

## 14 May 2020 – Note and Template Checklist for the Re-opening of Sites Closed due to the Covid-19 Response Measures

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### 1. Purpose of this Note

Following the Public Health Measures as published on 28 March 2020 aimed at helping prevent the spread of Covid-19, work on non-essential projects ceased and Contractors closed their sites.

The ‘Roadmap for the Reopening of Society and Business’ (‘the Roadmap’) was published by Government on 1 May 2020. Subject to final confirmation by Government that Phase 1 of the Roadmap may commence on 18 May 2020, and compliance with the ‘Return to Work Safely Protocol’ (‘the Protocol’<sup>1</sup>), the construction activities in Phase 1 may re-commence from 18 May 2020.

The purpose of this Note is to provide guidance to those Employers/Clients that are currently a party to a CWMF standard form Public Works Contract or standard Conditions of Engagement, or both, in relation pre-start preparations for works on sites that may re-commence from 18 May 2020.

Employers and/or Clients (as appropriate) may send any queries they may have in relation this note to [construction@per.gov.ie](mailto:construction@per.gov.ie)

### 2. Stage 1 – Pre-Start Preparations

Whilst it is the Contractor, and not the Employer, who must determine it is safe to commence working, nonetheless the Employer should be satisfied that the Contractor is in a position to meet the requirements of the Protocol and their contractual obligations.

In this regard, the Employer’s Representative (ER) should request the Contractor to engage on a ‘without prejudice’ basis to discuss their preparations in advance of the re-commencement of work on site. A template checklist covering the matters to be discussed as part of that engagement is provided at Appendix A to this note.

The template checklist is intended to be the starting point for the development of a checklist of the points to be raised with the Contractor to determine their state of readiness to re-commence work on site. The template is not exhaustive and the ER, in finalising the checklist, should consider the particular circumstances of the project, its location and stage of development.

A failure to demonstrate that Items 1 – 4 inclusive of the template checklist have been satisfactorily addressed raises questions as to the capacity of the Contractor to manage a return to work in compliance with the Protocol.

Notwithstanding that the Contractor has satisfactorily addressed items 1 – 4 in the template checklist, the availability of the Contractor’s personnel and supply chain should also be determined. The response to item 5 of the template checklist will indicate the extent to which the Contractor has engaged with resources and the supply chain.

The pre-start engagement will be limited to understanding the capacity of the Contractor to re-commence work from 18 May 2020. It marks the start of an ongoing process to determine the impact which the enduring Public Health Measures and the application of the Protocol will have on the Contractor’s obligations under the Contract.

### 3. Stage 2 – Re-Commencing the Works

Further guidance will issue on the framework for engagement under the Public Works Contract to manage the impact of enduring Public Health Measures and the Protocol on the Works.

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<sup>1</sup> jointly published by the Departments of Business, Enterprise and Innovation and Health on 9 May 2020

**Appendix A – Template Checklist for a Without Prejudice Engagement between the Employer’s Representative and the Contractor in relation to the re-commencement of works on site for Public Works Contracts.**

	<b>Assessment of Covid-19 Implications<sup>2</sup></b>	<b>Responses / Proposed Mitigation Measures where required</b>
1.	<p><b>Public Health Measures</b></p> <ul style="list-style-type: none"> <li>a. Site access control measures required to minimise risk of infected persons present on site – assessment, reporting, records to facilitate contact tracing.</li> <li>b. Appropriately enhanced site welfare facilities – washrooms, eating facilities, drying rooms, etc.</li> <li>c. Enhanced cleaning regime for welfare facilities and site.</li> <li>d. Social distancing - can requirements be met while allowing work to be carried out safely?</li> <li>e. Staggered times – does compliance with ‘social distancing’ require adoption of irregular working times / patterns?</li> <li>f. If yes to 1e, have arrangements been confirmed with personnel affected?</li> <li>g. Will extended working hours, if required, infringe relevant Local Authority constraints?</li> <li>h. Are there appropriate arrangements in place to manage circumstance where a person on the site, attempting to access the site or who has previously been on or visited the site, is discovered to be possibly infected?</li> <li>i. Has the Health and Safety Plan been updated by the PSCS to reflect the requirements of the ‘Return to Work Safely Protocol’ published by the Departments of Business, Enterprise and Innovation and Health (‘the Protocol’)?</li> </ul>	
2.	<p><b>Availability of Personal Protective Equipment</b></p> <ul style="list-style-type: none"> <li>a. Is additional PPE to that utilised by Contractor’s personnel prior to Covid-19 measures required?</li> </ul>	

<sup>2</sup> The list given below is not exhaustive, the ER, when finalising it, should consider the particular circumstances of the project, its location and stage of development.

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	<p>b. Is all required PPE (normal and additional) available for the restart and on an ongoing basis?</p>	
<b>3.</b>	<p><b>Access of personnel to the site</b></p> <p>a. Are adequate car parking facilities available for those who wish / are obliged to drive to work as a consequence of the Covid-19 measures?</p> <p>b. Proportion of workers relying on public transport and availability thereof.</p> <p>c. Arrangements to reach the site in place for workers who previously shared private or company transport.</p>	
<b>4.</b>	<p><b>Community Impacts</b></p> <p>a. Is the construction site close to residential areas and a potential cause of concern to neighbours?</p> <p>b. Is there a risk that workers from the site may congregate outside the site or in local shops?</p> <p>c. If yes to either 4a or 4b, set out the mitigation measures to be adopted.</p> <p>d. Are staggered start and finish times required to reduce the potential for concern amongst those living / working in the locality of the site?</p> <p>e. Is the site close to health facilities?</p> <p>f. If yes to 4e, are there increased constraints on site activities as a result?</p>	
<b>5.</b>	<p><b>Resources and Supply Chain</b></p> <p>a. Availability of Contractor’s personnel, including subcontractors, to progress the Works regularly and diligently.</p> <p>b. Availability of materials generally.</p> <p>c. Availability of particular materials with critical path significance.</p>	
<b>6.</b>	<p><b>Pre-Start Site Assessment Report</b></p> <p>Period required by the Contractor to assess the site and report on consequences of the work cessation, prior to recommencement of construction.</p>	