



CONSTRUCTION
INDUSTRY
FEDERATION



STATUTORY AND CONTRACT

ROLES AND PROCESS OUTLINE



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INTRODUCTION AND PURPOSE

In most works undertaken by builders and contractors there are three separate roles and processes:

- Contractor
- Builder, and:
- Project Supervisor Construction Stage (PSCS).

This document initially sets out the contractual and statutory factors underpinning these roles/processes, what activates them and the responsibilities under them.

It then follows on to outline the detailed duties of each of the above roles during the following stages:

- Commencement;
- Works;
- Completion; and,
- Maintenance.

Any default in performance of a statutory role may lead to criminal prosecution, fines, and/or imprisonment (and/or loss of CIRI registration).

CONTRACTUAL

ROLE OF THE CONTRACTOR

Appointed under contract between the Employer and the Contractor (generally after a tender process).

- Duties, responsibilities, and rights of both parties are set out in the contract terms and conditions.

Activated by both parties signing the contract.

Responsibilities:

1. To construct the works in accordance with the contract and associated drawings, specifications, and particulars.
2. To design specified, discrete elements as listed in the contract particulars.
3. To provide collateral warranties as listed in the contract particulars.



ROLE OF BUILDER (UNDER BC(A)R – SI 9 OF 2014)

STATUTORY

Assigned by Owner (Employer/Client) for statutory role of Builder under Building Regulations (BREGS).

- Legal duties and responsibilities of parties and other statutory role holders are set out in SI 9 of 2014 and associated Code of Practice (COP).

Activated by uploading the completed Undertaking by Builder (UBB) to the Building Control Management System (BCMS) platform.

Requirements (COP 3.3)

1. Familiarise themselves with the documents lodged with Commencement Notice (CN).
2. Identify (in conjunction with the Assigned Certifier (AC) certificates required from Designers and Specialists.
3. Accept the assignment by uploading Undertaking by Builder (UBB).
4. Carry out the works in accordance with documents listed in C/N.
5. Appoint competent person(s) to oversee the works.

6. Ensure workmanship complies with Building Regulations.
7. Ensure that the materials they select or are responsible for comply with Building Regulations.
8. Sign Part A of Certificate of Compliance on Completion (CCC) (having reviewed the information contained in the Annex).
9. Maintain records for a minimum period of six years after completion.



ROLE OF PROJECT SUPERVISOR CONSTRUCTION STAGE (PSCS)

STATUTORY

Appointed under separate agreement with the Client (Employer) – collateral to the Building Contract.

- The parties have legal duties under the Construction Regulations (Safety, Health and Welfare at Work (Construction) Regulations 2013).

Activated by formal appointment by Client and return of AF1 and AF2 Forms to HSA.

Responsibilities

1. Develop and update the Construction Stage Safety and Health Plan.
2. Co-ordinate the implementation of the Construction Regulations.
3. Organise co-operation between contractors during the construction stage.
4. Provide information to the Project Supervisor Design Process (PSDP) for inclusion in the Safety File.

(Recommended that a copy of the Safety File and proof of issuance to Client are obtained.)



1. COMMENCEMENT STAGE

DUTIES UNDER THE CONTRACT

The following is a general non-exhaustive list of duties for the contractor under the contract.

These may vary depending on the nature of the contract.

1. Letter of Intent may be issued.
2. Contract is signed.
3. ***Assignment of Builder by Owner and acceptance of assignment (not UBB) will logically only occur when a Contractor has been appointed for the works.***
4. Documents required from Contractor for compliance with Planning Conditions (traffic management, waste management, etc.) are prepared and issued.
5. Programme for the Works is produced (this feeds into the discussion on the Inspection Notification Framework (INF).
6. Procurement and appointment of subcontractors, specialists, and suppliers commences.
7. Designers (where design forms part of the works) are appointed (in D&B Contracts this may be a second stage).
8. Dilapidation survey report is prepared and issued.
9. QA Plan is finalised and issued.

10. RFI Register is produced and circulated.
11. Technical Submission process and register set up.
12. Site is established.



1. COMMENCEMENT STAGE

DUTIES UNDER BCAR

The following is a list of duties for the Builder under BCAR.

1. Owner issues notices of assignment of Assigned Certifier.
2. Owner issues notices of assignment of Builder.
3. Assigned Certifier accepts assignment on BCMS and downloads form UBAC.
4. Builder accepts assignment on BCMS and downloads form UBB.
5. Prior to signing and uploading the UBB, the Builder should:
 - 5.1. Meet with the Assigned Certifier,
 - 5.2. Review the schedule of documents to be included in the CN. This should include drawings and specifications forming part of the contract, the design certificate and associated designers' ancillary certificates, schedule of items yet to be designed and "hold" points until such designs have been certified,
 - 5.3. Establish what items have yet to be designed and by whom,
 - 5.4. Identify all designers and specialists from whom certificates are required,
 - 5.5. Meet with the Owner and Assigned Certifier to agree the INF (COP 7.3), and
 - 5.6. Satisfy him/herself that all is in order.
6. Assigned Certifier finalises the INF and Preliminary Inspection Plan (PIP).
7. Builder signs the UBB, uploads it and then issues a copy to the Owner and Assigned Certifier.
8. Assigned Certifier checks the documentation for lodgement with the CN.
9. Owner signs the CN and has it lodged.
10. Builder appoints:
 - 10.1. Competent persons to oversee/supervise the works,
 - 10.2. Suitably qualified subcontractors and specialists to carry out elements of the works, and
 - 10.3. Suitably qualified specialists and/or designers to design designated elements.
11. Works commence on site.
12. Put a process in place to collate/inspect any documents underpinning ancillary certificates, where necessary.

1. COMMENCEMENT STAGE

DUTIES UNDER THE ROLE OF PSCS

1. Construction Safety and Health Plan is set up.
2. Register of operatives and subcontractors' personnel is established.
3. Competent person is appointed to oversee compliance with current SHWW regulations – Health & Safety Co-ordinator.
4. Temporary Works Designer and Co-ordinator are appointed.
5. Initial engagement with the PSDP.
6. Record the date of commencement of the works on site.



2. WORKS STAGE

DUTIES UNDER THE CONTRACT

The following is a general non-exhaustive list of duties for the contractor under the contract. These may vary depending on the nature of the contract.

1. Carry out the works in accordance with the contract requirements, drawings, specifications, and particulars.
2. Procure material, in compliance with specifications and CPR.
3. Maintain a register of Technical Submissions, recording details of products, submission and approval dates, and location of incorporation into the works.
4. Maintain records to demonstrate compliance with SR 2.
5. Carefully store materials on site.
6. Ensure that all materials are fitted/incorporated into the works in accordance with associated details, specifications, and instructions.
7. Ensure that workmanship complies with Part D of the Building Regulations.
8. Complete the works in accordance with the contract particulars and requirements.
9. Ensure that all non-compliant items and snags have been fully addressed.



DUTIES UNDER BCAR

The following is a list of duties for the Builder under BCAR.

1. Carry out the works in accordance with the documents scheduled in the CN.
2. Carry out the works in accordance with Building Regulations.
 - 2.1. ***Note that the Builder is entitled to rely on the drawings, specifications, and details provided by the Designers to demonstrate compliance.***
 - 2.2. ***The Builder is not required to interrogate such designs. However, when items appear to differ significantly from details in the relevant TGD, he/she should notify the Assigned Certifier and the relevant Designer.***
3. Incorporate specified and approved materials only into the works.
4. Facilitate inspections by the relevant designers in accordance with the PIP and INF.
5. Co-operate with Building Control Authority (BCA)/Building Control Officer (BCO) in their inspections and provide access to materials, data and records as requested.
6. ***The Assigned Certifier and Builder ensure that items identified as yet to be designed in the schedule to the CN are designed and certified before the relevant work commences.***
7. Complete and record all tests required for demonstration of compliance.
8. Maintain records of materials used and their locations within the works.
9. Maintain photographic records to demonstrate compliance with the works as designed.
(It is recommended that the Builder store such records on a shared platform and provide access to the Designers, Assigned Certifier, Site Team, and BCO.)
10. Procure ancillary certificates from subcontractors/specialists/Builder's Designers in accordance with the Construction Industry Council's (CIC) Practice Notes.
11. Produce records and procure ancillary certificates as each stage of the works is completed. Provide copies/access to folder to the relevant designers and AC.

2. WORKS STAGE

12. Maintain a record of correction of non-compliant items identified in the Designer's inspection reports.
13. While ancillary certificates are not statutory documents, they may be contractual and/or necessary for the Assigned Builder to rely on in order to sign the CCC, and also for the Assigned Certifiers' duties under BCAR. Therefore, the Builder and Assigned Certifier ensure that all required ancillary certificates (from subcontractors, suppliers, Builder's Designers, and Employer's Designers) are provided and have been inspected.

DUTIES UNDER THE ROLE OF PSCS

1. Risk assessments, and Safety and Method Statements, are obtained from Subcontractors and updated as necessary.
2. Safe Pass register is maintained.
3. Regular inspections of the site and documentation.
4. Safety and welfare meetings.
5. Incident reports.
6. Liaison with PSDP.

7. Data for inclusion in the Safety File is collected, with details and data sheets of approved materials and associated locations forming a large part of the data.



3. COMPLETION STAGE

DUTIES UNDER THE CONTRACT

The following is a general non-exhaustive list of duties for the contractor under the contract. These may vary depending on the nature of the contract.

1. Liaise with relevant public authorities and follow procedures for handover of such systems (Irish Water, local authority, parks departments, etc.).
2. Remove site set-up.
3. Clean all areas.
4. Prepare a register of, and hand over all required portable items (keys, etc.) to the Employer.
5. **Obtain a Certificate of Substantial/Practical Completion**

DUTIES UNDER BCAR

The following is a list of duties for the Builder under BCAR.

1. At completion stage the Assigned Certifier is required to submit to the BCA:
 - 1.1. CCC, with Part A signed by Builder, and Part B by the Assigned Certifier,
 - 1.2. Plans and other documentation showing how the completed



3. COMPLETION STAGE

building has achieved compliance with Building Regulations.

Differences from CN documents should be clearly identified, and

- 1.3. The Inspection Plan as implemented.
2. The Assigned Certifier (in consultation with the Builder) decides on the 21 Day Notice Procedure or identifies nominated date(s) for the inclusion of the works or phase of the works on the statutory register.
3. The Assigned Certifier advises the BCA of the Nominated Date.
Note that this date is generally determined by the period required for final testing, commissioning, inspections, and sundry completions following the live connection of public utilities – water, power, gas.
4. The Assigned Certifier prepares, and the Builder reviews, the Annex and associated documents and ancillary certificates.
5. Builder signs Part A of the CCC and returns to the Assigned Certifier.
6. Assigned Certifier signs Part B of the CCC and uploads it (with completed Annex table) to the BCA via BCMS platform.

7. The BCO checks the documentation, validates the CCC, and includes the building on the statutory register.

DUTIES UNDER THE ROLE OF PSCS

1. Collate information and documents for PSDP inclusion in the Safety File.
2. Include details of maintenance required for elements of the works.
3. Hand over required documents to PSDP.
4. ***Recommended that PSCS request a copy of the completed Safety File and confirmation that the File has been issued to, and received by, the Client (Owner, Employer).***

4. MAINTENANCE

DUTIES UNDER THE CONTRACT

The following is a general non-exhaustive list of duties for the contractor under the contract. These may vary depending on the nature of the contract.

1. Period of Liability as per contract.
2. At the end of the Defects Liability Period, remediate defects identified by the Architect/Employer's personnel and provide records of such remediation.

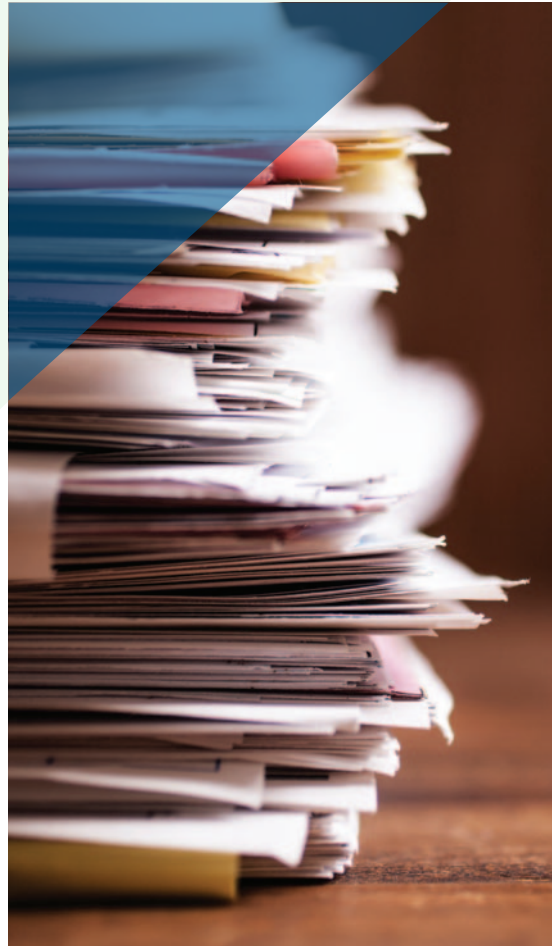
DUTIES UNDER BCAR

The following is a list of duties for the Builder under BCAR.

1. The Assigned Certifier and the Builder are required to maintain records for six years after Practical/Substantial Completion.
2. Recommended that location of archive (but not necessarily access) is provided to the Owner and Assigned Certifier. It is highly recommended to combine all records, including discipline-specific records, into one master file.
3. Perhaps also notify the BCA of such location.

DUTIES UNDER THE ROLE OF PSCS

1. Maintain records for required period.





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