



PLANNING and BUILDING UNIT

Design Team Procedures 2007 Practice Note 1.

New GCCC Forms of Construction Contracts for Public Works

Transition Arrangements

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Applicable to all Capital Works projects funded in part or in total by the Department of Education & Science (unless otherwise stated).

Transition Arrangements for Capital Works Projects

Construction Procurement Reform

- (a) In accordance with Department of Finance Circulars 33/06 and 4/08, Construction Procurement Reform – revision of arrangements for the procurement of public works projects and for the engagement and payment of construction consultants,
 - (i) as and from January 2007 all new Design Consultancy appointments must use the new GCCC Standard Conditions of Engagement for Construction Consultants, and
 - (ii) from February 2008 all Capital Works Projects must use the new GCCC Forms of Construction Contracts for Public Works, and
- (b) The new GCCC Forms of Construction Contracts for Public Works are mandatory for all projects, whether the Design Team was appointed before or after January 2007.

Design Team Procedures

- (a) To address “inter alia” issues arising from the implementation of the new forms of contract and the new Standard Conditions of Engagement, the Department of Education and Science Design Team Procedures were substantially re-written and published in August 2007.
- (b) The Design Team Procedures, third edition, August 2007 and guidance on completing Schedule Part 1 to the Public Works Contract for Building Works (Designed by the Employer) can be obtained from the Department’s website <http://www.education.ie>
- (c) For ease of reference and to coincide with the new Standard Conditions of Engagement, the Stage numbers in the new Design Team Procedures (DTP) have changed as follows (see DTP 2007, Clause 1.2):

DTP 1983		DTP 2007	
Stage 1	Site suitability, site report	Stage 1	Preliminary
Stage 2	Initial sketch scheme		
Stage 3	Developed sketch design	Stage 2a	Developed sketch design
Stage 4	Detailed design	Stage 2b	Detailed design
Stage 5	Bill of quantities		
Stage 6	Tender action	Stage 3	Tender action
Stage 7	Construction	Stage 4	Construction
Stage 8	Practical completion	Stage 5	Handover of works and final account
Stage 9	Final account		

- (d) Hereinafter, and in all correspondence, the new 2007 Design Team Procedures Stage numbering system will apply.
- (e) **All projects, whether they commenced architectural planning in accordance with the 1983 Design Team Procedures [DTP] or under the new Conditions of Engagement and the 2007 Design Team Procedures, will be required to comply with the 2007 Design Team Procedures which take into account the new conditions of contract.**

Transition Arrangements for Capital Works Projects (cont)

Design Team Procedures

The following supplementary requirements will apply:

Authorisation to proceed to Stage 2b

- (f) Where written approval is issued by the Planning and Building Unit to proceed to Stage 2b, this does not include authorisation to proceed beyond Stage 2b with this project at this time.

Planning Permission and Fire Safety Certificate applications

- (g) On receipt of written approval to proceed to Stage 2b, the application for Planning Permission should be made immediately. The application for a Fire Safety Certificate should follow immediately thereafter in order that both applications run concurrently. (Refer to DTP 2007, Clause 4.17).
- (h) Fire Safety Certificate applications should be based on compliance with the requirements of the Building Regulations. Recommendations arising from pre-consultation with the Local Authority should only be included where they have a statutory basis.

Stage 2b Documentation

- (i) Stage 2b comprises detailed design, preparation of the Works Requirements (tender documents) and preparation of a Pricing Document (Bill of Quantities) and shall be completed in accordance with the Design Team Procedures 2007.
 - (j) As no authorisation has been given to proceed to Tender, the preparation of a Contract Notice and the pre-qualification of Contractors should not be carried out until otherwise notified in writing by the Planning and Building Unit.
 - (k) A pre-tender cost-check however should be carried out in accordance with [Clause 4.31](#) of the 2007 Design Team Procedures for inclusion in the Stage 2b report. Where approval to go to tender is delayed more than 1 month after the submission of the Stage 2b report, it will be necessary for the Quantity Surveyor to up-date the cost-check prior to issuing tenders. Both the pre-tender cost-check and the pre-tender adjustment to same must take into account the current market conditions and where applicable tender inflation/deflation
 - (l) All other Stage 2b requirements must be completed including the preparation of the Invitation to Tender and the completion of Schedule 1 to the Contract.
 - (m) For assistance in the preparation of an Invitation to Tender including Instructions to Tenderers and the Form of Tender, the Design Team should consult both <http://www.constructionprocurement.gov.ie/> and the Department of Education and Science website www.education.ie (under School Planning/Building - Technical Guidance). If the information required is not available on completion of Stage 2b as above, the Design Team should seek the assistance of the Planning & Building Unit Technical Section.
 - (n) Notwithstanding the provision of a signed Stage 2b Completion Certificate, all documents comprising the Stage 2b report must be submitted to the Planning and Building Unit for review. Any significant deviation from guidelines revealed by this review will be regarded as a serious matter by the Department and is likely to have repercussions for the consultant(s) involved and may delay the project and jeopardise funding.
 - (o) The remaining elements of Stage 2b shall only be completed when written authorisation (from the DoES) is given to do so.
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Transition Arrangements for Capital Works Projects (cont)

Consultants' Fees

- (a) For Consultants engaged prior to the implementation of the new Conditions of Engagement, fees will continue to be based on the original conditions of engagement, i.e. an agreed % fee in accordance with the terms applicable at the time of engagement. For those consultants, fees will be calculated on the approved fixed price Contract sum ex VAT.
- (b) For consultants appointed under the new Conditions of Engagement, the terms and conditions of those Conditions of Engagement will apply. The fee correction mechanism will apply only to Design Teams appointed under the new Conditions of Engagement.

Stage 2b Fee Payments

- (a) Payment of fees for Stage 2b and later stages shall be in accordance with the Design Team Procedures 2007, Clause 1.5. However a reasonable period of time (e.g. 1 month) should be allowed for the Planning and Building Unit to complete the review before submission of Stage 2b fee invoices. It should be noted that fees will not be paid on an incomplete submission, or where the pre-tender cost-check is not within the agreed cost limits or where the submission is not in accordance with the Design Team Procedures in all respects.

Design Team Responsibility

- (a) The Department of Education and Science, whether acting as Client or Funding Authority, is not bound to respond to Consultants' information but may comment, ask questions, require additional information or raise objections. The Consultants shall reply to, and comply with, the responses.
 - (b) No Department response or failure to respond constitutes or implies any review or verification by the Department of Consultants' information or relieves the Consultants from any responsibility or liability.
 - (c) Any reference to "approval" or "acceptance" by the Department of Consultants' design or other communication means only that on its face it appears to meet the Department's requirements provided to the Consultants.
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