) The avoidance of risks
- ii) The evaluation of unavoidable risks
- iii) The combating of risks at source
- iv) The adaptation of work to the individual, especially as regards the design of places of work, the choice of work equipment and systems of work, with a view to alleviating monotonous work and work at a predetermined rate and to reduce their effect on health
- v) The adaptation of the workplace to technical progress
- vi) The replacement of dangerous articles, substances or systems of work by non dangerous articles, substances or systems of work.
- vii) The giving to collective protective measures priority over individual protective measure
- viii) The development of an adequate prevention policy in relation to safety, health and welfare at work, which takes account of technology, organisation of work, working conditions, social factors and the influence of factors related to the working environment.
- ix) The provision of appropriate training and instruction to employees.

4. We are aware as Contractors of our obligations under Section 17 (3) of the *Safety Health & Welfare at Work Act 2005* to ensure so far as is reasonably practicable that the project 'is constructed to be safe and without risk to health and that it complies in all respects, as appropriate, with the relevant statutory provisions'.

Where the appointment includes the role of PSCS we are aware as PSCS of our obligations under Section 17 (3) of the *Safety Health & Welfare at Work Act 2005* to ensure so far as is reasonably practicable that the project 'is constructed to be safe and without risk to health and that it complies in all respects, as appropriate, with the relevant statutory provisions'.

We confirm that all staff have received, read and will apply the Safety, Health and Welfare at Work (General Application) Regulations 2007, the Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007, and the HSA frequently asked questions on risk assessments available at: http://www.hsa.ie/eng/Publications_Forms/Publications/Safety_and_Health_Management/Guidelines%20on%20Risk%20Assessments%20and%20Safety%20Statements.pdf

Where the role required is Contractor risk assessments will be carried out and maintained on the job file.

Where the appointment includes the role of PSCS risk assessments will be sought and collected from contractors for inclusion in a Preliminary Safety & Health Plan which we as PSCS will prepare and update as appropriate.

We confirm that in our opinion this declaration is deemed to satisfy our obligations in relation to the following areas given the scope and nature of the proposed works:

- Health and Safety Policy and Organisation;
- Arrangements;
- Competent Advice;
- Training and Information;
- Individual Qualifications and Experience;
- Monitoring, Audit and Review;
- Workforce Involvement;
- Accident/Incident Reporting, Review;
- Sub-consulting Procedures;
- Hazard Management and Risk Assessment; and
- Health and Welfare.

5. In relation to enforcement actions, legal proceedings accidents, fatalities or incidents associated with the discharge of our duties as Contractor or PSCS (whether the relevant discipline is the subject of this declaration or not) over the last three years

Contractor/PSCS Entry: There have been none. / See attached

6. We confirm that in our opinion our organisation is competent and adequately resourced to fulfil its obligations under the Safety, Health and Welfare at Work Act 2005 and that our organisation has adequate resources to fulfil the role of Contractor or PSCS as stated above.

CONTRACTOR/PSCS SIGNATURE:		DATE:	
CONTRACTOR/PSCS NAME:	Contractor/PSCS Entry [block letters]		
TITLE:	Contractor/PSCS Entry [block letters]		

APPENDIX J: HEALTH AND SAFETY COMPLIANCE DECLARATION – CONTRACTOR/SPECIALIST

I hereby declare that the that the applicant has a Safety Statement in the format outlined at http://www.hsa.ie/eng/Publications_Forms/Publications/Safety_and_Health_Management/Guidelines%20on%20Risk%20Assessments%20and%20Safety%20Statements.pdf which will be provided on request and that all of the requirements listed below are addressed in the Safety Statement as is the evidence relating to the *minimum standards* also listed below which have been met. If the requirements and minimum standards have not been addressed in the Safety Statement separate evidence is to be provided on request which demonstrates that such requirements and minimum standards have been met.

Requirements		Minimum Standards
<ul style="list-style-type: none"> a copy of our current general health and safety policy; 		<ul style="list-style-type: none"> a general Health and Safety policy document appropriate to a Health and Safety led Construction Management role;
<ul style="list-style-type: none"> an outline of our management organisational structure with regard to allocation of duties, delegation of responsibilities, etc., in relation to Health and Safety; 		<ul style="list-style-type: none"> the relevant management organisational structure document indicating the duty holders responsible for Health and Safety;
<ul style="list-style-type: none"> copies of standard forms used for method statements and risk assessments as part of our duties under the Safety, Health and Welfare at Work Act 2005; 		<ul style="list-style-type: none"> a standard method statements (relevant to projects of a similar size, nature and complexity) covering all stages of the construction project life cycle from initiation to project completion;
<ul style="list-style-type: none"> details of arrangements for continuing training of personnel in Health and Safety, including personnel who would be employed on the project; 		<ul style="list-style-type: none"> evidence of training arrangements in place appropriate to the size and complexity of the work. (This must include specific Health and Safety training);
<ul style="list-style-type: none"> details of the company's procedures for disseminating up-to-date developments on health and safety issues; 		<ul style="list-style-type: none"> evidence that there is an adequate organisational structure in place within the company to facilitate the dissemination of up-to-date developments on health and safety issues.
<ul style="list-style-type: none"> details of the company's arrangements for the co-ordination of information between the different contractors, suppliers and designers involved in a project; 		<ul style="list-style-type: none"> evidence that there are adequate arrangements in place for the coordination of information between Contractor and PSCS with an adequate mechanism in place that tracks and records delivery and receipt of information distributed.
<ul style="list-style-type: none"> details of the methodology for the dissemination of health and safety information for the construction stage on this or equivalent projects; 		

CONTRACTOR'S SIGNATURE:		DATE:	
CONTRACTOR'S NAME:	Contractor Entry [block letters]		
TITLE:	Contractor Entry [block letters]		

APPENDIX K: HEALTH AND SAFETY COMPLIANCE DECLARATION –PROJECT SUPERVISOR FOR THE CONSTRUCTION STAGE

I hereby declare that the applicant has a Safety Statement in the format outlined at http://www.hsa.ie/eng/Publications_Forms/Publications/Safety_and_Health_Management/Guidelines%20on%20Risk%20Assessments%20and%20Safety%20Statements.pdf which will be provided on request and that all of the requirements listed below are addressed in the Safety Statement as is the evidence relating to the *minimum standards* also listed below which have been met. If the requirements and minimum standards have not been addressed in the Safety Statement separate evidence is to be provided on request which demonstrates that such requirements and minimum standards have been met.

The following evidence is to be provided at the appropriate time.....	.and.the minimum standard is
<ul style="list-style-type: none"> a copy of our current general health and safety policy; 		<ul style="list-style-type: none"> a general Health and Safety policy document appropriate to a Health and Safety led Construction Management function;
<ul style="list-style-type: none"> an outline of our management organisational structure with regard to allocation of duties, delegation of responsibilities, etc., in relation to Health and Safety; 		<ul style="list-style-type: none"> the relevant management organisational structure document indicating the duty holders responsible for Health and Safety;
<ul style="list-style-type: none"> copies of standard forms used for method statements and risk assessments as part of our duties under the Safety, Health and Welfare at Work Act 2005; 		<ul style="list-style-type: none"> standard method statements (relevant to projects of a similar size, nature and complexity) covering all stages of the life cycle from early design stage to project completion;
<ul style="list-style-type: none"> details of arrangements for continuing Health and Safety training of PSCS personnel, including personnel who would be employed on the project; 		<ul style="list-style-type: none"> evidence of training arrangements in place appropriate to the size and complexity of the work. (This must include specific Health and Safety training);
<ul style="list-style-type: none"> details of the company's procedures for disseminating up-to-date developments on health and safety issues; 		<ul style="list-style-type: none"> evidence that there is an adequate organisational structure in place within the company to facilitate the dissemination of up-to-date developments on health and safety issues.
<ul style="list-style-type: none"> details of the company's arrangements for the co-ordination of information between the different contractors, suppliers and designers involved in a project; 		<ul style="list-style-type: none"> evidence that there are adequate arrangements in place for the coordination of information between Contractors with adequate mechanism in place that tracks and records delivery and receipt of information distributed.
<ul style="list-style-type: none"> details of the methodology for the dissemination of health and safety information for the design and construction stage on this or equivalent projects; 		<ul style="list-style-type: none"> evidence of adequate structured procedures relevant to the size and complexity of the project to ensure that PSCS role in coordinating Construction Safety Management is clearly demonstrated.

PSCS'S SIGNATURE:		DATE:	
PSCS'S NAME:	PSCS Entry [block letters]		
TITLE:	PSCS Entry [block letters]		

APPENDIX L: HEALTH AND SAFETY COMPLIANCE DECLARATION by Contractor as Designer/PSDP/HSC Appointment

[All sections to be completed in BLOCK CAPITALS]

In relation to	Contractor as Designer/PSDP/HSC Entry	[Project Title]
We	Contractor as Designer/PSDP/HSC Entry	[Name of Applicant Company]
Proposing to act as	Contractor as Designer/PSDP/HSC Entry	[Required role: Designer or Designer and PSDP/HSC]

on the above project hereby declare the following:

1. We (the above stated company) are members of, or eligible to be a member of the

Contractor as Designer/PSDP/HSC Entry
[Recognised professional body for required role, i.e. RIAI / ACEI / SCS / IEI / (Other)]

being the relevant professional institution for the above stated role.

2. Health and Safety management within the practice in regard to the duties as designer is the responsibility of:

Contractor as Designer/PSDP/HSC Entry	[Name of person responsible]
Note: PSDP and Designer roles should be kept separate.	

3. We confirm that each member of staff is aware of his/her responsibilities under the Safety, Health and Welfare at Work Act 2005 and the *Safety Health & Welfare at Work (Construction) Regulations 2006*.

In particular we are aware of the general principles of prevention as enumerated below, and where the professional service required is a Designer will take those principles into account when carrying out design work associated with the project and undertake to liaise with, communicate and cooperate with the PSDP/HSC in his/her role.

Where the appointment includes the role of PSDP/HSC we will take into account and communicate to all designers the General Principles of Prevention and undertake to liaise with, communicate and facilitate cooperation amongst the other duty holders under those Regulations specifically Regulations 11-14 of the *Safety Health & Welfare at Work (Construction) Regulations 2006*.

GENERAL PRINCIPLES OF PREVENTION APPLICABLE TO DESIGNER AND PSDP/HSC

The purpose of the General Principles of Prevention is to provide a framework within which design and detailing issues can be assessed.

- i) The avoidance of risks
- ii) The evaluation of unavoidable risks
- iii) The combating of risks at source
- iv) The adaptation of work to the individual, especially as regards the design of places of work, the choice of work equipment and systems of work, with a view to alleviating monotonous work and work at a predetermined rate and to reduce their effect on health
- v) The adaptation of the workplace to technical progress
- vi) The replacement of dangerous articles, substances or systems of work by non-dangerous articles, substances or systems of work.
- vii) The giving to collective protective measures priority over individual protective measure

- viii) The development of an adequate prevention policy in relation to safety, health and welfare at work, which takes account of technology, organisation of work, working conditions, social factors and the influence of factors related to the working environment.
- ix) The provision of appropriate training and instruction to employees.

4. We are aware of the obligations of all Designers under Section 17 (2) of the Safety Health & Welfare at Work Act 2005 to ensure so far as is reasonably practicable that the project:
- (a) *is designed and is capable of being constructed to be safe and without risk to health,*
 - (b) *can be maintained safely and without risk to health during use, and*
 - (c) *complies in all respects, as appropriate, with the relevant statutory provisions.*

We confirm that all staff have received, read and will apply the Safety, Health and Welfare at Work (General Application) Regulations 2007, the Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007, and the HSA frequently asked questions on risk assessments available at http://www.hsa.ie/eng/Publications_Forms/Publications/Safety_and_Health_Management/Guidelines%20on%20Risk%20Assessments%20and%20Safety%20Statements.pdf

Where the role required is Designer risk assessments will be carried out and maintained on the job file.

Where the appointment includes the role of PSDP/HSC risk assessments will be sought and collected from Designers for inclusion in a Preliminary Safety & Health Plan which we as PSDP will prepare and update as appropriate.

We confirm that in our opinion this declaration is deemed to satisfy our obligations in relation to the following areas given the scope and nature of the proposed works:

- Health and Safety Policy and Organisation;
 - Arrangements;
 - Competent Advice;
 - Training and Information;
 - Individual Qualifications and Experience;
 - Monitoring, Audit and Review;
 - Workforce Involvement;
 - Accident/Incident Reporting, Review;
 - Sub-consulting Procedures;
 - Hazard Management and Risk Assessment; and
 - Health and Welfare.
5. In relation to enforcement actions, legal proceedings accidents, fatalities or incidents associated with the discharge of our duties as Designers and/or PSDP (whether the relevant discipline is the subject of this declaration or not) over the last three years.

Contractor as Designer/PSDP/HSC Entry: There have been none. / See details attached

6. We confirm that in our opinion our organisation is competent and adequately resourced to fulfil its obligations under the Safety, Health and Welfare at Work Act 2005 and that our organisation has adequate resources to fulfil the role of Designer or PSDP/HSC as stated above.

CONTRACTOR AS DESIGNER/PSDP/HSC SIGNATURE:		DATE:	
CONTRACTOR AS DESIGNER/PSDP/HSC NAME:	Contractor as Designer/PSDP/HSC Entry [block letters]		
TITLE:	Contractor as Designer/PSDP/HSC Entry [block letters]		

APPENDIX M: HEALTH AND SAFETY COMPLIANCE DECLARATION –PROJECT SUPERVISOR FOR THE DESIGN PROCESS/HEALTH AND SAFETY COORDINATOR Appointment

I hereby declare that the applicant has a Safety Statement in the format outlined at http://www.hsa.ie/eng/Publications_Forms/Publications/Safety_and_Health_Management/Guidelines%20on%20Risk%20Assessments%20and%20Safety%20Statements.pdf which will be provided on request and that all of the requirements listed below are addressed in the Safety Statement as is the evidence relating to the *minimum standards* also listed below which have been met. If the requirements and minimum standards have not been addressed in the Safety Statement separate evidence is to be provided on request which demonstrates that such requirements and minimum standards have been met.

The following evidence is to be provided at the appropriate time.....	.and.the minimum standard is
<ul style="list-style-type: none"> a copy of our current general health and safety policy; 		<ul style="list-style-type: none"> a general Health and Safety policy document appropriate to the relevant discipline
<ul style="list-style-type: none"> an outline of our management organisational structure with regard to allocation of duties, delegation of responsibilities, etc., in relation to Health and Safety; 		<ul style="list-style-type: none"> the relevant management organisational structure document indicating the duty holders responsible for Health and Safety;
<ul style="list-style-type: none"> copies of standard forms used for risk assessments as part of our duties under the Safety, Health and Welfare at Work Act 2005; 		<ul style="list-style-type: none"> standard risk assessment forms (relevant to projects of a similar size, nature and complexity) covering all stages of a project life cycle from early design stage to project completion;
<ul style="list-style-type: none"> details of arrangements for continuing Professional Development of PSDP/SC personnel, including personnel who would be employed on the project; 		<ul style="list-style-type: none"> evidence of CPD training arrangements in place (for PSDP/SC) appropriate to the size and complexity of the work;
<ul style="list-style-type: none"> details of the company's procedures for disseminating up-to-date developments on health and safety issues; 		<ul style="list-style-type: none"> evidence that there is an adequate organisational structure in place within the company to facilitate the dissemination of up-to-date developments on health and safety issues.
<ul style="list-style-type: none"> details of the company's arrangements for the co-ordination of information between the different designers and technical disciplines involved in a project; 		<ul style="list-style-type: none"> evidence that there are adequate arrangements in place for the coordination of information between Contractor's Designers with adequate mechanism in place that tracks and records delivery and receipt of information distributed.
<ul style="list-style-type: none"> details of the methodology for the dissemination of health and safety information for the design and construction stage on this or equivalent projects; 		<ul style="list-style-type: none"> evidence of adequate structured procedures relevant to the size and complexity of the project to ensure that health and safety information is disseminated to the relevant parties and appropriate action taken.

PROJECT SUPERVISOR FOR THE DESIGN PROCESS/HEALTH AND SAFETY COORDINATOR SIGNATURE:		DATE:	
PROJECT SUPERVISOR FOR THE DESIGN PROCESS/HEALTH AND SAFETY COORDINATOR NAME:	Project Supervisor for the Design Process/ Health and Safety Coordinator Entry [block letters]		

APPENDIX N: HEALTH AND SAFETY COMPLIANCE DECLARATION – Contractor/Specialist as DESIGNER

I hereby declare that the applicant has a Safety Statement in the format outlined at http://www.hsa.ie/eng/Publications_Forms/Publications/Safety_and_Health_Management/Guidelines%20on%20Risk%20Assessments%20and%20Safety%20Statements.pdf which will be provided on request and that all of the requirements listed below are addressed in the Safety Statement as is the evidence relating to the *minimum standards* also listed below which have been met. If the requirements and minimum standards have not been addressed in the Safety Statement separate evidence is to be provided on request which demonstrates that such requirements and minimum standards have been met.

The following evidence is to be provided at the appropriate time.....	.and.the minimum standard is
<ul style="list-style-type: none"> a copy of our current general health and safety policy; 		<ul style="list-style-type: none"> a general Health and Safety policy document appropriate to the relevant design discipline
<ul style="list-style-type: none"> an outline of our management organisational structure with regard to allocation of duties, delegation of responsibilities, etc., in relation to Health and Safety; 		<ul style="list-style-type: none"> the relevant management organisational structure document indicating the duty holders responsible for Health and Safety;
<ul style="list-style-type: none"> copies of standard forms used for risk assessments as part of our duties under the Safety, Health and Welfare at Work Act 2005; 		<ul style="list-style-type: none"> standard risk assessment forms (relevant to projects of a similar size, nature and complexity) covering all stages of a project life cycle from early design stage to project completion;
<ul style="list-style-type: none"> details of arrangements for Continuing Professional Development (both relevant to the design discipline and health and safety) of personnel, including personnel who would be employed on the project; 		<ul style="list-style-type: none"> evidence of CPD training arrangements in place (for Designers) appropriate to the size and complexity of the work;
<ul style="list-style-type: none"> details of the company's procedures for disseminating up-to-date developments on health and safety issues; 		<ul style="list-style-type: none"> evidence that there is an adequate organisational structure in place within the company to facilitate the dissemination of up-to-date developments on health and safety issues.
<ul style="list-style-type: none"> details of the company's arrangements for the co-ordination of information between the different designers and technical disciplines involved in a project; 		<ul style="list-style-type: none"> evidence that there are adequate arrangements in place for the coordination of information between Contractor's designer team members with adequate mechanism in place that tracks and records delivery and receipt of information distributed.
<ul style="list-style-type: none"> details of the methodology for the dissemination of health and safety information for the design and construction stage on this or equivalent projects; 		<ul style="list-style-type: none"> evidence of adequate structured procedures relevant to the size and complexity of the project to ensure that the Contractor's role as Designer is clearly demonstrated and that health and safety information is disseminated to the relevant parties and appropriate action taken.

SIGNATURE OF CONTRACTOR AS DESIGNER:		DATE:	
NAME OF CONTRACTOR AS DESIGNER:	Contractor as Designer Entry [block letters]		

APPENDIX O: Declaration that Applicant can meet Minimum Health and Safety Standards in regard to Educational and Professional Qualifications in Supplement 3.4.1 to Suitability Questionnaire

On letter-headed paper of Contractor

To:	<div>[Name and address of Contracting Authority]</div>	
Regarding:	<div>[Title of contract]</div>	
Date:	<div></div>	

Minimum health and safety standards in Supplement 3.4.1 for criteria 3.4.1a and 3.4.1b

A Dhaoine Uaisle

I declare that as an applicant interested in being assessed for suitability for *[insert name of project]* I declare that I can meet the minimum health and safety standard for the Educational and Professional Qualifications criteria in Supplement 3.4.1 attached to Suitability Questionnaire *[QW1/QW2/QW3]*.

Furthermore, I will provide the required evidence within seven calendar days to support this declaration when requested to do so *[during tender evaluation stage/ after short-listing]*¹⁵.

Is mise, le meas

Signed _____

On behalf of *[Name of Contractor]*

¹⁵ Delete text in italics as appropriate

APPENDIX P: Declaration that Applicant can meet Minimum Health and Safety Standards in regard to Educational and Professional Qualifications in Supplement 3.4.2 to Suitability Questionnaire

On letter-headed paper of Contractor

To:	<div>[Name and address of Contracting Authority]</div>	
Regarding:	<div>[Title of contract]</div>	
Date:	<div></div>	

Minimum health and safety standards in Supplement 3.4.2 for criteria 3.4.2a and 3.4.2b

A Dhaoine Uaisle

I declare that as an applicant interested in being assessed for suitability for *[insert name of project]* I declare that I can meet the minimum health and safety standard for the Educational and Professional Qualifications criteria in Supplement 3.4.2 attached to Suitability Questionnaire *[QW1/QW2/QW3]*.

Furthermore, I will provide the required evidence within seven calendar days to support this declaration when requested to do so *[during tender evaluation stage/ after short-listing]*¹⁶.

Is mise, le meas

Signed _____

On behalf of *[Name of Contractor]*

¹⁶ Delete text in italics as appropriate

APPENDIX Q: Letter of Undertaking from Surety Company regarding Bond

On Surety's letterhead

To:	<div>[Name and address of Candidate]</div>	
Regarding:	<div>[Title of contract]</div>	
Date:	<div></div>	<div></div>

A Dhaoine Uaisle

We confirm that we have bond facilities in place which would enable us to act as sureties on your behalf in relation to the above contract, the amount of the bond to be not more than €_____ as required by the contract.

Therefore, subject to a satisfactory application, we expect that a bond can be issued within 4 weeks of the receipt by us of the relevant application, subject to our normal terms and conditions.

We understand that you will be giving a copy of this letter to

[Name of Employer]

We look forward to receiving an application from you if your tender is successful.

Is sinne, le meas

Director

[Name of Surety Company]

Note: This letter should be provided on request after short listing or in the case of open tendering procedure at tender evaluation stage

APPENDIX R: Template of Core Elements in a Health and Safety Management System. (Note – OSH = occupational health and safety)

NO.	CORE ELEMENT OF SYSTEM	OVERVIEW of CONTENT
1	Policy and Arrangements	Safety and Health Policy Outline of worker participation
2	Organisation outline and management	Responsibility and accountability Competence and training Management system documentation Communication
3	Planning and Implementation	System planning, development and implementation OSH objectives Hazard prevention and control measures Management of change Emergency prevention preparedness and response; Procurement Contracting arrangements
4	Monitoring and Evaluation	Performance monitoring and measurement Investigation of work-related injuries, ill health, diseases and incidents, and their impact on safety and health performance Audit and management review arrangements
5	Actions for Continual Improvement	Preventive and corrective action Continual improvement;

APPENDIX S: FINANCIAL ROBUSTNESS PROCESS

Contracting Authorities should adopt a ‘staircase’ approach when deciding on how financial robustness should be assessed in a particular case. Furthermore, Criterion 4 should always be used in conjunction with this criterion. The staircase approach could be for example:

- Contracts under €5m set of accounts that are not qualified by an auditor as a going concern.
- Contracts between €5m to €30m put through designated metrics set out in the Suitability Questionnaire by the Contracting Authority
- Contracts over €30m put through a more robust set of designated metrics set out in the Suitability Questionnaire by the Contracting Authority

Financial robustness is mainly measured by examining an applicant’s accounts. The items considered include:

- The report contained in the accounts
- The note to the accounts
- The information contained in the financial statements; trends in figures across time periods and financial ratios covering areas like liquidity, gearing, profitability, etc.

It should be noted that turnover has very limited influence on solvency, liquidity and profitability parameters and therefore on its own is not sufficient to determine the financial robustness of a business at a particular point in time.