

**POLICY and PROCEDURE: APPOINTMENT and MANAGEMENT of CONTRACTORS**

**PURPOSE:** To ensure contractors are selected such that the work they carry out is performed safely, effectively and offers good value to the public purse

**SCOPE:** Contractors to Melbourn Parish Council

**Definition:** A contractor is anyone Melbourn Parish Council asks to do work for them that is not an employee. This definition includes service providers.

Melbourn Parish Council and the contractor both have responsibilities under the Health and Safety Act 1974. The Council and the contractor must take the right precautions to reduce the risks of workplace dangers to employees and the public. This is a joint responsibility. **See notes for guidance under Appendix A.**

**POLICY:****1. Principles**

- 1.1 We, Melbourn Parish Council, will appoint contractors based on a transparent process that allows a clear comparison to be made between the options available.
- 1.2 Contract price will not be the overriding factor in choosing a contractor. Competence, reliability, safety record, clarity of method, quality of supervision, management, staff training and best value will also be taken into consideration.
- 1.3 Jobs to be carried out by contract will normally require the Clerk to supply a job specification, detailing the work to be carried out. This will include both the tasks required but also any predefined aspects of delivery, such as safety considerations or methods of work.
- 1.4 In certain special circumstances an upfront specification will be substituted by a general outline of requirements against which contract proposals will be invited. Such circumstances arise where the job to be undertaken will significantly benefit from the knowledge and expertise of specialist suppliers. An example would be a quotation for play park equipment.
- 1.5 Three contractors will normally be required to quote for each contract job. Depending on the contract value and circumstances, for example where very specialist services are required, it may not be possible or necessary to obtain three quotations. If this situation arises the Clerk will bring the issue to Full Council for resolution and, where justified, fewer quotations can be considered and accepted following council consent.
- 1.6 Quotations from contractors must include a safety method statement, a work method statement and job supervision plan and details of professional liability insurance. This will require the contractor to complete a Contractor Competency Form.
- 1.7 A Risk Assessment must be carried out and supplied. ~~for each job.~~
- 1.8 The Clerk will monitor contract work and report to the Council at least annually as part of the Governance process. Contracts will comply with all Financial Regulations that apply to the Melbourn Parish Council

- 1.9 Policy Principles 1.3, 1.4, 1.5 1.6. 1.7 and 1.8 will always be applied to major contracts, particularly those involving significant financial outlay or those covering lengthy periods of time, for example grounds maintenance contracts. In all such cases the following procedure (2) below should be followed in outline.
- 1.10 Further to consultation with the Chair of the Maintenance Committee and/or Full Council the Clerk may omit procedure (2) in the case of short term, minor or repetitive contract works. An important factor in assessment of less significant contracts is past history and knowledge of the contractors quoting for work, for example contractors quoting for tree surgery works where companies have been previously employed on multiple occasions.

## **PROCEDURE:**

### **2. STEPS TO BE TAKEN**

- 2.1 ***Identify the job and work requirements*** - <sup>[SEP]</sup>Before embarking on a new contract the Clerk will verify that approved funds are available to meet the likely costs. Assuming funds are available the Melbourn Parish Council, through the Clerk will -
- **Create a Job Specification** that clearly identifies all aspects of the work wanted from the contractor. In addition to the work content, the Job Specification must include (a) the health and safety implications of the job, (b) any appropriate terms and conditions, (c) the level of risk, depending on the nature and complexity of the work. The Clerk should carry out an outline risk assessment at this stage with respect to any resulting risks to council employees and the public.
  - **Seek out potential contract partners** - The Council, through the Clerk, will provide potential contractors with Job Specification information package and make sure that they know and understand the service expected of them.
  - **Determine the selection criteria** - The Clerk will identify the evaluation criteria needed for a successful tender.
- 2.2 ***Select a suitable contractor – Melbourn Parish Council, through the Clerk, will satisfy themselves that the contractor they choose can do the job safely, without risks to health and at a cost acceptable to the public purse.*** The Clerk will enquire and evaluate on the Council's behalf the competency of each contractor and their combination of skills and knowledge. Where a contract value is likely to exceed £3000, **three** contractors will be required to quote for each job. Where the contract value is likely to fall below this figure the Clerk should strive to obtain three quotations. In all circumstances where three quotations prove impossible, the Clerk will always bring the issue to Full Council for resolution and/or approval.

The degree of competence required will depend on the work and complexity of the job. All potential contractors will complete the Contractor Quotation Competency Form that is part of this document. The Clerk will use the evaluation criteria from 2.1 above to compare contractors based on the combined evidence of quoted price, all information

**Note:** It is very important that questions answered or clarifications offered with respect individual contractors during the tendering stage are formally recorded. Where such matters result in a material change they must be shared with all competing contractors.

supplied including the Competency Form, awarding contracts accordingly.

**Some other factors that should be considered: -**

- *For contractors offered repeat work of a similar kind, or where the contract lasts over a protracted period, the need for a Contractor Competency Form may be waived with the Clerk's agreement*
- *For large contracts the Parish Council needs to be aware of the Construction Design and Management Regulations (CDM)*
- *As appropriate, the Job Specification should require the contractors guarantee, warrantee and test certificates (for example with the electrical installations)*

**2.3 Review and if needed re-assess the risks of the work** - Both the Council and the Contractor will think about the planned work:

- What can harm people?
- Who might be harmed and how?
- How will the risks be controlled?

A risk assessment must be done. Both the Council and the contractor will be party to this. The contractor must assess the risks for the contracted work. The Clerk (on behalf of the Council) and the contractor will together consider any risks from each other's work that could affect the health and safety of the workforce or the public. The Clerk (on behalf of the Council) and the contractor will agree the risk assessment for the contracted work and the preventative and proactive steps that will apply when the work is in progress. If subcontractors are involved they will be part of the discussion and agreement. All measures needed to control the risk will be agreed between the Clerk and contractor before any work starts.

*Note: For contractors with repeat work of a similar kind, or where the contract lasts over a protracted period, the need for a separate Risk Assessment for each job may be waived with the Clerk's agreement*

**2.4 Provide information, instruction and training** - The Council, contractor and subcontractors will provide their employees with information, instruction and training on matters that may affect their health and safety. The Clerk, contractors and subcontractors will agree what information will be passed between them and appropriate ways to communicate with each other throughout the process. The Clerk (on behalf of the Council) will make sure that contractors, subcontractors and their employees have information on:

- Health and safety risks they may face
- Measures in place to deal with those risks
- The Council's emergency procedures if relevant.

2.5 ***Cooperate and coordinate with the contractor*** - The Clerk (on behalf of the Council) will work together with the contractors and subcontractors to coordinate all activities, to make sure that the work can be done safely and without risks to health. Depending on the size of contract the Clerk will regularly meet with the contractor throughout the length of the contract. The level of cooperation and coordination required will be agreed before work starts and will depend upon:

- The job to be done
- The number of contractors and/or subcontractors involved
- The risks involved.

2.6 ***Consult the workforce*** - Melbourn Parish Council will routinely consult its employees on contracted task content and related health and safety matters to help the Council to make better decisions on the actual risks and the measures to control them. Employees will be consulted on:

- How the contractors work will affect the Council employees' health and safety;
- Information and training
- Making sure they know how to raise any concerns they may have about the contractors and their work
- Ensuring contracted work is done without conflict with the job roles and job descriptions of council employees

2.7 ***Manage and supervise the work*** - The Clerk (on behalf of the Council) will make regular checks on contractors, the work being completed, whether the contractors are working in a safe way and complying with the control measures put in place. This will be supported through the use of a **Checklist** to ensure that all key control steps have been completed properly. The frequency and degree of checks will reflect the length of experience with a particular contractor and the nature of the work, for example if such work is highly repetitive.

The Clerk will have agreed with the contractor though risk assessment and declared methods of working how the work will be done and the precautions that will be taken.

In the case of mishaps, accidents, ill health etc. the Clerk, on behalf of the Council, will investigate with the contractor what went wrong, reporting to the council when appropriate.

2.8 **Review** – On an annual basis the Clerk will review the contractor management process and consider ways to improve future performance. An annual report will be given to the Full Council as part of governance monitoring. It is recommended that the Clerk, supported if necessary by other council employees or councilors, periodically observe the performance of contractors in the fulfillment of contracts awarded. Elements that can be monitored (not exclusively) are:

- Adherence to Method Statement, number of operators and time spent
- Adherence to safety commitments and Risk Assessment recommendations, use of safety equipment,
- Provision of supervision, where appropriate
- Safe and effective use of equipment and vehicles

The Clerk should make arrangements to formally record the observations made during the monitoring of contractor work.

**INVITATION TO QUOTE - COMPETENCY FORM (EXAMPLE)**

<b>Company Name:</b>		
<b>Address:</b>		
<b>Tel. No. /Mobile No.</b>		
<b>Email</b>		
<b>Name of person completing form:</b>		<b>Contract Reference/ Contract Title</b>
<b>Details of experience with this type of work. For example previous contracts, customers etc.</b>		
<b>Liability Insurance (Please attach copy)</b>		
<b>Risk Assessment (Please attach copy)</b>		
<b>Health &amp; Safety Policy (Please attach copy)</b>		
<b>Details of recent (last 2 years) safety performance, in terms of accidents, ill health or HSE action or involvement</b>		
<b>Reference details of previous similar work carried out in the last year</b>		
<b>Describe safety or other training given to workers involved on this contract</b>		
<b>Equality Policy: confirmation that this is in place</b>		
<b>Method Statement – Example Content</b>		
<b>A detailed description of the method(s) to be used if offered this contract:</b>		

- **How many operators will be used?**
- **How will the job be supervised?**
- **What equipment and vehicles will be used?**
- **Estimated time and person hours for job completion:**
- **Detailed description of the work process:**
  
- **For seasonal work, how is effort applied across the year:**
- **Special safety precautions/Working site safeguarding arrangements:**
- **Are PPE proposals in place and are there any COSHH requirements:**

**Contractor Manager**

**Name**

**Signature**

**Reviewed (Parish Clerk)**

**Name**

**Signature**

**APPENDIX A****Notes to assist council employees in the understanding of their contractor responsibilities**

- ❖ The Health and Safety at Work etc. Act 1974 requires employers and others in control of buildings or public places to ensure the safety of employees and others who work or visit there. The Management of Health and Safety at Work Regulations 1999 also require those in control of land and buildings to co-operate with contractors or self-employed persons to ensure that they are not exposed to unacceptable health and safety risks.
- ❖ Although the responsibility to work safely rests principally with the contractor, Melbourn Parish Council also have a duty to do all that is within its control to make sure that this happens.
- ❖ This means that Melbourn Parish Council have a duty to ensure that a contractor is competent to perform the task safely and without unacceptable risk to other employees, members of the public and any others on the site.
- ❖ Where accidents occur on site through the incompetence or negligence of a contractor, Melbourn Parish Council could also be held liable if steps had not taken to appraise the contractor or carry out management checks to ensure that agreed standards of operation were actually being carried out correctly.
- ❖ Contractors should only be allowed to carry out work on the agreed site if they have been vetted and approved by Melbourn Parish Council. Even if the same contractors have been used for the past 10 years you still need to regularly assess them in order to ensure you are adhering to your legal obligations.
- ❖ Use this Policy and Procedure document to assist in compliance with these standards and, at the same time, ensure that contractors deliver value for money.

**Document Approval:****(Chair to Melbourn Parish Council)****Date of Parish Council Meeting: 28 November 2022***Review Policy: Annually*