

This is Document “Schedule 6 Part 2” referred to in this Contract

SCOTTISH MINISTERS’ REQUIREMENTS

SCHEDULE 6 PART 2

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 1994

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SCOTTISH MINISTERS' REQUIREMENTS

SCHEDULE 6 PART 2

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 1994

1 OVERALL REQUIREMENTS

1.1 Definitions

1.1.1 For the purpose of this Part 2 of this Schedule 6 the term “agent of the client” shall have the meaning assigned to it in the CDM Regulations.

1.2 Role of the Operating Company

1.2.1 The Operating Company shall

- (i) undertake the duties of the agent of the client in accordance with the CDM Regulations in respect of all activities under this Contract that shall be covered by the CDM Regulations and
- (ii) be responsible for acting as Designer and Planning Supervisor or
- (iii) appoint other organisations to be Designer(s) or Planning Supervisor(s) as shall be required during the Contract Period.

The Operating Company shall notify the Director in writing of the appointment of Designer(s) and Planning Supervisor(s).

These appointments shall be timely.

1.2.2 The Operating Company as agent of the client shall assess the suitability of prospective tenderers including but not limited to any local authority direct labour organisations to undertake the role of Principal Contractor.

The Operating Company shall require tenderers to confirm their willingness to undertake that role and shall advise the Director in writing prior to issuing tender invitations for Works Contracts where the CDM Regulations apply.

For the purposes of eligibility to undertake the role of Principal Contractor a direct labour organisation of a local authority shall be deemed to be a contractor.

The prospective tendering contractors shall be contractors able to demonstrate that they have competence and can devote sufficient resources to undertake the role of Principal Contractor for any such Works Contract.

1.2.3 The Operating Company shall formally appoint in writing the Principal Contractor on award of a contract and shall also notify the Director of this action in writing. This appointment shall be timely.

1.2.4 Notwithstanding any other provisions of this Contract the Operating Company shall during the Mobilisation Period develop a documented procedure for all aspects of compliance with the CDM Regulations as part of its Quality Management System including the Quality Plan as referred to in Part 1 of Schedule 5 including but not limited to

- (i) the secure storage and location (both hard copy and Electronic Copy) of all the files and other records required by the CDM Regulations including but not limited to

- (a) appointments made or altered
- (b) Health and Safety Plans
- (c) agreements as to who shall provide the health and safety file
- (d) health and safety files
- (e) survey and investigation reports
- (f) notification to Health and Safety Executive (F10 forms)
- (g) information obtained from the client
- (h) advice given and information transferred to the Planning Supervisor Designer and Principal Contractor and
- (i) advice received from the Planning Supervisor Designer and Principal Contractor and
- (ii) the methods by which the information required by the CDM Regulations to be made available by the agent of the client to the Planning Supervisor Designer and Principal Contractor shall be transferred to these parties.

1.2.5 Notwithstanding the requirements of the Manual of Contract Documents for Highway Works the Operating Company shall prepare the health and safety files to comply with the CDM Regulations.

1.3 Planning Supervisor

1.3.1 The Planning Supervisor shall be an organisation having staff with appropriate qualifications and competence and shall be able to demonstrate the independence of this role from that of the team responsible for design and planning.

A corporate body shall be appointed as Planning Supervisor.

A lead contact shall be nominated whose contact details shall be provided to the Operating Company and the Director.