

Waste Infrastructure Delivery Programme Contract Management Training



Construction and [Commissioning]

Norfolk

30th January –
NAME REDACTED



Local 
Partnerships

1

 Infrastructure UK

Objectives of the Module



For the Authority management team to understand;

- The roles and obligations of the respective parties during the Construction & [Commissioning] phase
- The contractual provisions and processes for monitoring during Construction and [Commissioning] and taking relevant actions where necessary
- The consequences of delays caused during the Construction and [Commissioning] phase

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Agenda



Construction Phase (15 mins)

- Contractor Role
- Authority Role - Individual, Team, Board

Exercise 1: Construction (25 mins)

Commissioning Phase (15 mins)

- Independent Certifier & Completion
- Delays

Exercise 2: Commissioning (25 mins)



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Construction Phase – Contractor (1 of 4)



- **Contractors Role**
 - To conclude design, construction and completion
 - To achieve Completion by Planned Service Commencement Date



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Construction Phase – Contractor (2 of 4)



- **Ensure Works comply with:**



Construction Phase – Contractor (3 of 4)



- **Design Development & Review;**

- [Establish and maintain a Design Database]
- Submit items (revisions, amendments) for review (CI 15)
- Rectify Works (CI 15.4)



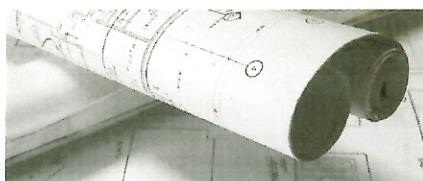
Construction Phase – Contractor (4 of 4)



- **CDM Regulations (CL 17);**
 - Contractor to act as only client for purposes of CDM post PB
 - To discharge all duties of CDM Regulations
 - To provide and maintain a certified Health & Safety file



Construction Phase – Authority (1 of 3)



- Ensure Contractors obligations are carried out
- Authority obligations pre construction

- Review of Design Data (CL 15)
- Discharge Duties under CDM Regulations

	Domestic Client	Domestic Projects (notifiable)	Non Notifiable Projects	Notifiable Projects
Client Duties	X	✓	✓	✓
Designer Duties	✓	✓	✓	✓
CDM Co-ordinator Duties	X	X	X	✓
Principal Contractor Duties	X	X	X	✓
Contractor Duties	✓	✓	✓	✓

Construction Phase – Authority (2 of 3)



- **Design Development & Review;**
 - Materiality – what is material?
 - Reviewable Design Data (RDD) .v. Design Visibility Information (DVI)



Construction Phase – Authority (3 of 3)



- **Monitoring & Inspection (CI 19);**
 - Contractor self monitoring
 - Site Meetings
 - Authority has right of access to site to inspect progress



Exercise – Construction



Attendees to split into 2 groups each to consider one of the questions below .

- (1) The Authority believes there may be material defects in the Works during the Construction Phase (CL 19) - what process should the Authority follow and what may be the consequences of this action? (10 mins to consider and write up, 10 mins to feedback)
- (2) The Contractor proposes a change to the design proposal during the Construction Phase and submits such change as part of the Review Procedure (CL 15.2) – how should the Authority consider this? (10 mins to consider and write up, 10 mins to feedback)

Answers



Q1.

- Authority has right to inspect – notification, abide by site rules etc
- Notify in writing of any non-compliance
- Contractor to have due regard (but not bound) and notify Authority of course of action (rectification)
- What can Authority do if Contractor disagrees with Authority view and /or fails to rectify?.

Answers



Q2.

- Contractor can submit design proposal for review by Authority
- Contractor liability not reduced
- Follow review procedure Sc 9 (Review Procedure)
- Follow Sc 21 (Change Protocol) PART 4
- Could go to DRP

Commissioning Phase (1 of 3)



- **Independent Certifier (IC);**
 - Contractor to appointment (joint terms)
 - IC – certification of Acceptance Tests
- **Testing & Commissioning;**
 - Contractor to notify (10 days) start of Acceptance Tests (Sc 6)
 - Obligation on Authority to provide waste (CI 21)
 - IC issues test certificates



Commissioning Phase (2 of 3)



- **Independent Certifiers Role**
 - Noted in Deed of Appointment
 - Quality Assurance system
 - Inspection and witnessing



Commissioning Phase (3 of 3)



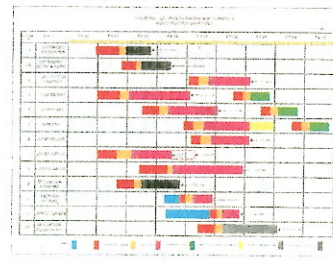
- **Contractor Notification of Acceptance Tests**
 - Facility can accept waste for commissioning
- **Issue of Acceptance Test Certificate**
 - Facility can accept waste for full service
 - Snagging Items



Delays



- **Contractor to notify;**
 - Reasons and mitigation
- **Delay may result in;**
 - Compensation Event
 - Relief Event
 - Force Majeure Event
- **Authority – Contingency Plan?**



Exercise Commissioning



Attendees to consider question below. 15 minutes to consider and 10 minutes to feedback.

What tests will the Independent Certifier report on in your contract?

- What are the consequences of these tests – what happens if they are delayed, passed or failed?
- Is it possible for the tests to be passed yet the facility is not operationally acceptable to the Authority?

Answers to Exercise



- CI 15 & Schedule 6 apply
 1. Construction Test
 2. Mechanical Test
 3. Building Test
 4. Performance Test
 5. Preliminary Test
 6. Definitive Test

Answers to Exercise



- Tests carried out on specified waste composition – obligation on Council to deliver (?)
- Council need to be fully aware of complexity of testing process
 - Composition
 - Sampling & analytical protocol
 - Testing procedure and IC observations
 - Interaction/inter dependencies of processes

Answers to Exercise



- If Delayed
 - Delays operational start (contingency, compensation?)
- If Passed:
 - Facility is accepted (handed over)
 - Triggers UC payment (Authority obligation to pay)
- If Failed:
 - Potential delay to service (knock on consequences for Authority?)
 - No payment of UC – impact on contractor finances?
 - Potential for dispute (depending on nature of failure)

Answers to Exercise



- Yes!

If the tests have not been properly considered and the threshold for passing them has been set too low then it is possible for tests to be passed but for facility not to be operationally ready to the satisfaction of the Authority.

Summary (1 of 3)



Commissioning;

- Key tests – Acceptance – for Completion
- Snagging Items
- **Delays;**
 - Cost Consequences
 - Contingency Planning



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Summary (1 of 3)



- Typical Authority Activity
 - Monitoring
 - Communicating
 - Information flow and reporting
 - Interfaces
 - Co-ordination



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Summary (1 of 3)



- Typical Authority Activity
 - Payments
 - Reviews
 - Complaints
 - Recording
 - Adhoc



