



Guidance Note for Action Plan 1

**Requirements for tendering for
Public Sector Works Contracts**

BUILDSAFE - NI

Government Construction Clients Group

April 2006

1. GENERAL REQUIREMENTS

Public sector clients are required by Northern Ireland Public Procurement Policy to carry out a rigorous assessment of potential contractor's health and safety performance during the procurement selection process to establish:-

- their competency and the adequacy of their resources;
- their commitment to a significant reduction in the number of accidents and near-misses;
- their commitment to continuous health and safety improvement year on year;
- compliance with the requirement that operatives possess evidence of appropriate health and safety training; and
- their commitment to training and improving skills.

Clients are also required to audit contractors to check that they are actually complying with their stated approach to health and safety. Government Construction Clients will discharge their obligations in this respect by monitoring contractor performance against their health and safety management systems and site inspection programmes, which will be requested by the Government Client as a requirement of the contract specification.

Further information on clients' health and safety obligations can be obtained from the Office of Government Commerce document 'Achieving Excellence in Construction - Procurement Guide 10 - Health and Safety', which can be downloaded from the following website:

http://www.ogc.gov.uk/sdtoolkit/reference/ogc_library/achievingexcellence/ae10.pdf

The qualifying criteria for tendering for public sector works contracts, in relation to health and safety matters are detailed below.

2. REQUIREMENTS FOR TENDERING FOR WORKS¹ CONTRACTS UNDER EU PROCUREMENT THRESHOLD² FROM 30TH APRIL 2006

All contractors seeking to tender directly for Northern Ireland Public Sector works contracts shall provide evidence that they have third party accreditation of their health and safety management system.

The Public Sector will accept third party accreditation of Health and Safety Management systems based on –

ILO OSH 2001;
BSI's OHSAS 18001 AND 18002; or
HSG 65,

provided they are construction focused and incorporate inspections to confirm implementation on site, for example the Safe-T-Cert scheme. This requirement will apply to a firm tendering direct to a Government Client and to the lead contracting firm in a supply chain.

Whilst the above requirement does not apply to subcontracting firms, the health & safety performance of the whole supply chain will be assessed, not just the lead firm. On this basis,

the overall tender submission by a supply chain will be enhanced if firms within the supply chain have a documented health and safety management system with third party accreditation.

Contractors seeking to tender for Public Sector works contracts must maintain their documented health and safety management systems with third party accreditation if they are to remain eligible to tender. A current certificate or written confirmation from the accreditation body should be forwarded to Constructionline³ to be added to the contractor's registration details.

Open procedure

In an open competition, potential contractors will be checked for compliance with Buildsafe-NI using Constructionline. A tender will not be considered if the contractor has not noted details of their third party accreditation on Constructionline.

Restricted procedure

Potential contractors who submit a Pre-Qualification Questionnaire (PQQ), will be checked for compliance with Buildsafe-NI using Constructionline. The PQQ will not be considered nor the contractor invited to tender, if the contractor has not noted details of their third party accreditation on Constructionline.

3. REQUIREMENTS FOR TENDERING FOR WORKS¹ CONTRACTS ABOVE EU PROCUREMENT THRESHOLD² FROM 30TH APRIL 2006

All Northern Ireland Public Sector works contracts published in the Official Journal of the European Union (OJEU) will include a section on health and safety as part of the evaluation process. The rigorous assessment of potential contractors shall recognise the importance of documented health and safety management systems as part of the pre-award assessment and post-award audit process.

In assessing the health and safety performance of potential contractors, a proportion of the marks shall be allocated for health and safety management systems. The quality of a health and safety management system will be considered as enhanced if it has been accredited by a third party recognised as competent in the assessment of quality and management systems (e.g. companies listed by United Kingdom Accreditation Service (UKAS) or equivalent).

A contractor who does not have a documented health and safety management system with third party accreditation, but fulfils the overall minimum standard for health and safety and whose tender was the most economically advantageous will be required, as part of the contract specification, to obtain accreditation of his documented health and safety management system within a reasonable time period of being awarded the contract. The third party accreditation shall be construction focused and incorporate inspections to confirm the implementation of the system by the contractor on site.

Open procedure

In an open competition, potential contractors whose tenders fail to achieve the minimum overall standard in the evaluation of the health and safety section will not be considered for award.

Restricted and Negotiated procedure

In a restricted / negotiated procedure potential contractors who fail to achieve the minimum overall standard in the evaluation of the health and safety section of the pre-qualification questionnaire will not be invited to tender.

4. FURTHER INFORMATION

Any queries on this Guidance Note should be addressed to:

Contracts Branch,
Central Procurement Directorate,
Level 4, Causeway Exchange,
1-7, Bedford Street,
Belfast BT2 7EG.
Telephone: 028 9082 3235
E-mail: construct.info@dfpni.gov.uk

- ¹ Works shall mean the carrying out of building, civil engineering or engineering construction work as defined within the 'Approved Code of Practice and Guidance on the Construction (Design and Management) Regulations'.
- ² EU Procurement Threshold from 31 January, 2006 is £3,611,319.
- ³ Constructionline is a national database of pre-qualified contractors and consultants. For further information contact www.constructionline.co.uk.