

STRATEGIC PLANNING & PLACE

BUILDING CONTRACT DIRECTIVE

DATE: October 2015

Copyright Reserved

THE CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015

REFERENCE

1. GENERALLY:

This Directive sets out the procedure to be followed for compliance with the Construction (Design & Management) Regulations 2015 for County Council projects.

See BCD 46

The procedures apply on all construction works not exempt under the definitions contained in the Regulations.

There is a HSE L series industry guidance, Construction Industry Advisory Committee documents plus other similar documents related to the duties of various parties under the CDM Regulations 2015. The duties of all parties are not repeated in this Directive.

2. PREPARATION:

A client's brief should be prepared for all projects. The brief should include:

- The main function and operational requirements of the finished building or structure.
- Outline the motivation for initiating the project.
- Give the client's expectations during the project.
- Explain the design direction the client has in mind.
- Establish a single point of contact for client queries or discussions during the project.
- Set a realistic timeframe and budget.
- Outline the client's Health and Safety expectations.

3. COMMENCEMENT OF DESIGN:

Appointment of Designers

When arranging for the design team to be appointed the client service or Strategic Planning & Place as appropriate, must be reasonably satisfied that the proposed appointees are competent to carry out their required duties under the Regulations. Strategic Planning & Place has adopted the appropriate scheme from the

Safety Schemes in Procurement Forum (SSIP) (of which CHAS is one) for this purpose.

Appointment of Principal Designer

Where the project will have more than one contractor, prior to the commencement of the design the client service or Strategic Planning & Place as appropriate, must arrange for a Principal Designer to be formally appointed in writing. They must be reasonably satisfied that the proposed appointee is competent to carry out the required duties of their appointment under the Regulations. In the case of Design and Build procurement the design and build contractor can be the Principal Designer provided they can demonstrate competence. It is anticipated that the responsibility of issuing the F10 to HSE will be delegated to the Principal Designer.

Appointment of Client's Health and Safety Adviser

Client's duties and obligations in the CDM Regulations 2015 are more numerous than the previous regulations. The client can draw on the competent advice they are required to have under the Management of Health and Safety at Work Regulations 1999 or they may decide to appoint a Client's Health and Safety Adviser to represent the client in the carrying out of the client's duties. The client service or Strategic Planning & Place as appropriate must be reasonably satisfied that the proposed appointee is competent to carry out the required duties of their appointment under the Regulations (-Scope of Services attached).

[Scope of services](#)

Project Notification to Health and Safety Executive

A project is notifiable if the construction work on a construction site is scheduled to, (a) last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or (b) exceed 500 person days.

The F10 Notification of Construction Project Form is to be completed by the Client service or Strategic Planning & Place as appropriate or the Client's Health and Safety adviser and signed by the Client service or Strategic Planning & Place project manager.

4. PRE-CONSTRUCTION INFORMATION:

The client is required to provide Pre-construction Information as listed in the CDM Regulations 2015. Strategic Planning & Place can collate this information at an early stage using Form E417.

[Form E417](#)

Where a Council service other than Strategic Planning & Place is

the 'Client', Strategic Planning & Place should be contacted for the Pre-construction Information.

The Pre-construction Information should be handed over to the appropriate Principal Designer/designers prior to commencement of design, and the Principal Contractor /contractor at the tender stage.

5. **TENDER STAGE:**

Selecting Tenderers

When compiling a list of tenderers for a project, the Client service or Strategic Planning & Place as appropriate, and in consultation with the Contract Administrator/Employer's Agent have a responsibility under the Regulations to ensure prospective contractors are competent in health and safety matters to undertake their role should their tender be successful.

Strategic Planning & Place has a framework of Contractors and requires that all contractors and Principal Contractors are to be compliant with the appropriate scheme from the Safety Schemes in Procurement Forum (of which CHAS is one).

Other Council client services may not share this requirement however, all appointees must comply with the competence criteria set out in the CDM Regulations 2015 guidance.

Appointment of the Contractor or Principal Contractor

The Client service or Strategic Planning & Place as appropriate, will arrange for the appointment of a Principal Contractor/contractor, as required by the Regulations. The Principal Contractor must be formally appointed in writing.

A Principal Contractor must always be appointed if there is going to be more than one contractor on site.

The Client service or Strategic Planning & Place, as appropriate, in co-ordination with the Contract Administrator/Employer's Agent have a duty under the Regulations to ensure that suitable arrangements are in place for managing the project according to the Regulations. A Construction Phase Plan relating to the construction phase must be prepared by the Principal Contractor/contractor before allowing construction work to commence.

6. **CONSTRUCTION STAGE:**

Suitable welfare facilities must be in place before work can commence and this should be confirmed by the Principal Contractor

/ contractor to the Client before commencement.

At the pre-contract meeting and subsequent site meetings during the contract period, an agenda item is to be included for discussing the implementation of the Construction Phase plan.

At regular site progress meetings the Principal Contractor / contractor is required to demonstrate to the client or client's health and safety adviser that the management of health and safety during construction is working successfully.

If Council Health and Safety Officers have visited the site during the construction phase, their report(s) must be included for consideration during site meetings.

Where work is being carried out on occupied sites, it is essential that the head of the establishment is kept fully informed on matters of health and safety, and the measures being taken to safeguard and protect occupants / users of the site or building.

7. **COMPLETION OF THE WORKS:**

The Council requirement for project documentation upon Practical Completion, including the Health and Safety File's format and content, can be found in BCD 55.

Health and Safety File

The designers, Principal Contractor and contractors must provide appropriate information to the Principal Designer to enable compilation of the Health & Safety File. The Principal Designer must then provide this information to the client service or Strategic Planning & Place, as appropriate, for inclusion in any existing Health and Safety File or provide a Health and Safety File for any new building or structure, upon Practical Completion of the works. Refer to Form E555.

BCD 55

[Form E555](#)

CONCLUSION

APPENDIX A

Construction (Design & Management) Regulations 2015

Transitional Arrangements

The Construction (Design & Management) Regulations 2015 (CDM 2015) come into force on 6th April 2015 and will replace CDM 2007. WSCC will apply CDM 2007 up until 5th April 2015 and CDM 2015 from 6th April 2015.

However for construction projects which straddle that implementation date, the CDM 2015 regulations provide a 6 month transition period running from 6th April 2015 to 6th October 2015; Regulation 37 and Schedule 4 of CDM 2015 apply. The WSCC requirements for that transitional phase are given below.

Appointments:

Under CDM 2007, WSCC as a client, was required to appoint a CDM Co-ordinator (CDM-C) to provide advice and assistance to the client. CDM 2015 removes this role and introduces a new role - Principal Designer (PD).

For projects involving more than one contractor which started before 6th April 2015, where by that date the client **has not** appointed a CDM-C, WSCC: -

- a) **Will** appoint a PD, as soon as practicable, if the construction phase **has not** started.
- b) Is **not required** to appoint a PD if the construction phase **has** started, but may do so if they wish. If WSCC chooses **not** to appoint a PD, the Principal Contractor will take on the responsibility for the health and safety file. In these circumstances, any designer involved with the project should provide information about any residual risks in designs to the Principal Contractor.

Where on 6th April 2015 WSCC **has** appointed a CDM-C, they must appoint a PD within six months, i.e. by 6th October 2015.

In the period it takes to appoint the PD, the appointed CDM-C should comply with the duties contained in Schedule 4 to the new CDM 2015 Regulations.

Other transitional provisions:

Any **Pre-Construction Information**, **Construction Phase Plan** or **Health and Safety File** provided according to CDM 2007 before 6th April 2015, will suffice for the equivalent provisions in CDM 2015.

Notification of a project according to CDM 2007 submitted before 6th April 2015 will suffice as a notification for the purposes of CDM 2015.

A **Principal Contractor** appointed under CDM 2007 before 6th April 2007 will be considered to be a Principal Contractor for the purposes of CDM 2015.