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**Health and Safety as a Priority for Local
Government PPP projects**

Health and Safety in PFI/PPP

- CDM in competitive dialogue
- Best practice
- 4ps Guidance



HSE/CDM in Competitive Dialogue

- CDM 2007 places increased emphasis on role of client
- Client is the organisation for whom a construction project is carried out
- HSE guidance specifically includes PFI project originators as clients
- Duties cannot be transferred until end of procurement

Duties of Client

- Appoint a CDM co-ordinator and assure competence and resources of all appointees
- Ensure suitable management structure
- Allow sufficient time and resource for all activities
- Provide pre construction information to designers and contractors
- Ensure suitable welfare facilities and construction plan in place
- Retain and provide HSE file where required

Client responsibilities at project conception

- Client must appoint a an appropriate CDM co-coordinators soon as practicable (likely to vary between projects)
- Must be appointed prior to initial concept and strategic brief
- LA must be satisfied that CDM coordinator is competent
- Any consultants deemed designers – LA must ensure these are also competent

Competitive Dialogue and CDM

- Five key stages
 - Pre Qualification Questionnaire – focussing on bidder competence, experience, capability etc
 - Dialogue leading to Invitation to Submit Outline Solutions – ISOS
 - Further dialogue leading to Invitation to Submit Detailed Solutions – ISDS
 - Call for Final Tenders – CFT
 - Preferred Bidder stage – LA selects contractual partner

CDM at PQQ

- Once bidders begin preparing designs they are deemed designers for the purpose of CDM 2007
- Bidders must demonstrate how they meet the Core Criteria
- LA must assess bidders proposals as to the discharge of duties
- LA must provide designers and contractors with project specific health and safety information
- LA must provide H&S file if previous work/surveying conducted

CDM at ISOS/ISDS

- LA deemed to be CDM until at least appointment of preferred bidder, individual bidders have no duty to appoint CDM co-ordinator
- CDM coordinator appointed by LA will need involvement in each bid through the CD process
- This raises potential conflict of interest – PQQ should clearly state this proposal.

CDM at CFT and Evaluation

- LA may choose to reward bidders for going beyond basic threshold of competence. The LA must determine how to transparently and fairly evaluate bidders
- LA must consider the scoring and weighting of CDM sub-criteria and ensure bidders are clear as to which overarching award criteria the CDM sub-criteria fall under

CDM at Preferred Bidder

- LA should take advice from the CDM co-ordinator as to when transfer of responsibility occurs, between selection of PB and financial close.
- Transfer of client duties effected by written election by the parties
- Upon election by the PB/SPV it will assume the principal duties and responsibilities of the CDM client, including appointment of CDM coordinator

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CDM during Construction and Operation

- LA retain some responsibilities – to co-operate with any persons duties under CDM and provide health and safety information in its possession
- Construction work is defined by CDM 2007 as including maintenance and repair of buildings. CDM will therefore continue to apply in the operational phase.
- SPV will continue to have elected role of client

4ps Guidance

- 4ps guidance available at www.4ps.gov.uk
- All 4ps Procurement Packs were updated in December 2007 to reflect CDM 2007
- Guidance note 'CDM in Competitive Dialogue'

Best Practice

- HSE should always be an agenda item at project board meetings
- Robust Health and Safety reporting structure in place
- PQQ must clearly define CDM proposals throughout Competitive Dialogue Process