

Suitability Assessment Questionnaire

for **Works Contractor, as PSCS, as Designer and as PSDP**

for *Framework Agreement for Energy Efficiency Retrofitting Work for Local Authorities - External Insulation and Ancillary Works (Lot 4 - Works \geq € 200,000)*

Document ID QW2

Suitability Assessment Works Contractors
Open Procedure
Document Reference ID-QW2 v.14

27 January 2014

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Published by: Office of Government Procurement
Department of Expenditure & Reform
Government Buildings
Upper Merrion Street
Dublin 2

<p>PROJECT TITLE: Framework Agreement for Energy Efficiency Retrofitting Work for Local Authorities - External Insulation and Ancillary Works (Lot 4 - Works ≥ € 200,000)</p>	<p>DOCUMENT ID. QW2</p>
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SUITABILITY ASSESSMENT FOR Works Contractor, as PSCS and as Designer OPEN PROCEDURE

Introduction

This questionnaire is issued in relation to a tender competition run by the open procedure. Its purpose is to obtain from a tenderer the information on which to base a suitability assessment so as to establish if the tenderer should go forward to tender evaluation for the award of a works contract with the Contracting Authority.

The term *tenderer* is used for an Individual (Sole) Trader, a Legal Partnership, a Consortium or any other type of Joint Venture that constitutes an acceptable entity for the purpose of this project.

Note: When a project supervisor role is required, the tenderer for that role must be an individual or body corporate in compliance with Health and Safety regulations.

Note: A Tenderer providing a significant part of the works with the remainder being outsourced to sub-contractors should include suitability evidence from those sub-contractors with the Tenderer’s suitability evidence as part of the Tenderer’s submission. The two sources of evidence should be treated as on from the Tenderer and assessed accordingly.

The document is in three main parts:

- Section 1 gives details of the project and the requirements. The Contracting Authority completes it prior to issuing the questionnaire.
- Section 2 is used to collect basic information about the tenderer. If the Contracting Authority requires details in addition to the standard details, the Contracting Authority must specify these requirements prior to the issuing the questionnaire as part of the tender documents. The tenderer must then use the questionnaire to provide the required details.
- Section 3 details the criteria that will be used to evaluate the suitability of the tenderer. Prior to issuing questionnaire as part of the tender documents, the Contracting Authority specifies the criteria that will be used; the tenderer must then use the form to provide the required details and to confirm that other required information is appended or will be submitted on request as indicated by completing the checkbox associated with each criterion.

This document is a protected MS Word form (text other than form fields is protected). The Tenderer should use only those fields marked ‘Tenderer Entry’. Other form fields containing project-specific information provided by the Contracting Authority must not be altered. Should a tenderer alter any project-specific information in the questionnaire and submit it in its amended state as the tenderer’s response, the tenderer will be automatically disqualified. The Tenderer should provide only evidence that is current up to the date of submission indicated below. All signatures must be supplied in hardcopy.

Time and date for return of Questionnaire:

<p>Latest Time and Date for receipt of completed Questionnaire and Tender:</p>	<p>15.00hrs on the 18th November 2016</p>
<p>Return Name and Address (if different from <i>Contracting Authority</i> details in Section 1, below).</p>	<p>Energy Efficiency Retrofitting Work for Local Authorities - External Insulation and Ancillary Works (Lot 4 - Works ≥ € 200,000) SEO Corporate Services, Kerry County Council, County Buildings, Rathass, Tralee, Co. Kerry.</p>

SECTION 1: PROJECT PARTICULARS

1.1 Project Information

<p>Project Title:</p>	<p>Framework Agreement for Energy Efficiency Retrofitting Work for Local Authorities - External Insulation and Ancillary Works (Lot 4 - Works ≥ € 200,000)</p> <p>The Local Government Operational Procurement Centre (LGOPC) acting as a Central Purchasing Body (CPB) under the auspices of Kerry County Council is co-ordinating the establishment of a framework of contractors on behalf of the Contracting Authorities listed in the Schedule to the Framework Agreement.</p> <p>The Framework is being established in accordance with Directive 2014.24.EU as transposed into Irish Law by European Union (Award of Public Authority Contracts) Regulations SI 284 of 2016.</p>
<p>Approximate Size and General Description of the Works:</p>	<p>Installation of all or some of the following energy improvement works.</p> <ul style="list-style-type: none"> - External wall insulation systems and associated ancillary works. - Internal dry lining, including works to flat roof ceilings. - Attic Insulation including Insulation to Hot Water Cylinder, Water Storage Tank and Associated Pipe Work - Replacement of windows and doors including the use of in-situ measures such as film coatings. - Installation of all necessary and appropriate wall, soffit and/or window ventilation <p>Post works Building Energy Rating (BER) certificate for each individual house. The (BER) shall be undertaken by a fully trained SEAI registered BER Assessor.</p> <p>Works will take place in occupied dwellings in both urban and rural locations and may involve groups of dwellings.</p> <p>Scale of works will vary depending on the requirements of each Contracting Authority (Purchaser).</p>
<p>Main CPV Code:</p>	<p>45210000-2, 45320000-6</p>
<p>Form of Contract:</p>	<p>Framework Agreement for Construction Work (PW-CF9) using the Short Public Works Contract for Public Building and Civil Engineering Works (PW-CF6) or if applicable the Public Works Contract for Minor Building and Civil Engineering Works Designed by the Employer PW-CF5</p>
<p>Anticipated Start of Works Date:</p>	<p>Quarter 4, 2016</p>
<p>Contract Period (months):</p>	<p>2 years with option for two further 1 year extensions</p>
<p>Bill of Quantities Method of Measurement:</p>	<p>See attached pricing document for Framework Application Stage</p>

1.2 Contracting Authority Information

<p>Contracting Authority Name:</p>	<p>Local Government Operational Procurement Centre as CPB</p>
<p>Contracting Authority Address:</p>	<p>Unit 9, Ground Floor, Building C, The Reeks Gateway, Rock Road, Killarney.</p>

Suitability Assessment Questionnaire – Works Contractor: Open Procedure

Contact Name:	Catherine Carmody
Contact Address (if different from Contracting Authority):	N/A
Contact Telephone No:	0761064020
Contact Fax No:	N/A
Contact Mobile Phone No:	N/A
Contact Email Address:	eproc@kerrycoco.ie

1.3 Contractor’s Role

The successful tenderer is to be appointed to the roles outlined in the table below.

Works Contractor:	Successful tenderer will be appointed Works Contractor on the project in accordance with the Safety, Health and Welfare at Work (Construction) Regulations 2013.
Project Supervisor for the Construction Stage (PSCS):	Successful tenderer will be appointed PSCS on the project in accordance with the Safety, Health and Welfare at Work (Construction) Regulations 2013.

Health and Safety Coordinator (HSC):	This Contract does not require HSC for approval and appointment by the PSDP in accordance with the Safety, Health and Welfare at Work (Construction) Regulations 2013.
Designer:	Successful tenderer will be appointed Designer on the project in accordance with the Safety, Health and Welfare at Work (Construction) Regulations 2013.
Project Supervisor for the Design Process (PSDP):	There will be an Independent PSDP on the project in accordance with the Safety, Health and Welfare at Work (Construction) Regulations 2013.

1.4 Project Category

Project categorisation for assessment of the tenderer and proposed specialists (using W3 form) where such specialists are required under section 1.6 below.	Type 2
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1.5 Health and Safety

The successful contractor 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 requirement to have a Safety Statement. The successful contractor will also be required to comply with the Safety, Health and Welfare at Work (Construction) Regulations 2013, particularly in relation to the appointment (as applicable) of the Works Contractor, Health and Safety Coordinator (HSC), Designer, Project Supervisor for the Construction Stage (PSCS), and the Project Supervisor for the Design Process (PSDP).

<p>Areas of work involving Particular Risks known to Contracting Authority at issue of questionnaire:</p> <p>The areas of specific risk associated with the type of works that are proposed are as follows. Please note that this is not an exhaustive list of the potential risks.</p> <p>Working near members of the public/public space. Possible risks associated with infestations in attics, cavity walls etc. Working near electricity cables - externally and internally The use of equipment - hand held or otherwise. Working from Heights incl. ladders, scaffold, falling objects etc. Plant & Lifting operations Hidden services e.g. cables/pipes in attic/cavity walls. Asbestos containing materials - unlikely but may arise in decorative coatings and in some old roofs. General Risks associated with the type of works involved with this contract e.g. housekeeping, material storage etc Working with substances e.g. cement Working with biological agents Working in confined spaces such as attics. Handling of goods and materials Risk of fire in any of the properties where works are carried out as it is most likely, and should be taken for granted at tender stage, that all of the properties will be occupied by tenants when the works are carried out. An appropriate preliminary safety & health plan will be issued with each mini-competition under the Framework Agreement</p>
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1.6 Specialists proposed by Tenderer (using Specialist Form W3)

Not Applicable

Each specialist subcontractor that the Tenderer proposes for the specialist areas listed in this subsection is evaluated on a Pass/Fail basis separate to the main Tenderer. A separate Questionnaire (W3) customized by the Contracting Authority is provided for specialist subcontractors with Pass/Fail evaluation criteria specific to the specialist area of work required. If more than one specialist is named for a particular specialist area, the specialists whose submissions are above the minimum standard will be recorded as pre-qualified and the Main Contractor (that is pre-qualified and successful at Tender stage) may use any of those qualified to carry out that specialist role.

The Tenderer is required, as part of the application, to propose at least one and up to _____ specialists (with details of subcontractors in response to the W3 questionnaire) who will be employed for each of the specialist areas listed below:	
Specialist Area of Work	% of project costs
Not Applicable	

1.7 Specialists selected by Contracting Authority (using Specialist Form W3)

Not Applicable

The Contracting Authority conducted a separate competition for specialists and selected on the basis of suitability assessment a specialist or panel of specialists for each area of specialist work listed below. The Contracting Authority has included the names of these specialists in the main contract tender documents.	
Specialist Area of Work	% of project costs
Not Applicable	

1.8 Specialists novated by Contracting Authority

Not Applicable

Novation' means the Works Contractor taking the place of the Contracting Authority, taking over a contract and finishing it under the terms of that contract so that the specialist work is completed under the control of the successful tenderer. The names of the specialists that are to be novated by the Contracting Authority, the applicable conditions of contract, the contract price and any other appropriate contract information will be disclosed in the tender documents or during the tendering period.

The Contracting Authority will conduct a separate competition for specialists, enter into a contract with them to start or be ready to start work before the main contract is awarded and then novate those specialists to the main contractor for each specialist area listed

Specialist Area of Work	% of project costs
Not Applicable	

1.9 Other Works

Not Applicable

Description of Other Works
Not Applicable

SECTION 2: TENDERER DETAILS

The Tenderer must complete this section.

Where a tenderer is a Consortium or Joint Venture, the main Tenderer’s questionnaire (complete with all common information) should be copied and filled out for each active member of that Consortium or Joint Venture. The questionnaires should then be presented as a single submission.

A separate questionnaire, *Suitability Assessment of Works Specialist (QW3)*, is available to be filled out by each specialist to whom the Tenderer proposes to undertake the specialist areas of work listed in sub-section 1.6 above (if any). The completed specialist’s questionnaires should be presented with the main Tenderer’s questionnaire as a single submission.

2.1 Main/Lead Tenderer

Name of Tenderer:	Tenderer Entry
Address of Registered Head Office:	Tenderer Entry
Address(es) of Other Relevant Office(s):	Tenderer Entry or NA
Date Business Commenced Trading:	Tenderer Entry
Company Telephone:	Tenderer Entry
Company Fax:	Tenderer Entry
Company Email Address:	Tenderer Entry

Fill in this box if the company is a subsidiary.

Name and address of parent company and interest parent has in tenderer company (for example, wholly owned by single parent company):	Tenderer Entry or NA
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Fill in this box if there are other companies in a group that will be involved in the contract.

Name and address of other companies in the group involved in this contract:	Tenderer Entry or NA
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2.2 Tenderer’s Authorised Representative

There is no need to enter address, telephone, fax and email if identical to company details in 2.1.

Name of Authorised Representative:	Tenderer Entry
Representative’s Address:	Tenderer Entry or NA
Representative’s Telephone:	Tenderer Entry or NA
Representative’s Fax:	Tenderer Entry or NA
Representative’s Email Address:	Tenderer Entry or NA

2.3 Nature of Tenderer

Nature of Tenderer (for example, sole trader, private limited company, public limited company, Joint Venture):	Tenderer Entry
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Complete the relevant box below.

Limited Company (Public or Private)	
Company Registration Number:	Tenderer Entry
Year established:	Tenderer Entry
Number of years actively trading under present name:	Tenderer Entry
Name of Chairman/CEO/MD:	Tenderer Entry
Interest of Chairman/CEO/MD in other companies:	Tenderer Entry or NA
Changes to group structures or mergers over the past 5 years:	Tenderer Entry or NA

This box is to be filled only by the Lead of a Legal Partnership, a Consortium or any other type of Joint Venture.

Consortium or a Joint Venture company	
Names of all members in Consortium or Joint Venture company:	1. Tenderer Entry or NA
	2. Tenderer Entry or NA
	3. Tenderer Entry or NA
	4. Tenderer Entry or NA
Was Consortium or a Joint Venture company formed for this project? (Delete as appropriate.)	Tenderer Entry: Yes/No/NA
If you answered 'No' above, state number of years actively trading under present name:	Tenderer Entry or NA
Method of financing Consortium or Joint Venture company:	Tenderer Entry or NA

2.4 Additional Tenderer Company Details

Additional details of the Tenderer's Company are requested below if required

Have the entities identified above ever traded or operated under another name. If so, list those names and details.	Tenderer Entry
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SECTION 3: ASSESSMENT CRITERIA

The criteria that will be used in evaluating submissions to see if they pass the suitability test are set out in this section. *All* are simple Pass/Fail criteria – these are requirements that must be met in full and if passed satisfy the suitability test.

The Tenderer must complete this section by attaching (where requested) the required information in appendices numbered according to the criteria here and then ticking the relevant box to confirm the attachment.

- For each criterion marked as **Response: REQUIRED**, Tenderers must provide the information specified in the corresponding section of the form no later than the date set for the return of the form and the tender, and, where appropriate, confirm in the box provided that it is included with the completed questionnaire in the tender submission. Failure to do so could invalidate the submission.
- For criteria marked as **Response: SUBMIT ON REQUEST**, Tenderers should provide the information if requested (that is if the Contracting Authority does not already have such up-to-date material on file) before the commencement of the evaluation exercise as notified by the Contracting Authority.
- For criteria marked as **Response: NOT REQUIRED**, Tenderers should not provide the information.
- For H&S criteria marked as **Response: Not Applicable**, Tenderers should not provide the information. This should be selected for all the criteria in a H&S supplement when the supplement is not required for the principal service(s) in the questionnaire.

If a tenderer is submitting multiple forms that require common information for any one project, it may be possible to submit such information just once, if clearance (in writing, e.g. letter or email) to do so is obtained in advance from the Contracting Authority.

After the closing date, Tenderers may be asked to clarify aspects of evidence supplied, by written submission, by interview or by both, for any of the suitability assessment criteria specified as **Required** or **Submit on Request**. If such clarification is requested, any additional material supplied must be strictly to supplement material already provided in the original submission.

Applications by Consortium or Joint Venture: Where a Tenderer is a Consortium or Joint Venture, the questionnaire is filled out for each member of that Consortium or Joint Venture and all the completed questionnaires are presented as a single submission. These questionnaires are then evaluated and marked as a single submission. All submissions are taken into account and evaluated on a pass/fail basis as if the information was submitted in one single questionnaire.

Applications with Specialists Works: A tenderer must propose at least one specialist for each of the Specialist Work Areas listed by the Contracting Authority at sub-section 1.6. For each area a specialist's Questionnaire is provided by the Contracting Authority to be completed and evaluated for each specialist proposed for that area. The maximum number of nominees allowed is indicated at 1.6. At least one specialist must pass for each area to enable the main contractor to pass.

Alternative Specialists: Tenderers may propose alternative specialists to those the Contracting Authority proposes in the tender documents for Special Work Areas listed at sub-section 1.7. If Tenderers avail of this option they must complete the specialist's Questionnaire (W3) prepared by the Contracting Authority so that each alternative specialist proposed can be evaluated. The maximum number of alternative specialists allowed for each specialist area of work is three. If the Tenderer is relying solely on its alternative specialists, at least one must pass for each area to enable the main contract Tenderer to have its tender evaluated.

CONTRACTING AUTHORITY’S ASSESSEMENT SCHEME AND TENDERER’S SUMMARY

Tenderer: Please use the tables below to ensure your submission is complete; for each criterion being used you should write Y (for yes) or NA (for Not Applicable) in the box under Tenderer’s Response to indicate that you have followed the relevant instructions in this questionnaire and provided the required information.

No. ¹	Requirement/Criterion	Applicable ²	Type of Evaluation	Tenderer’s Response
3.1	TENDERER’S PERSONAL SITUATION	Yes	Pass/Fail Only	Tenderer Entry
3.2	PROFESSIONAL OR TRADE REGISTER	Yes	Pass/ Fail Only	Tenderer Entry
3.3	FINANCIAL AND ECONOMIC STANDING			
3.3a	Evidence of Turnover	Yes	Pass/ Fail Only	Not Applicable
3.3b	Balance Sheet or Extracts from a Balance Sheet	No	No	Not Applicable
3.3c	Banker’s Letter	No	No	Not Applicable
3.3d	Other Financial/Economic Information/References	No	No	Not Applicable
3.3e	Professional Indemnity Insurance	Yes	Pass/ Fail Only	Tenderer Entry
3.3f	Public Liability Insurance	Yes	Pass/ Fail Only	Tenderer Entry
3.3g	Employer Liability Insurance	Yes	Pass/ Fail Only	Tenderer Entry
3.3h	Performance Bond	Yes	Pass/ Fail Only	Not Applicable
3.4	TECHNICAL CAPABILITY (Contractor competency)			
3.4a	Educational and Professional Qualifications (Managerial)	Yes	Pass/ Fail Only	Tenderer Entry
3.4b	Educational and Professional Qualifications (Personnel)	Yes	Pass/ Fail Only	Tenderer Entry
3.4c	List Works carried out over the Past 5 Years	Yes	Pass/ Fail Only	Tenderer Entry
3.4d	List Technicians or Technical Bodies involved especially those responsible for Quality Control and those whom the contractor can call on in order to carry out work	Yes	Pass/ Fail Only	Tenderer Entry
3.4e	A statement of the Average Annual Numbers of Persons Employed by the Contractor and those in a Managerial Position over the Past 3 Years	Yes	Pass/ Fail Only	Not Applicable
3.4f	A Statement of the Technical Equipment Available	No	No	Not Applicable

¹ The number references relate to Section numbers in the document.

² Confirm which of the criteria are applicable by choosing ‘Yes’ for those being used and ‘No’ for those which are not. If ‘No’ is entered opposite any of the criteria in the third column titled ‘Applicable’ then ‘No’ should be entered in the fourth column titled ‘Type of Evaluation’. If ‘Yes’ is entered opposite any of the criteria in the third column titled ‘Applicable’ then ‘Pass/Fail’ should be selected under the fourth column titled ‘Type of Evaluation’.

CA Note: Criterion 3.4a to 3.4f equally applies to the Contractor as a Designer. See variations in requirements under each criterion.

The Tenderer should check that the Health and Safety criteria in Section 3 have been completed according to the type of Health and Safety competency required at 1.3. Tick the boxes below as appropriate and then fill in the supplements to the main table as required.

Contractor (3.4.1)	<input checked="" type="checkbox"/>	PSCS (3.4.2)	<input checked="" type="checkbox"/>
Designer (3.4.3)	<input checked="" type="checkbox"/>	PSDP/HSC (3.4.4)	<input type="checkbox"/>

Contractor H&S Supplement

The following supplement to the main table must **always** be filled in by the Contractor.

No.	Requirement/Criterion	Applicable	Type of Evaluation	Tenderer's Response
3.4.1	TECHNICAL CAPABILITY (Health and Safety competence of Contractor)			
3.4.1a	Educational and Professional Qualifications (Managerial)	Yes	Pass/Fail Only	Tenderer Entry
3.4.1b	Educational and Professional Qualifications (Personnel)	Yes	Pass/Fail Only	Tenderer Entry
3.4.1c	List Works carried out over the Past 5 Years	Yes	Pass/Fail Only	Tenderer Entry
3.4.1d	List of Technicians or Technical Bodies involved especially those responsible for Quality Control and those whom the contractor can call on in order to carry out work	Yes	Pass/Fail Only	Tenderer Entry
3.4.1e	A statement of the Average Annual Numbers of Persons Employed by the Contractor and those in a Managerial Position over the Past 3 Years	Yes	Pass/Fail Only	Tenderer Entry
3.4.1f	A Statement of the Technical Equipment Available	No	No	Not Applicable

PSCS Supplement

When the PSCS role is required at sub-section 1.3, the following supplement must be filled in.

No.	Requirement/Criterion	Applicable	Type of Evaluation	Tenderer's Response
3.4.2	TECHNICAL CAPABILITY (Health and Safety competence as Project Supervisor for the Construction Stage)			
3.4.2a	Educational and Professional Qualifications (Managerial)	Yes	Pass/Fail Only	Tenderer Entry
3.4.2b	Educational and Professional Qualifications (Personnel)	No	No	Tenderer Entry
3.4.2c	List of Technical Services provided for Works over the Past 3 Years	Yes	Pass/Fail Only	Tenderer Entry
3.4.2d	List of Technicians or Technical Bodies involved especially those responsible for Quality Control	Yes	Pass/Fail Only	Tenderer Entry
3.4.2e	A statement of the Average Annual Numbers of Persons Employed to	Yes	Pass/Fail Only	Tenderer Entry

	Provide PSCS Services and those in a Managerial Position over the Past 3 Years			
3.4.2f	A statement of the Technical Equipment Available	No	No	Not Applicable
3.4.2g	Technical Facilities and Measures for Ensuring Quality of Services and Study and Research Facilities	Yes	Pass/Fail Only	Tenderer Entry

Designer Supplement

When the Designer role is required at sub-section 1.3, the following supplement to must be filled in

No.	Requirement/Criterion	Applicable	Type of Evaluation	Tenderer's Response
3.4.3	TECHNICAL CAPABILITY (Health and Safety competence of Contractor as Designer)			
3.4.3a	Educational and Professional Qualifications (Managerial)	Yes	Pass/Fail Only	Tenderer Entry
3.4.3b	Educational and Professional Qualifications (Personnel)	No	No	Not Applicable
3.4.3c	List of Technical Services provided for Works over the Past 3 Years	No	No	Tenderer Entry
3.4.3d	List of Technicians or Technical Bodies involved especially those responsible for Quality Control	Yes	Pass/Fail Only	Tenderer Entry
3.4.3e	A statement of the Average Annual Numbers of Persons Employed to Provide Design Services and those in a Managerial Position over the Past 3 Years	No	No	Not Applicable
3.4.3f	A statement of the Technical Equipment Available	No	No	Not Applicable
3.4.3g	Technical Facilities and Measures for Ensuring Quality of Services and Study and Research Facilities	Yes	Pass/Fail Only	Not Applicable

PSDP Supplement

When the PSDP role is required at sub-section 1.3, the following supplement must be filled in.

No.	Requirement/Criterion	Applicable	Type of Evaluation	Tenderer's Response
3.4.4	TECHNICAL CAPABILITY (Health and Safety competence as this Supplement is Not Applicable³)			
3.4.4a	Educational and Professional Qualifications (Managerial)	No	No	Not Applicable
3.4.4b	Educational and Professional Qualifications (Personnel)	No	No	Not Applicable
3.4.4c	List of Technical Services provided for Works over the Past 3 Years	No	No	Not Applicable
3.4.4d	List of Technicians or Technical Bodies involved especially those responsible for Quality Control	No	No	Not Applicable

³ Delete as appropriate

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3.4.4e	A statement of the Average Annual Numbers of Persons Employed to Provide PSDP/SC Services and those in a Managerial Position over the Past 3 Years	No	No	Not Applicable
3.4.4f	A statement of the Technical Equipment Available	No	No	Not Applicable
3.4.4g	Technical Facilities and Measures for Ensuring Quality of Services and Study and Research Facilities	No	No	Not Applicable

Note: Whilst the criteria to follow are taken from Directive 2004/18/EC and SI Number 329 of 2006 they can equally be applied to works contractor procurements below EU thresholds

3.1 EVIDENCE OF TENDERER’S PERSONAL SITUATION

RESPONSE: REQUIRED

If any one of the grounds specified in Article 54 of Directive 2004/17/EC (and Regulation 56 of SI No 50 of 2007) or Articles 45 and 51 of Directive 2004/18/EC (and Regulation 53 of SI No 329 of 2006) apply to the tenderer or any member of the tenderer Consortium or Joint Venture or their parent companies, the tenderer will be excluded from this competition⁴ (subject to footnote). To confirm that none of these grounds apply, the DECLARATION FORM⁵ supplied with this questionnaire (see Appendix A) must be included with the submission⁶ signed and witnessed within the past 12 months.

Prior to appointment, the successful tenderer will be required to produce a current tax clearance certificate or C2 certificate; or a statement of suitability on tax grounds and current certificates from a relevant non-Irish country.

<p>Tenderer Entry: Check the appropriate box to confirm that the standard declaration form relating to your personal situation</p> <p>(a) has been completed, signed, witnessed, and is included with your response as Appendix 3.1 (if Response is REQUIRED), or</p> <p>(b) will be completed, signed, witnessed and submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).</p>	<input style="width: 30px; height: 20px; margin-bottom: 10px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/>
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NOTE: When the response is ‘REQUIRED’ and a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion.

3.2 ENROLMENT ON PROFESSIONAL OR TRADE REGISTER

RESPONSE: REQUIRED

Provide evidence of enrolment on a relevant Professional or Trade Register in accordance with **Article 54 of Directive 2004/17/EC (and Regulation 56 of SI No 50 of 2007) and Article 46 of 2004/18/EC (and Regulation 54 of SI No 329 of 2007)** and the requirements (if any) as identified by the Contracting Authority below.

Applications must include the details required in sections 2.1, 2.2 and 2.3 of this questionnaire.

<p>Tenderer Entry: Check the appropriate box to confirm that the information requested</p> <p>(a) is attached with your response as Appendix 3.2 (if Response is REQUIRED), or</p> <p>(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).</p>	<input style="width: 30px; height: 20px; margin-bottom: 10px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/>
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NOTE: When the response is ‘REQUIRED’ and a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion.

⁴ Before a tenderer, in relation to a breach under 2(a)-(d) in form at Appendix A, is excluded the tenderer may make a case and provide supporting evidence as to why they should not to be excluded. The Contracting Authority must consider this evidence before making a decision whether to exclude or include the tenderer.

⁵ In Ireland and the UK this must always be witnessed in the presence of a Commissioner for Oaths. In other jurisdictions where there is no provision for a declaration on oath one of the alternative arrangements appropriate to the jurisdiction can be provided.

⁶ The declaration can be in the form of a certified copy signed by the tenderer or a person authorised to sign on behalf of the tenderer. It should be accompanied by a confirmation, signed by the tenderer or on behalf of the tenderer, that since the making of the declaration the legal situation of the tenderer regarding the circumstances in the declaration has not changed in any way that would prohibit the tenderer from making a new declaration on oath on the same basis. In relation to a certified copy the Contracting Authority should reserve the right to inspect the original at any time if considered necessary.

3.3 EVIDENCE OF ECONOMIC AND FINANCIAL STANDING CRITERIA [ARTICLE 54 OF DIRECTIVE 2004/17/EC (and Regulation 56 of SI No. 50 of 2007) OR ARTICLE 47 OF DIRECTIVE 2004/18/EC (and Regulation 55 of SI No. 329 of 2007)]

Information in 3.3 must be provided by the Tenderer, and, if the Tenderer is a subsidiary, by the Tenderer’s parent company.

Normally, if the Tenderer is a consortium, the combined total of turnover for all consortium members must be sufficient to meet the minimum turnover criterion in 3.3a. However, where only one member of the consortium has the skills, resources and experience to carry out the work, that member must have an average turnover sufficient to demonstrate the company’s financial capacity to undertake the work.

3.3a EVIDENCE OF TURNOVER

RESPONSE: DECLARATION "D" REQUIRED

With reference to this criterion, the highlighted section above "RESPONSE: DECLARATION "D" REQUIRED" is incorrect and should read "RESPONSE: REQUIRED".

Declaration D is not required for this criterion.

Applications must include:

1 - Evidence in relation to the main works of certified turnover for the 3 previous financial years satisfying the requirements of the "Minimum Turnover" Table below and confirming the "Total Turnover" for the entity.

1.1 - A confirmatory note from the Applicant's accountant indicating the year in question, turnover and confirmation of works activity that resulted in the turnover will be taken as suitable prima facie evidence of this condition. Turnover must be specific to the substance of this Lot 4 - External Insulation and Ancillary Works (Works Contract Value ≥ € 200,000), as described in section 1 Project Particulars of this document.

2 - Supply also certified Overall Turnover for the 3 previous financial years to include other areas of business.

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 meet the Minimum average turnover outlined below.

Minimum Turnover			
Area of Work / Business:	Overall Average Turnover to include other areas of business	Minimum Average Turnover:	Maximum Average Turnover:
Installation of External Wall Insulation systems.	Not Applicable.	€ 400,000 per annum specifically related to the installation of External Wall Insulation systems.	Not Applicable.

Tenderer Entry: Check the appropriate box to confirm that the evidence requested
(a) is attached with your response as Appendix 3.3a (if Response is REQUIRED)
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

NOTE: When the response is 'REQUIRED' and a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion.

3.3b BALANCE SHEET OR EXTRACTS FROM A BALANCE SHEET

RESPONSE: NOT REQUIRED

Not Applicable

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). Initially the declaration at Appendix "D" should be provided.

Tenderer Entry: Check the appropriate box to confirm that the information requested
(a) is attached with your response as Appendix 3.3b (if Response is REQUIRED), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

NOTE: When the response is 'REQUIRED' and a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion.

3.3c BANKER'S LETTER

Not Applicable

RESPONSE: NOT REQUIRED

The tenderer must provide a letter from the tenderer's current principal banker dated within past three months, stating that, to the best of its knowledge, this is the tenderer's principal account and it is currently in good standing (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). Initially the declaration at Appendix D should be provided with the tender submission.

Tenderer Entry: Check the appropriate box to confirm that the information requested
(a) is attached with your response as Appendix 3.3c (if Response is REQUIRED), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

NOTE: When the response is 'REQUIRED' and a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion.

3.3d OTHER FINANCIAL/ECONOMIC INFORMATION/ REFERENCES

RESPONSE: NOT REQUIRED

Tenderer Entry: Check the appropriate box to confirm that the information requested
(a) is attached with your response as Appendix 3.3d (if Response is REQUIRED), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

NOTE: When the response is 'REQUIRED' and a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion.

3.3e PROFESSIONAL INDEMNITY INSURANCE

RESPONSE: DECLARATION "D" REQUIRED

Applications must include:

Appendix D Declaration on letter-headed paper of the Applicant (only).

(i) The level of cover as stated here:

Minimum level of Professional Indemnity Insurance required for Works Contractor, PSCS, Designer and PSDP	€2500000
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Note for Applicants Information:

The above Minimum Level of Professional Indemnity must cover Works Contractor, PSCS and Designer only (PSDP is not included).

Applicants may use the Professional Indemnity cover of their External Wall Insulation sub-contractor provided suitable extensions of cover are in place to protect the interest of the Employer.

Applicants do not need to have this insurance policy in place when they submit an application for appointment to the Framework. If successfully appointed to the Framework, the Applicant will be required to provide proof that this insurance is in place prior to the award of any mini-competition contract.

(ii) The excess as stated here:

Maximum permissible excess on Professional Indemnity Insurance below which the Works Contractor, PSCS, Designer and PSDP will bear the cost of claims	€50000
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(iii) Cover provided on an '**each and every claim**' basis;

(iv) The conditions provide for claims for breach of professional duty or civil liability as well as negligence;

(v) Cover extends to include specialist advisers engaged as subcontractors by the tenderer;

(vi) Cover is provided in respect of Joint & Several liability;

(vii) The jurisdiction in which claims can be lodged and settled is IRELAND.

Tenderer Entry: Check the appropriate box to confirm that evidence that insurance can be obtained in accordance with the requirement (a) is attached with your response as Appendix 3.3e (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).	<input type="checkbox"/>
	<input type="checkbox"/>

NOTE: When the response is 'REQUIRED'

If a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion.

3.3f PUBLIC LIABILITY INSURANCE

RESPONSE: DECLARATION "D" REQUIRED

Before appointment, the successful tenderer will be required to produce evidence from their Insurance Company in the form of the policy confirming that the tenderer has current public liability insurance cover complying with the requirement(s) set out below. Initially the declaration at Appendix D should be provided with the tender submission.

Minimum level of Public Liability Insurance required in respect of any one accident below which the Works Contractor, as PSCS and as Designer will bear the cost:	€6500000
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Applications must include:

Appendix D Declaration on letter-headed paper of the Applicant (only).

Note for Applicants Information:

The policy must specifically cover work associated with external wall insulation installation and have no exclusions in relation to this activity.

The description of the activities of the insured must be unambiguous in setting out the contractors core business activity.

Applicants do not need to have this insurance policy in place when they submit an application for appointment to the Framework. If successfully appointed to the Framework, the Applicant will be required to provide proof that this insurance is in place prior to the award of any mini-competition contract.

Tenderer Entry: Check the appropriate box to confirm that evidence that insurance can be obtained in accordance with the requirement (a) is attached with your response as Appendix 3.3f (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).	<input type="checkbox"/>
	<input type="checkbox"/>

3.3g EMPLOYER’S LIABILITY INSURANCE

RESPONSE: DECLARATION "D" REQUIRED

Before appointment, the successful tenderer will be required to produce evidence from their Insurance Company in the form of the policy confirming that the tenderer has current Employer’s Liability insurance cover complying with the requirement(s) set out below. Initially the declaration at Appendix D should be provided with the tender submission.

Minimum level of Employer’s Liability Insurance required in respect of any one accident below which the Works Contractor, as PSCS, as Designer and as PSDP will bear the cost:	€13000000
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Note for Applicants Information:

The above Minimum Level of Employers Liability must cover Works Contractor, PSCS and Designer only (PSDP is not included).

Applications must include:

Appendix D Declaration on letter-headed paper of the Applicant (only).

Note for Applicants Information:

The policy must specifically cover work associated with external wall insulation installation and have no exclusions in relation to this activity.

The description of the activities of the insured must be unambiguous in setting out the contractors core business activity.

Applicants do not need to have this insurance policy in place when they submit an application for appointment to the Framework. If successfully appointed to the Framework, the Applicant will be required to provide proof that this insurance is in place prior to the award of any mini-competition contract.

Tenderer Entry: Check the appropriate box to confirm that evidence that insurance can be obtained in accordance with the requirement (a) is attached with your response as Appendix 3.3g (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).	<input type="checkbox"/> <input type="checkbox"/>
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3.3h PERFORMANCE BOND

RESPONSE: DECLARATION "D" REQUIRED

Before Starting Date of the Contract the successful tenderer will be required to produce evidence in the form of the Performance Bond complying with the requirement set out below. Initially the declaration at Appendix D should be provided with the tender submission.

Performance Bond Requirement, as a percentage of the contract sum:	12%
Period after substantial completion for which a Performance Bond is required:	12Months

Applications must include:

Appendix D Declaration on letter-headed paper of the Applicant (only).

Note for Applicants Information:

Applicants do not need to have a Performance Bond in place when they submit an application for appointment to the Framework. If successfully appointed to the Framework, the Applicant MAY be required to provide a Performance Bond prior to the award of any mini-competition contract.

Tenderer Entry: Check the appropriate box to confirm that evidence that a Performance Bond can be obtained in accordance with the requirement (a) is attached with your response as Appendix 3.3h (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).	<input type="checkbox"/> <input type="checkbox"/>
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3.4 EVIDENCE OF TECHNICAL CAPABILITY CRITERIA [ARTICLE 54 OF DIRECTIVE 2004/17/EC (AND REGULATION 56 OF SI No. 50 OF 2007) OR ARTICLE 48 OF DIRECTIVE 2004/18/EC (AND REGULATIONS 56 AND 57 OF SI No. 329 OF 2006)]

In the context of technical capability the tenderer should carefully consider the responses in this sub-section in relation to the role of contractor that is required for the project as outlined in Section 1.

- Where the role of Contractor as Designer is required in sub-section 1.3, this role may be provided by in-house personnel or by subcontractor. When a subcontractor or in-house expert is proposed for the role of Contractor as Designer, include separate evidence in response to the criteria below. The supplement 3.4.3(HS) on Designer Health and Safety must also be completed.
- Where the roles required include PSCS or PSDP services the appropriate supplement, 3.4.2(HS) or 3.4.4(HS), should be completed.

3.4a EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management)

RESPONSE: REQUIRED

Tenderers must provide evidence of educational and professional qualifications (with dates obtained) and experience (on similar projects) of their management staff, and include the curricula vitae of the managerial staff and the organization structure in accordance with the requirements (if any) identified below. If Health and Safety evidence of the management staff's educational and professional qualifications and experience in relation Works, Design, PSDP, PSCS or Health and Safety Coordinator is included here it should then be cross-referenced in Supplements 3.4.1a(HS), 3.4.2a(HS), 3.4.3a(HS) or 3.4.4a(HS) as appropriate: such evidence will always be assessed under those sections.

Applications must include:

Resume for one (1) Project Manager and two (2) Site Supervisors, that as a minimum details the following information for both:

- employment history with specific reference to project management of works projects - minimum five (5) projects in the last three (3) years, each with a contract value in excess of €20,000.

In addition:

Please complete and submit Section A of Declaration 1 'Company Organogram & Statement of Average Annual Numbers of Persons Employed', to be submitted in response to section 3.4e. Please refer to Declaration No.1 attached separately.

Note for Applicants Information:

Health & Safety competency will be assessed separately in supplement 3.4.1

Ability to discharge the PSCS service will be assessed separately in supplement 3.4.2

Ability to discharge the Designer function will be assessed separately in supplement 3.4.3

Tenderer Entry: Check the appropriate box to confirm that the information requested (a) is attached with your response as Appendix 3.4a (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).	<input type="checkbox"/>
	<input type="checkbox"/>

NOTE:

1. If a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion
2. Separate evidence required for inhouse Designer

3.4b EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel)

RESPONSE: SUBMIT ON REQUEST

Tenderers must provide evidence of educational and professional qualifications (with the dates obtained) of the tenderer's personnel proposed for the project, including the curricula vitae of the personnel in compliance with the specific requirements (if any) identified below. If Health and Safety evidence of the educational and professional qualifications and experience of the tenderer's personnel for the project on projects of a similar size and complexity in relation Works, Design, PSDP, PSCS or Health and Safety Coordinator is included here it should then be cross-referenced in Supplements 3.4.1b(HS), 3.4.2b(HS), 3.4.3b(HS) and 3.4.4b(HS) as appropriate: such evidence will be assessed under those sections.

Note for Applicants information:

When requested at mini-competition stage the Applicant must provide the following details for personnel:-

- (i) Solas/Fás Safepass Card, or equivalent
- (ii) External Wall Installation (ETICS) card, or equivalent, if relevant
- (iii) Confirmation of Construction Skills Registration Cards (CSCS Cards), or equivalent, if relevant

Tenderer Entry: Check the appropriate box to confirm that the information requested
(a) is attached with your response as Appendix 3.4b (if Response is REQUIRED), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

NOTE:

1. If a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion
2. Tenderer's evidence accepted for inhouse Designer

3.4c LIST OF WORKS CARRIED OUT OVER THE PAST 5 YEARS

**RESPONSE:
DECLARATION B2 (AND IF APPROPRIATE B1) REQUIRED**

Tenderers must supply details of works that the Tenderer has provided *over the past five years that are similar in nature and complexity to the Works required for Lot 4 Framework Agreement for Energy Efficiency Retrofitting Work - External Insulation and Ancillary Works (Contract Value ≥ € 200,000.*

Note: With reference to this criterion, List of Works Carried Out over the past 5 years as indicated above is incorrect and should read "3 Years".

The Applicant must submit 5 No. B2 forms demonstrating at least the following:

- (i) At least 3 No. Works Projects that included the installation of an external wall insulation system in occupied dwellings - to be fully detailed in "Appendix B2" forms.*
- (ii) At least 2 No. Works Project that included the installation of an external wall insulation system in a multiple occupied dwellings situation (minimum 10 dwellings) to be fully detailed in "Appendix B2" form.*

Each Works Project must be submitted on a separate "Appendix B2" form, ("Appendix B1" is not required).

The projects listed in the "Appendix B2" form must be similar in nature to those as described in Section 1 Project Particulars of this document.

For clarity, Tenderers shall ensure that all information required in (i) and (ii) is included in the appropriate section of each "Appendix B2" form where prompted by the words "Contractor Entry".

For clarity, Tenderers shall ensure that the words "Works Contractor" are included in the ACTIVITY box of each "Appendix B2" form where prompted by the words "Contractor Entry".

The references (i.e. Certificates of Satisfactory Execution) required in relation to these projects should be submitted using the standard form provided at Appendix B2 and if appropriate Appendix B1 to this questionnaire to supply the necessary information in addition to supplementary requirements (if any) stated by the Contracting Authority below.

If Health and Safety evidence in relation to Works, is included here it should then be cross-referenced in Supplement 3.4.1c(HS), such evidence will be assessed under that section. Health and Safety evidence in relation to Design, PSDP, PSCS or Health and Safety Coordinator should NOT be supplied here – it must be dealt with separately in Supplements 3.4.2c(HS), 3.4.3c(HS) and 3.4.4c(HS) as appropriate.

Tenderer Entry: Check the appropriate box to confirm that the Certificates of Satisfactory Execution (in the form provided at Appendix B2 of this questionnaire)
 (a) are attached as Appendix 3.4c (if Response is REQUIRED), or
 (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

<input type="checkbox"/>
<input type="checkbox"/>

NOTE:

1. If a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion, i.e. List Technical Services Provided for Works over the Past 3 Years
2. Separate evidence required for inhouse Designer

3.4d LIST of TECHNICIANS OR TECHNICAL BODIES INVOLVED ESPECIALLY THOSE RESPONSIBLE FOR QUALITY CONTROL AND THOSE WHOM THE CONTRACTOR CAN CALL ON IN ORDER TO CARRY OUT WORK

RESPONSE: DECLARATION "E" REQUIRED

Provide details in the form of a list of the relevant technicians or technical bodies (other than in-house specialists, or specialist subcontractors identified for specialist work listed at subsection 1.5) upon whom the tenderer can call on in order to carry out the work or whom the tenderer can use in regard to quality control (Article 48.2(b) of Directive 2004/18/EC and Regulation 57 of SI No 329 of 2006). Particularly in the context of ensuring quality both in the administration of a project and the delivery of a high quality end-product. Include requirements (if any) listed below. Initially the declaration at Appendix E should be provided. Health and Safety evidence in relation to Works, Design, PSDP, PSCS or Health and Safety Coordinator should not be supplied here – it must be dealt with in Supplements 3.4.1 (HS), 3.4.2 (HS), 3.4.3 (HS) and 3.4.4 (HS) as appropriate.

Applications must include a completed Appendix E.

Note for Applicants Information:-

When responding to any Mini-Competition Request for Tender under this Framework, the Contractor will provide registration details on behalf of the Contractor (or if applicable, its subcontractor proposed at Mini-Competition stage) to allow the Contracting Authority to confirm prior to the evaluation of the Contractor's Tender, that the registrations are valid and current for both of the following :

1 - Registration with the NSAI for the proposed External wall installation system (ETICS) being provided, as follows -:

(i) Registration Number, Company/Trading Name, and Name of ETICS Supervisor as listed on the NSAI Agrément Registered ETICS Installation Companies (or equivalent)

and

2 - Registration with the SEAI for the proposed External wall installation system being provided, as follows:

(i) Contractor ID and Company/Trading Name as listed on the SEAI Registered Contractors List for External Insulation and Roof Insulation (or equivalent)

The applicant confirms that all EWI projects will be assessed and designed taking account of the site specifics as per the content of the IAB certificate that is relevant to the particular nominated proprietary system for EWI.

The insurance cover afforded by the Designers professional indemnity insurances will be extended to the employer as per the request and requirements of the employer. This indemnity will be to the level as described in section 3.3e of this SAQ and the specifics will be described at Mini-Competition Request for Tender stage.

Tenderer Entry: Check the appropriate box to confirm that the information requested
(a) is attached with your response as Appendix 3.4d (if Response is REQUIRED), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

NOTE:

1. If a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion, i.e. List Technicians or Technical Bodies involved especially those responsible for Quality Control
2. Separate evidence required for inhouse Designer

3.4e A STATEMENT OF THE AVERAGE ANNUAL NUMBERS OF PERSONS EMPLOYED BY THE CONTRACTOR AND THOSE IN A MANAGERIAL POSITION OVER THE PAST 3 YEARS

RESPONSE: REQUIRED

Tenderers must provide evidence for three years of average annual manpower and management staff in accordance with the requirements (if any) identified below. If Health and Safety evidence in relation to in relation to Works, Design, PSDP, PSCS or Health and Safety Coordinator over the past 3 years is included here it should then be cross-referenced in Supplements 3.4.1e(HS), 3.4.2e(HS), 3.4.3e(HS) and 3.4.4e(HS) as appropriate: such evidence will be assessed under those sections.

Applications must include:

A Company Organogram and Statement of the Average Annual Numbers of Persons Employed during the past three years (2013 to 2015). Please refer to Declaration No.1 'Company Organogram & Statement of Average Annual Numbers of Persons Employed' attached separately.

Please complete the declaration in full and return it as Contractors response to SAQ item 3.4e.

Tenderer Entry: Check the appropriate box to confirm that the information requested (a) is attached with your response as Appendix 3.4e (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

NOTE:

1. If a subcontractor is proposed for the role of Contractor as Designer, include separate evidence in response to this criterion , i.e. A statement of the Average Annual Numbers of Persons Employed to Provide PSCS/ Design/ PSDP/SC Services and those in a Managerial Position over the Past 3 Years
2. Separate evidence required for inhouse Designer

3.4f A STATEMENT OF THE TECHNICAL EQUIPMENT AVAILABLE

RESPONSE: NOT REQUIRED

Tenderer must provide evidence of technical equipment available to carry out the project, including evidence of technical equipment available to the tenderer's specialists and the requirements (if any) listed below.

Tenderer Entry: Check the appropriate box to confirm that the information requested (a) is attached with your response as Appendix 3.4f (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

On behalf of the Tenderer, I certify that the Tenderer is not guilty of misrepresentation in supplying or failing to supply the information requested in response to the questionnaire above, including:

- a) The following completed declarations attached:
 - Self-Declarations: A, No.1, B2(x5), D, E
 -
 -so as to demonstrate/confirm compliance with the relevant criteria.
- b) Supplement 3.4.1 with declaration (as appropriate) at Appendix G, or SafeTCert, or OHSAS 18001, or equivalent; also Self Declaration Certificates B2 (x5) in relation to Health and Safety, Company Organisational Chart (Organogram), Resumes of Managerial Staff responsible for Health & Safety, Self Declaration C1, C3 and E.
- c) Supplement 3.4.2, with SafeTCert, or OHSAS 18001, or equivalent; also Self Declaration Certificates & B3(x3) in relation to Health and Safety, Company Organisational Chart (Organogram), Resumes of Managerial Staff responsible for Health & Safety, Self Declaration C1, C4, E.
- d) Supplement 3.4.3 with Appendices C2, C5 & E.
- e) Required Evidence in response to the Minimum Suitability Criteria outlined in Section 3 of this Questionnaire.

Signed: _____ **Date:** _____

For and on behalf of Tenderer (signature must be that of a Director/Principal with date in hardcopy)

Name: _____ [block letters]

Title: _____ [block letters]

Note: The Declaration on Oath at Appendix A must be certified separately according to the instruction at Appendix A.

CA: Only select what is relevant at (a) to (e) above and delete the opposite remaining items.

SUPPLEMENT 3.4.1: HEALTH AND SAFETY COMPETENCE OF CONTRACTOR

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. **This supplement on Health and Safety must be completed.**

The criteria below mirror the structure in the main part of the questionnaire for consistency but should be answered specifically in relation to Health and Safety competence in the Contractor's role. Where the response includes information already contained in response to the main section of the questionnaire, the applicant must clearly cross-reference that information where required in response to this Health and Safety supplement.

The level of information required is stated under the relevant criterion and based on the category of project identified at subsection 1.4 at the beginning of the questionnaire (i.e. Type 1/Type 2/Type 3). **All health and safety criteria are pass/fail criteria only.** The Applicant must meet the relevant minimum standard stated under each criterion.

3.4.1a EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management)

RESPONSE: REQUIRED option (i) only

**TYPE OF EVALUATION:
PASS/FAIL ONLY**

- (i) Applicants should provide evidence in the form of declaration at Appendix G. The evidence referred to in Appendix G is to be subsequently provided when requested. The evidence in question is the educational qualifications, professional qualifications (with dates obtained), and experience (on projects of similar size and complexity) including the curricula vita of the company's management staff. The organization structure should also be provided. The Minimum Standard (unless stated below) is evidence of sufficient management staff with appropriate professional qualifications and experience, relevant to the Works.

For clarity, Management positions include at a minimum the positions identified in section A of Declaration No. 1 attached separately.

Applications must include:

- (1) Completed Declaration "Appendix G"
- (2) Details of the competent representative who has overall responsibility for health and safety issues - this information shall be included in section A of Declaration No. 1 to be provided in response to item 3.4a of the QW2 Suitability Assessment Questionnaire.
- (3) A concise resumé detailing the specific health and safety competencies of the competent person identified as having overall responsibility for health and safety issues including:-
 - Employment history with specific reference to fulfilling Health & Safety duties
 - A Recognised professional qualification(s) in Health & Safety provided by an independent training provider. Site induction courses or statutory training courses such as manual handling, Fás/Solas Safepass, Construction Skills Registration Cards (CSCS) are not acceptable forms of qualification. Typical Examples of recognised professional Qualifications are outlined below.

Non Exhaustive list of Recognised Professional Health & Safety Qualifications:

- * Third level Certificate or Diploma in Health & Safety
- * Managing Safely in Construction (CIF/IOSH) or equivalent

Applicant Entry: Check the box to confirm that the Declaration at Appendix G is attached.

- (ii) Applicants should provide evidence in the form of declaration at Appendix G. The evidence referred to in Appendix G is to be subsequently provided when requested. The evidence in question is Health and Safety Training and Qualifications (for example, degree, diploma, certificate, CPD) with dates obtained, and experience (on similar projects) of the company's management staff. The Minimum Standard (unless stated below) is evidence of sufficient management staff with Health and Safety qualifications, training and experience, relevant to the Works.

Applicant Entry: Check the box to confirm that the Declaration at Appendix G is attached.

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

RESPONSE: REQUIRED option (i) only

**TYPE OF EVALUATION:
PASS/FAIL ONLY**

- (i) Applicants must provide evidence in the form of declaration at Appendix G. The evidence referred to in Appendix G is to be subsequently provided when requested. The evidence in question is the educational, professional qualifications (with dates obtained) and experience (on similar projects) on projects of a similar size and complexity; including the curricula vitae of the company's personnel for the project. The Minimum Standard (unless stated below) is evidence of sufficient personnel for the project with appropriate professional qualifications and experience, relevant to the Works.

Applications must include:

Completed Declaration "Appendix G".

Note for Applicants Information:

The following Evidence must be available at Mini-Competition Request for Tender stage and at any point during the Term of the Framework -:

Evidence of attendance by two (2) operatives at Health & Safety training provided by an independent training provider - minimum twelve (12) hours or two (2) days CPD over previous five (5) yrs.

[Safe Pass courses, site induction courses and Health and Safety training such as Manual Handling are not acceptable as CPD in the context of specific health and safety training]

Applicant Entry: Check the box to confirm that the Declaration at Appendix G is attached.

- (ii) Applicants should provide evidence in the form of declaration at Appendix G. The evidence referred to in Appendix G is to be subsequently provided when requested. The evidence in question is Health and Safety training and qualifications (for example, degree, diploma, certificate, CPD) and experience (on similar projects) together with curricula vitae of the company's personnel

for the project. The Minimum Standard (unless stated below) is evidence of sufficient personnel for the project with Health and Safety qualifications, training and experience, relevant to the Works.

Applicant Entry: Check the box to confirm that the Declaration at Appendix G is attached.

3.4.1c(HS) LIST of WORKS CARRIED OUT OVER THE PAST 5YEARS

RESPONSE:
DECLARATION B2 (IF APPROPRIATE B1) REQUIRED

TYPE OF EVALUATION:
PASS/FAIL ONLY

Applicants should supply examples of works carried out over the last 5 years. When the Response is REQUIRED, it may be included in the information submitted at 3.4c or submitted separately as Appendix 3.4.1c(HS). The Minimum Standard is evidence provided (using the standard form at Appendix B2 and if appropriate Appendix B1 to this questionnaire) of the works previously provided by the Applicant.

Note: With reference to this criterion, List of Works Carried Out over the past 5 years as indicated above is incorrect and should read "3 Years".

The requirements of this section will be addressed by the information provided in response to section 3.4.c of the SAQ QW2 document.

Applicant Entry: Check the appropriate box to confirm that the Certificates of Satisfactory Execution (in the form provided at Appendix B2 of this questionnaire)
(a) are attached with your response as Appendix 3.4c / 3.4.1c(HS) (if Response is REQUIRED),
or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

3.4.1d(HS) LIST TECHNICIANS OR TECHNICAL BODIES INVOLVED ESPECIALLY THOSE RESPONSIBLE FOR QUALITY CONTROL AND THOSE THE CONTRACTOR CAN CALL ON IN ORDER TO CARRY OUT THE WORK

RESPONSE:
DECLARATIONS OF CERTIFICATES REQUIRED

TYPE OF EVALUATION:
PASS/FAIL ONLY

For Type 1 and 2 projects the response to this criterion may be included in the information submitted at 3.4d or submitted separately as Appendix 3.4.1d(HS). The Minimum Standard is the evidence required at 3.4d but in the context of the H&S competence of the contractor which should be the declaration at C1, C3 and E, alternatively evidence of current third party certification (e.g. Safe-T-Cert, or OHSAS 18001, or approved equivalent. The paragraph below does NOT apply as it is relevant to Type 3 projects only.

Applications must Include:

Declarations C1, C3 and E or evidence of current third party certification (e.g Safe-T cert, or OHSAS 18001, or approved equivalent.

Applicants should supply names of any group, body and organization that the applicant company is a member of and which promotes and has an involvement in Health and Safety matters; or external resource or expertise relevant to this project that are available to the applicant's company. The Minimum Standard for this criterion is evidence of adequate skill, experience and resources [taken in conjunction with Criteria 3.4.1a(HS) to 3.4.1f(HS)] to carry out the duties of Contractor in compliance with Safety Health and Welfare at Work Act 2005 and Safety Health and Welfare at Work (Construction) Regulations 2013. In addition declarations C1, C3 and E should be provided, or evidence of current third party certification (e.g. Safe-T-Cert, or OHSAS 18001, or approved equivalent.

Where the Applicant, in responses to criteria 3.4.1a(HS) to 3.4.1f(HS), has demonstrated adequate experience, skill and resources to carry out the project, no extra information is required here, and the applicant will be deemed to have met the minimum standard for this criterion. If not all the requisite resources are available in-house, applicants may provide the above information to supplement the in-house experience, skill and resources.

Applicant Entry: Check the appropriate box below to confirm that the information
 (a) is attached with your response at Appendix 3.4fd/ 3.4.1d(HS) / covered in responses 3.4.1a -f
 for Type 1 & 2 projects, (if Response is REQUIRED), or
 (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

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

RESPONSE: REQUIRED

TYPE OF EVALUATION: PASS/FAIL ONLY

Applicants must provide evidence for three years of average annual manpower and managerial staff involved in Health and Safety in relation to Works. When the Response is REQUIRED, it may be included in the information submitted at 3.4e or submitted separately at Appendix 3.4.1e(HS). The Minimum Standard is submission of the relevant details.

The requirements of this section will be addressed by the information provided in response to item 3.4e of the SAQ QW2 document.

Applicant Entry: Check the appropriate box below to confirm that the information requested
 (a) is attached with your response as Appendix 3.4e / 3.4.1e(HS) (if Response is REQUIRED), or
 (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

3.4.1f(HS) A STATEMENT OF THE TECHNICAL EQUIPMENT AVAILABLE

RESPONSE: SUBMIT ON REQUEST

TYPE OF EVALUATION: NO

The RESPONSE above should read NOT REQUIRED

For Type 1 projects the response to this criterion may be included in the information submitted at 3.4f or submitted separately as Appendix 3.4.1f(HS). The Minimum Standard is the evidence required at 3.4f but in the context of the H&S competence of Contractor, or evidence of current third party certification (e.g. Safe-T-Cert, or OHSAS 18001, or approved equivalent). The paragraph below does NOT apply as it is relevant to Type 2 & 3 projects only.

Adequate access (online or offline) to appropriate levels of Codes of Practice, Regulatory and Statutory guidance should be demonstrated. Does the Applicant's organization have access to or subscribe to a technical database containing appropriate comprehensive Health and Safety documentation in support of its Health and Safety management function? If so supply details. The Minimum Standard is evidence of adequate knowledge resources to carry out the work in compliance with Safety, Health and Welfare at Work Act 2005.

Applicant Entry: Check the appropriate box below to confirm that the information requested
 (a) is attached with your response as Appendix 3.4f / 3.4.1f(HS) for Type 1 projects (if Response is REQUIRED), or
 (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

SUPPLEMENT 3.4.2: HEALTH AND SAFETY COMPETENCE OF PROJECT SUPERVISOR FOR THE CONSTRUCTION STAGE

3.4.2 (HS) EVIDENCE OF TECHNICAL CAPABILITY CRITERIA

It is a statutory requirement that the competence of the person or persons to be appointed as Project Supervisor for the Construction Stage (PSCS) is established pursuant to section 6(1)(a) of the Safety, Health and Welfare at Work Construction Regulations 2013. Therefore, where the position of PSCS is applied for **the applicant must complete this supplement on Health and Safety.**

The criteria below mirror the structure in the main part of the questionnaire for consistency but should be answered specifically in relation to the PSCS service. Where the response includes information already contained in response to previous sections of the questionnaire, the Applicant must clearly cross-reference that information where required in response to this supplement.

The level of information required is stated under the relevant criterion based on the category of project identified at subsection 1.4 at the beginning of the questionnaire (i.e. Type 1/Type 2/Type 3). **All health and safety criteria are pass/fail criteria only.** The Applicant must meet the relevant minimum standard(s) stated under each criterion.

3.4.2a EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management)

RESPONSE: REQUIRED option (i) only

**TYPE OF EVALUATION:
PASS/FAIL ONLY**

With reference to this Criterion, the paragraph below identified by (i) is incorrect. Tenderers are not required to provide evidence in the form of declaration at Appendix H. Tenderers are required to submit the information detailed under the sentence "Applications must include"

- (i) Applicants must provide evidence in the form of declaration at Appendix H. The evidence referred to in Appendix H is to be subsequently provided when requested. The evidence in question is the Health and Safety related educational qualifications, professional qualifications (with dates obtained) and experience (on projects of a similar size and complexity) including the curricula vita of the company's management staff. The organisation structure should also be provided. The Minimum Standard (unless stated below) is evidence of sufficient management staff with appropriate professional qualifications and experience, relevant to the Works.

For clarity, Management positions include at a minimum the positions identified in section A of Declaration No. 1 attached separately.

Applications must include:

- (1) Details of the competent staff member or 3rd party representative who discharges the duties of PSCS - this information shall be included in section A of Declaration No. 1 to be provided in response to item 3.4a of the QW2 Suitability Assessment Questionnaire.
- (2) A concise resumé detailing the specific health and safety competencies of the competent person identified in (1) with specific responsibility for the discharge of the PSCS appointment and function.

The resumé for the competent person nominated to fulfill the role of PSCS must include the following information:

- Employment history with specific reference to fulfilling Health & Safety duties
- A Recognised professional qualification(s) in Health & Safety provided by an independent training provider (Site induction courses or statutory training courses such as manual handling, Fás/Solas Safepass, Construction Skills Registration Cards (CSCS) are not acceptable forms of qualification). Typical Examples of recognised professional Qualifications are outlined below.

Non Exhaustive list of Recognised Professional Health & Safety Qualifications:

- * Third level Certificate or Diploma in Health & Safety
- * Managing Safely in Construction (CIF/IOSH)
- * Independent PSCS Training

Note that Applicants are permitted to outsource the PSCS role to a third party. This third party resource must be available to them for the purposes of meeting this requirement for the duration of the Framework Agreement, including site involvement and not just in preparation of Health & Safety documentation.

Applicant Entry: Check the box to confirm that the Declaration at Appendix H is attached.

- (ii) Applicants must provide evidence in the form of declaration at Appendix H. The evidence referred to in Appendix H is to be subsequently provided when requested. The evidence in question is Health and Safety training and qualifications (for example, degree, diploma, certificate, CPD) with dates obtained, and experience (on similar projects) of the company's management staff. The Minimum Standard is evidence of sufficient management staff with Health and Safety qualifications, training and experience, relevant to the Works.

Not Applicable

Applicant Entry: Check the box to confirm that the Declaration at Appendix H is attached.

3.4.2b(HS) EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel)

RESPONSE: REQUIRED option (i) only

TYPE OF EVALUATION:NO

This Section is NOT REQUIRED - the heading marked RESPONSE REQUIRED option (i) only is incorrect.

- (i) Applicants must provide evidence in the form of declaration at Appendix H. The evidence referred to in Appendix H is to be subsequently provided when requested. The evidence in question is the Health and Safety related educational qualifications, professional qualifications (with dates obtained) and experience (on projects of a similar size and complexity) including the curricula vita of the company's management staff. The organisation structure should also be provided. The Minimum Standard (unless stated below) is evidence of sufficient management staff with appropriate professional qualifications and experience, relevant to the Works.

Applicant Entry: Check the box to confirm that the Declaration at Appendix H is attached.

- (ii) Applicants must provide evidence in the form of declaration at Appendix H. The evidence referred to in Appendix H is to be subsequently provided when requested. The evidence in question is Health and Safety training and qualifications (for example, degree, diploma, certificate, CPD) with

dates obtained, and experience (on similar projects) of the company's management staff. The Minimum Standard is evidence of sufficient management staff with Health and Safety qualifications, training and experience, relevant to the Works.

Applicant Entry: Check the box to confirm that the Declaration at Appendix H is attached.

3.4.2c(HS) LIST of TECHNICAL SERVICES PROVIDED FOR WORKS OVER THE PAST 3 YEARS

RESPONSE:
DECLARATION B3 (IF APPROPRIATE B1) REQUIRED

TYPE OF EVALUATION:
PASS/FAIL ONLY

Applicants should supply examples of PSCS appointments carried out over the last 3 years on projects. When the Response is REQUIRED it must be submitted separately at Appendix 3.4.2c(HS). The Minimum Standard is evidence provided (using the standard form at Appendix B3 and if appropriate B1 to this questionnaire) of the PSCS services previously provided by the applicant.

The works covered by this Framework Agreement are as described in Section 1 Project Particulars of the SAQ .

Applications must include:

Details of at least three (3) examples of PSCS appointments for works of a similar scale, nature, and complexity to the works required to be completed under this Lot 4 Framework Agreement must be provided by Applicants. Details must be provided in the format outlined in Appendix B3.

A separate Appendix B3 must be provided for each project.

At a minimum all three projects must include the installation of external wall insulation of Occupied Dwellings. At least one project should involve external wall insulation in multiple (a Minimum of 10) occupied dwellings.

Appendix B1 is not required.

Each B3 Appendix must be accompanied by a copy of the AF2 form as issued to the HSA notifying them of the appointment of the applicant as PSCS for the works.

Each B3 document shall include the PSCS service providers name outlining where the Applicant or his nominated representative has/have acted as PSCS on previous projects.

For clarity, Applicants shall ensure that all information required is included in the appropriate section of each "Appendix B3" Form where prompted by the words "Service Provider Entry"

Applicant Entry: Check the appropriate box below to confirm that the Certificates of Satisfactory Execution (in the form provided at Appendix B2 of this questionnaire)
(a) are attached with your response as Appendix 3.4.2c (if Response is REQUIRED), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

3.4.2d(HS) TECHNICIANS OR TECHNICAL BODIES INVOLVED ESPECIALLY THOSE RESPONSIBLE FOR QUALITY CONTROL

RESPONSE:
DECLARATIONS OR CERTIFICATES REQUIRED

TYPE OF EVALUATION:
PASS/FAIL ONLY

Applications must include:

- (i) Completed Declaration "Appendix C1"
- (ii) Completed Declaration "Appendix C4"
- (iii) Completed Declaration "Appendix E"

OR

Alternatively, evidence of current third party certification (e.g. Safe-T-Cert, or OHSAS 18001, or approved equivalent).

Note for Applicants Information:

With reference to this Criterion, the 2 No. paragraphs below are incorrect. Tenderers are only required to submit the information detailed above under the sentence "Applications must include:".

Applicants should supply names of any group, body and organization that the applicant company is a member of and which promotes and has an involvement in Health and Safety matters; or external resource or expertise relevant to this project that are available to the applicant's company. The Minimum Standard for this criterion is evidence of adequate skill, experience and resources [taken in conjunction with Criteria 3.4.2a(HS) to 3.4.2g(HS)] to carry out the duties of Contractor in compliance with Safety Health and Welfare at Work Act 2005 and Safety Health and Welfare at Work (Construction) Regulations 2013. In addition declarations C1, C4 and E should be provided, or evidence of current third party certification (e.g. Safe-T-Cert), or OHSAS 18001, or approved equivalent.).

Where the Applicant, in responses to criteria 3.4.2a(HS) to 3.4.2g(HS), has demonstrated adequate experience, skill and resources to carry out the project, no extra information is required, and the applicant will be deemed to have met the minimum standard for this criterion. If not all the requisite resources are available in-house, applicants may provide the above information to supplement the in-house experience, skill and resources.

Applicant Entry: Check the appropriate box below to confirm that the information requested (a) is attached with your response as Appendix 3.4d / 3.4.2d(HS) /covered in responses 3.4.2a-d for Type 1 and 2 projects, (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).	<input type="checkbox"/> <input type="checkbox"/>
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3.4.2e(HS) A STATEMENT OF THE AVERAGE ANNUAL NUMBERS OF PERSONS EMPLOYED TO PROVIDE PSCS SERVICES AND THOSE IN A MANAGERIAL POSITION OVER THE PAST 3 YEARS

RESPONSE: REQUIRED

TYPE OF EVALUATION: PASS/FAIL ONLY

Applicants must provide evidence for three years of average annual manpower and management staff in relation to the PSCS role. When the Response is REQUIRED it may be included in the information submitted at 3.4e, submitted separately at Appendix 3.4.2e(HS). The Minimum Standard is submission of the relevant details; evidence of personnel resources used to carry out the PSCS role in compliance with Safety Health and Welfare (Construction) Regulations 2013.

Applications must include:

Relevant details and evidence of personnel resources used to carry out the PSCS role in compliance with the Safety, Health & Welfare (Construction) Regulations 2013.

The requirements of this section will be addressed by the Declaration No. 1 provided in response to item 3.4e.

Applicant Entry: Check the appropriate box below to confirm that the information requested (a) is attached with your response as Appendix 3.4e / 3.4.2e(HS) (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

3.4.2f(HS) A STATEMENT OF THE TECHNICAL EQUIPMENT AVAILABLE

RESPONSE: DECLARATION "F" REQUIRED

TYPE OF EVALUATION:NO

The above RESPONSE should read NOT REQUIRED

In these categories of project adequate access (online or offline) to appropriate levels of Codes of Practice, Regulatory and Statutory guidance should be demonstrated. Does the applicant's organization have access to or subscribe to a technical database containing appropriate comprehensive Health and Safety documentation in support of its Health and Safety management and PSCS function? If so supply details. The Minimum Standard is evidence of adequate knowledge resources to carry out the work in compliance with Safety Health and Welfare at Work Act 2005.

Applicant Entry: Check the appropriate box below to confirm that the information requested (a) is attached with your response as Appendix 3.4.2f for Type 2 and 3 projects (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

3.4.2g(HS) TECHNICAL FACILITIES AND MEASURES FOR ENSURING QUALITY OF SERVICES AND STUDY AND RESEARCH FACILITIES

RESPONSE: REQUIRED option (i) only

TYPE OF EVALUATION: PASS/FAIL ONLY

All Applicants are required to demonstrate technical facilities and measures for studying, researching and ensuring quality [Article 48.2(c) of Directive 2004/18/EC (and Regulation 57 of SI No. 329 of 2006) or Article 54 of Directive 2004/17/EC (and Regulation 56 of SI 50 of 2007)] as listed below.

(i) is applicable to PSCS COMPETENCY for all project types.

(i) Signed Declaration

Applicants must supply signed Declarations (in the forms attached at Appendices C1, C4 and E) or current third party certification (e.g. Safe-T-Cert, or OHSAS 18001, or approved equivalent). The Minimum Standard is submission of the signed declaration, and where enforcement actions, legal proceedings accidents, fatalities or incidents have been recorded, evidence that adequate measures have been put in place by the applicant company to address any deficiencies in their Health and Safety procedures.

(ii) Other Requirements
NOT REQUIRED

Applicant: If the Response is REQUIRED box (a) below should be checked. If box (a) is checked a separate declaration should be submitted stating that the requirements at (a) to (g) below can be provided, and also that the minimum standards at (i) to (vii) can be met, and that this evidence will be provided on request.

The most efficient way for a PSCS to structure its responses to the requirements below is to provide the declarations at Appendix C1, C4 and E, and later to provide a Safety Statement within which all of these requirements can be addressed. It is recommended that the format outlined at: http://www.hsa.ie/eng/FAQs/Safety_Statement_and_Risk_Assessment/ be used.

The following evidence is to be provided at the appropriate time:

- a. a copy of your current general health and safety policy;
- b. an outline of your management organizational structure with regard to allocation of duties, delegation of responsibilities, etc., in relation to Health and Safety;
- c. copies of standard forms used for method statements as part of your duties under the Safety, Health and Welfare at Work Act 2005;
- d. details of arrangements for continuing Health and Safety training of PSCS personnel, including personnel who would be employed on the project;
- e. details of the company's procedures for disseminating up-to-date developments on health and safety issues;
- f. details of the company's arrangements for the co-ordination of information between the different contractors, suppliers, and designers involved in a project; and
- g. details of the methodology for the dissemination of health and safety information for the design and construction stage on this or equivalent projects.

The Minimum Standard is evidence of third party certification (e.g. Safe-T-Cert or OHSAS 18001, or approved equivalent) or evidence of:

- i. a general health and safety policy document appropriate to a Health and Safety led Construction Management function;
- ii. relevant management organizational structure document indicating the duty holders responsible for Health and Safety;
- iii. standard method statements (relevant to projects of a similar size, nature and complexity) covering all stages of the project life cycle from early design stage to project completion;
- iv. evidence of training arrangements in place appropriate to the size and complexity of the work (this must include specific Health and Safety training);
- v. evidence that there is an adequate organizational structure in place within the company to facilitate the dissemination of up-to-date developments on Health and Safety issues;
- vi. evidence that there are adequate arrangements in place for the coordination of information between Contractors with an adequate mechanism in place that tracks, records delivery and receipt of information distributed;
- vii. evidence of adequate structured procedures relevant to the size and complexity of the project to ensure that the PSCS role in coordinating Construction Safety Management is clearly demonstrated.

Applicant Entry: Check the appropriate box below to confirm that the evidence requested:
(a) will be provided later but as an interim response a declaration is included in relation to (a) to (g) above as Appendix 3.4.2g (if Response is Required), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

SUPPLEMENT 3.4.3: HEALTH & SAFETY COMPETENCE OF CONTRACTOR AS DESIGNER

3.4.3 (HS) EVIDENCE OF TECHNICAL CAPABILITY CRITERIA

It is a statutory requirement that the competence of the person (or persons) to be appointed as Designer(s) is established pursuant to section 17 of the Safety Health and Welfare at Work Act 2005. Therefore, where the position of Designer is applied for **this supplement on Health and Safety must be completed.**

The criteria below mirror the structure in the main part of the questionnaire for consistency but should be answered specifically in relation to Design Health and Safety. Where the response includes information already contained in response to previous sections of the questionnaire, the applicant must clearly cross-reference that information where required in response to this Health and Safety supplement.

The level of information required is stated under the each criterion and is based on the category of project identified at subsection 1.4 at the beginning of the questionnaire (i.e. Type 1/Type 2/Type 3). **All health and safety criteria are pass/fail criteria only.** The Applicant must meet the relevant minimum standard(s) stated under each criterion.

3.4.3a EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management)

RESPONSE: REQUIRED option (i) only	TYPE OF EVALUATION: PASS/FAIL ONLY
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- (i) Applicants must supply evidence of educational qualifications, professional qualifications (with dates obtained) and experience (on projects of a similar size and complexity) including curricula vitae of the company's management staff and the organization structure. When the Response is REQUIRED, it may be included in the information submitted at 3.4a, 3.4.1a(HS), 3.4.2a(HS) or separately at Appendix 3.4.3a(HS). The Minimum Standard is evidence of current third party certification or evidence of sufficient management staff with appropriate professional qualifications and experience, relevant to the Works.

The Applicant must submit Appendix E

Applicant Entry: Check the appropriate box below to confirm that the information requested (a) is attached with your response as Appendix 3.4.3a(HS) (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).	<input type="checkbox"/> <input type="checkbox"/>
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- (ii) Applicants must provide evidence of Health and Safety training and qualifications (for example, degree, diploma, certificate, CPD) with dates obtained, and experience (on similar projects) of the company's managerial personnel. When the Response is REQUIRED, it may be included in the information submitted at 3.4a, 3.4.1a(HS), 3.4.2a(HS) or submitted separately at Appendix 3.4.3a(HS). The Minimum Standard is evidence of current third party certification or evidence of sufficient managerial personnel with Health and Safety qualifications, training and experience, relevant to the Works.

Applicant Entry: Check the appropriate box below to confirm that the information requested (a) is attached with your response as Appendix (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).	<input type="checkbox"/> <input type="checkbox"/>
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3.4.3b(HS) EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel)

RESPONSE: REQUIRED option (i) only

**TYPE OF EVALUATION:
PASS/FAIL ONLY**

- (i) Applicants must supply evidence of educational qualifications, professional qualifications (with dates obtained) and experience (acting as Designer), including the curricula vitae of the company's personnel for the project on projects of a similar size and complexity. When the Response is REQUIRED, it may be included in the information submitted at 3.4b, 3.4.1b(HS), 3.4.2b(HS) or submitted separately at Appendix 3.4.3b(HS). The Minimum Standard is evidence of current third party certification or evidence of sufficient personnel for the project with appropriate professional qualifications and experience, relevant to the Works.

The Applicant must submit Appendix E

Applicant Entry: Check the appropriate box below to confirm that the information requested
(a) is attached with your response as Appendix 3.4.3b(HS) (if Response is REQUIRED), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

- (ii) Applicants should provide evidence of Health and Safety training and qualifications (for example, degree, diploma, certificate, CPD) and experience (on similar projects) together with curricula vitae of the company's personnel for the project. When the Response is REQUIRED, it may be included in the information submitted at 3.4b, 3.4.1b (HS), 3.4.2b (HS) or submitted separately at Appendix 3.4.3b(HS). The Minimum Standard is evidence of sufficient personnel for the project with Health and Safety qualifications, training and experience, relevant to the Works.

Applicant Entry: Check the appropriate box below to confirm that the information requested
(a) is attached with your response as Appendix (if Response is REQUIRED), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

3.4.3c(HS) LIST of TECHNICAL SERVICES PROVIDED FOR WORKS OVER THE PAST 3 YEARS

RESPONSE: Not Applicable

TYPE OF EVALUATION:NO

Applicants should provide examples of Design services for works carried out over the last 3 years. When the Response is REQUIRED, it must be submitted separately at Appendix 3.4.3c(HS). The Minimum Standard is evidence provided (using the standard form at Appendix B3 and if appropriate B1 to this questionnaire) of the Design Services previously provided by the applicant on projects of a similar nature and complexity.

Applicant Entry: Check the appropriate box below to confirm that the Certificates of Satisfactory Execution (in the form provided at Appendix B3 of this questionnaire)
(a) are attached with your response as Appendix 3.4.3c (if Response is REQUIRED), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

3.4.3d(HS) LIST OF TECHNICIANS OR TECHNICAL BODIES INVOLVED ESPECIALLY THOSE RESPONSIBLE FOR QUALITY CONTROL AND THISE THE CONTRACTOR CAN CALL ON IN ORDER TO CARRY OUT THE WORK

RESPONSE: DECLARATIONS REQUIRED **TYPE OF EVALUATION: PASS/FAIL ONLY**

The Applicant must submit Declaration C2, C5 and E.

Applicants should supply names of any group, body or organization that the applicant company is a member of and which promotes and has an involvement in Health and Safety matters; or external resource or expertise relevant to the project that are available to the applicant’s company. The Minimum Standard for this criterion is evidence of adequate skill, experience and resources [taken in conjunction with Criteria 3.4.3a(HS) to 3.4.3f(HS)] to carry out the duties of Contractor in compliance with Safety Health and Welfare at Work Act 2005 and Safety Health and Welfare at Work (Construction) Regulations 2013. In addition declarations C2, C5 and E should be provided.

Where the applicant, in responses to criteria 3.4.3a(HS) to 3.4.3f(HS), has demonstrated adequate experience, skill and resources to carry out the project, no extra information is required here, and the applicant will be deemed to have met the minimum standard for this criterion. If not all the requisite resources are available in-house, applicants may provide the above information to supplement the in-house experience, skill and resources.

Applicant Entry: Check the appropriate box to confirm that the information requested (a) is (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).	<input type="checkbox"/> <input type="checkbox"/>
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3.4.3e(HS) A STATEMENT OF THE AVERAGE ANNUAL NUMBERS OF PERSONS EMPLOYED TO PROVIDE DESIGN SERVICES AND THOSE IN A MANAGERIAL POSITION OVER THE PAST 3 YEARS

RESPONSE: SUBMIT ON REQUEST **TYPE OF EVALUATION:NO**

Applicants must provide evidence for three years of average annual manpower and managerial staff in relation to the Designer role. When the Response is REQUIRED, it may be included in the information submitted at 3.4e, or submitted separately at Appendix 3.4.3e(HS). The Minimum Standard is submission of the relevant details.

The Response above should read NOT REQUIRED.

Applicant Entry: Check the appropriate box below to confirm that the information requested (a) is attached with your response as Appendix 3.4e / 3.4.3e(HS) (if Response is REQUIRED), or (b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).	<input type="checkbox"/> <input type="checkbox"/>
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3.4.3f(HS) A STATEMENT OF THE TECHNICAL EQUIPMENT AVAILABLE

RESPONSE:
DECLARATION "F" REQUIRED

TYPE OF EVALUATION:NO

The Response above should read NOT REQUIRED.

Adequate access (online or offline) to appropriate levels of Codes of Practice, Regulatory and Statutory guidance should be demonstrated. Does the applicant's organization have access to or subscribe to a technical database containing appropriate comprehensive health and safety documentation in support of its health and safety management function? If so supply details. The Minimum Standard is evidence of adequate knowledge resources to carry out the work in compliance with Safety Health and Welfare at Work Act 2005.

Applicant Entry: Check the appropriate box to confirm that the information requested
(a) is attached with your response as Appendix (if Response is REQUIRED), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

3.4.3g(HS) TECHNICAL FACILITIES AND MEASURES FOR ENSURING QUALITY OF SERVICES AND STUDY RESEARCH FACILITIES

RESPONSE: REQUIRED option (i) only

TYPE OF EVALUATION:
PASS/FAIL ONLY

All Applicants are required to demonstrate technical facilities and measures for studying, researching and ensuring quality [Article 48.2(c) of Directive 2004/18/EC (and Regulation 57 of SI No. 329 of 2006) or Article 54 of Directive 2004/17/EC (and Regulation 56 of SI 50 of 2007)] as listed below.

Applicants must submit the information required below in i) signed Declaration:-

- (i) Signed Declaration
Applicants must supply a signed Declaration (in the form at Appendices C2, C5 and E). The Minimum Standard is submission of the signed declaration, and where enforcement actions, legal proceedings accidents, fatalities or incidents have been recorded, evidence that adequate measures have been put in place by the applicant company to address any deficiencies in their Health and Safety procedures.

Applicant Entry: Check the appropriate box to confirm that the declaration form at Appendix C2:
(a) is signed by a director/partner and included with your response at Appendix 3.4.3g(HS) (if Response is REQUIRED), or
(b) will be signed by a director/partner and submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

- (ii) Other Requirements

Applicant: If the Response is REQUIRED box (a) below should be checked. If box (a) is checked a separate declaration should be submitted stating that the requirements at (a) to (g) below can be provided, and also that the minimum standards at (i) to (vii) can be met, and that this evidence will be provided on request.

The most efficient way for Designers to structure their responses to the requirements below is to provide the declarations at Appendices C2, C5 and E, and later provide a Safety Statement within which all of these requirements can be addressed. It is recommended to use the format outlined at http://www.hsa.ie/eng/FAQs/Safety_Statement_and_Risk_Assessment/ , or alternatively provide evidence of current third party certification as above.

The following evidence is to be provided at the appropriate time:

- a. a copy of your current general health and safety policy;
- b. an outline of your management organizational structure with regard to allocation of duties, delegation of responsibilities, etc., in relation to Health and Safety;
- c. copies of standard forms used for risk assessments as part of your duties under the Safety, Health and Welfare at Work Act 2005;
- d. details of arrangements for Continuous Professional Development (both relevant to the discipline and to Health and Safety) of personnel, including personnel who would be employed on the project;
- e. details of the company's procedures for disseminating up-to-date developments on health and Safety issues;
- f. details of the company's arrangements for the co-ordination of information between the different designers and disciplines involved in a project; and
- g. details of the methodology for the dissemination of health and safety information for the design and construction stage on this or equivalent projects.

The Minimum Standard is as follows:

- i. a evidence of third party certification (e.g. OHSAS 18001 or approved equivalent), or
- ii. a general health and safety policy document appropriate to the relevant discipline;
- iii. relevant management organizational structure document indicating the duty holders responsible for Health and Safety;
- iv. standard risk assessment forms (relevant to projects of a similar size, nature and complexity) covering all stages of the project life cycle from early design stage to project completion;
- v. evidence of Continuous Professional Development (CPD) training arrangements in place (for Designer) appropriate to the size and complexity of the work. (This may or may not also include specific Health and Safety training.);
- vi. evidence that there is an adequate organizational structure in place within the company to facilitate the dissemination of up-to-date developments on Health and Safety issues;
- vii. evidence that there are adequate arrangements in place for the coordination of information between Contractor's design team members with an adequate mechanism in place that tracks, records delivery and receipt of information distributed; and
- viii. evidence of adequate structured procedures relevant to the size and complexity of the project to ensure that the Contractor role as Designer within the project team is clearly demonstrated and that Health and Safety information is disseminated to the relevant parties and appropriate action taken.

Applicant Entry: Check the appropriate box below to confirm that the evidence requested:
(a) will be provided later but as an interim response a declaration is included in relation to (a) to
(g) above as Appendix 3.4.3g (if Response is Required), or
(b) will be submitted at the appropriate time if requested (if Response is SUBMIT ON REQUEST).

APPENDIX A: APPLICANT'S PERSONAL SITUATION DECLARATION

**Text Entry: DECLARATION ON OATH/SOLEMN DECLARATION
in relation to the grounds specified in Article 54 of Directive 2004/17/EC (and
Regulation 56 of SI 50 of 2007) or Article 45 and 51 of Directive 2004/18/EC (and
Regulation 53 of SI 329 of 2006).**

Name of Contractor	
--------------------	--

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

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

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

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

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

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

This declaration has been made to the best of my knowledge and belief for and on behalf of
(Name of Contractor)..

Signature/seal:	_____ [Signature must be that of a Director/Principal and with date in hardcopy]	Date:	
Name	[block capitals]		
Position/Capacity	[block letters]		

Witnessed in the presence of: a Commissioner of Oaths: OR a Practising Solicitor

Signed :	_____ [Commissioner of Oaths]	Date:	
Name :	[block capitals]		

APPENDIX B2: CERTIFICATE OF SATISFACTORY EXECUTION – WORKS ONLY

ACTIVITY <i>(Title of Applicant Activity)</i>	Contractor Entry: Works Contractor/Works Contractor and PSCS/Works Contractor, PSCS, Designer and PSDP/Works Contractor, Designer and PSDP/Works Contractor, Designer and PSCS/Specialist/Specialist and Designer		
SITE Construction contract: <i>(Title & brief description)</i>	Contractor Entry		
Site location:	Contractor Entry		
Proportion of Project undertaken by Applicant:	Contractor Entry	Tender entity <i>(Sole trader/ Joint Venture)</i> :	Contractor Entry
VALUE Construction contract value at award stage (including cost of services where applicable):	Contractor Entry	Construction contract value at completion (including cost of services where applicable):	Contractor Entry
DATES Start Date:	Contractor Entry	Date of Substantial Completion of the Works:	Contractor Entry
Date of issue of Defects Cert for Works contract:	Contractor Entry	Handover Date:	Contractor Entry
GENERAL INFO Role of Company in delivery of Project:	Contractor Entry		
Name & address of Contracting Authority responsible for the project:	Contractor Entry		
Contracting Authority contact name:	Contractor Entry	Phone no.:	Contractor Entry
OTHER INFORMATION Other information required is listed below (where applicable)			
CA Entry / NA	Contractor Entry/ NA		
CA Entry / NA	Contractor Entry/ NA		
CA Entry / NA	Contractor Entry/ NA		
CA Entry / NA	Contractor Entry/ NA		
CA Entry / NA	Contractor Entry/ NA		
CA Entry / NA	Contractor Entry/ NA		
CONTRACTOR'S NAME:		DATE:	

APPENDIX B3: CERTIFICATE OF SATISFACTORY DELIVERY OF SERVICES

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

APPENDIX C1: HEALTH AND SAFETY DECLARATION – Contractor or PSCS Appointments

[All sections to be completed in BLOCK CAPITALS]

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

on the above project hereby declare the following:

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

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

2. We confirm that each member of staff is aware of his/her responsibilities under the Safety, Health and Welfare at Work Act 2005 and the Safety Health & Welfare at Work (Construction) Regulations 2013.

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 as enumerated below when carrying out design construction work associated with the project and undertake to liaise with, communicate and cooperate with the PSDP and the PSCS in their roles.

Where the appointment includes the role of PSCS we are familiar with our duties as outlined in Part 2 Regulations 16-23 of the *Safety Health & Welfare at Work (Construction) Regulations 2013*. We are aware of and will take into account and communicate to all contractors (including specialists) the general principles of prevention as enumerated below when coordinating organizational or technical aspects of the project or the programme and undertake to liaise with, communicate and facilitate cooperation amongst the other duty holders under those Regulations, specifically Regulations 16 and 17 of the *Safety Health & Welfare at Work (Construction) Regulations 2013*.

GENERAL PRINCIPLES OF PREVENTION APPLICABLE TO CONTRACTOR AND PSCS

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

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

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

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

We confirm that all staff have received, read and will apply the Safety, Health and Welfare at Work (General Application) Regulations 2007, the Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007, and the HSA frequently asked questions on risk assessments available at:

<http://www.hsa.ie/eng/Topics/Managing Health and Safety/Safety Statement and Risk Assessment/>

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

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

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

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

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

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

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

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

APPENDIX C2: HEALTH AND SAFETY COMPLIANCE DECLARATION by Contractor as Designer/PSDP/SC Appointment

[All sections to be completed in BLOCK CAPITALS]

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

on the above project hereby declare the following:

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

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

being the relevant professional institution for the above stated role.

- Health and Safety management within the practice is the responsibility of:

Contractor as Designer/PSDP/SC Entry [Name of person responsible]

- We confirm that each member of staff is aware of his/her responsibilities under the Safety, Health and Welfare at Work Act 2005 and the *Safety Health & Welfare at Work (Construction) Regulations 2013*. In particular we are aware of the general principles of prevention as enumerated below, and where the professional service required is a Designer will take those principles into account when carrying out design work associated with the project and undertake to liaise with, communicate and cooperate with the PSDP/HSC in his/her role.

Where the appointment includes the role of PSDP/HSC we will take into account and communicate to all designers those principles when coordinating design work associated with the project and undertake to liaise with, communicate and facilitate cooperation amongst the other duty holders under those Regulations specifically Regulations 11-14 of the *Safety Health & Welfare at Work (Construction) Regulations 2013*.

GENERAL PRINCIPLES OF PREVENTION APPLICABLE TO DESIGNER AND PSDP/HSC

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

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

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

And, where the appointment includes the role of PSDP/HSC we will communicate to those designers their duties under Section 17 (2) of the above Act.

We confirm that all staff have received, read and will apply the Safety, Health and Welfare at Work (General Application) Regulations 2007, the Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007, and the HSA frequently asked questions on risk assessments available at:

<http://www.hsa.ie/eng/Topics/Managing Health and Safety/Safety Statement and Risk Assessment/>

Where the role required is Designer risk assessments will be carried out and maintained on the job file. Where the appointment includes the role of PSDP/HSC risk assessments will be sought and collected from Designers for inclusion in a Preliminary Safety & Health Plan which we as PSDP will prepare and update as appropriate.

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

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

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

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

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

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

APPENDIX C3: HEALTH AND SAFETY COMPLIANCE DECLARATION – CONTRACTOR/ SPECIALIST

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

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

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

APPENDIX C4: HEALTH AND SAFETY COMPLIANCE DECLARATION –PROJECT SUPERVISOR FOR THE CONSTRUCTION STAGE

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

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

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

APPENDIX C5: HEALTH AND SAFETY COMPLIANCE DECLARATION – Contractor/ Specialist as Designer

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

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

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

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

On letter-headed paper of Contractor

To:	Local Government Operational Procurement Centre, Unit 9, Ground Floor, Building C, The Reeks Gateway, Rock Road, Killarney
Regarding:	Framework Agreement for Energy Efficiency Retrofitting Work for Local Authorities - External Insulation and Ancillary Works (Lot 4 - Works \geq € 200,000)
Date:	

Suitability criteria: Financial and Economic Standing

A Dhaoine Uaisle

I declare that as an applicant interested in being assessed for suitability for *Framework Agreement for Energy Efficiency Retrofitting Work for Local Authorities - External Insulation and Ancillary Works (Lot 4 - Works \geq € 200,000)* I have the financial capacity to meet the minimum standards set down for economic and financial standing in Suitability Questionnaire QW2.

Furthermore, I will provide the required evidence within seven calendar days to support this declaration when requested to do so *at any stage during the Evaluation stage of the Framework Application*¹.

Is sinne, le meas

Financial Director
[Name of Contractor]

¹ Delete as appropriate

On letter-headed paper of Contractor/Applicant

APPENDIX E: Declaration that Applicant can meet the Minimum Standard set in the Suitability Questionnaire for Technicians or Technical Bodies responsible for Quality Control and those upon whom the contractor can call in order to carry out the work or provide a service.

To:	
Re Tender For:	Framework Agreement for Energy Efficiency Retrofitting Work for Local Authorities - External Insulation and Ancillary Works (Lot 4 - Works \geq € 200,000)
Date:	

A Dhaoine Uaisle,

I declare as an applicant interested in being assessed for suitability for Framework Agreement for Energy Efficiency Retrofitting Work for Local Authorities - External Insulation and Ancillary Works (Lot 4 - Works \geq € 200,000) I confirm that I meet the minimum standards set in regard to Technicians or Technical Bodies responsible for Quality Control and those upon whom I can call on to carry out work.

Furthermore, I confirm that I meet the minimum standard in regard to Technicians or Technical Bodies responsible for Quality Control in regard to providing a service and also that I have/have not study and research facilities in place to improve quality of the output. The minimum standards are those in Suitability Questionnaire *QW2* for the main criteria and health and safety sub-criterion.

Furthermore, I will provide the required evidence within seven calendar days to support this declaration when requested to do so at any stage during the term of the Framework.

When responding to any Mini-Competition Request for Tender under this Framework, I will provide registration details on my behalf (or if applicable the subcontractor proposed at Mini-Competition stage) to allow the Contracting Authority to confirm prior to the evaluation of my Tender, that the registrations are valid and current for both of the following :

1 - Registration with the NSAI for the proposed External wall installation system (ETICS) being provided, as follows -:

(i) Registration Number, Company/Trading Name, and Name of ETICS Supervisor as listed on the NSAI Agrément Registered ETICS Installation Companies (or equivalent)

and

2 - Registration with the SEAI for the proposed External wall installation system being provided, as follows:

(i) Contractor ID and Company/Trading Name as listed on the SEAI Registered Contractors List for External Insulation and Roof Insulation (or equivalent)

I confirm that all EWI projects will be assessed and designed taking account of the site specifics as per the content of the IAB certificate that is relevant to the particular nominated proprietary system for EWI which I propose.

I confirm that the insurance cover afforded by the Designers Professional Indemnity Policy will be extended to the employer as per the request and requirements of the employer. This indemnity will be to the level as described in section 3.3e of the Suitability Assessment Questionnaire and the specifics will be described at RFT stage.

Is mise, le meas

Signed _____
On behalf of [Name of Contractor]

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

On letter-headed paper of Contractor

To:	Local Government Operational Procurement Centre, Unit 9, Ground Floor, Building C, The Reeks Gateway, Rock Road, Killarney.
Regarding:	Framework Agreement for Energy Efficiency Retrofitting Work for Local Authorities - External Insulation and Ancillary Works (Lot 4 - Works \geq € 200,000)
Date:	

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

A Dhaoine Uaisle

I declare that as an applicant interested in being assessed for suitability for *Framework Agreement for Energy Efficiency Retrofitting Work for Local Authorities - External Insulation and Ancillary Works (Lot 4 - Works \geq € 200,000)* I declare that I can meet the minimum health and safety standard for the Educational and Professional Qualifications criteria in Supplement 3.4.1 attached to Suitability Questionnaire *QW2*.

Furthermore, I will provide the required evidence within seven calendar days to support this declaration when requested to do so at any stage during the Evaluation stage of the Framework Application¹.

Is mise, le meas

¹ Delete text in italics as appropriate

Signed _____
On behalf of *[Name of Contractor]*

DECLARATION NO. 1 – COMPANY ORGANOGRAM & STATEMENT OF AVERAGE ANNUAL NUMBERS OF PERSONS EMPLOYED

Please complete this declaration in full and return it as Applicants response to SAQ item 3.4e

Print on Letterhead Paper.

To: Local Government Operational Procurement Centre,
Unit 9,
Ground Floor,
Building C,
The Reeks Gateway,
Rock Road, Killarney

Regarding: Application for appointment to Framework Agreement for Energy Efficiency Retrofitting Work for Local Authorities – External Insulation and Ancillary Works (Lot 4 - Works ≥ € 200,000)

Section A - Company Organogram

A Dhaoine Uaisle,

With specific reference to section 3.4a of the Suitability Assessment Questionnaire (SAQ) and section 3.4.1a of Supplement 3.4.1 and section 3.4.2a of Supplement 3.4.2, we confirm that the following organogram illustrates the management structure within our organisation.

APPLICANT ENTRY

Company Owner/ Director or Equivalent	Name:	Applicant Entry
	Title	Applicant Entry
Project Manager responsible for the Project	Name:	Applicant Entry
	Title	Applicant Entry
Site Supervisor responsible for overseeing site operations	Name:	Applicant Entry
	Title	Applicant Entry
Representative responsible for Health and Safety Competence of Contractor	Name:	Applicant Entry
	Title	Applicant Entry
Staff / 3rd Party Representative fulfilling the PSCS function	Name:	Applicant Entry
	Title	Applicant Entry

For clarity, it is accepted that one individual may hold a number of these roles in smaller organisations. For information regarding qualification levels please reference the National Framework of Qualification (NFQ) website at - <http://www.nfq-qqi.com/index.html>

For clarity, management positions include all relevant positions in the organisation other than Works Supervisors and Operatives/Installation Technicians.

Section B - Statement of Average Annual Numbers of Persons Employed

With specific reference to section 3.4e of the Suitability Assessment Questionnaire (SAQ) and section 3.4.1e of Supplement 3.4.1 and section 3.4.2e of Supplement 3.4.2, we confirm that the following represents a statement of the average annual numbers of persons employed in the positions referenced over the past 3 years.

APPLICANT ENTRY

Year	Average Annual No of Management Staff	Average Annual No of Employees	Average Annual No of Managerial Staff involved in Health & Safety	Average Annual No of Persons Employed to provide PSCS Services
2015	Applicant Entry	Applicant Entry	Applicant Entry	Applicant Entry
2014	Applicant Entry	Applicant Entry	Applicant Entry	Applicant Entry
2013	Applicant Entry	Applicant Entry	Applicant Entry	Applicant Entry
Total	Applicant Entry	Applicant Entry	Applicant Entry	Applicant Entry

For clarity, it is accepted that persons employed in management positions within an organisation may fulfill some or all of the roles described above.

In instances where it becomes necessary to employ additional management and or personnel to complete a specific project we confirm that these additional staff will be trained to a level equivalent to that of staff on permanent contracts.

Furthermore, we confirm that where third parties are appointed to act as Project Supervisor for the Construction Stage (PSCS) on behalf of our organisation, both at present and as the need may arise into the future, the third party resource shall be appointed in accordance with the Safety, Health and Welfare at Work (Construction) Regulations 2013. This third party will be available for the purposes of meeting this requirement for the duration of the Framework Agreement including active site involvement and not just in preparation of Health & Safety documentation.

Is mise, le meas/

Signed: _____

Date: _____

On behalf of [Name of Applicant]

Parent Company Guarantee¹

(Clause 1.6)

THIS GUARANTEE is made on BETWEEN

1. *The Contractor*
Registered office of Contractor
 2. *The Guarantor*
Registered office of Guarantor
- and
3. *The Employer*
Whose principal office is at

BACKGROUND

A. The Employer and the Contractor have or will enter into a contract for

Description of Works

(the **Contract**).

B. The Guarantor has agreed to guarantee the Contractor's performance of the Contract.

C. Terms defined in the Contract have the same meaning in this Guarantee.

IT IS AGREED AS FOLLOWS:

1 Guarantee

The Guarantor irrevocably and unconditionally:

- 1.1 guarantees to the Employer that the Contractor will punctually perform all its obligations under the Contract and
- 1.2 undertakes to the Employer to fully perform the Contractor's obligations under the Contract if the Contractor fails to perform them.

2 Indemnity

If the Contractor's obligations under the Contract or the Guarantor's obligations under clause 1 above are or become void or unenforceable then, as between the Guarantor and the Employer (but without affecting the Contractor's obligations), the Guarantor will as principal obligor indemnify the Employer against any resulting loss and be liable to the Employer for the same amount as the Guarantor would have been liable for if the obligations had not been void or unenforceable.

3 Contractor's failure to perform

- 3.1 If the Contractor goes into liquidation, administration, examinership or receivership or becomes subject to any other form of insolvency proceedings, or if the Contractor's obligation to complete the Works is lawfully terminated under sub-clause 12.1 of the Conditions of the Contract, any such event will be conclusive evidence, for the purposes of this Guarantee, that the Contractor has failed to perform the Contract.
- 3.2 The decision of a court or arbitrator or an agreement between the Contractor and the Employer will be binding on the Guarantor in relation to any failure by the Contractor to perform the Contract.

¹ If the Contractor and/or the Guarantors is/are not incorporated in Ireland, execution will be in accordance with the law of its jurisdiction of incorporation for execution in Ireland.

4. Guarantee is in addition to other security

The Guarantor's obligations are in addition to and independent of any other security the Employer may at any time hold for the Contractor's obligations under the Contract.

5. Continuing guarantee

The Guarantor's liability will continue until the Contractor has performed all its obligations in full, and will not be satisfied or diminished by any payment or recovery of an amount due from the Contractor to the Employer.

6. Guarantor's liability not impaired

The Guarantor's liability under this Guarantee is as principal obligor and not merely as surety. Neither the Guarantor's liability under this Guarantee nor the Employer's rights under it will be affected by any of the following, whether or not known to any of the parties:

- 6.1 the Contractor's obligations under the Contract being or becoming illegal, invalid or unenforceable, if it would not be illegal for the Guarantor to fulfil the obligation
- 6.2 bankruptcy, insolvency, liquidation, examinership, dissolution, amalgamation, winding up, reorganisation or any similar proceeding concerning the Contractor
- 6.3 change in the status, function, control or ownership of the Contractor
- 6.4 death or incapacity of the Contractor
- 6.5 amendment to the Contract or change to the works to be done under it (whether or not the amendment or change increases the Guarantor's liability)
- 6.6 time being given to the Contractor
- 6.7 a concession, arrangement, waiver or other indulgence being granted or made or agreed to be granted or made by the Employer
- 6.8 anything that the Employer or the Contractor do or fail to do, including without limitation:
 - (1) asserting or pursuing (or failing or delaying to assert, perfect or enforce) rights or remedies or
 - (2) giving security or releasing, modifying, or exchanging security or
 - (3) having or incurring any liability
- 6.9 assignment of the benefit of the Contract
- 6.10 whole or partial discharge (whether of the Contractor's obligations or security for them or otherwise) or arrangement made on the faith of payment, security or other disposition that is avoided or must be repaid on bankruptcy, liquidation or otherwise
- 6.11 rights against third parties that the Employer may have relating to performance of the Contractor's obligations
- 6.12 a reduction in, or other arrangement relating to, the Contractor's liability to the Employer as a result of an arrangement or composition under the Companies (Amendment) Act, 1990 or any similar provision
- 6.13 any other act, event, fact, circumstance, rule of law, or omission.

7. Guarantor not to claim against or in competition with the Employer

For as long as the Contractor has actual or contingent obligations or liability under the Contract, the Guarantor shall not:

- 7.1 be entitled to share in the Employer's rights under the Contract or any other rights or security of the Employer or
- 7.2 in competition with the Employer, seek to enforce any rights concerning the Guarantor performing or having obligations under this Guarantee

and if the Guarantor receives money from the Contractor in relation to a payment of the Guarantor under this Guarantee, the Guarantor will hold the money in trust for the Employer as long as the Guarantor has any liability (contingent or otherwise) under this Guarantee.

8. No preconditions upon Employer

The Employer may enforce this Guarantee without exercising rights against the Contractor or anyone else.

9. Assignment

The Employer may assign the benefit of this Guarantee without the Guarantor's or Contractor's consent. The Employer shall give notice to the Guarantor within 28 days after any assignment.

10. Partial invalidity

If at any time any part of this Guarantee is or becomes illegal, invalid or unenforceable, the rest of this Guarantee will remain legal, valid and enforceable.

11. Law and Jurisdiction

This Guarantee is governed by and construed according to Irish law and the parties submit to the jurisdiction of the Irish courts to determine all matters concerning it.

12. Notices

Any communication given in connection with this Guarantee must be in writing and delivered to, or sent by pre-paid registered post to the relevant party's address at the top of this Guarantee, or the Guarantor's agent's address in clause 13 below, or another address notified in writing by the relevant party. Pre-paid registered post is taken to have been received 2 days after it was sent.

13. Agent for Service²

The Guarantor appoints

<i>Name of Agent</i>	
<i>Address of Agent</i>	

as its agent for service of legal proceedings. The Guarantor confirms that the named agent has been irrevocably appointed and the failure of the agent to notify the Guarantor of receipt of a document will not invalidate any proceedings or the service of the document.

14. Representations and Warranties

The Guarantor represents and warrants to the Employer that:

- 14.1 the execution, delivery and performance of this Guarantee by the Guarantor has been duly and validly authorised by all requisite corporate action by the Guarantor and
- 14.2 this Guarantee is the Guarantor's legal, valid and binding obligation in accordance with its terms and
- 14.3 no approval or consent from any governmental entity or any other person or entity is required in connection with the execution, delivery or performance of this Guarantee by the Guarantor.

Given³ under the Guarantor's common seal

<i>Affix Guarantor's common seal</i>	
<i>Signatures of persons authorised to authenticate the seal</i>	

OR

Signed, sealed and delivered by

<i>Name of attorney</i>	
<i>Signature of attorney</i>	
<i>As lawful attorney of the Guarantor under a power of attorney dated</i>	
<i>Affix attorney's personal seal</i>	

² An address in Ireland is required when the Guarantor does not have a registered office in Ireland.

³ If the Contractor and/or Guarantor is/are not incorporated in Ireland, execution will be in accordance with the law of its jurisdiction of incorporation for execution in Ireland.

--

In the presence of

Name of witness

--

Signature of witness

--

Witness's occupation

--

Witness's address

--

Given under the Contractor's common seal

Affix Contractor's common seal

--

Signatures of persons authorised to authenticate the seal

--

OR

Signed, sealed and delivered by

Name of attorney

--

Signature of attorney

--

As lawful attorney of the Contractor under a power of attorney dated

--

Affix attorney's personal seal

--

In the presence of

Name of witness

--

Signature of witness

--

Witness's occupation

--

Witness's address

--

OR

Signed on behalf of

Name of Contractor

Signature of authorised person

In the presence of

Name of witness

Signature of witness

Witness's occupation

Witness's address

OR (if the Contractor is an individual)

Signed, sealed and delivered by

Name of Contractor

Signature of Contractor

Affix personal seal

In the presence of

Signature of witness

Name of witness

Witness's occupation

Witness's address

OR

Signed by

Name of Contractor

Signature of Contractor

In the presence of

Name of witness

Signature of witness

Witness's occupation

Witness's address

OR (if the Contractor is a joint venture, execution must be by each member, using the blocks below)

Joint Venture Member 1

Given under the common seal of

Name of joint venture member 1

Affix common seal

Signatures of persons authorised to authenticate the seal

OR

Signed, sealed and delivered by

Name of attorney

Signature of attorney

As lawful attorney of joint venture member 1 under a power of attorney dated

Affix attorney's personal seal

In the presence of

Name of witness

Signature of witness

Witness's occupation

Witness's address

OR

Signed on behalf of

Name of joint venture member 1

Signature of authorised person

In the presence of

Name of witness

Signature of witness

Witness's occupation

Witness's address

Joint Venture Member 2

Given under the common seal of

Name of joint venture member 2

Affix common seal

Signatures of persons authorised to authenticate the seal

OR

Signed, sealed and delivered by

Name of attorney

Signature of attorney

As lawful attorney of joint venture member 2 under a power of attorney dated

Affix attorney's personal seal

In the presence of

Name of witness

Signature of witness

Witness's occupation

Witness's address

OR

Signed on behalf of

Name of joint venture member 2

Signature of authorised person

In the presence of

Name of witness

Signature of witness

Witness's occupation

Witness's address

Joint Venture Member 3

Given under the common seal of

Name of joint venture member 3

Affix common seal

Signatures of persons authorised to authenticate the seal

OR

Signed, sealed and delivered by

Name of attorney

Signature of attorney

As lawful attorney of joint venture member 3 under a power of attorney dated

Affix attorney's personal seal

In the presence of

Name of witness

Signature of witness

Witness's occupation

Witness's address

OR

Signed on behalf of

Name of joint venture member 3

Signature of authorised person

In the presence of

Name of witness

Signature of witness

Witness's occupation

Witness's address
