

CONTRACTOR MANAGEMENT

**(Principal Contractor
Appointed)**

**Health and Safety
Procedure**

HS-PRO-042



**BUILDING OUR COMMUNITIES
BUSINESSES AND PRIDE**

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Documents affected by changes to this document		
Document Name	DM #	Document Owner
Contractor WHS System Questionnaire Level 1 and 2 Contracts (HS-FRM-045)		Health & Safety
Contractor WHS System Questionnaire Level 3 and 4 Contracts(HS-FRM-046)		Health & Safety
Contractor WHS Systems Assessment Level 1 and 2 Contracts (HS-FRM-047).		Health & Safety
Contractor WHS Systems Assessment Level 3 and 4 Contracts (HS-FRM-048).		Health & Safety
Contractor Management Documentation Checklist (HS-FRM-049)		Health & Safety
Evaluation of Safe Work Method Statement Form (HS-FRM-050)		Health & Safety
Evaluation of Construction Safety Plan Form (HS-FRM-051)		Health & Safety
Contractor's Spot Check Form (HS-FRM-052)		Health & Safety
Contractor Safety Feedback Survey Form (HS-FRM-053)		Health & Safety
Contract kick-off meeting template		Corporate Procurement
Contract close out checklist template		Corporate Procurement
Contract performance review meeting template		Corporate Procurement
Contract review report template		Corporate Procurement
Contract Management Plan (CMP) Detailed		Corporate Procurement
Contract Management Framework Audit Checklist		Corporate Procurement

1. POLICY STATEMENT

Logan City Council (Council) values the health and safety of its employees, contractors and their staff, and all others who may be affected by our operations, buildings and facilities.

2. PURPOSE & OBJECTIVE

This Procedure supports Council's Procurement Manual and Contract Management Framework, by detailing the Work Health and Safety (WHS) requirements with respect to contract work that is "construction work" as defined in the WHS Act 2011 (Qld) and where Council has appointed the Contractor to be a "Principal Contractor" for the contracted works.

Council has a duty of care to support the Principal Contractor in the provision of a safe workplace for all workers. Council is committed to regularly communicate with the Contractor to assist them in meeting legislative safety requirements and will undertake random auditing of the contract work and the Principal Contractor on health and safety issues. Council shall engage suitably qualified and experienced Contractors capable of fulfilling the role of Principal Contractor and delivering Council's work in a safe manner.

This Procedure describes the minimum requirements for WHS and may be implemented by Branch specific requirements. The Procedure is to be read and implemented in conjunction with Council's procurement manual, related documents and accompanying tools specified in the Procedure.

This Procedure:

- Defines the WHS responsibilities of all Council employees, in particular Relevant Council Officer, and Contractors engaged by Council;
- Describes WHS requirements through each of the contract stages for the selection, engagement, induction, consultation, monitoring and performance reporting of Contractors undertaking work on behalf of Council; and
- Provides guidance to meet Contractor management obligations under the Work Health and Safety Act 2011 (Qld) and the Work Health and Safety Regulation 2011 (Qld).

3. SCOPE

This Procedure is to apply to work undertaken by Contractor's where Council has appointed the Contractor to be Principal Contractor for the work.

4. RESPONSIBILITIES

Title	Responsibilities
Branch Managers and Program Leaders	Ensure that personnel are aware of, and comply with, this procedure. Ensure the ongoing effectiveness of this procedure in identified risk exposures and ensuring Council's duty of care to inform the Principal Contractor appropriately is being fulfilled.
Supervisors	Implement this procedure, ensuring that where potential risks associated with contract work are identified they are reported to the Principal Contractor to allow them to address the matter. Ensuring Council staff managing the contract comply with this procedure. Investigate any incidents involved with the contract works. This may be through working independent to the Principal Contractor, requesting the PC to provide an investigation report, or working jointly with the Principal Contractor. Where the Principal Contractor commits to undertake WHS actions, monitoring to confirm those actions are implemented or completed.

Title	Responsibilities
	Ensure that the Principal Contractor has a project specific safety system prior to awarding possession of site.
Personnel directly involved in Contractor Management activities	Comply with the requirements of this procedure. Report any incidents, near misses, risks or hazards. Participate in and complete all necessary training.
Tender assessor or Tender Evaluation Committee Chair	Evaluate WHS capabilities of contractors as an integral component of tender assessments.

5. DEFINITIONS

The following definitions shall apply:

Term	Definition
Administration	Refers to the performance or management of Contractor operations as well as the efficient organisation of people and other resources to direct activities toward common goals and objectives.
Construction Project	A project that involves Construction Work where the cost of the Construction Work is \$250,000 or more.
Construction Work	Any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure.
Duty Holder	A person who has a duty to ensure health and safety by managing risks so far as is reasonably practicable. Duty holder includes but is not limited to: <ul style="list-style-type: none"> • Persons conducting a business or undertaking (PCBU); • Officers; or • Workers
Fitness For Work	Sufficiently alert and able to perform usual duties. Not impaired by drugs, alcohol or fatigue.
High Risk Construction Work	Construction work that: <ul style="list-style-type: none"> (a) involves a risk of a person falling more than 2m; or (b) is carried out on a telecommunication tower; or (c) involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure; or (d) involves, or is likely to involve, the disturbance of asbestos; or (e) involves structural alterations or repairs that require temporary support to prevent collapse; or (f) is carried out in or near a confined space; or (g) is carried out in or near a shaft or trench with an excavated depth greater than 1.5m; or a tunnel; or (h) involves the use of explosives; or (i) is carried out on or near pressurised gas distribution mains or piping; or (j) is carried out on or near chemical, fuel or refrigerant lines; or

Term	Definition
	<p>(k) is carried out on or near energised electrical installations or services; or</p> <p>(l) is carried out in an area that may have a contaminated or flammable atmosphere; or</p> <p>(m) involves tilt-up or precast concrete; or</p> <p>(n) is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor that is in use by traffic other than pedestrians; or</p> <p>(o) is carried out in an area at a workplace in which there is any movement of powered mobile plant; or</p> <p>(p) is carried out in an area in which there are artificial extremes of temperature; or</p> <p>(q) is carried out in or near water or other liquid that involves a risk of drowning; or</p> <p>(r) involves diving work.</p>
Internal Stakeholders	Groups or individuals who work within Council and who are involved in the Contractor management process.
Licensed High Risk Work	Work that requires a High Risk Work License as defined in Schedule 3 of the WHS Regulation 2011.
Notifiable Incident	<p>Under the Act, notifiable incident means—</p> <ul style="list-style-type: none"> the death of a person; or a serious injury or illness of a person; or a dangerous incident.
Principal Contractor (PC)	<p>A PCBU who commissions a Construction Project is the principal Contractor for the project.</p> <ul style="list-style-type: none"> If the PCBU commissioning the Construction Project appoints another PCBU as Principal Contractor and authorises them to manage and control the workplace and to discharge the duties of a Principal Contractor they then become the Principal Contractor.
Relevant Council Officer	Contract Superintendent charged to engage with the Principal Contractor in respect to WHS matters.
WHSMS	Work Health and Safety Management System: A set of plans, actions and procedures to systematically manage health and safety in the workplace that is actively endorsed by a committed employer to achieve: Provide a safe and healthy workplace and the prevention/reduction of illness and injury equally for employees and contractors

6. PROCEDURE

6.1. Determine Project WHS Risk Level

When proposing to conduct contracted works, Council has classified four levels of project WHS risk. The contract form and required documentation will be contingent on the level of potential WHS risk the project presents:

- Level 1:** High risk "Construction Work", licensed high risk work or high risk work.
- Level 2:** "Construction Work" not deemed high risk

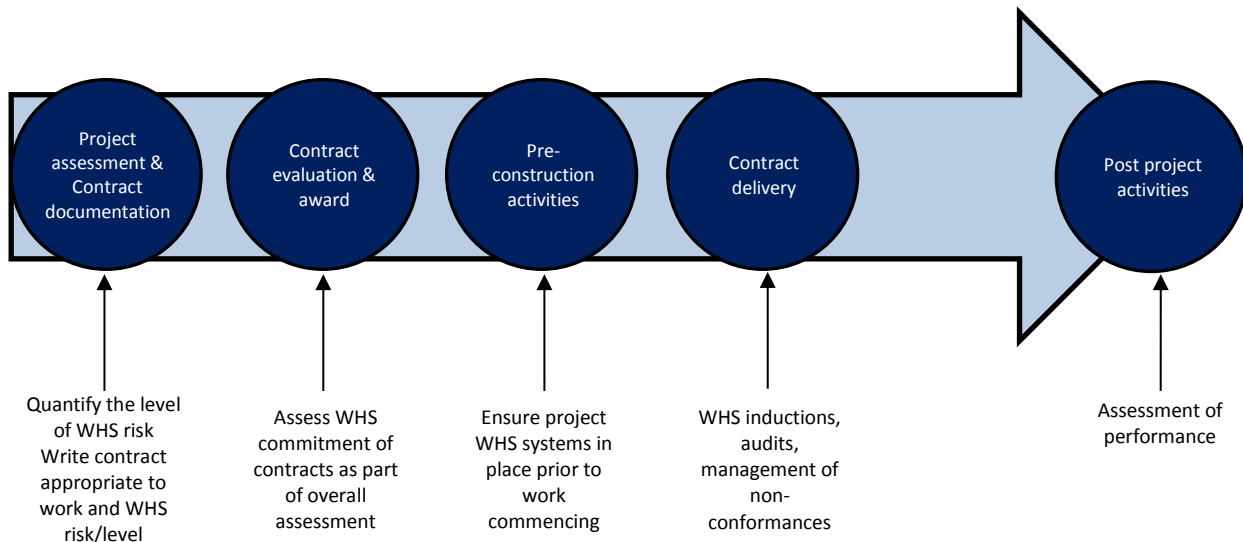
Given that the *Queensland Workplace Health and Safety Act* stipulates that to appoint a Principal Contractor, the contract must be for "Construction Work" as defined in the Act, all contract work under this procedure must be a risk level 1 or 2.

The authorisation or appointment regarding the Principal Contractor is to be documented and signed by the relevant parties to ensure clear definition of roles.

6.2. The 5 Steps of Contractor Management

The 5 steps of Contractor Management contain key WHS requirements during contracted works on behalf of Council delivered by a Principal Contractor are summarised as follows:

1. Project Assessment and Procurement Documentation
 - a. Determine WHS risk profile for the project
 - b. Determine project WHS engagement arrangement
 - c. Prepare contract documentation commensurate with contract works WHS risk profile and procurement manual requirements for the type of work being delivered.
 - d. Ensure WHS requirements are specific in contract.
2. Contract evaluation and award
 - a. Assessment WHS commitment of contractors
 - b. Assess sample WHS documentation applicable to the project
 - c. Ensure WHS is a key consideration in contractor selection
 - d. WHS in reference checking
3. Pre-Construction (post award)
 - a. Review project specific WHS documents for the project
 - b. Possession of site/commencement of works contingent on Principal Contractor having project specific WHS systems in place
4. Delivery
 - a. WHS induction to occur
 - b. Work completed in accordance with WHS plans
 - c. Identification of non-compliance
 - d. Management of non-compliances
5. Post Project
 - a. Assessment of contractor's performance in respect to WHS



Step 1 – Contract Documentation

This step involves an assessment of the scope of work works and preparation of appropriate contract and procurement documentation.

The Relevant Council Officer shall:

- Identify the scope of work and the risk profile (e.g. Level 1-2 or Level 3-4) (see section 6.1 of this Procedure);
- Select and add to the tender/quote documentation the relevant WHS Questionnaire:
 - For works assessed with WHS risk level 1 or 2, the Contractor WHS system questionnaire Level 1 and 2 (HS-FRM-045).
- Select, prepare and use the appropriate contracts/procurement forms commensurate to the type of works and risk profile (i.e. a formal contract, a formal request for quotation document, or sourcing of quotations without formal documentation).
 - All three procurement forms constitute a legally binding contract when entered into.
 - All three procurement forms ultimately require the raising of a purchase order in Council's accounting system.
 - When sourcing quotations without formal documentation, it is important to note that the purchase order must reference all requirements (including WHS) as it forms the formal contract.
- Engage the Contractors for tenderers or quotations as outlined in Council's Procurement Manual and Contractor Management Framework.

The following shall be included in the appropriate procurement documentation:

- the scope of work specific and/or unapparent health and safety hazards and risks;
- key WHS specifications and the details of Council's SMS (whole or relevant procedures/guidelines), applicable legislation and regulations, codes of practice, etc.;
- the work arrangement, that is Contractor appointed as Principal Contractor;
- the WHS Questionnaire with the required health safety documentation that the Contractor is to provide. Samples of previous project works are to be used in complex projects where it would be unreasonable to request every Contractor to produce a project specific WHS system simply to tender/quote the work.; and
- access to Council's Safety Management System (SMS).
- specify that the Contractor's submission must demonstrate a commitment to WHS commensurate with the requirements outlined in Council's SMS, otherwise their submission may be deemed non-conforming and be put aside.
- Request for Contractors to include copies of their current WorkCover insurance with their submission.

- specify that all relevant occupational/trade licenses, certificates and insurances must be provided with their submission.
- clause that all incidents resulting from the works conducted by the Contractor shall be thoroughly investigated by the Contractor, in accordance with Council's Incident Management Procedure (HS-PRO-034). The Contractor is to provide, to Council, any and all support for actions necessary to fulfill the investigation requirements outlined in this procedure.
- specify the extent to which WHS reference checking form part of the WHS systems assessment.

The Contractor shall:

- complete and submit, as part of their tender or quotation, the relevant WHS questionnaire form (including requested supporting evidence or information);
- Insurances and public liability documentation

Step 2 – Tender Evaluation and Award

The Relevant Council Officer shall:

- Receive and check for completeness the Contractors tender/quote submission along with the completed WHS Questionnaire and requested evidence
- Forward to the Council Health and Safety Advisor.

The Council Health and Safety Advisor shall:

- assess each Contractor's WHS systems and capabilities using the WHS Assessment forms commensurate to the risk profile (e.g. Contractor WHS System Assessment Form Level 1-2 (HS-FRM-047))
- utilise the Contractors documents in the assessment of the contractor's capability and commitment. In the case of samples from previous works being provided, these will form a minimum standard for the subsequent project specific WHS system produced by that Contractor, if successful;
- resolve any omissions, ambiguity or uncertainty in the WHS information included in a Contractor's submission; and
- provide results of the WHS Assessment to the Relevant Council Officer.

It is a mandatory component of awarding the tender, to ensure the Contractor has a robust WHS system in place. The WHS assessment is to contribute to the overall Contractor's submission assessment to the degree specified in the procurement documentation.

If the Contractor does not adequately demonstrate a commitment to WHS commensurate with the standard set out in Council's SMS, the Tender Evaluation Committee may put that Contractor's submission aside and preclude it from further consideration.

The Tender Evaluation Committee may undertake WHS reference checking to confirm the submissions of Contractor aligns with experiences of previous employers. Reference checks may be incorporated into the WHS evaluation to the extent specified in the procurement documentation, but will as a minimum, reflect on the Contractor's demonstration of the various requirements.

Contract awarded in accordance with Council's Procurement Manual and Contractor Management Framework.

Step 3 - Pre-Construct (post award)

The following WHS activities are to occur following the award of the work to the successful Contractor, but prior to Contractor commencing any work and possession of site.

The Relevant Council Officer shall:

- request and review that the Contractor provide all scope of work WHS system items commensurate to the risk level and complexity of the work and may include but not limited to:
 - WHS policy
 - Project specific plans (i.e. safety plan, traffic plan)
 - Project specific JSEAs
 - Project Specific SWMS
 - Relevant licenses and qualifications
- have a meeting with the Contractor to discuss WHS including;
 - Induction to the site. This meeting is to resolve the process of induction that is to occur for any further staff the Contractor may need to subsequently bring to the site, or in the case of a stand-alone worksite, if the Contractor is to undertake subsequent site specific induction.
 - Agreed communication processes where not specified in the contract, such as WHS reporting contacts, performance expectations, WHS reporting timeframes.
 - Essential WHS information equivalent to the scale of works being undertaken.
- Ensure that provisions for a Site Specific Inductions are in place. At a minimum, Inductions should cover the following topics:
 - Site safety rules and policies;
 - Site amenities and welfare facilities
 - Emergency procedures
 - Site specific hazards and control measures
 - Reporting mechanisms for hazards, near misses and unsafe work practices
 - Reporting mechanisms for incidents, injuries and dangerous incidents
 - Process to manage injured or ill people
 - First aid provisions
 - Details of the consultative processes including how safety issues and disputes are resolved on site.
- All inductees must sign off an attendance form acknowledging they have attended and understood the content and expected performance outcomes of the induction.

Note: any visitor to a construction site must be granted permission to enter and shall always be accompanied by a worker who holds a Construction Induction Training Card (CITC).

Step 4 - Delivery

During delivery of the contract works, the Relevant Council Officer will:

- Consult, cooperate and coordinate on WHS matters with the Principal Contractor. It is important to recognise that having appointed the contractor as "Principal Contractor" they have lead responsibility for WHS, and Council's duty is to actively support the Principal Contractor.
- Establish regular meetings with the Contractor throughout the works to discuss WHS issues pertinent to the work. This meeting can be in conjunction with other required project meetings.
- WHS topics for discussion at these meeting shall include:
 - Reported incidents, near misses and hazards
 - Review of preventative and/or corrective actions
 - Safety related non-conformances and corrective actions
 - Audit results
 - Discussion on any Council reported safety observations (e.g. hazards, unsafe acts) and the proposed actions the Contractor shall implement to address the safety observation.

- Obtain a copy of any Contractor's lead and lag WHS performance measures (e.g. toolbox minutes, safety complaints, incidents, dangerous incidents and near miss reporting, notes of safety related interactions with customers or regulatory authorities) as agreed in the contract documentation.
- Monitor the Contractor's activities by conducting:
 - Assurance activities on the project specific WHS system, WHS procedures, WHS plans (safety plan, traffic plan, etc.), JSEAs, SWMS.
 - Any non-conformances identified will be recorded and appropriate remedial actions are to be determined with the Contractor, but are to be subject to approval by Council's relevant officer;
 - If the Relevant Council Officer observes or becomes aware that the Contractor is not conducting the work in compliance with the contract, project specific WHS system or relevant legislations or in a manner as to endanger the health and safety of workers, the general public or any other person, they shall:
 - Direct the Contractor to immediately remedy the identified breach; and/or
 - Direct the Contractor to suspend work until such time as the Contractor resolves the breach and work can continue in a safe manner.
- If the Contractor fails to rectify the breach, the works shall be suspended and/or the Relevant Council Officer shall contact Council's Health and Safety Program Leader immediately for advice and support.
- Undertake any WHS incident investigations that may be necessary (as per the Incident Management Procedure HS-PRO-034). If an incident involves a Notifiable Incident or Event (death, serious bodily injury, work-caused illness or dangerous incident), the Contractor is required to verbally advise the Council and follow up in writing to the Relevant Council Officer within 24 hours. The written advice is to include any proposed remedial or corrective actions.
- Request the Contractor to verbally advise of any correspondence or interaction with a Regulatory officer or inspector in respect to the contract works and the details of their enquiry, within 24 hours of first contact. Furthermore, that this verbal advice is to be confirmed in writing if requested by the Relevant Council Officer.

Step 5 - Post Project Activities

After completion of the contract works, the Relevant Council Officer shall:

- Request the Contractor complete the Contractor Safety Feedback Form (HS-FRM-053.)
- Complete a review of the Contractor's WHS performance on the contract works and record this on the relevant contract file.
- Request relevant safety records from the Principal Contractor and record this on the relevant contract file.

7. TRAINING & COMPETENCE

The Principal Contractor has an obligation to ensure all construction workers on their site have a valid construction industry white or blue card (Construction Induction Training Card), as well as valid tickets for high risk, trade licenses and necessary competencies for specific tasks. The relevant Council officer may request to review these records if they perceive a potential issue or as part of a random safety inspection. If a non-compliance is suspected, the relevant Council officer is to report this to the Principal Contractor as a safety observation.

8. MONITORING AND REVIEW

This safety procedure will be reviewed five years from the date of approval or earlier in the event of changes to legislation, a significant incident has occurred or a change in Council requirements that relate to this procedure.

To ensure compliance with this procedure, a formal audit should be conducted.

The audit should be completed by the relevant Branch Manager or delegate with the audit comprising an assessment of the systems and processes for Contractor management and a field observation component to verify the application of these requirements. Determination is to be made as to the work groups' level of compliance with the requirements of this procedure.

9. ASSOCIATED DOCUMENTS

- Contractor Management Directive (HS-DIR-010)
- Managing Risks to Health and Safety Directive (HS-DIR-001)
- Incident Management Directive (HS-DIR-007)
- Construction and High Risk Work Directive (HS-DIR-002)
- Information, Training and Instruction Directive (HS-DIR-006)
- Asbestos Management Directive (HS-DIR-004)
- Electrical Safety Directive (HS-DIR-005)
- General Safety Controls Directive (HS-DIR-009)
- Hazardous Chemicals Management Directive (HS-DIR-003)
- Workers Compensation and Rehabilitation Directive (HS-DIR-008)
- SMS Management Directive (HS-DIR-011)

10. LEGISLATIVE AND OTHER REFERENCES

- QLD Work Health and Safety Act 2011
- QLD Work Health and Safety Regulation 2011

Approval	Date	Position	Name
Edited By:	29/11/2016	Health and Safety Advisor	Jennifer Neville
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