Suitability Assessment Questionnaire

for

An Engineer Led Integrated Multi-Disciplinary Consultancy Services Design Team through Stages II to V inclusive of the Department of Public Expenditure & Reform Capital Works Management Framework including PSDP Consultancy Services and all other services to complete the project
Kilkenny City Centre Vibrant Streets West

to be assessed under an

Open Procedure

PART 1

Information for Tenderers, Project Particulars and Suitability Assessment Questionnaire

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Suitability Assessment for Service Provider
Open Procedure
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NOTES FOR CONTRACTING AUTHORITIES

Preparing this Document

The Suitability Assessment Questionnaire document comprises two separate parts.

Part 1, this document, which is completed by the Contracting Authority and uploaded to eTenders to provide the information for Applicants about the project, the submission requirements and the Qualification Criteria that will be applied to determine the suitability of Applicants to perform the services.

Part 2, which is completed by Applicants, having been prepared and uploaded to eTenders by the Contracting Authority along with Part 1. The Contracting Authority is required to complete the cover page and section 2.4 where Applicant details are required in addition to those specified.

Part 1 contains the three sections:

Section 1 Information for Applicants, which requires no input from the Contracting Authority.

Section 2 Project Particulars, which gives details of the project and the Contracting Authority's requirements for the submission of the response to the Questionnaire ("the SAQ Submission"), the rules of tender and particulars thereof are in the Instructions to Tenderers which accompany this Questionnaire.

Section 3 Suitability Assessment Criteria, which sets out the Qualification Criteria that apply in the Competition which Applicants are required to meet in order to permit their Tender to be evaluated. This section must be prepared by the Contracting Authority by selecting appropriate suitability assessment criteria to apply as Qualification Criteria and setting minimum standards under each such criterion that are proportionate to the project in question and the type of response that the Applicant is required to provide. Where it is deemed appropriate, the Contracting Authority may specify those criteria for which Applicants may declare that they meet the standards required under such criteria. Where this is a permitted response, Applicants must be able to provide evidence in support of such declarations promptly should this be requested at any stage by the Contracting Authority.

Part 2, Applicant Details and Declaration also contains three sections:

Section 1 General.

Section 2 Applicant Details, which is used to collect basic information about the Applicant and any sub-contractor proposed to provide a specialist skill or other entities upon whom the Applicant relies in order to meet the requirements of any Qualification Criteria in Part 1 of the Questionnaire. If the Contracting Authority requires further details in addition to the standard details therein, the Contracting Authority must specify these requirements in section 2.4 prior to issuing Part 2. The Applicant must complete Section 2.

Section 3 Applicant Declaration, the Applicant must complete and sign Section 3 and provide any evidence or information required by Part 1 of this Questionnaire.

The Questionnaire is issued as a protected MS Word form (text other than form fields is protected).

IMPORTANT NOTICE FOR APPLICANTS

Purpose

This Suitability Assessment Questionnaire ("this Questionnaire") is issued in relation to a tender competition run under the open procedure. Its purpose is to obtain information to carry out a suitability assessment of Applicants responses so as to establish if they should go forward to tender evaluation that may lead to a contract award for those services stated in Section 2.4 of the Project Particulars.

In this Questionnaire, the term Applicant is used for an Individual (Sole) Trader, a single entity, a Partnership, a Consortium or any other type of Joint Venture seeking to be awarded the Contract. If the role of PSDP or PSCS is required, the entity providing that skill must be an individual (sole) trader or company (i.e. body corporate) that constitutes an acceptable entity for the purpose of this project.

This Questionnaire and any related documents must not be used for any other purpose.

This Questionnaire should be read in conjunction with the Instructions to Tenders ("the Instructions") issued with this Questionnaire.

Applicants must also review the Instructions to Tenderers documentation and should note that the general competition rules and Contracting Authority reserved rights set out therein (e.g. with regard to query process) apply equally to this Questionnaire.

Multiple Participation

If any individual or group of individuals is included in more than one Applicant's submission for the same contract, a statement should be provided to the effect that the Applicant is aware of this multiple participation and that it has been brought to the attention of all the consortia of which that individual or group is a member.

The Contracting Authority will then investigate the circumstances to see if this multiple participation could result in a distortion of competition. Where it is felt that competition may be distorted, the Contracting Authority may take such steps as it deems appropriate which may include limiting the number of bidding teams with which an entity may participate, disqualifying relevant Applicants or such other steps as it deems appropriate subject to the principles of applicable law.

GLOSSARY

Acronyms or capitalised terms used throughout this Questionnaire are defined in this glossary.

Applicant	The term is used for an Individual (Sole) Trader, a single entity, a Partnership, a Consortium or any other type of Joint Venture seeking to be awarded the Contract.
Specialist Skill Provider	In this Questionnaire, refers to an entity proposed by the Applicant to provide specialist skills services described in Section 1.4 of the Particulars. Note that a Specialist Skill Provider may be: (a) the Applicant itself (or a member of an Applicant which is a Consortium, Joint Venture or Partnership); or (b) a subcontractor.
BC(A)R	Building Control Regulations 1997 – 2021 and any amendments thereto.
CA	Contracting Authority
Candidate/Qualified Candidate	A Candidate is an Applicant who has submitted a Tender. A Qualified Candidate is a Candidate who has passed the suitability assessment.
Competition	The tender competition to which this Questionnaire relates.
Consortium	An association or combination of businesses or individuals who combine with the purpose of delivering a single objective.
Construction Regulations	Safety, Health and Welfare at Work (Construction) Regulations 2013 and any amendments thereto.
Contract	The Conditions of Engagement that may be awarded by the Contracting Authority for the Services at the conclusion of this Competition.
CRO	Companies Registration Office.
CWMF	The Capital Works Management Framework is mandated by Circular for public sector construction procurement and consists of a suite of best practice guidance, standard contracts and generic template documents available for download at http://constructionprocurement.gov.ie/.
Designer	Has the meaning given in the Construction Regulations.
ESPD	European Single Procurement Document, which, where required, the Applicant, any members of an Applicant and any entities relied upon by the Applicant or any members of an Applicant, must complete in order to provide a self-declaration in regards to the situations referred to in Regulation 57 of SI 284/2016, and to declare that the Applicant meets the Qualification Criteria in the Competition. An eESPD refers to the electronic ESPD.
European Procurement Regulations	SI 284 of 2016 (European Union (Award of Public Authority Contracts) Regulations 2016) or SI 286 of 2016 (European Union (Award of Contracts by Utility Undertakings) Regulations 2016), as may be applicable to the Competition.
Foreign Subsidies Regulation (FSR)	Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market.

GLOSSARY

FSR Annex	Annex to this Questionnaire, issued by the Contracting Authority when the Competition is subject to the application of the Foreign Subsidies Regulation.
Joint Venture	A joint venture is a contractual business undertaking involving two or more parties.
OJEU	Official Journal of the European Union.
Partnership	A business that has two or more owners who are individually liable for the entity's actions.
Principal Services	The services described in Section 2.4 of the Project Particulars. Where more than one Principal Service is required, a separate Questionnaire in respect of each Principal Service is issued by the CA.
PSCS	Project Supervisor Construction Stage appointed by the Employer in accordance with the Construction Regulations.
PSDP	Project Supervisor Design Process appointed by the Employer in accordance with the Construction Regulations.
Qualification Criteria	The suitability assessment criteria selected by the Contracting Authority in Section 3 of this Questionnaire to apply in this Competition and are those criteria where "Yes" is marked in the column "Applicable Criterion/Requirement".
Questionnaire	This Suitability Assessment Questionnaire, including annexes and related documents.
Specialist Skills	Those specialist service areas described in the Section 2.4 of the Particulars required as part of the principal services.
Tenderer	A person or entity (or group of persons) who submits a tender

SECTION 1: INFORMATION FOR APPLICANTS

1.1. INTRODUCTION

This Section 1 contains information in relation to the completing this Questionnaire.

Section 2, Project Particulars ("the Project Particulars"), set out the submission requirements and summarises the key features of the service provision such as the Principal Services required, Specialist Skills required, any known particular risks, etc. Applicants should read this information carefully before submitting their response to this Questionnaire ("the SAQ Submission"). The associated Tender documents will provide greater detail on the scope of the service provision. The Project Particulars also state whether the grounds for exclusion contained in Regulation 57 (Exclusion Grounds) of SI 248/2016 (and any additional grounds for exclusion) apply to this Competition.

Section 3, Suitability Assessment Criteria sets out the minimum standards under the Qualification Criteria that the Applicant must meet in order to pass the suitability assessment. In an open procedure the Qualification Criteria are assessed on a Pass/Fail basis. Where a response to the Questionnaire fails to meet the minimum standards set out in Section 3, then the relevant Applicant will be eliminated from further participation in the Competition. The Applicant must follow the instructions set out in the Questionnaire and submit the information required in the format described otherwise the submission may be declared invalid.

1.2. SUITABILITY ASSESSMENT SUBMISSION REQUIREMENTS

Applicants must complete and submit the following documents ("the SAQ Submission"):

(i) Part 2 of this Questionnaire; and
(ii) where the Project Particulars state that grounds for exclusion in Regulation 57 of SI 284/2016 apply to this Competition, a self-declaration regarding the Tenderer's circumstances either in the form of an ESPD, or Appendix A, as stated in the Project Particulars; and
(iii) any evidence or other supporting documentation required by this Questionnaire.

Completing Part 2 of the Questionnaire

The Tenderer must always complete and submit Part 2 of this Questionnaire (in addition to providing any evidence or supporting documentation required by this Questionnaire). In Part 2, Tenderers must provide information on the Tenderer's organisation(s) and, where applicable, any entities upon whose capacity they rely for the purpose of meeting the requirements of any of the Qualification Criteria in Part 1.

The Tenderer must always complete and sign the Declaration in Part 2, otherwise the SAQ Response may be declared invalid. In addition, in competitions above the EU thresholds, the Applicant shall also complete an ESPD. The Declaration in Section 3 must still be completed and signed even where the Tenderer has submitted an ESPD.

Where an ESPD is required to be submitted, the Tenderer must complete Parts II (Information concerning the economic operator), Part III (Exclusion Grounds), Part IVα (Selection Criteria) and Part V (Concluding Statement) of the ESPD. Part IVα is completed by selecting "YES" to confirm that the Tenderer meets the Qualification Criteria in the Competition.

Tenderers may use an existing ESPD, provided however that their circumstances have not changed since the ESPD was originally completed.

Providing Evidence

Where evidence is required to be submitted as part of the SAQ Response, the Tenderer must only provide evidence that is current up to the date of submission of the SAQ Response.

Failure to submit the required evidence with the SAQ Response may result in exclusion from this Competition.

Where the required means of submission of the SAQ Response is by electronic submission, the Contracting Authority reserves the right to inspect any original hardcopy signed documents.

1.3. SAQ SUBMISSIONS WHERE MULTIPLE PRINCIPAL SERVICE PROVIDERS ARE REQUIRED

Where there are multiple Principal Service Providers required under Section 2.4 of the Project Particulars, a separate Questionnaire will be prepared by the Contracting Authority for each Principal Service Provider. The corresponding Part 2 of each such Questionnaire of each such Questionnaire must always be completed by the Applicant for the Principal Service in question, and the responses to the separate Questionnaires collated by the Lead Applicant and returned as a single Suitability Assessment Submission.

Where a single entity applies for more than one Principal Service, they do not need to respond to criteria 3.2 and 3.3a – 3.3g (as may be applicable) for each Questionnaire, provided they submit the required information in one of their responses and reference it in all of their responses to the Suitability Assessment Questionnaire(s).

1.4. SAQ SUBMISSIONS BY CONSORTIA, JOINT VENTURES OR PARTNERSHIPS

Where an Applicant is a Consortium, Joint Venture or Partnership, each member of the Consortium, Joint Venture or Partnership must respond to the applicable sections of Section 3 of this Questionnaire and (and Part 2) and the responses are submitted as a single SAQ Submission by the Lead Member.

Where Applicants are required to submit a completed ESPD, each member of a Consortium, Joint Venture or Partnership, and any entity being relied upon for the purposes of this Questionnaire, each member of the Applicant must submit a completed ESPD.

1.5. SPECIALIST SKILL PROVIDERS

Where specialist skills (as identified in Section 2.4 of the Particulars) are required, these may be provided either by the Applicant itself or by specialist sub-consultants and in both cases, evidence required should accompany the Application as instructed in the Questionnaire. Where evidence is provided in support of any criteria, the Applicant must reference the criterion to which it refers.

Where an Applicant proposes that a sub-consultant undertakes a specialist skill, such an entity will be treated as an entity being relied upon by the Applicant, and the requirements of Section 1.6 below and Section 3.2 Reliance on Resources of the Instructions to Tenderers, apply to such an entity. Where an Applicant is required to submit an ESPD, the entity relied upon by the Applicant for a specialist skill must also submit an ESPD.

The Contracting Authority reserves the right to require a collateral warranty in the form of MF 2.3 *Collateral Warranty for Sub-Consultants* for any sub-consultant providing the Specialist Skills listed in the Project Particulars.

1.6. RELIANCE ON RESOURCES

Where, in order to meet any applicable criteria in Section 3.3 (Financial and Economic Standing) (including for the avoidance of doubt, with respect to evidence of turnover), and/or in Section 3.4 (Technical Capability) of this Questionnaire, an Applicant (or any member of an Applicant which is a Joint Venture, Consortium or Partnership) relies on the capacities of other entities or undertakings with which it is directly or indirectly linked, whatever the legal nature of those links may be (including, for example, but not limited to, a parent company and/or a subcontractor/sub-consultant, including a specialist skill provider who is not the Applicant itself, the entity being relied upon shall provide a response to the applicable Sections of this Part 1 and Part 2, and where the ESPD applies to this Competition, the entity shall complete an ESPD.

The Applicant will be required to demonstrate to the satisfaction of the Contracting Authority that the capacities relied upon will actually be available to the Applicant if it is awarded the Contract.

For the purposes of demonstrating that the resources relied upon will be available at this stage of the Competition, the Contracting Authority will accept[1]:

- a letter in the form of Appendix 1 to this Questionnaire – *Letter from entity relied upon*; or
- a completed ESPD signed by the entity being relied upon (where an ESPD applies in this Competition).

If availability of capacities is not established to the satisfaction of the Contracting Authority, the Contracting Authority will assess the suitability of the Applicant without taking into account the capacities of such an entity or entities.

The Applicants attention is drawn to the requirements of Section 3.2 Reliance on Resources in the Instructions to Tenderer for further detail in relation to requirements to provide contractual commitments at contract stage.

1.7. RESPONDING TO QUALIFICATION CRITERIA

The qualification criteria that will be used in evaluating SAQ Submissions to see if they pass the suitability test are set out in Section 3 and are those criteria where “Yes” is marked in the column “Applicable Criterion/Requirement”. All are simple Pass/Fail criteria – these are requirements that must be met in full and, if passed, the Applicant will satisfy the suitability test. If a criterion is failed, the Applicant is eliminated from the tender competition. Where specialist skills and Health and Safety sub-criteria are included in any criterion, then these too must be passed, otherwise the Applicant will be eliminated from the tender competition.

The Applicant must follow the instructions and respond as required by the following titles under the ‘Response’ heading for each criterion:

Where the response for a qualification criterion is marked as Response: **EVIDENCE REQUIRED**, in addition to providing the completed Part 2 of this Questionnaire, Applicants must provide the information specified. Applicants should not purport to have responded to any such criterion solely by having provided the completed Part 2 of this Questionnaire (and/or an ESPD [where an ESPD is required]. The evidence submitted must prove that the Applicant meets the relevant criterion as of the date of submission of the Applicant's Tender. Failure to submit the required evidence with the SAQ Submission may result in exclusion from the Competition.

[1] Alternate evidence may be acceptable to the Contracting Authority

Where the response for a qualification criterion marked as Response: **DECLARATION REQUIRED**, it shall suffice for the purposes of responding to this Questionnaire for the Applicant to complete the Declaration in Part 2 of this Questionnaire, and may also respond by way of the ESPD, where an ESPD is required. The Declaration in Part 2 of this Questionnaire will be required even if the Applicant is also submitting an ESPD. The Contracting Authority may, at any time, request supporting documentation substantiating any declaration made in respect of any or all such criteria. Supporting documents must prove that the Applicant meets the relevant criteria as of the date of submission of the Applicant's Tender. Where the Contracting Authority requests supporting documentation substantiating any declaration made in respect of any or all such criteria, the supporting documents must be provided promptly and within the timeframe specified by the Contracting Authority. Failure to provide the requested supporting documentation within the timeframe specified may result in exclusion from the competition.

Where the response for a qualification criterion marked as Response: **NOT REQUIRED**, Applicants should not provide the information.

1.8. GROUNDS FOR EXCLUSION

1.8.1 Regulation 57 of 284/2016

Note: Where a Competition is subject to the application of European Procurement Regulations, Regulation 57 (Exclusion Grounds) of SI 284/2016 will automatically apply. Where a Competition is not subject to the application of the European procurement regulations, a Contracting Authority may elect to apply the grounds for exclusion in Regulation 57 in SI 284/2016 in the Competition. The position for the Competition is set out in the Project Particulars.

The grounds under which the Contracting Authority may exclude an Applicant, any member of an Applicant, or any entity relied upon by the Applicant, from participation in this Competition are set out below.

Where grounds for exclusion apply in the Competition, the Applicant, each member of the Applicant (where the Applicant is a Joint Venture or Consortium or Partnership); and, any entity being relied upon by the Applicant (or any member of the Applicant) (including Applicant's Specialist Skill Providers), must provide a declaration regarding the situations referred to below by completing an ESPD or Appendix A as stated in the Project Particulars.

The term 'Applicant' as used below refers to each of (a) the Applicant (b) a member of the Applicant (where an Applicant is a Joint Venture, Consortium or Partnership) (c) any entity being relied upon by the Applicant.

Subject always to the provisions of Regulation 57 of the European Union (Award of Public Authority Contracts) Regulations 2016 (SI 284 of 2016):

(a) if:

(i) the Applicant is in one of the situations listed in Regulations 57(1) or 57(3) of SI 284 of 2016; or

(ii) a member of the administrative, management or supervisory body of the Applicant/member of the Applicant, or a person having powers of representation, decision or control therein, is in one of the situations listed in Regulation 57(1) of SI 284 of 2016,

the Applicant shall be excluded from the Competition;

(b) if the Applicant (or any member of the Applicant, in the case of a Joint Venture, Group or Consortium), is in any of the situations listed in Regulation 57(4) or 57(8) of SI 284 of 2016

selected by the Contracting Authority for the purposes of this Competition, the Applicant may be excluded from the Competition.

Any Applicant which is in one of the situations referred to above must provide details of any factors or circumstances which it believes are relevant to the Contracting Authority's assessment of whether the existence of these grounds should lead to the exclusion of the Applicant. For example, where an Applicant is in one of the situations referred to above but has taken measures which it believes are sufficient to demonstrate its reliability, that Applicant may provide evidence of such measures to the Contracting Authority for consideration. Applicants should note that, with regard to the situations listed in (a) above, the circumstances which the Contracting Authority may take into account before deciding whether or not to exclude an Applicant are prescribed by law, and Applicants are directed to Regulation 57 of the 2016 Regulations in this regard.

If an entity being relied upon is in one of the situations listed above, the Contracting Authority may require that the Applicant replaces such entity with another entity which is not in any of these situations. In the event that the entity cannot be replaced with another entity to whom the grounds do not apply (including where the Contracting Authority concludes that to permit such replacement would be contrary to law), the Contracting Authority reserves the right to eliminate the Applicant from the Competition.

Where grounds for exclusion apply in the Competition, the Applicant, each member of the Applicant and any entity being relied upon by the Applicant (or any member of the Applicant, including specialist skill providers who are not the applicant itself), must provide a self-declaration regarding the situations referred to above in the form of an ESPD (where the Competition is subject to the application of the European Procurement Regulations), or, by completing the self-declaration in the form of Appendix A – Self Declaration re Regulation 57 (where the Competition is not subject to the application of the European Procurement Regulations), as specified in the Project Particulars.

Note: The Contracting Authority may, at any time during the Competition, require the Applicant to provide the confirmation in MF 2.7 *Declaration Under Oath/Solemn Oath*, and where the Declaration Under Oath/Solemn Oath pre-dates the date of submission, Applicants must also provide the confirmation in MF 2.8 *Confirmation Oath Still Valid*.

1.8.2 ADDITIONAL GROUNDS FOR EXCLUSION

The Contracting Authority reserves the right to exclude any Applicant from the Competition should the Contracting Authority be of the view that entry into the Contract with such Applicant (bearing in mind any Applicant members (where the Applicant is a Consortium, Joint Venture or Partnership), entities relied upon or sub-consultants) would be contrary to any applicable law or regulation, including any applicable sanctions regimes.

Where required in the Particulars, Applicants shall be required to disclose in their SAQ Submission any issues giving rise to possible sanctions applications.

1.8.3 FOREIGN SUBSIDIES REGULATION

Where the Project Particulars state that Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 *on foreign subsidies distorting the internal market* - (the Foreign Subsidies Regulation) - applies to the Competition, (having regard to the estimated value of the Contract[2]), the FSR Annex forms part of this Questionnaire.

[2] Where the estimated value of the contract is above €250m [or the equivalent in Lots (€125m)

SECTION 2: PROJECT PARTICULARS

2.1. REQUIREMENTS IN RELATION TO THE SAQ SUBMISSION

Exclusion Grounds (Regulation 57 of SI 284/2016)	
Tenderers (and members of the joint venture, consortium, partnership and entities relied upon) must complete and submit a self-declaration in relation to Regulation 57 (Exclusion Grounds) of SI 284/2016 the form of:	an ESPD
Regulation (EU) No 833/2014 as amended by Council Regulation (EU) 2022/576 - Sanctions Against Russia	
Tenderers are required to declare, by completing in declaration in Part 2, that the Tenderer, any members of the Tenderer and entities relied upon do not exceed the limit set in Article 5k of Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's destabilising the situation in Ukraine, as amended by Council Regulation (EU) No 2022/578 of 8 April 2022.	N/A
The Foreign Subsidies Regulation (EU) 2022/2560 of the European Parliament and Council of 10 July 2023 - on foreign subsidies distorting the internal market (the FSR)	
Does the Foreign Subsidies Regulation apply to this Competition?	N/A

2.2 NOT USED

2.3 NOT USED

2.4 Principal Services Required

Principal Service: Consultancy (Technical)	Code: CE
Scope of Service:	Full Service as detailed in the Outline Brief and Service Requirement document as attached to this tender.

Specialist Skills required	Civil Engineering, Urban Realm/Landscape Architectural Services, Traffic and Transportation Engineering, Ecological Consultancy Services, Archaeology, Project Management, Quantity Surveying, Contract Management, Employers Representative, PSDP, Road Design, Structural Design, Geotechnics, Quantity Surveying, Supervision (S), Health and Safety (HS), Public Lighting (PL), Feature Lighting (FS)

2.5 Other Services

Title of Other Services

2.6 Health and Safety

2.6.1 Project Categorisation for Health and Safety Competence Assessment

Project categorization for purpose of assessment of the role of Principal Service Provider or Specialist Skill Provider where such skills are required under Section 2.4 of the Project Particulars:	**Type 2**[3]

The successful Tenderer will be required to comply with the Safety, Health and Welfare at Work Act 2005 and any subsequent Safety, Health and Welfare legislation including the Safety Statement requirement.

The successful Tenderer will also be required to comply with the Construction Regulations particularly where the Construction Regulations apply to the service provision.

Health and Safety competencies for those to whom the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended) apply will be assessed as part of Section 3 – the Suitability Assessment Questionnaire.

Areas of the works involving Particular Risks known to the Contracting Authority at the time of issue[4]:

[3] Type 1 applies to projects that have a value of <€1M (Exclusive of VAT); Type 2 applies to projects that have a value of > €1M and < €10M (Exclusive of VAT); and Type 3 applies to projects that have a value > €10M (Exclusive of VAT). However considerations in relation to the H&S risk must also be taken into account in deciding on the project type. If there is a high H&S risk the category may need to be higher than that indicated by the project value above. The category of project chosen then governs decisions to be made about criteria and requirements in Section 2 of the form.

[4] Particular Risks are defined at Schedule 1 to the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended). **Please note that the list provided under that Schedule is not exhaustive.**

The full nature and extent of particular risks relating to the project have not yet been established and shall be identified and assessed by the appointed PSDP and Design Team Consultants during the design stage. Known potential risks include but are not limited to the following:

- Working adjacent to pedestrians/live traffic;
- Working in confined areas;
- Works which put a person at risk from burial under building materials/earthworks;
- Works in areas which put a person at risk from chemical or biological substances;
- Work near high voltage lines underground or overhead;
- Work involving possible demolitions;
- Work near unstable structures;
- Work involving the assembly or dismantling of heavy prefabricated components;
- Works where there may be a danger of falling objects;
- Live Services including overhead and underground ESB services;
- Works in an Urban Environment/City Centre location;
- Works to structures, buildings, properties;
- Installation of materials, plant and equipment;
- Security of site;
- Working adjacent to watercourses;
- Fire safety;
- Shared access to the sites for construction vehicles;
- Works left in a temporary, unfinished state;
- Maintaining pedestrian access across construction traffic routes;
- Maintaining pedestrian and vehicular access to the town streets;
- Working in close proximity to existing underground services;
- Working directly adjacent to existing occupied buildings;
- Ground conditions;
- Fire safety during the works and maintaining fire egress routes from existing buildings;
- Working in confined spaces;
- Transportation of material and equipment;
- Works involving electricity;
- Works involving manual handling;
- Working close to adjacent buildings;
- Working in or around deep excavations;
- Works involving archaeology and archaeological excavations;
- Working adjacent to a Protected Structures;

The above is an non exhaustive list and the relevant project risks will need to be identified and assessed by the appointed PSDP and the Design Team Consultants.

SECTION 3: SUITABILITY ASSESSMENT CRITERIA

Contracting Authority's Assessment Scheme

Applicants: The table below summarises the qualification criteria that will apply to your service provision, what you are required to submit in response to each criterion and how the criteria will be assessed – in an open procedure it will always be assessed on a pass/fail basis. Where a criterion requires documentary evidence to be submitted, the relevant criterion will set out the extent of documentation and how it should be submitted.

No.	Requirement/Criterion	Applicable	Response	Evaluation
3.1	**Not Used**[5]			
3.2	**PROFESSIONAL OR TRADE REGISTER**	**No**	**Not Required**	**N/A**
3.3	**FINANCIAL & ECONOMIC STANDING**			
3.3a	Annual Turnover (Service)	**Yes**	**Declaration Required**	**Pass/Fail**
3.3b	Balance sheet or Extracts from a Balance Sheet	**No**	**Not Required**	**N/A**
3.3c	Banker's Letter	**Yes**	**Documentary Evidence Required**	**Pass/Fail**
3.3d	Other Financial/Economic Information/References	**No**	**Not Required**	**N/A**
3.3e	Prof. Indemnity Insurance	**Yes**	**Declaration Required**	**Pass/Fail**
3.3f	Public Liability Insurance	**Yes**	**Declaration Required**	**Pass/Fail**
3.3g	Employer's Liability Insurance	**Yes**	**Declaration Required**	**Pass/Fail**
3.4	**TECHNICAL CAPABILITY (Service Provider's Competency)**			
3.4a	Qualifications (Managerial)	**Yes**	**Documentary Evidence Required**	**Pass/Fail**
3.4b	Qualifications (Personnel)	**Yes**	**Documentary Evidence Required**	**Pass/Fail**
3.4c	Services over the Past 3/5/7[6] Yrs	**Yes**	**Documentary Evidence Required**	**Pass/Fail**
3.4d	Measures for Ensuring Quality	**Yes**	**Declaration Required**	**Pass/Fail**
3.4e	Average Annual Manpower over the Past 3 Years	**Yes**	**Declaration Required**	**N/A**
3.4f	Technical Equipment Available	**No**	**Not Required**	**N/A**
3.4g	Technicians or Technical Bodies	**No**	**Not Required**	**N/A**
3.4h	Environmental Management Measures	**No**	**Not Required**	**N/A**
3.4i	Supply Chain Management & Tracking Systems	**No**	**Not Required**	**N/A**

[5] This criterion no longer used – for the requirements in relation to Regulation 57 of SI 284/2016 (Exclusion Grounds) in relation to the competition, refer to the Instructions for Tenderers.

[6] As selected in the criterion

SECTION 3: SUITABILITY ASSESSMENT CRITERIA

3.1 NOT USED[7]

3.2 ENROLMENT ON PROFESSIONAL OR TRADE REGISTER[8]

Response: NOT REQUIRED	**Criterion Applicable: NO**

Applicants must be enrolled on a professional or trade registers in accordance with Annex XI of Directive 2014/24/EU and meet the supplemental requirements (if any) as identified by the Contracting Authority below.
The evidence required to pass this criterion is proof of enrolment on a relevant professional or trade register in accordance with in accordance with Article 80 of Directive 2014/25/EU (and Regulation 85 of the European Union (Award of Contracts by Utility Undertakings) Regulations 2016 and Article 58 of Directive 2014/24/EU (and Regulation 58 of the European Union (Award of Public Authority Contracts) Regulations 2016) and the supplemental requirements (if any) as identified by the Contracting Authority below.[9]

3.3 EVIDENCE OF ECONOMIC AND FINANCIAL CAPACITY

Note: Information under Criterion 3.3 (and associated sub-criteria 3.3a – 3.3g) must be provided by the Applicant and/or, by the entity relied upon by the Applicant for the purpose of meeting the requirements of the relevant sub-criteria (as applicable).

3.3a EVIDENCE OF TURNOVER

Response: DECLARATION REQUIRED	**Criterion Applicable: YES**

Provide evidence in relation to the service of certified turnover for the 3 previous financial years. However, where a multi-disciplinary firm is applying, evidence of the overall turnover of the firm should also be provided.

[7] This criterion no longer used – for the requirements in relation to Regulation 57 of SI 284/2016 (Exclusion Grounds, refer to the Section 1.8 of Information for Applicants.

[8] Enrolment on a professional or trade register should not be confused with being a member of the Royal Institute of the Architects of Ireland, the Association of Consulting Engineers of Ireland or any other similar body.

[9] In Ireland, the economic operator may be requested to provide a certificate from the Registrar of Companies or the Registrar of Friendly Societies or, where the economic operator is not so certified, a certificate stating that the person concerned has declared on oath that the economic operator is engaged in the profession in question in the country in which the economic operator is established, in a specific place under a given business name.

Minimum Turnover			
Area of Service / Business:	**Overall AverageTurnover to include other areas of business**	**Average Minimum Turnover:**	**Average Maximum Turnover:**
Consultancy Services (Technical)	N/A	500,000	N/A

Combined total turnover for all members of a consortium must meet the minimum turnover. If only one member has the skills, resources and experience for the work, that member must have an average turnover that demonstrates financial capacity for the work.

Candidates are to provide evidence in relation to the service of certified turnover for the previous three (3) financial years . These statements of turnover should be provided by a registered auditor and not consist of interim statements, draft accounts or the like. Applicants should submit and appropriate declaration to satisfy this requirement and this declaration should include a confirmation note from their accountant/financial institution confirming the average minimum turnover for the three previous financial years detailing each year separately with associated turnover amount. Applicants must demonstrate that the turnover relates specifically to their relevant service discipline i.e. active travel/transportation consultancy.

Applicants MUST submit a Declaration with this Suitability Assessment Questionnaire. When requested to do so, Applicants MUST submit the required information within 7 calendar days. Failure to return the required evidence within the advised time scale may result in the Applicant being eliminated from the competition.

Evidence required on request:
Certified turnover for the three previous financial years

The evidence should be in accordance with the requirements identified here (or if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

3.3b BALANCE SHEET OR EXTRACTS FROM A BALANCE SHEET

Response: NOT REQUIRED	**Criterion Applicable: NO**

The minimum standard is to provide balcance sheets or extracts from balance sheets where publication of the balance sheet is required under law of the country in which the service provider is established.

The evidence should be in accordance with the requirements identified here (or if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

3.3c BANKER'S LETTER

Response: DOCUMENTARY EVIDENCE REQUIRED	Criterion Applicable: YES

Provide a letter from the Applicant's current principal banker dated within past 6 months, stating that, to the best of its knowledge, this is the Applicant's principal account and it is currently in good standing.

The evidence should be in accordance with the requirements identified here (or if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

3.3d FINANCIAL STATEMENTS OR EXTRACTS FROM FINANCIAL STATEMENTS

Response: NOT REQUIRED	Criterion Applicable: NO

3.3e PROFESSIONAL INDEMNITY INSURANCE

Response: DECLARATION REQUIRED	Criterion Applicable: YES

Before appointment, the successful Tenderer will be required to produce evidence from their Broker or Insurance Company confirming that the Tenderer has current professional indemnity insurance cover in the required amount complying with the conditions listed below and that it will be maintained for 6[10] years after completion of the construction works in respect of the services provided – Model Form MF 2.1 duly completed by the Tenderer's broker or insurance company is deemed acceptable evidence for this criterion. (*or* if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

Cover may be provided on an "EACH AND EVERY" or on an "ANNUAL AGGREGATE" basis. However, Applicants should note that where professional indemnity insurance is provided on an "ANNUAL AGGREGATE" basis the Contracting Authority will review the situation regarding the availability of professional indemnity insurance on an "EACH AND EVERY" basis with the successful Tenderer, on an

[10] Where the contract is to be executed under hand then a period of 6 years should be sought for the Professional Indemnity Insurance, where the contract is to be executed under seal then a period of 12 years should be sought.

annual basis, as described in the Tender. Any Specialist Skill Providers shall also have the benefit of a similar provision.

(i) Level of cover and excess as stated below for the Principal Service Provider:

Minimum level of Professional Indemnity Insurance complying with the conditions below:	**Cover on Each and Every claim basis**	**Cover on an Annual Aggregate basis**
	€ 1,250,000[11]	€ 1,500,000[12]
Maximum level of excess in any one claim below which the Service Provider will bear the cost:	2% of turnover or €5,000, whichever is greatest	

(ii) Level of cover and excess as stated below for Specialist Skill Providers;

Minimum level of Professional Indemnity Insurance complying with the conditions below:		
Specialist Skill Provider	**Cover on Each and Every claim basis**	**Cover on an Annual Aggregate basis**
CA Entry	€ CA Entry	€ CA Entry
CA Entry	€ CA Entry	€ CA Entry
CA Entry	€ CA Entry	€ CA Entry
CA Entry	€ CA Entry	€ CA Entry
CA Entry	€ CA Entry	€ CA Entry
CA Entry	€ CA Entry	€ CA Entry
CA Entry	€ CA Entry	€ CA Entry
Maximum level of excess in any one claim below which the Specialist Service Provider will bear the cost:	2% of turnover or €5,000, whichever is greatest	

(iii) The conditions provide for claims for breach of professional duty or civil liability as well as negligence;
(iv) The jurisdiction in which claims can be lodged and settled includes IRELAND.

Entitles issuing PII insurance cover must have been granted an authorisation as an insurance undertaking by the Central Bank of Ireland to provide Non-Life Insurance Class 13 General Liability

[11] If no value is entered it shall be read as €1,250,000 (One million and two hundred and fifty thousand Euro)
[12] If no value is entered it shall be read as €1,500,000 (One million and five hundred thousand Euro)

cover. Entities providing insurance intermediary services must be either authorised by the Central Bank of Ireland, or registered in a Member State other than Ireland for the purposes of Directive 2009/138/EC.
The evidence required to pass this criterion may be either;

i. evidence that professional indemnity insurance (PII) meeting the requirements set out above is in place. Such evidence may be provided by the relevant insurance undertaking itself or by an insurance intermediary using Model Form 2.1; or,
ii. the completed Appendix 2 to this Questionnaire – *Letter of Undertaking re Insurance* which may be provided where the Applicant does not have professional indemnity insurance or does not have professional indemnity insurance meeting the professional indemnity insurance requirements set out above.

3.3f PUBLIC LIABILITY INSURANCE

Response: DECLARATION REQUIRED	**Criterion Applicable: YES**

Before appointment, the successful Tenderer will be required to produce evidence from their Insurance Company in the form of a copy of the policy confirming that the Tenderer has current public liability insurance cover complying with the requirement(s) set out below.

Minimum level of Public Liability Insurance required in respect of any one accident:	€ 6,500,000[13]
Maximum level of excess for property only* for any one incident below which the Service Provider will bear the cost:	€ 10,000

*** No excess is permitted in respect of death, injury or illness.**

Entitles issuing public liability insurance cover must have been granted an authorisation as an insurance undertaking by the Central Bank of Ireland to provide Non-Life Insurance Class 13 General Liability cover. Entities providing insurance intermediary services must be either authorised by the Central Bank of Ireland; or registered in a Member State other than Ireland for the purposes of Directive 2009/138/EC.

The evidence required to pass this criterion may be either:

i. evidence that public liability insurance cover meeting the requirements above is in place. Such evidence may be provided by the relevant insurance undertaking itself of by an insurance intermediary; or
ii. the completed Appendix 2 to this Questionnaire – *Letter of Undertaking re Insurance* which may be provided where the Applicant does not have public liability insurance or does not have public liability insurance meeting the requirements set out above.

3.3g EMPLOYER'S LIABILITY INSURANCE

[13] If no value is entered it shall read as €2,600,000 (Two million and six hundred thousand Euro)

Response: DECLARATION REQUIRED	Criterion Applicable: YES

Before appointment, the successful Tenderer will be required to produce evidence from their Insurance Company in the form of a copy of the policy confirming that the Tenderer has current Employer's Liability insurance cover complying with the requirement(s) set out below.

Minimum level of Employer's Liability Insurance required in respect of any one accident:	€ 13,000,000[14]

Entitles issuing employers liability insurance cover must have been granted an authorisation as an insurance undertaking by the Central Bank of Ireland to provide Non-Life Insurance Class 13 General Liability cover. Entities providing insurance intermediary services must be either authorised by the Central Bank of Ireland; or registered in a Member State other than Ireland for the purposes of Directive 2009/138/EC.

The evidence required to pass this criterion may be either:

i. evidence that employer's liability insurance cover meeting the requirements above is in place. Such evidence may be provided by the relevant insurance undertaking itself or by an insurance intermediary; or
ii. the completed Appendix 2 to this Questionnaire – *Letter of Undertaking re Insurance* which may be provided where the Applicant does not have employer's liability insurance or does not have employer's liability insurance meeting the requirements set out above.

[14] If no value is entered it shall read as €13,000,000 (Thirteen million Euro) – No excess is permitted on Employer's Liability Insurance

3.4 EVIDENCE OF TECHNICAL CAPABILITY CRITERIA

The Applicant should consider carefully responses to subsection 3.4 in relation to the type of principal service and specialist skills identified at **Section 2.4** of the Project Particulars, in particular:

- Where *Specialist Skills* are identified in **Section 2.4** of the Project Particulars, these may be provided either by the Applicant itself or by specialist subcontractors. Irrespective of whether a sub-contractor or the Applicant itself is proposed for a specialist skill, separate evidence in response to the criterion must be provided by the entity proposed to undertake the specialist skill area.
- Where the principal service applied for is a *Design Service* or any service with design input (for example Quantity Surveying where the Applicant must demonstrate a level of competence relative to their design input[15]) the Health and Safety sub-criteria under each of the criteria 3.4a – 3.4g inclusive must be addressed by the Applicant and where applicable, the Specialist Skill Provider.
- Prior to their appointment, the Successful Tenderer is required to sign the Safety and Health Declaration appropriate to their service provision. MF2.4 is required for general service providers, MF2.5 for PSDP and MF2.6 for PSCS.

3.4a EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management)

Response: EVIDENCE REQUIRED	**Criterion Applicable: YES**

Where the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended) apply to either the Principal Service or Specialist Skills Provider (as defined in Regulation 2 of Construction Regulations – see footnote 17) they must also satisfy the requirements set out at 3.4.1a. These requirements (where applicable) are evaluated on a pass/fail basis and Applicants must pass 3.4.1a in order to be evaluated under 3.4a.

An Applicant who can demonstrate adequate training and qualifications for its managerial staff but cannot demonstrate appropriate experience will not be deemed adequate.

Principal Service Provider

The Applicant must provide evidence of the educational and professional qualifications (with dates obtained) and experience of their management staff, including the curricula vitae of the management staff and the organization structure in accordance with the requirements identified below.

The Consultant must demonstrate through evidence of educational/professional qualifications and experience of their key personnel staff that they have the required skills, experience, resources and competencies for all required Consultancy Services for a scheme of this size, quality, complexity and function.[16]

The successful Consultant will be responsible and carry out the duties of Project Supervisor for the Design Process (PSDP) for the scheme. The competency of the service provider as Project Supervisor for the Design Process (principal) and/or its managerial staff, should be demonstrated by way of:

[15] "designer" means a person engaged in work related to the design of a project; "design" means the preparation of drawings, particulars, specifications, calculations and bills of quantities in so far as they contain specifications or other expressions of purpose, according to which a project, or any part or component of a project, is to be executed; *Regulation 2 of the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended)*

[16] CA to include clearly measurable pass/fail requirements

Satisfactory completion of a course by the service provider (principal) and/or its managerial staff run by one of the professional bodies or other reputable training organisation. The course should be structured to address the duties of the PSDP in relation to construction under the Safety, Health and Welfare at Work (Construction) Regulations 2006 – 2013.
It is important to note that a service provider and/or its key managerial staff who can demonstrate adequate training and qualifications but cannot demonstrate appropriate and relevant experience may not be deemed to be adequate and may receive a fail under this criterion.

Minimum Requirement

It is a condition for the award of the Contract that the Tenderer proves to the satisfaction of the Contracting Authority that the individuals named in the Suitability Assessment Questionnaire (Section 3.4a) will be available to the Contracting Authority for the performance of the Services under the Contract throughout the Term of the Contract.

The qualifications referenced below refer to the National Qualifications Framework as specified on http://www.educationinireland.com.

The Tenderer shall clearly demonstrate using only the CV template provided that proposed personnel meets the criteria below (refer to Appendix E - Management CV template). Note that only this document will be used for assessing candidates.

Curriculum Vitae's are required for the personnel who will be responsible for the management of the Consultancy Services at Project Director level. They will liaise directly with the Client Senior Team (project team, steering group and sanctioning and sponsoring agency) as required.

It is not necessary to submit Certificates with this application. The curriculum vitae submitted will be deemed sufficient to satisfy the "EVIDENCE REQUIRED" at this stage. Further evidence may be sought at a later stage.

All CVs should demonstrate experience of works of a similar scale, nature and complexity to the Kilkenny City Centre Vibrant Streets West Scheme.

Evidence to be provided for a project director:

1) Education & Professional Qualifications:

The relevant professional qualifications are:

NFQ Level 8 degree (B.Sc. degree or equivalent); and

A registered member of a professional institution consistent with the role of Civil Engineering Design Consultancy.

A minimum of seven [7] years post attaining chartered status of relevant professional institution is required.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in in its response to Part 2 of the Questionnaire.

Evidence in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4a – Specialist Skills Providers*' where the response above is 'Evidence Required'.

3.4.1a SAFETY AND HEALTH SUPPLEMENT

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations – Criteria related to Project Supervisors (where applicable) are set out under 3.4a if it is for a Principal Service or under 3.4a Specialist Skills if it is to be a Specialist Skill.

Management staff of Applicant (including Specialist Skill providers) to whom the Construction Regulations apply must comply and provide evidence of compliance when requested with the following:

1. Have undertaken a course introducing the principles of the Construction Regulations with particular regard to the service provider's duties under those Regulations. The course should be approved by their relevant registration body or [in the absence of a registration body] a professional body appropriate to the service provider in question.

2. The proposed person(s) who shall undertake the role of PSDP shall as a minimum possess the following qualifications and experience:
(i) A recognised qualfication in Health & Safety.
(ii) At least 3 years experience in the mangement of Health & Safety on civil engineering projects.

3. Applicants should complete and submit MF_2.4 - H&S Compliance Declaration & MF_2.5 - H&S Compliance declaration by PSDP

3.4b EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel)

Response: EVIDENCE REQUIRED	**Criterion Applicable: YES**

Where the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended) apply to either the Principal Service or Specialist Skills Provider (as defined in Regulation 2 of Construction Regulations – see footnote 17) they must also satisfy the requirements set out at 3.4.1b. These requirements (where applicable) are evaluated on a pass/fail basis and Applicants must pass 3.4.1b in order to be evaluated under 3.4b.

An Applicant who can demonstrate adequate training and qualifications for its personnel but cannot demonstrate appropriate experience will not be deemed adequate.

Principal Service Provider

The Applicant must provide evidence of the educational and professional qualifications (with dates obtained) and experience of the Applicant's personnel proposed for the principal service, including the curricula vitae of the personnel in accordance with the requirements identified below.

The Consultant must demonstrate through evidence of educational/professional qualifications and experience of their key personnel staff that they have the required skills, experience, resources and competencies for all required Consultancy Services for a scheme of this size, quality, complexity and function.[17]

The successful Consultant will be responsible and carry out the duties of Project Supervisor for the Design Process (PSDP) for the scheme. The competency of the service provider as Project Supervisor for the Design Process (principal) and/or its managerial staff, should be demonstrated by way of:

Satisfactory completion of a course by the service provider (principal) and/or its managerial staff run by one of the professional bodies or other reputable training organisation. The course should be structured to address the duties of the PSDP in relation to construction under the Safety, Health and Welfare at Work (Construction) Regulations 2006 – 2013.

It is important to note that a service provider and/or its key managerial staff who can demonstrate adequate training and qualifications but cannot demonstrate appropriate and relevant experience may not be deemed to be adequate and may receive a fail under this criterion.

Minimum Requirement

It is a condition for the award of the Contract that the Tenderer proves to the satisfaction of the Contracting Authority that the individuals named in the Suitability Assessment Questionnaire (Section 3.4a) will be available to the Contracting Authority for the performance of the Services under the Contract throughout the Term of the Contract.

The qualifications referenced below refer to the National Qualifications Framework as specified on http://www.educationinireland.com.

The Tenderer shall clearly demonstrate using only the CV template provided that proposed personnel meets the criteria below (refer to Appendix F - Personnel CV template). Note that only this document will be used for assessing candidates.

Curriculum Vitae's are required for the personnel who will be responsible for the management of the Consultancy Services. They will liaise directly with the Client Team (project team, sanctioning and sponsoring agency) as required.

It is not necessary to submit Certificates with this application. The curriculum vitae submitted will be deemed sufficient to satisfy the "EVIDENCE REQUIRED" at this stage. Further evidence may be sought at a later stage.

All CVs should demonstrate experience of works of a similar scale, nature and complexity to the Kilkenny City Centre Vibrant Streets West Scheme.

[17] CA to include clearly measurable pass/fail requirements

Evidence to be provided for each personnel

1) Education & Professional Qualifications:

The relevant professional qualifications are:

NFQ Level 8 degree (B.Sc. degree or equivalent); and

A registered member of a professional institution consistent with a Civil Engineering Design Consultancy.

A minimum of five [5] years post attaining chartered status of relevant professional institution is required.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire.

Evidence required in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4b – Specialist Skills Providers*'.

3.4.1b SAFETY AND HEALTH SUPPLEMENT

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of Construction Regulations – Criteria related to Project Supervisors (where applicable) are set out under 3.4b if it is for a Principal Service or under 3.4b Specialist Skills if it is to be a Specialist Skill.

Personnel of Applicant proposed for the principal service (and any Specialist Skills Providers) to whom the Construction Regulations apply must comply with and provide evidence of compliance when requested with the following:

1. Have undertaken a course introducing the principles of the Construction Regulations with particular regard to the service provider's duties under those Regulations. The course should be approved by their relevant registration body or [in the absence of a registration body] a professional body appropriate to the service provider in question.

2. The proposed person(s) who shall undertake the role of PSDP shall as a minimum possess the following qualifications and experience:
(i) A recognised qualfication in Health & Safety.
(ii) At least 3 years experience in the mangement of Health & Safety on civil engineering projects.

3. Applicants should complete and submit MF_2.4 - H&S Compliance Declaration & MF_2.5 - H&S Compliance declaration by PSDP

3.4c LIST OF TECHNICAL SERVICES PROVIDED OVER THE PAST 5 YEARS

Response: EVIDENCE REQUIRED	Criterion Applicable: YES

Where the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended) apply to either the Principal Service or Specialist Skills Provider (as defined in Regulation 2 of Construction Regulations – see footnote 17) they must also satisfy the requirements set out at 3.4.1c. These requirements (where applicable) are evaluated on a pass/fail basis and Applicants must pass 3.4.1c in order to be evaluated under 3.4c.

A Contracting Authority may only require an Applicant to submit a list of services provided over a maximum period of 3 years. However a Contracting Authority may take into account services delivered over a longer period if appropriate. The period specified in the sub-criterion title above is the period within which the applicant may submit evidence of its technical services provided, it is not mandatory that technical services 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 will not be used as a reason to reject its application.

Principal Service Provider

The minimum standard is satisfactory experience in providing technical services on projects of a similar scale, nature and complexity to the one for which applications are being assessed. (This does not mean to stipulate projects that are identical to the project that is the subject of this Questionnaire.)

Evidence of delivery of technical services should be provided in the form of a list of commissions carried out over the period set out above in the format set out in Appendix B1. These commissions should indicate how the service provider delivered the service. The applicant should provide a Certificate of Satisfactory Execution (Appendix B3) for any project listed on Appendix B1 if so requested by the Contracting Authority. Appendices B1 and B3 should only be submitted with the tender if the response above is 'Evidence Required'. Where a declaration is permitted, evidence in support of the declaration is only required when requested by the Contracting Authority.

Any supplementary requirements stated below should be submitted as set out by the Contracting Authority.

An Engineer Led Integrated Multi-Disciplinary Consultancy Services Design Team

Tenderers should demonstrate experience in successful delivery of three [3] previous projects similar in size, quality, complexity & function to the services required (as more particularly set out in the Design Brief and Services Requirements document included as part of the tender).

Projects must demonstrate experience in provision of Consultancy Services of previous commercial and/or public sector completed projects in an urban setting in the last five [5] years. Evidence of the delivery of related services should be provided in the form of a list of commissions carried out in the last five [5] years in the format set out in Appendix B1.

Only the first three [3] projects put forward will be evaluated.

For each project, applicants should ensure that they provide sufficient information to allow Kilkenny County County to assess their relevance and the comparable nature and scale using the pro-forma supplied (Appendix B3).

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire.

Evidence required in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4c – Specialist Skills Providers*'.

3.4.1c SAFETY AND HEALTH SUPPLEMENT

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of Construction Regulations– Criteria related to Project Supervisors (where applicable) are set out under 3.4c if it is for a Principal Service or under 3.4c Specialist Skills if it is to be a Specialist Skill.

Applicants (including any Specialist Skills Providers) must notify the Contracting Authority of any enforcement actions, legal proceedings, accidents, fatalities or incidents associated with any lapse in the discharge of their duties under the Construction regulations within the last 3 years. If any of the above apply, Applicants must identify the steps taken to prevent such lapses from reoccurring.

Candidates shall provide a written statement as described above.

Designers - If requested by the Contracting Authority, Applicants are required to submit a Design Risk Assessment along with Appendix B3 for a project of similar scale and complexity listed in Appendix B1.

3.4d MEASURES FOR ENSURING QUALITY

Response: DECLARATION REQUIRED	**Criterion Applicable: YES**

Principal Service Provider

Applicants must provide, when requested by the Contracting Authority, a description of the technical facilities and measures used by the applicant to ensure quality of service including any study and research facilities, including measures used by the applicant for ensuring quality both in the administration of the service and in the delivery of a high-quality end-product.

Minimum Standard

A written statement setting out how the service provider manages, reviews and evaluates their performance. It should include references to record keeping, Continuing Professional Development and how up-to-date information relevant to their particular service is accessed. A brief description of their Information Technology systems and policies should also be provided.

In addition to the minimum standard set out above Tenderers must provide details of the following:

Internal Policy on Quality Assurance and/or Third Party Accreditation.
If Third Party accredited, provide details of:

a) Date of accreditation;
(b) Expiry date;
(c) Name of accreditation body;
(d) Scope of accreditation;
(e) Name of person responsible for quality management;
(f) Attach certificate Construction Quality.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire.

Evidence required in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4d – Specialist Skills Providers*'.

3.4.1d SAFETY AND HEALTH SUPPLEMENT

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations Service or under 3.4d Specialist Skills if it is to be a Specialist Skill.

Safety and Health competence will be assesed on the evidence sought for Principal Service Provider under 3.4d

3.4e AVERAGE ANNUAL MANPOWER OVER THE PAST 3 YEARS

Response: DECLARATION REQUIRED	**Criterion Applicable: YES**

Applicant must provide evidence, when requested by the Contracting Authority, in the form of a statement scheduling the average number of persons providing the services annually and the number of persons employed by the service provider in managerial positions during the immediately preceding 3 years in accordance with the requirements (if any) identified by the Contracting Authority below. If a firm cannot provide evidence for the entire period (e.g. a firm has not been trading for the whole period) this will not be used as a reason to reject its application.

The applicant must separate the information into the following format:
(1) Total number of personnel;
(2) The numbers of managerial personnel;
(3) The numbers of qualified personnel;
(4) The numbers of technicians; and
(5) The numbers of unqualified personnel.

It is a minimum requirement that applicants employ one management personnel, three qualified personnel and two technicians.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated its response to Part 2 of the Questionnaire.

Evidence required in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4e – Specialist Skills Providers*'.

3.4.1e SAFETY AND HEALTH SUPPLEMENT

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations– Criteria related to Project Supervisors (where applicable) are set out under 3.4e if it is for a Principal Service or under 3.4e Specialist Skills if it is to be a Specialist Skill.

Safety and Health competence will be assesed on the evidence sought for Principal Service Provider under 3.4e

3.4f TECHNICAL EQUIPMENT AVAILABLE TO CARRY OUT THE CONTRACT

Response: NOT REQUIRED	**Criterion Applicable: NO**

Applicant must provide evidence, when requested by the Contracting Authority, in the form of a statement of technical equipment that would be available to assist in the delivery of the required technical services in accordance with the requirements (if any) identified by the Contracting Authority below.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire

Evidence required in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4f – Specialist Skills Providers*'.

3.4.1f SAFETY AND HEALTH SUPPLEMENT

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations – Criteria related to Project Supervisors (where applicable) are set out under 3.4f if it is for a Principal Service or under 3.4f Specialist Skills if it is to be a Specialist Skill.

Safety and Health competence will be assesed on the evidence sought for Principal Service Provider under 3.4f

3.4g TECHNICIANS OR TECHNICAL BODIES AVAILABLE

Response: NOT REQUIRED	Criterion Applicable: NO

Applicants must provide evidence, when requested by the Contracting Authority, in the form of a list of the relevant technicians or technical bodies (other than in-house specialists or specialist subcontractors identified for specialist skills listed at subsection 1.4) whom the service provider can call on in order to provide the service or whom the service provider is going to use in relation to quality control. These should comply with the requirements (if any) identified by the Contracting Authority below.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire.

Evidence required in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4g – Specialist Skills Providers*'.

3.4.1g SAFETY AND HEALTH SUPPLEMENT

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations– Criteria related to Project Supervisors (where applicable) are set out under 3.4g if it is for a Principal Service or under 3.4g Specialist Skills if it is to be a Specialist Skill.

Safety and Health competence will be assesed on the evidence sought for Principal Service Provider under 3.4g

3.4h ENVIRONMENTAL MANAGEMENT MEASURES

Response: NOT REQUIRED	Criterion Applicable: NO

The evidence required to pass this criterion should be in accordance with the requirements identified below (or, if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

CA REQUIREMENT:

3.4i SUPPLY CHAIN MANAGEMENT AND TRACKING SYSTEMS

Response: NOT REQUIRED	Criterion Applicable: NO

The evidence required to pass this criterion should be in accordance with the requirements identified below (or, if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

CA REQUIREMENT:

Appendix 1:

Letter of Undertaking from entity being relied upon- Refer to Section 1.6

[On letterhead of entity being relied upon]

To:	Kilkenny County Council
Regarding:	Kilkenny City Centre Vibrant Streets West
Date:	

A Dhaoine Uaisle

We refer to the tender for the above contract submitted by

[Name of Tenderer]

We confirm that, if the above contract is awarded to the above-named Applicant, we will make the capacities relied upon available to the Applicant. We also confirm that, if the Applicant is awarded the contract, we will execute a contractual commitment to that effect in the form described in the relevant warranty/guarantee. In particular we confirm that:

a) where we have been relied upon for financial or economic standing criteria, we confirm we will execute and deliver to you a guarantee in the form of a Reliance Guarantee[18]; or

b) where we are we have been relied upon for technical competency criteria we confirm that we will execute and deliver to you a warranty in the form of a Reliance Warranty[19] or Collateral Warranty[20] (as required by the Contracting Authority). Where we have been relied upon for educational or professional qualifications, or with regard to relevant professional experience, we confirm that we will perform the works or services to which those qualifications or experiences relate.

Is sinne, le meas

Signed by

Authorised signature of entity being relied upon

[18] Model Form 2.9 Reliance Guarantee

[19] Model Form 2.10 Reliance Warranty

[20] Model Form 2.3 Collateral Warranty for Sub-Consultants

Appendix 2

Letter from Insurance Undertaking/Insurance Intermediary where evidence is required for sub-criteria 3.3e, 3.3f or 3.3g

To:	Kilkenny County Council, County Hall, John St. Kilkenny
Regarding:	Kilkenny City Centre Vibrant Streets West
Date:	

A Dhaoine Uaisle,

We confirm that we are

a) an insurance undertaking authorised by the Central Bank of Ireland; or
b) an insurance intermediary authorised by the Central Bank of Ireland; or
c) an insurance intermediary registered in the EU/EEA for the purposes of Directive 2009/138/EC; and
d) we meet any other requirements for an insurance undertaking or insurance intermediary set out in the relevant Qualification Criterion relating to the provision of the insurance type stated below.

We confirm we have insurance facilities in place, which would enable us to provide to the above named entity with (*insert insurance type and limit amount as appropriate)*

- Professional indemnity Insurance in the required amount of [€1,500,000] euros on [annual aggregate/each and every claim] basis
- Public Liability Insurance in the required amount of [€6,500,000] euros
- Employers Liability Insurance in the required amount of [€13,000,000] euros

and meeting any other requirements in the relevant Qualification Criteria for insurances[21].

Therefore, subject to a satisfactory application, we expect that insurance cover can be issued within 4 weeks of the receipt by us of the relevant application, subject to our normal terms and conditions. We understand you will be giving a copy of this letter to

Kilkenny County Council

We look forward to receiving an application from you if your tender is successful.
is sinne, le meas

[Signature]

_____

Director
Name of Insurance Undertaking/Insurance Intermediary

[21] i.e. criterion 3.3e (Professional Indemnity Insurance), 3.3f (Public Liability Insurance), or 3.3g (Employer's Liability Insurance).