

**North Tipperary County Council**

**Proposed Housing Development,  
Borrisoleigh, North Tipperary**

**Appointment  
Main Contractor**

**Pre-Qualification/Shortlisting Questionnaire**

**Restricted Procedure  
April 2008**

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# Section 1

## **Section 1 Introduction**

### **1.1 Project Description**

North Tipperary County Council is proposing to construct 20Nr. new three bedroom houses and 6Nr. new two bedroom houses at Borrisoleigh, Co. Tipperary.

### **1.2 Design Team**

The Council has appointed the design team members listed below for the project:

Lead Consultant	<i>Paul Keogh Architects</i>
Architect	<i>Paul Keogh Architects</i>
Quantity Surveyor	<i>Kerrigan Sheanon Newman</i>
Civil & Structural Engineer	<i>Barrett Mahony Consulting Engineers</i>
Project Supervisor (Design)	<i>Paul Keogh Architects</i>

North Tipperary County Council are now in a position to seek expressions of interest from suitably qualified contractors to tender for the works as described below.

**The Pre-Qualification Questionnaire is to be returned by 12.00 noon on Wednesday, 21<sup>st</sup> May, 2008 to Sharon Kennedy, Senior Executive Officer, Housing Capital Schemes, North Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary.**

### **1.3 Main Contractor**

North Tipperary County Council are now seeking a main Contractor for the construction of the works. The Council is seeking expressions of interest from suitably qualified contractors to tender for the works as described below.

### **1.4 Project Details**

Name of Project	<i>Proposed Housing Development</i>
Location of Site	<i>Borrisoleigh, Co. Tipperary</i>
Approx. Size	<i>13,330 m2 (total site area)</i>
Approx. Cost of Project	<i>€4,400,000.00 (Excl. VAT)</i>

Form of Main Contract	<i>New government contract</i>
B.O.Q. Method of Measurement	<i>Agreed rules of measurement 3<sup>rd</sup> Edition</i>
Number of Tenderers	<i>5-8</i>
Anticipated Tender Period	<i>June - July 2008</i>
Anticipated Start on Site	<i>August 2008</i>
Performance Bond Requirement	<i>25% of Contract Value</i>
Public Liability Insurance	<i>€6,500,000</i>
Employee Liability Insurance	<i>€13,000,000</i>

**1.4 Please Note:**

The Applicant understands that selection is at the sole prerogative of North Tipperary County Council and that there is no obligation on North Tipperary County Council to include an applicant on the tender list arising from the completion and submission of this form.

North Tipperary County Council undertakes to ensure that Applicant's data is kept confidential (within the terms of the Freedom of Information Act) and to treat all applicants equally and fairly. Applicants should mark material that is commercially sensitive as such.

## Section 2

### ***Applicant's Organisational Structure***

2.1 State the Applicant's full legal name and address:

Name of Firm	
Address of Registered Head Office	
Address of Other Offices	
Trading As	
Year Established	
V.A.T. No.	
Telephone No. (Incl. Country & Area code)	
Fax No. (Incl. Country & Area Code)	
E-mail	

2.2 Contact name and title of the individual dealing with this questionnaire (including contact address, phone, fax and e-mail):

--

2.3 Type of Contractor (please tick the appropriate contract)

Main Contractor

2.4 State Applicant's previous name (if applicable):

--

2.5 How many years has the Applicant been in business under its present name?

	Yrs.
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2.6 Is the Applicant a:

Private Limited Company?

Yes	No

Public Limited Company?

Yes	No

If a Limited Company, what is the amount of stated capital; (par or stated value) as of the end of the most recent quarter?

€	
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If other than a Private or Limited Company above please specify:

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2.7 Please provide the following information if the Applicant is a registered company:

Company Registration No.	
Registered Address	

2.8 Please provide names of Directors and Company Secretary (if applicable):

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2.9 If Applicant is a subsidiary, please provide the name and address of the parent company and of other subsidiary companies involved in Construction:

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2.10 If the Applicant is a subsidiary, will the parent company, or any other companies in the same group have any role in the provision of services under the contract?

Yes	No

If "Yes", please give details:

--

Will the parent guarantee the financial position of the subsidiary?

Yes	No

2.11 Has the Applicant undergone any merger or reorganisation in the past 5 years?

Yes	No

If "Yes", please give details of the merged/reorganised entities:

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## Section 3

### ***Financial and Economic Standing***

- 3.1 Applicants are requested to provide information on their annual turnover for the three preceding years. The table in **Appendix I** can be used for this purpose.

If this turnover is not substantially related to building work or similar endeavours, please specify (in general terms) what the turnover in each year relates to and identify what approximate portion of the turnover relates to building works or similar fields.

- 3.2 **Applicants are advised that the following documents are required to be submitted with the completed questionnaire:**

An appropriate statement from bankers to prove the Applicant's financial and economic standing

An audited balance sheet for each of the 3 preceding years or such shorter period that the Applicant has been in business

Evidence that the applicant can comply with current tax clearance procedures e.g. C2 Tax Certificate

Statement from applicant's insurers that applicant can comply with contract insurance requirements

Statement from a Bank, Insurance Company or other licensed to issue bonds in Ireland, that the applicant would be in a position to meet the bond requirement.

- 3.3 State the capitalisation (total equity balance) of the Applicant as of the end of the most recent quarter

€	
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- 3.4 Does the Applicant have debt facilities, commitments for equity injections or other sources available to it to finance this project?

Yes	No

If so, please describe:

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- 3.5 Name and Address of Bankers (Please enclose Bankers Reference):

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3.6 State the value of bonds raised in the last two years:

Yr.1	€
Yr.2	€

**N.B. In the relation to this contract, the Applicant shall be required to have in place a Bond for the amount of 25% of the tender.**

3.7 Please state the value of any coverage currently held:

Public Liability Cover

€	
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Employer Liability Cover

€	
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**N.B. In the relation to this contract, the Applicant shall be required to have in Public Liability Insurance Cover of € 6 500 000 and Employer Liability Cover of € 13 500 000 in place for the full duration of the works.**

## Section 4

### **Technical Capability**

#### 4.1 Experience

Applicants are asked to provide a list of Works, incorporating a minimum of 3 relevant housing projects, undertaken over the last five years.

Applicants should state their experience, list of current projects and estimated value, manpower levels, and plant & equipment related to their specific field of endeavour.

It will be required that references or other evidence of satisfactory execution of the most important works be available prior to appointment as the successful Applicant.

The table in **Appendix II** can be used to list the relevant experience.

#### 4.2 State details of current projects and their estimated values.

Include both those under construction and projects to which the firm is contractually committed but has not yet commenced on site

Include a bar chart indicating those current and future commitments

#### 4.3

Manpo  
wer

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Applicants are requested to indicate the average number of people directly employed by the Applicant currently and over the last 2 years.

Currently	Last Year	2 Years Ago

Provide a breakdown of the current number of Employees under the following headings:

Management	Clerical	Site Operatives	Technical

Applicants are also requested to provide a brief description of the management approach and an organisation chart of the staff (from director level down to managerial level) that are available to be assigned to this project:

Indicate the positions and the names of staff and a one or two line title indicating their responsibilities

Indicate if they are directly employed or contracted

Provide a single paragraph C.V. for the most relevant technical, managerial, financial and safety staff for this project, detailing their qualifications and experience

In the case of General Contractors give details of the Finishing Foreman and a C.V. highlighting the trade background and successful major projects

Alternatively, the table in **Appendix III** can be used to provide the relevant information.

#### 4.4 Plant and Equipment

What resources does the Applicant have available to carry out the works:

#### 4.5 Quality Control Systems

Applicants are asked to provide details of their Quality Management System including name of the accreditation body, date achieved and the relevant standard e.g. ISO 9002 etc.

Include a copy of your current Quality Statement

#### 4.6 Subcontracting

Which services, if any, does the Applicant anticipate subcontracting?

#### 4.7 Safety Statement

Does the Applicant have a Safety Statement in compliance with the Safety, Health and Welfare at Work Act 1989?

Yes	No

#### 4.8 Safety Questionnaire

Complete Section 3 of the R.I.A.I Pre-Qualification Questionnaire (Revision 1) which is included in **Appendix IV**. Information pertaining to Sections 1 and 2 of the RIAI Pre-Qualification Questionnaire are already dealt with in this project specific document.

It should be noted that it is the intention of the Client to appoint the Main Contractor as Health & Safety Project Supervisor for the Construction Stage of the project.

#### 4.9 Safety Record

Give details of the number of notifiable accidents, prohibition notices and prosecution from the H.S.A. over the past five years.

#### 4.10 Professional Indemnity Insurance

Give details of current P.I. cover, for Applicants undertaking specialist sub-design as part of their contract:

## Section 5

### ***Compliance with Article 24***

5.1 Applicants are informed that any contractor who fails to answer this section or who makes a serious misrepresentation may be excluded from participation in the contract.

Do any of the conditions in section (a) – (g) inclusive of Article 24 of the Directive 93/37/EEC as amended by Directive 97/52/EC apply to or been brought against any Owner, Partner or Director?

- a) is bankrupt or is being wound up, whose affairs are being administrated by the court, who has entered into arrangement with creditors, who had suspended business activities or who is in any analogous situation arising from a similar procedure under national laws and regulations;
- b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration (or examinership or receivership) by the court or of an arrangement with creditors or of any other similar proceedings under national laws or regulations;
- c) has been convicted of an offence concerning his professional conduct by a judgement which has the force of res judicata;
- d) has been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- e) has not fulfilled obligations relating to payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country of the contracting authority;
- g) is guilty of serious misrepresentation in supplying or failing to supply the information required by the contracting authority.

Are any of the conditions a) to g) applicable to the Applicant?

Yes	No

If “yes”, please give details:

## Section 6

### ***Undertaking***

6.1 When you have completed the Questionnaire, please ensure that:

1. You have completed all questions.
2. You have attached all documents requested
3. Where additional sheets are used, they clearly identify the section and questions being answered and are in order.
4. You have read and signed the section below.

**I certify that the information supplied is accurate to the best of my knowledge and I accept the conditions and undertakings requested in the Questionnaire. I understand and accept that false information could result in exclusion from the tendering process or rejection of our tender.**

**THIS UNDERTAKING IS TO BE SIGNED BY AN AUTHORISED REPRESENTATIVE ON BEHALF OF THE APPLICANT.**

Name of Applicant	
Signed on behalf of Applicant	
Name and title	
Date	

## Appendix I

Applicants' Annual Turnover (see to Section 3.1):

Year	€

Note: If building works or similar fields of endeavour has not substantially generated the above turnover, please specify what proportion of the turnover relates to building works or similar endeavours for each year.

**Please attach audited Balance Sheets for the last 3 Years**

## Appendix II

Applicant's Experience (see Section 4.1):

	Contract 1	Contract 2	Contract 3	Contract 4
Building & Location				
Client				
Form of Contract				
Total Tender Value Euro (ex. V.A.T.)				
Final Account Value				
Description of Works by Applicant				
Start/End Date (Both Contract and Actual)				
Architect				
Quantity Surveyor				
Main Contractor				
Number of Nominated Sub-Contracts				
Evidence of satisfactory execution				
Key Personnel				

## Appendix III

Qualifications and Experience of Personnel (see section 4.3):

Name	Position	Qualifications & Experience

Applicants Name	
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**Alternatively please attach an organisation chart with staff names, positions, descriptive title and single paragraph C.V.'s of the relevant staff members. Please note if the staff members are subcontracted or directly employed.**

## **Appendix IV**

Refer to the document overleaf. The Applicant should complete and sign.

# SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION) REGULATIONS 2006

This document is the Copyright of the Royal Institute of the Architects of Ireland.

**Project Title:** \_\_\_\_\_

**Location :** \_\_\_\_\_

**Reference:** \_\_\_\_\_

## Information Paper for Clients

The Safety, Health and Welfare at Work (Construction) Regulations 2006 were made by the Minister of State at the Department of Enterprise, Trade and Employment in November 2006 and replace the earlier Regulations issued in 2001. They place duties on clients who commission construction or maintenance work to buildings or building services, other than work to a private house where it is not used for the purpose of a business or undertaking. These duties first came into effect on all projects which commenced on site after the 6th November 2006. There are transitional arrangements that your architect can brief you on. The purpose of this paper is to make clients aware of some of the main requirements of the regulations. This summary does not purport to be a legal interpretation and clients are advised to seek legal advice on the implications where they are unsure as to the meaning of the regulations.

## 1. Application of the Regulations

The regulations apply to all “projects”. A “Project” has a special meaning under the regulations and it includes not just building works, but maintenance of buildings or services and other matters. It could be deemed to apply to works which would not normally be regarded as construction work. A Client cannot pass on his responsibilities to other parties.

A “Client” under the Regulations means a person, for whom a project is carried out, in the course of a trade, business or who undertakes a project directly in the course of furtherance of such trade, business or undertaking”. The regulations do not therefore apply to persons who commission work on their own houses, provided that the house is not for a business or undertaking.

## 2. Main Provisions of the Regulations

The following are the main provisions of the regulations as they affect clients.

### Clients Duty to Appoint Project Supervisors

Clients have a statutory duty to appoint a competent person or company to act as **Designers, Contractors, Project Supervisor for Design Process (PSDP)** and a competent person or company to act as **Project Supervisor for Construction Stage** of a project. The Client can act as Project Supervisor at both Design Process and Construction Stage (PSCS) if competent to do so. If a Client fails to appoint Project Supervisors he will be held to be acting in these roles by default. Alternatively, the Client may appoint the same person to fulfill both roles. In practice, on most normal construction projects, qualified architects can carry out the duties of Project Supervisor Design Process and a good building contractor should be competent to carry out the duties of Project Supervisor Construction Stage. Designers are not per-se competent to act as Project Supervisors for Construction Process.

### Client to Check Resources

Client must be satisfied that each Designer, Contractor and each Project Supervisor appointed has adequate training, knowledge, experience and resources for the work to be performed.

### Safety and Health Plan

The Project Supervisor for Design Process is required to provide information on the project to the Project Supervisor for Construction Stage. For all projects which are expected to last more than 30 days or involve more than 500 person days, or involve ‘particular risks’, a **Safety and Health Plan** for the building works during construction, has to be developed by the Project Supervisor for Construction Stage before work starts on site. (Particular risks are defined in the First Schedule of the regulations.) The client shall provide a copy of the Safety and Health plan prepared by the PSDP to any person tendering for the project.

### Information to the Health and Safety Authority

The client is required to notify the HSA of any project covered by the Safety, Health and Welfare (Construction) Regulations 2006, which will last longer than 30 days or 500 person days, using the approved form (AF1) as attached.

### Commencement Notice

For all projects which are expected to last more than 30 days or involve more than 500 person days, the Project Supervisor for Construction Stage is required to submit a **commencement notice** for the project to the Health and Safety Authority using the approved form (AF2). A copy is also required to be displayed on the site. This is a different notice to the one submitted under the Building Regulations.

### Safety File

It is the duty of the Project Supervisor for Construction Stage to co-ordinate the provisions of the necessary information for delivery to the PSDP who will deliver the completed file to the client as a **safety file** at the time of the completion of the works. The safety file is maintenance manual for the building or works and is intended to include general arrangement drawings used for the purpose of construction, wiring diagrams, maintenance instructions etc. It is important to note that these drawings are not “as built drawings”. It is the duty of the Client to keep the safety file for use on the future maintenance or alteration of the building and if a Client’s legal interest in the building is passed onto a purchaser or tenant to pass it on to that person.

### General Duties

The regulations place new general duties on designers, contractors, sub-contractors and self employed persons which will add to the complications of design and construction. This will also be reflected in the cost of design and construction.

### 3. Appointment of Project Supervisors

#### Project Supervisor for Design Process

Appointment of the architect as Project Supervisor for Design Process must be in writing and should be separate from the appointment to design and monitor the building works. Such appointment must be confirmed in writing by the PSDP to the client. In order to avoid any doubt in the matter, it is advisable that the terms of the appointment as Project Supervisor for Design Process should specifically exclude any duty to monitor the Project Supervisor for the Construction Stage.

It is **not** the role of the PSDP to pre-qualify the Project Supervisor Construction Stage and Building Contractor, and it is not included in the fee agreement between the Client and the PSDP.

#### Project Supervisor for Construction Stage

In order to ensure that the respective areas of responsibility are clearly defined and properly segregated, it is advisable to appoint the Project Supervisor for Construction Stage by way of a collateral agreement between the client and the contractor. This agreement will be separate from the main construction contract and will not be the subject of supervision by the Client or his agents. This separation has the merit of not requiring any changes to be made to the standard forms of building contract while, at the same time, protecting the client from the doctrine of constructive notice arising through the normal duty of the architect or engineer to inspect the works during construction. The appointment of the PSCS must be made in writing and must be confirmed in writing to the client.

### 4. Civil Liability

Breach of duty can give rise to both civil and criminal consequences. Failure to perform the duties set out in the regulations is statutory negligence which will be actionable in civil law if it can be shown that injury or damage has resulted from such a failure. The principle of joint and several liability will apply to such actions. It is important therefore that clients can show that they have performed their duties with due diligence if they are to avoid liability for damages in personal injuries or other claims arising out of accidents on building sites.

### 5. Summary of Main Client Duties

The client must:

- appoint, in writing at or before design work starts, a project supervisor for the design process (PSDP) who has adequate training, knowledge, experience and resources;
- appoint, in writing before construction begins, a project supervisor for the construction stage (PSCS) who has adequate training, knowledge, experience, and resources;
- be satisfied that each designer and contractor appointed has adequate training, knowledge, experience, and resources for the work to be performed;
- co-operate with the project supervisors and supply necessary information;
- retain and make available the Safety File for the completed structure. The Safety File contains information on the completed structure that will be required for the future maintenance or renovation;
- provide a copy of the Safety and Health plan prepared by the PSDP to every person tendering for the project. The Safety and Health Plan documents show health and safety on the project will be managed up to project completion;
- **notify** the Authority of the appointment of the PSDP where construction is likely to take more than 500 person days or 30 working days
- These duties do not apply to you if:
  - you commission or procure a project in relation to your domestic dwelling; and
  - the project is not for the purpose of a trade or other undertaking.

### 6. RIAI Standard Documentation

The RIAI has developed a range of Standard documentation to assist in the implementation of the regulations. Information on this documentation is available from your architect or:

RIAI  
Merrion Square  
Dublin 2  
Tel: +353 -1- 676 1703  
Fax: +353 -1 -661 0948

### Notes

Use of the title “Architect”

The use of the title “Architect” is not of itself evidence of any formal qualifications in architecture. In Ireland there is no legal protection or State Registration of the title “Architect” or of the qualifications which the title implies.

- It is not illegal to offer an architectural service under such titles as Architect or Architectural Consultant without having any relevant formal qualifications.
- Anyone may assume the title Architect and offer an architectural service.
- In the absence of Registration the RIAI holds the only register of professionally qualified architects with national and EU recognised qualifications.

The RIAI

The Royal Institute of the Architects in Ireland, founded in 1839, is the representative body for professionally qualified architects in Ireland.

- The RIAI’s qualifications for membership are accepted by the Government, the courts and the EU as the required standard.
- A high standard of professional competence among its members is maintained by means of examination prior to entry, continuing professional development and information programmes.
- The affix MRIAI is recognised under article 11 of the EU Directive (85/384EEC) on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture.
- The RIAI has been designated by the State as a Competent Authority in relation to the EU Architects Directive.
- In Europe the RIAI represents the profession through membership of the Architects Council of Europe.
- Worldwide, the RIAI represents the profession through membership of the International Union of Architects.

# Approved Form (AF 1) Regulation 10

## Particulars to be notified by the Client to the Health and Safety Authority before the design process begins

**Note:**

This form is to be used to notify of any project covered by the Safety, Health and Welfare (Construction) Regulations 2006, which will last longer than 30 days or 500 person days. It can also be used to provide changes in the appointments since initial notification of projects.

Any day on which construction work is carried out (including holidays and weekends) should be counted, even if the work on that day is of short duration. A person day is one individual, including supervisors and specialists, carrying out construction work for one normal working shift.

This Notification is to be made by Registered Post to HSA, Metropolitan Building, James Joyce Street, Dublin 1; or as may be directed by the Authority.

1. Client: Provide name, full address, telephone number and e-mail address for the Client. If more than one Client, please attach details of all Clients on a separate sheet.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ e-mail: \_\_\_\_\_

2. **Project Supervisor Design Process and Health & Safety Coordinator:** Provide name, full address, telephone number and e-mail address for the PSDP and the Health & Safety Coordinator for the Design Process.

PSDP Name: : \_\_\_\_\_ H& S C. Name \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

3. **Project Supervisor Construction Stage and Health & Safety Coordinator (if known):** Provide name, full address, telephone number and e-mail address for the PSCS and the Health & Safety Coordinator for the Construction Process.

PSCS Name: \_\_\_\_\_ H& S C. Name \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

**4. Information on Construction Work:** Please provide your details of the following.

Description of Project: \_\_\_\_\_  
\_\_\_\_\_

Exact Address of Construction Site: \_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ by or on behalf of the Client

Position: \_\_\_\_\_

Date: \_\_\_\_\_

*This Approved Form is reproduced with the consent of the Health and Safety Authority*

*This is to certify that this Document has not been altered in any way: Signed: \_\_\_\_\_ by or on behalf of the Client.*

**Safety, Health and Welfare at Work (Construction) Regulations 2006— Document SHW.A1.2007 (Print 1) 2007**