Health and Safety Competence of a Contractor[1]

3.4.1 (HS) EVIDENCE OF TECHNICAL CAPABILITY CRITERIA

It is a statutory requirement that the competence and satisfactory allocation of resources of the Contractor are established in compliance with the Safety Health and Welfare at Work (Construction) Regulations 2013. **Applicants[2] must always complete the relevant sections of this Health and Safety Supplement 3.4.1.**

The criteria below mirror the structure in Section 3.4 (Technical Capability Criteria) of the Questionnaire for consistency, but should be answered specifically in relation to Health and Safety competence in the Contractor role.

The level of information required is stated under the relevant criterion and is based on the category of project identified at Section 2.4 of the Particulars (i.e. Type 1/Type 2/Type 3) in the Questionnaire.

All health and safety selection criteria are pass/fail criteria only**.** The Applicant must meet the relevant minimum standard stated under each Qualification Criterion.

3.4.1a (HS) EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management)

Qualification Criterion:	Response Type:	Type of Evaluation:
YES	DECLARATION REQUIRED	PASS/FAIL

The Minimum Standard required to pass this criterion is evidence of management staff with appropriate educational/professional qualifications and experience relevant to the Works

The evidence required to pass this criterion should be submitted in the form of a document setting out the Applicant's organisational structure and the curricula vitae of the Applicant's management staff and any additional requirements that may be set out below. The curriculum vitae of each management staff member should indicate their relevant educational and professional qualifications , their experience on projects of a similar scale and complexity, and the role they had on those projects.

APPLICANT NOTE:

[1] Select as appropriate

[2] When used with QW2, the term "Tenderer" shall be read in place of "Applicant", or where used with QW3a, the term "Specialist" or "Specialist with Design Input" shall be read in place of "Applicant".

Where response type above is marked "Evidence Required"; and the response type to sub-criterion 3.4a is also" Evidence Required", the Applicant **may** include the evidence required above with the evidence required for sub-criterion 3.4a. Where an Applicant includes evidence for this sub-criterion with the evidence required for sub-criterion 3.4a, the Applicant must clearly identify the relevant sub-criterion to which the evidence relates.

3.4.1b (HS) EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel)

Qualification Criterion:	Response Type:	Type of Evaluation:
YES	DECLARATION REQUIRED	PASS/FAIL

1. The Minimum Standard required to pass this criterion is evidence of personnel with appropriate educational and professional qualifications and experience relevant to the Works.

2. The evidence required to pass this criterion should be submitted in the form of a document setting out the Applicant's organisational structure and the curricula vitae of the Applicant's personnel and any additional requirements that may be set out below. The curriculum vitae of each of the Applicant's personnel should indicate their relevant educational and professional qualifications , their experience on projects of a similar scale and complexity, and the role they had on those projects.

APPLICANT NOTE:
Where the response type above is "Evidence Required" and the response to sub-criterion 3.4b is also "Evidence Required", an Applicant may include the evidence required above with the evidence required for 3.4b. Where the Applicant includes the evidence required above with the evidence required for criterion 3.4b, the Applicant must clearly identify the relevant sub-criterion to which the evidence relates.

3.4.1c (HS) LIST OF WORKS CARRIED OUT OVER THE PAST 7 YEARS

Qualification Criterion:	Response Type:	Type of Evaluation:
YES	EVIDENCE REQUIRED	PASS/FAIL

The Minimum Standard required to pass this criterion is evidence in the form specified below of the Health and Safety aspects of works previously undertaken by the Applicant.

A Contracting Authority may only require Applicants to submit a list of works projects provided over a maximum period of the past 5 years. However, where necessary in order to ensure an adequate level of competition, the Contracting Authority may take into account works delivered over the previous 7 year period. The period specified in the sub-criterion title above is the period within which the Applicant may submit evidence of the works contracts it has delivered; it is not mandatory that projects 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.

The evidence required for assessment purposes is details of works that the Applicant has completed over the period stated above on projects that are similar in nature and complexity to the Works that are subject of this Competition. The evidence must be provided in the format specified below. (Note that the request is not necessarily for projects that are identical to the project that is the subject of this Questionnaire).

A list of projects must be provided by completing Appendix B1 List of Previous Projects for which there are certificates of Satisfactory Execution. The Certificates of Satisfactory Execution required in relation to these projects must be provided by completing Appendix B2 Certificate of Satisfactory Execution. Supplementary requirements (if any) will be stated by the Contracting Authority below.

Applicants must provide details of a minimum of 3 no. similar projects completed over the past 7 years.

Evidence must be provided by way of completed Appendix B2. B1 forms are not required to be submitted.

As a minimum requirement, Applicants must demonstrate that they have successfully completed at least one project for each of the three minimum requirements set out below.

1) at least 1 nr. completed contruction project of similar complexity to this project with a capital value greater than €250,000 (ex VAT).

2) at least 1 nr. completed construction project involving demolition, alteration and/or refurbishment works on an island or other location where access to the works site was primarily by boat/ferry, including the transport and coordination of personnel, materials, plant and waste by marine transport.

3) at least 1 nr. completed public sector construction project carried out using the Public Works Forms of Contract.

The information provided within Appendix B2 must be concise and relevant. Applicants must complete a separate Appendix B2 for each project. Photographic evidence of projects may also be provided in addition to the Appendix B2.

The Appendix B2 for each project must include;

1) The tender sum and the agreed final account sum (and a clear explanation of any difference between these figures).

2) The expected programme at tender stage and the actual programme at Substantial/Practical Completion (and a clear explanation as to the reasons behind any difference in these time periods).

3) Contact details for the relevant Contracting Authority who may be contacted to verify accuracy of the information provided.

Evidence of a single contract must be included on each B2 form (a combination of smaller works contracts to satisfy the minimum requirements in terms of value, nature and complexity cannot be used as evidence and will not be acceptable). The project included within each B2 must have been completed within a single contract, (contract works commencement to contract substantial completion / practical completion) within a maximum contract programme duration of a 1 year period.

The examples of projects provided must be completed and have reached substantial completion / practical completion by the date of tender return for this competition.

The evidence should be in accordance with the requirements identified here. If evidence provided does not meet the minimum criterion or if evidence is not provided or found to be false the tender will not receive any further consideration and will be excluded from the tender process.

If required during the tender evaluation stage and to allow the Office of Public Works to evaluate and substantiate information provided by a Tender on B2 certificates, the Office of Public Works reserves the right to seek clarifications and further confirmation evidence from the Tenderer. In addition the Office of Public Works reserves the right to contact the contracting authority identified on the submitted B2 certificates to verify information provided.

APPLICANT NOTE:

Where response type above is marked “Evidence Required” and the response to sub-criteria 3.4c is also marked “Evidence Required” the Applicant may include the evidence required above with the evidence required for sub-criteria 3.4c. Where an Applicant includes evidence for this criterion with the evidence required for this criterion 3.4c, the Applicant must clearly identify the relevant criterion to which the evidence relates.

3.4.1d (HS) MEASURES FOR ENSURING QUALITY

Qualification Criterion:	Response Type:	Type of Evaluation:
NO	NOT REQUIRED	N/A

The Minimum Standard required is adequate knowledge, training and resources to carry out the duties of Contractor in compliance with the Safety Health and Welfare at Work Act 2005 and Safety, Health and Welfare at Work (Construction) Regulations 2013. The Applicant's responses to Criteria 3.4.1a (HS) to 3.4.1e (HS) may be taken into account in response to this criterion.

The evidence required to pass this criterion is details of the relevant technicians or technical bodies upon whom the Applicant can call on in order to carry out the work or whom the Applicant can use in regards to quality control. Applicants must also provide evidence of a safety management system.

Where the response type above is “DECLARATION REQUIRED” the Applicant declares that it meets the requirements set out above and in Appendix 1 to this Supplement.

Evidence in support of the declarations in Appendix 1 and any requirements set out above must be provided when requested by the Contracting Authority. In place of documentary evidence, Applicants may provide third party certification that their safety management system is in accordance with ISO 45001:2018or equivalent. Certified membership of Safe-T-Cert may be deemed equivalent for the purposes of this criterion.

3.4.1e (HS) A STATEMENT OF THE AVERAGE ANNUAL NUMBERS OF PERSONS EMPLOYED BY THE CONTRACTOR AND THOSE IN A MANAGERIAL POSITION OVER THE LAST 3 YEARS

Qualification Criterion:	Response Type:	Type of Evaluation:
YES	DECLARATION REQUIRED	PASS/FAIL

The Minimum Standard is submission of the relevant details set out below.

Applicants must provide evidence covering the previous three years of average annual manpower and managerial staff involved in Health and Safety in relation to Works.

APPLICANT NOTE:
Where the response type above is “Evidence Required” and the response to criterion 3.4e is ”Evidence Required”, the Applicant **may** include the evidence required above with the evidence required for sub-criterion 3.4e. Where an Applicant includes the evidence required above with the evidence required for sub-criterion 3.4e, the Applicant must clearly identify the relevant criterion to which the evidence relates.

APPENDIX 1: REQUIREMENTS FOR 3.4.1d (HS).

The Applicant declares that:

1. Each member of its 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 2013.
2. 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 2013*; 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 in Schedule 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.
3. 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".
4. 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[3].
5. Where the role required is Contractor, risk assessments will be carried out and maintained on the job file.
6. 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.

7. Were there have been 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, we have included details in our SAQ Response.
8. 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 as stated above.

3 Available at: http://www.hsa.ie/eng/Topics/Managing_Health_and_Safety/Safety_Statement_and_Risk_Assessment/

9. We have a Safety Statement in the format outlined by the Health and Safety Authority[4] (which will be provided on request) and that all of the requirements listed in Table 1 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.

TABLE 1: REQUIREMENTS & MINIMUM STANDARDS FOR SAFETY STATEMENTS FOR ROLE OF CONTRACTOR

Requirements		Minimum Standards
• a copy of our current general health and safety policy;		• a general Health and Safety policy document appropriate to a Health and Safety led Construction Management role;
• an outline of our management organisational structure with regard to allocation of duties, delegation of responsibilities, etc., in relation to Health and Safety;		• the relevant management organisational structure document indicating the duty holders responsible for Health and Safety;
• 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;		• 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;
• details of arrangements for continuing training of personnel in Health and Safety, including personnel who would be employed on the project;		• evidence of training arrangements in place appropriate to the size and complexity of the work. (This must include specific Health and Safety training);
• details of the company's procedures for disseminating up-to-date developments on health and safety issues;		• 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.
• details of the company's arrangements for the coordination of information between the different contractors, suppliers and designers involved in a project;		• 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.
• details of the methodology for the dissemination of health and safety information for the construction stage on this or equivalent projects;		

10. We meet the minimum standards in regard to Technicians or Technical Bodies responsible for Quality Control and those we can call upon to carry out work.

4 Available at: https://www.hsa.ie/eng/publications_and_forms/publications/safety_and_health_management/a_guide_to_risk_assessments_and_safety_statements.html