**Annexure G Requirements for Contractors**

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# Requirements for Contractors Guide

## Introduction

Rork Projects is committed to developing a workforce culture that adopts a preventative approach to ensure that workplace health and safety, environmental and quality requirements (WHSE & QA) are met through business operational performance that is aligned with best practice principles.

The Rork Projects approach to managing Contractors will be such that they must meet minimum requirements. As such, Rork Projects will seek to engage only those Contractors who can demonstrate a commitment to Rork Projects principles and have effective WHSE and Quality practices.

A systematic approach is required to integrate health and safety, environment and quality requirements into Subcontract management activities effectively and to fulfill obligations in relation to health and safety, environment and quality for the project works.

Rork Projects has adopted an organisation wide risk management methodology which conforms to *ISO 31000 Risk Management* and which aims to meet the legislative requirements of risk management of all jurisdictions.

## Purpose

The purpose of these procedures is to provide practical guidance to Contractors applying for Pre-Qualification in order to ensure that Rork Projects responsibilities towards health and safety of Contractors, Rork Projects employees, community and members of the public are met and that environmental and quality issues are systematically managed.

Subcontracted works are no different to other Rork Projects activities in that they require planning, training and supervision and care to minimise risks and achieve WHSE and quality standards. Rork Projects managers must show due diligence in selecting and awarding Subcontracts by ensuring that competent Contractors are engaged and that the Contractors and their employees carry out the work in a safe and responsible manner.

This document highlights the issues involved for all Rork Projects managers and supervisors engaging Contractors to undertake work activities on Rork Projects projects. It reinforces the need to ensure that Contractors are engaged and managed appropriately.

Rork Projects Site Managers are responsible for conveying to Contractors the importance of WHSE through:

* Subcontract specification requirements;
* Contractors selection, assessment and engagement;
* Implementing Contractors WHSE procedures, SWMS and ensuring compliance;
* Specific work site hazards;
* Monitoring WHSE standards during the Subcontract;
* Documentation; and
* Consultation with WHSE representatives.

## Scope

This procedure applies in all cases of a Contractors being retained by Rork Projects under a Subcontract for Service.

## Industrial Relations

Rork Projects requires contractors, as a precondition to acceptance of any tender bid, to:

* Be compliant with the *National Code of Practice for the Construction Industry*, the current Implementation Guidelines thereto (The Code and Guidelines) and the *Building Code 2013*;
* Fully comply with the provisions of:
	+ the *Fair Work Act 2009*, as well as any other applicable laws, regulations, codes of conduct and / or other legislative requirements relating to or affecting industrial relations (including in relation to but not limited to over-award payments, freedom of association, and right of entry);
	+ any applicable laws, regulations, codes of conduct and / or other legislative requirements relating to or affecting work health safety and rehabilitation;
* Fully comply with the terms and conditions of any applicable industrial instruments applying to the Tenderer’s employees;
* Not enter into any unregistered written agreements (as contemplated by The Code and Guidelines and the *Building Code 2013*) affecting or relating to the terms and conditions of its employees employment with the Tenderer;
* Not enter into or engage in sham contracting;
* Not engage or employee anyone in respect of these works anyone who is not legally entitled to work in Australia.

Contractors will be required to enter into a standard form Subcontract document prepared by Rork Projects confirming the above commitments and obligations.

## Indemnity & Insurance Provisions

Rork Projects requires contractors, as a precondition to acceptance of any tender bid, to enter into a standard form Subcontract document prepared by Rork Projects containing a number of indemnity requirements.

Further to this, Rork Projects requires contractors, as a minimum, to have the following policies of Insurance in place prior to tendering or immediately following confirmation of a successful tender bid:

|  |  |
| --- | --- |
| **Insurance Policy Type** | **Amount Required** |
| Public liability insurance | $20 millionPlease provide Certificate of Currency |
| Workers Compensation insurance | As required by law |

Other insurance policies may be required by Rork Projects from time to time as a precondition for the participation of contractors for specific projects, e.g. asbestos or hazardous materials insurance, travel insurance. Where this is the case contractors will be notified in the Request for Tender documents issued by Rork Projects.

Rork shall also request Professional Indemnity Insurance when directly engaging architects, consultants, engineers and the like.

## Subcontract Risk Assessment & Classification

Prior to tendering for the work, the Contractors must undertake a risk assessment of the work to be performed. This must include an initial assessment of the WHSE and Quality risks. This initial risk assessment is to be undertaken by persons competent to do so. A site-specific risk assessment will be required prior to commencement on site.

Rork Projects will provide a project specific WHSE Risk Register for hazards and risks assessed for the construction stage of the project to assist the Contractors with their own risk assessment.

## Engaging Contractors

Rork Projects project management team members seeking to engage a Contractors are responsible for ensuring that the provisions of this section are met.

## Pre-Qualified Contractors

Pre-Qualified Contractors will remain on Rork Projects preferred Contractors register for the period of twelve months and can be selected for Rork Projects Subcontracted work for construction projects any time providing they satisfy the following for each Subcontract work:

* Contractors provides a project specific SWMS for the subcontract work; and
* Rork Projects Site Manager or other competent person evaluates and approves the Contractors SWMS for the Subcontracted work (refer SWMS Review).

***Note that:***

*Where a Pre-Qualified Contractors will perform work in new Subcontract similar to work performed under previous Subcontract and there are no additional risks than those identified in the previous Subcontract, the SWMS previously developed can be used providing these are updated with Subcontract and project specific information and WHSE and QA requirements.*

*Where a Pre-Qualified Contractors will perform work in new Subcontract similar to work performed under previous Subcontract and there are additional risks than those identified in the previous Subcontract, the Contractors must submit a new SWMS, which is to be evaluated and approved as outlined above.*

## Contractors Provisions

Rork Projects will engage Contractors with a Subcontract that reflects the risks inherent in the work to be performed by the Contractors. The Subcontract will clearly define responsibilities and obligations on both the Contractors and Rork Projects. As a minimum, the Subcontract document will contain the clauses in 6.3.1, 6.3.2 and 6.3.3.

## Contractors Compliance

## Health and Safety Requirements

The Contractors must be committed to creating a safe working environment and to continuous improvement in workplace health and safety.

1. The Contractors is responsible for and must comply with the requirements of the Contract for workplace health and safety, subject to the express provisions of the *WHS Act 2011 and WHS Regulation 2011.* This includes, without limitation, compliance with Rork Projects Project Management Plan requirements and ‘Requirements of Contractors and Suppliers Guide’.
2. The Contractors must document, submit and implement a SWMS and supporting documentation, which complies with the Legislation, Relevant Australian Standards and Codes of Practice and the requirements of the ‘Requirements of Contractors and Suppliers Guide’ and ‘Contract Safety Clauses’ at least 14 days before starting design and construction.
3. The Contractors must systematically manage workplace health and safety management processes in accordance with the systems, plans, standards and codes specified in the ‘Requirements of Contractors and Suppliers Guide’ and the contract.
4. The Contractors must demonstrate to Rork Projects, whenever requested, that it has met and is meeting at all times its obligations under the contract.

## Environmental Management Requirements

Rork Projects requires the Contractors to implement a systematic approach to the management of environmental impacts of the Contract.

1. Subject to the provisions of any relevant Statutory Requirements and the express provisions of the Contract, the Contractors must comply with the ‘Requirements of Contractors and Suppliers Guide’ and the requirements of Rork Projects Project Management Plan.
2. The Contractors must systematically manage its environmental management processes in accordance with the systems, plans, standards and codes specified in the ‘Requirements of Contractors and Suppliers Guide’ and contract.
3. The Contractors must demonstrate to Rork Projects, whenever requested, that it has met and is meeting at all times its obligations under the contract.

## Quality Assurance Requirements

Rork Projects must ensure that its Contractors, Suppliers and Consultants systematically plan and manage their work to achieve specified quality outcomes, reduce the occurrence and costs of error and waste and to achieve continuous improvement in the quality of the product or service provided.

1. The Contractors must systematically manage its processes in accordance with the quality management systems, plans, standards and codes specified in the ‘Requirements of Contractors and Suppliers Guide’ and contract.
2. The Contractors must:
	1. Submit documentation required by the Contract by the time or times specified in the Contract;
	2. Review and update the Contractors quality management procedures and documentation so they remain adequate at all times to manage and ensure the quality of the Works complies with the requirements of the Contract;
	3. Control non-conforming services and/or products and undertake corrective and preventative action as and when necessary;
	4. Establish, maintain and keep records of all activities related to the management of quality; and
	5. Provide sufficient access to the workplace, and to information, records and other relevant documentation, resources (including personnel), and all other things necessary to allow Rork Projects to carry out reviews, surveillance and audit of the Contractors procedures and conformance with the contractual quality management requirements.
3. The Contractors must demonstrate to Rork Projects, whenever requested, that it has met and is meeting at all times its obligations under the contract.

## Compliance with Legislation

The Contractors shall comply with the provisions of the *WHS Act 2011 and WHS Regulation 2011* as amended from time to time and the Environmental Protection Act in the performance of the subcontracted work and must ensure that its employees and any secondary Contractors similarly comply.

The Contractors will inform itself of all WHSE and QA policies, procedures or measures implemented or adopted by Rork Projects and/or the occupiers of any premises at or within which the Contractors will perform the subcontracted work. In the event of any inconsistency, the Contractors will comply with the applicable policies, procedures and measures that produce the highest level of health and safety and protection of the environment.

## Compliance with Rork Projects Requirements

1. The WHS regulations place obligations on persons conducting a business or undertaking (PCBU) that includes the carrying out of high risk construction work to:
	1. Ensure that a SWMS is prepared before the proposed work commences;
	2. Make arrangements to ensure that the high risk construction work is carried out in accordance with the SWMS;
	3. Ensure that a copy of the SWMS is given to the principal contractor before the work commences;
	4. Ensure that the SWMS is reviewed and revised as necessary;
	5. Keep a copy of the SWMS until the high risk construction work is completed.
2. The contractor is responsible to manage risks associated with the carrying out of the construction work including but not limited to:
	1. Identify reasonably foreseeable hazards that could give rise to risk;
	2. Eliminate the risk, so far as is reasonably practicable;
	3. If it is not reasonably practicable to eliminate the risk, minimize the risk so far as is reasonably practicable by implementing control measures;
	4. Maintain the control measure so that it remains effective; and
	5. Review and if necessary revise, control measures so as to maintain a work environment without risk to health and safety or the environment.
3. Contractors are required to consult, cooperate and coordinate activities with all other persons who have a WHS duty in relation to the same matter so far as reasonably practicable. Workers involved in carrying out the work or are likely to be affected by the work must also be consulted.
4. All workers are required to undertake a site-specific induction prior to commencing work on site and to comply with all WHSE and QA requirements under the contract.
5. All workers must have their ‘general construction induction card’ available for inspection at all times.
6. The contractor must ensure and demonstrate, by providing records to Rork Projects, that their workers are properly trained and instructed in the safe and appropriate work procedures and SWMS for the activities they perform on site. The contractor must ensure that their workers are not directed or expected to undertake work or activities that are detrimental to the safety, health or welfare of themselves or of others.
7. All site rules and reasonable instructions issued by Rork Projects are to be followed. A failure to comply with these requirements may result in the offending person being removed from site.
8. The contractor must ensure its workers operating plant and equipment hold a current high risk work licence or certificate of competency as required for that plant and equipment or trainees are being instructed and supervised by a person holding a current licence or competency as required by the relevant legislation.
9. The contractor must maintain plant and equipment it operates on the site in a safe condition and ensure that such plant and equipment is registered (if applicable) and compliant with all relevant Australian Standards and legislative requirements. Plant and equipment used in the execution of works must be used, inspected and maintained in accordance with the applicable legislation and manufacturers recommendations.
10. Mobile plant to be brought to site by the contractor must undergo a risk assessment. The risk assessment shall cover the selection, purchase or hire, transport, commissioning, use, inspection, maintenance and return or disposal. SWMS are to be updated if required as a result of the on site risk assessment.
11. All plant supplied by the contractor must be checked daily prior to use in a form approved by Rork Projects.
12. The contractor must provide a Chemicals Register, safety data sheets (current within 5 years) and other information relevant to the safe transport, handling, storage and use of the chemical for any classified hazardous substances or dangerous goods proposed to be used or brought onto the site in the carrying out of the contract work. A risk assessment is also to be carried out prior to the selection of the hazardous substance or dangerous good. Where practicable, an alternative less hazardous or dangerous product should be selected.
13. The contractor is required to participate in scheduled site safety walks/inspections, WHSE Consultative meetings, contractor meetings, spot audits and other monitoring activities as required.
14. The contractor is to convene regular toolbox meetings and as required job safety analysis/risk assessments. Records are to be provided to Rork Projects site management.
15. The contractor shall comply with SWMS and all requirements of the relevant legislation. The contractor is responsible to consult, train, instruct and **supervise** their workers in carrying out the activity and on the approved Safe Work Method Statement/s.
16. The contractor must allow Rork Projects or its nominated representative access to their WHSE and QA management documentation and work areas to undertake inspections and audits at any time during the progress of the works. The contractor must undertake rectification within the specified timeframe if any non-compliance is found during inspections and/or audits.
17. Personal protective equipment (PPE) including but not limited to safety vests, steel capped boots and hard hat (if instructed) shall be provided by the contractor to their workers and maintained in good condition. PPE must be compliant with the applicable Australian Standard and workers must be trained in the correct use. The contractor is to ensure PPE provided is worn at all times by workers under their control.

## Incident Notification

Where the Contractors is required by the Act or Regulations to give any notice of an accident occurring during the performance of the subcontracted work, the Contractors shall at the same time or as soon thereafter as possible in the circumstances give a copy of the notice to Rork Projects site management.

The Contractors must promptly notify Rork Projects site management of any accident, injury, property or environmental damage that occurs during the carrying out of the subcontracted work. All lost time incidents shall be immediately notified to the Rork Projects site management. The Contractors must and within three (3) days of any such incident provide a report giving complete details of the incident, including results of investigations into its cause, and any recommendations or strategies for prevention in the future.

The Contractors must promptly notify Rork Projects of any Improvement or Prohibition Notice served on the Contractors by an Inspector, in relation to the Subcontract or Rork Projects controlled workplace.

## Breach of Workplace Health & Safety Obligations

The Subcontract document will provide remedies for a breach of the Subcontract including a breach of the Contractors’ workplace WHSE & QA obligations. These may include suspending the Services or terminating the Subcontract.

## Special Conditions of Subcontract

Additional special conditions of Subcontract may be added depending on the nature of the Services and the risk involved with the services.

## Subcontract WHSE Risk Information

As far as is reasonably practicable, the Subcontract documentation should advise the Contractors of known hazards and WHSE risks associated with the services to be provided. A copy of the Site Specific Risk Register (applicable part) will be sent out with the contract. Contractors are responsible to familiarise themselves with the relevant parts of the risk register and if required, modify their SWMS/safety plan to align with the recommended controls and legislative requirements.

## Hazard Identification & Risk Assessment

Prior to commencing work, the Contractors will be required to provide Rork Projects with a risk assessment/job safety analysis and/or SWMS for the specific work to be undertaken. Contractors submission must satisfy the following:

* Contractors visited the project site and completed and provided a risk assessment for the Subcontract work activities (JSA);
* Contractors provided a project specific SWMS and, if applicable Risk Management Plan and/or Environmental Control Plan/s; and
* Rork Projects Site Manager evaluated and approved both the Contractors risk assessment and the SWMS/Risk Assessment for the subcontracted work.

## Induction

## Contractors Induction

Prior to commencing work, the Contractors will be required to provide Rork Projects with evidence that:

* All their employees and their secondary Contractors’ employees have undergone Industry OHS Induction;
* All their employees and their secondary Contractors’ employees have undergone an induction appropriate to the work to be undertaken including the Contractors SWMS approved by Rork Projects; and
* Evidence of such induction will be required initially and an update provided for any changes to the Contractors SWMS during the course of the subcontracted work.

## Rork Projects Induction

Where contractors are undertaking Services on a Rork Projects project site, the contractor’s personnel (contractors employees, their Contractors and Contractors employees) MUST undergo a Rork Projects WHSE site induction prior to commencing work on site. Visitors to the site must also be briefed on the hazards and be accompanied at all times by a site inducted person.

The induction process shall be based on the critical nature of the work and shall specify Rork Projects WHSE site rules, policies, procedures and guidelines including but not limited to:

* PMP and SWMS requirements;
* Supervisory, consultation and reporting arrangements;
* Workplace safety rules, including first aid provisions and emergency procedures;
* Workplace facilities, including their location, use and maintenance;
* Emergency procedures, including after-hours emergency contacts;
* Health monitoring requirements and procedures;
* Access, egress and security;
* Workplaces specific hazards and control measures;
* How safety issues are resolved, including health and safety representative arrangements;
* How to report hazards, unsafe work practices, accidents, incidents and dangerous occurrences;
* What to do if a person is injured, including first aid provisions.

Induction shall be signed off by the individual who received the induction to confirm that the information has been received and understood.

Contractors should conduct a toolbox talk/pre start meeting to ensure all workers are clear about the site rules, emergency procedures and safe work practices. Additional task specific training may also be required to communicate hazards and risk controls and to provide the skills necessary for workers to carry out a specific task safely.

Contractors will be provided with Rork Projects Policies, Induction Brief and Induction Form, Site Safety Rules, Project Risk Register (applicable part), Emergency Procedures and any other information relevant to the scope of work.

Adequate supervision must be provided, taking into account where workers are unfamiliar with the site or nature of the work. Workers in a supervisory role must be trained and authorized to ensure the work is carried out in accordance with relevant policies, procedures and the approved SWMS.

The Site Manager/Systems Manager is responsible to ensure all workers complete the Rork Projects Induction Form and sign the induction register.

All workers must also be inducted into the approved Safe Work Method Statement. A copy of the Safe Work Method Statement, Licence and Competencies must be available on site at all times.

Rork Projects shall exercise strict control of high risk work activities via a risk assessment and permit system. This shall be explained to applicable contractors during induction and/or prior to the high risk work being carried out.

## Use of Secondary Contractors

Where a Contractors intends to subcontract any portion of the work, they must be able to demonstrate that the Contractors has WHSE and if applicable QA systems and practices in place commensurate with the risks inherent in the work. This in no way alleviates the responsibility for WHSE and QA from the Contractors. Rork Projects Site Manager is required to verify that Contractors under the control of the Contractors have undergone Rork Projects pre-qualification similar to the Contractors or Contractors and their employees are treated the same as the Contractors’ employees by the Contractors in relation to WHSE and QA requirements.

## Monitoring and Measurement

## Contractors Monitoring

Monitoring Contractors WHSE performance is a critical requirement in Contractors management. It sends a clear message to Contractors that health, safety and environmental issues are a priority and ensure as far as reasonably practicable that applicable WHSE legislation, codes of practice and standards are met.

The level of monitoring of the Contractors will be commensurate with the risks inherent in the Services and the length of the job and may include site inspections and spot audits where applicable.

During the Subcontract stage the Site Manager/and/or Systems Manager shall:

* Monitor Contractors’ WHSE performance to ensure that all legal and other compliance requirements are met;
* Establish arrangements for communication and consultation with Contractors and others as appropriate;
* Ensure regular site inspections are conducted in accordance with the project inspection schedule;
* Conduct spot audits on Contractors activities including SWMS, PPE, plant and equipment and chemicals;
* Advise the Contractors on risks and non-conformance as soon as practicable;
* Monitor and follow up on corrective action as determined by the dates for action;
* Review WHSE performance, accident and incident reports, third party reports and complaints on a monthly basis or earlier if required for the duration of the Subcontract;
* Review WHSE and QA performance via regular meetings with the Contractors; and
* Ensure all Contractors records are maintained as determined in this guideline.

## Non-Conformance

A non-conformance report (NCR) details WHSE and QA issues identified through incident reports and inspections. The report will be prepared following consultation with the Contractors representative and an agreed time frame will be documented on the report for the rectification of issues. Where the Contractors does not rectify the issue within the agreed time frame a second non-conformance report may be issued. In this situation suspension or termination of the Subcontract may be considered.

In the case of non-compliance by a Contractors, the Site Manager, Site Supervisor or Project Systems Manager must take action commensurate with the risk posed by the non-compliance and details included in the non-conformance report. This may include: ·

* A direction to cease work in the case of imminent danger to any person or property;
* Immediate verbal and subsequent written notification of the Contractors of the non-compliance;
* Verbal and subsequent written direction as to corrective measures deemed necessary;
* Negotiation of corrective measures with the Contractors;
* The application of sanctions available under the Subcontract, including suspension or cancellation, in the case of serious and/or prolonged/repeated non-compliance;

**Note.** Non-compliance includes a Contractors failing to perform work in accordance with its own nominated SWMS.

## Subcontract Completion

On completion of the Subcontract, the Site Manager must ensure that an assessment of Contractors performance against the Subcontract conditions is performed and detailed in the “Contractors WHSE and QA Performance Report”. Copies of the report will be:

* Included in the Contractors file of the Project documentation;
* Forwarded to Rork Projects Subcontracts Manager for filing in the Contractors file; and
* Forwarded to the Contractors for information and comment if the Contractors wishes.

## Records

Rork Projects shall retain Subcontract records during the period of the Subcontract and for seven years after completion of Subcontract for minor Subcontract and 15 years after completion of Subcontract for major Subcontract. The register of Contractors will be maintained as a permanent record.

## Compliance

The Systems Manager for Rork Projects will conduct an WHSE reviews and spot audits of the SWMS/JSA/ECP’s etc. for the sub-contractor to ensure all is in line with the requirements of Rork Projects.

Compliance with this procedure will be verified by implementation of Rork Projects Inspection and Audit program