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MODEL CLAUSES FOR CIVIL ENGINEERING WORKS

SECTION 10 GENERAL

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SECTION 10

GENERAL

Section and Clause referencing	10.001	Where a Section of this Specification is presented as a sequence of numbered Clauses then all the information necessary to specify the Works can be found within those Clauses and any other documents to which reference is made. Where a Section of this Specification is presented as an Appendix to the Model Clauses then the Contractor is deemed to have had sight of the relevant Sections of NR/L3/CIV/140 and its contents shall be considered as part of the Contract Specification. Appendices to the Sections of the Model Clauses listed in Appendix 10/1 are included in this Specification.
Employer's Representative	10.002	Throughout this Specification the word "Employer's Representative" shall have the same meaning as the term "Engineer" given in the Definitions in the Contract, and the term "Designated Employer's Representative" given in NR/SP/CPR/008.
Further definitions and abbreviations	10.003	The definitions given in NR/SP/CPR/008 shall apply to the Specification, and in addition the following definitions and abbreviations shall apply: (i) "ASTM" means the American Society for Testing and Materials. (ii) "BS" means British Standard. (iii) "EN" means a European Standard which has the status of a British Standard. (iv) "CP" means British Standard Code of Practice. (v) "Directed" includes as instructed by the Employer's Representative. (vi) "ELR" means Engineer's Line Reference. (vii) References are given to "Network Rail standards": these are defined in the Network Rail catalogue of standards (NR/CAT/STP/001). (viii) "Operational Platform" means a station platform open to persons not under the control of the Contractor.

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- (ix) "Railway Group Standard" means a document issued by Railway Safety and Standards Board.
- (x) "Service" means electricity cables, gas pipes, water pipes (including piped sewage), and other pipelines or telecommunication plant, irrespective of owner.
- (xi) "Specified" means as shown on the Contract Drawings, or defined in this Specification.
- (xii) "Speed Restriction " means a planned temporary restriction on the speed of rail traffic between defined locations.
- (xiii) "Sub-Surface Station" means a station as listed in NR/SP/CPR/008, Attachment 4.

Scope of the Contract	10.004	The Works comprise of elements as stated in Appendix 10/2.
Responsibilities under Construction (Design and Management) Regulations	10.005	Unless stated otherwise in the Contract, the Contractor shall be the Principal Contractor as defined in the Construction (Design and Management) Regulations (2007). The Contractor shall also be the Designer as defined in the Construction (Design and Management) Regulations (2007), except where the Designer is specified in the Contract. Unless stated otherwise in the Contract, Network Rail will be the CDM Co-ordinator as defined in the Construction (Design and Management) Regulations (2007).
Works by others not included in the Contract	10.006	During the period of the Contract, parts of the Site and adjacent areas will be occupied by Network Rail and/or other contractors, carrying out the Works described in Appendix 10/3 which are not included in the Contract. All reasonable facilities shall be afforded to Network Rail and/or other contractors and all parties concerned shall be co-operated with to ensure that the Works progress with the minimum of interruption.
Location of the Site	10.007	The location of the Site(s) is as described in Appendix 10/4.
Site conditions	10.008	The areas of the railway that shall be in operation during the whole period of the Contract are stated in Appendix 10/5. The Works shall be carried out in a manner that causes the minimum of interference with the safe working of these areas and does not interfere with the operational use of the adjacent tracks.

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Additional known site conditions which may affect the manner of executing the Works are described in Appendix 10/5.

Nature of the ground	10.009	Information regarding the nature of the ground is given in Appendix 10/6.
Clearances	10.010	Unless specified otherwise in Appendix 10/7, Permanent Works and Temporary Works shall be designed, constructed, and maintained to provide the standard clearances (as defined in GC/RT5212) applicable to the track design speed and geometry at the location of the Site.

Locations where existing clearances are less than standard (as defined in GC/RT5212), and where attainment of such clearances is not practicable, are listed in:

- i) Section 225: Permanent Way Particular Specification (Plain Line Renewals);
- ii) Section 226: Permanent Way Particular Specification (S&C Renewals);
- iii) Section 227: Permanent Way Particular Specification for Bridgeworks.

Locations where existing clearances are greater than standard (as defined in GC/RT5212), and where, due to the type of rolling stock able to use the tracks at the location, attainment of such clearances shall be maintained, are listed in:

- i) Section 225: Permanent Way particular specification (Plain Line Renewals);
- ii) Section 226: Permanent Way Particular Specification (S&C Renewals);
- iii) Section 227: Permanent Way Particular Specification for Bridgeworks.

Existing clearances to structures less than standard shall not be worsened and where practicable shall be improved. Existing clearances more than standard shall not be reduced below standard.

Where existing clearances are proposed to be reduced temporarily by the erection of Temporary Works, details shall be supplied for approval to the Employer's Representative. Clearances to Temporary Works shall be inspected upon erection and subsequently at a maximum of two-monthly intervals to confirm that the clearances have been maintained.

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Where it is necessary to reduce clearances in an emergency, traffic must be protected as appropriate.

- Tidework** **10.011** The Contractor's attention is drawn to Appendix 10/8 for information regarding the tidal nature of the waters at the location of the Works.
- The predicted tidal conditions for the period of the Contract may be established by reference to the relevant Admiralty Tide Table for the location of the Works.
- Substances hazardous to health** **10.012** Substances hazardous to health that are known to exist on the Site are listed in Appendix 10/9.
- Existing services** **10.013** Further to NR/SP/CPR/008, the anticipated location and position of known surface services in cable troughs in the cess and laid on the ballast surface across the track and buried services in the cess, within the station platforms and in undertrack service ducts are shown on the Contract Drawings or described in Appendix 10/10. The location of all such services shall be confirmed and marked prior to any excavation commencing.
- Access to the Site** **10.014** Road access to the Site(s) shall be as described in Appendix 10/11.
- Where access to the Site(s) is necessary across land or property that is not Network Rail premises, all necessary arrangements shall be made and permissions obtained by the Contractor. The Employer's Representative shall be advised of any restrictions placed on such access.
- Further to NR/SP/CPR/008, a procedure for the reception of all visitors and delivery vehicles to the Site(s) shall be implemented and maintained, so that visitors and vehicle drivers may report to a responsible representative of the Contractor. The 'Visitors Book' shall be handed to the Employer's Representative on completion of the Works.
- Vehicle drivers shall report on entry to any depot, terminal or Works as applicable and the speed limits in force shall be adhered to by all Contractor's vehicles.
- No Contractor's vehicles shall be permitted on station concourses or platforms without the agreement of the Employer's Representative.

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All movements by Contractor's vehicles on Network Rail premises shall be agreed with the Employer's Representative. No vehicle shall be permitted to come within 3.0 metres of the nearest rail on which trains may pass except during absolute possessions or T(ii) protection and when using level crossings.

Parking of Contractor's vehicles at level crossings shall be in accordance with any parking restrictions applicable at these level crossings.

Approval of Contractor's Manager

10.015

The curriculum vitae of the Contractor's proposed Manager, who shall act as the single point of contact for the Contractor with the Employer's Representative, shall be submitted with the Tender, and shall include, in addition to criteria considered applicable by the Contractor, details of the agent's experience of:

- (i) works in a railway environment,
- (ii) works of a similar nature,

and details of the agent's:

- (iii) safety training record,
- (iv) disciplinary record (if any),
- (v) medical fitness record relevant to this Contract,

The Contractor shall submit with the tender, any additional information stated in Appendix 10/12.

Working hours

10.016

Excepting the requirements for work during absolute possessions, T(ii) protection and isolation of electrical traction supply equipment, the normal working hours shall be as specified in Appendix 10/13.

Work outside normal working hours shall only be executed with the written consent of the Employer's Representative and shall be subject to a minimum of seven days notice in writing to the Employer's Representative of the extra hours proposed to be worked.

All costs incurred by Network Rail, in respect of maintaining security of the premises listed in Appendix 10/13 and in providing supervision of the Works arising directly as a result of the Contractor's requirement to work outside normal working hours, shall be the responsibility of the Contractor.

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Register of Contractor's personnel

10.017

Further to NR/SP/CPR/008, a register of all Contractor's personnel (including subcontractor's personnel), undertaking work on the Employer's property, shall be maintained and kept on the Site(s) during the execution of the Works.

The register shall include the following information for each of the Contractor's personnel:

- (i) name,
- (ii) date of birth,
- (iii) employer,
- (iv) position,
- (v) site access authority serial number and expiry date,
- (vi) Sentinel Track Safety Card number and expiry date(s) (where applicable),
- (vii) Qualifications and licences held (where applicable),
- (viii) Medical certificate of fitness (where applicable and not included on Sentinel Track Safety Card),
- (ix) Principal duties on the Contract.

The register shall be available for inspection at any time, by the Employer's Representative.

Competency of Contractor's personnel

10.018

Further to NR/SP/CPR/008, Contractor's personnel shall be technically competent for the tasks or work processes that they will be required to carry out.

Where requirements for competency for a particular task or work process are not specified elsewhere in this Specification, details of the training (with certification where available), or experience of work of a similar nature, by which the Contractor deems such persons competent for the particular task or work process, shall be provided to the Employer's Representative.

Further to NR/SP/CPR/008, the Employer's Representative shall be provided with details including the experience, training, and qualifications of the person who will supervise any demolition work. Such person shall hold a Certificate of Competence for a Demolition Supervisor or above, obtained under a training scheme affiliated to the Construction Skills Certification Scheme.

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Supplier's representative

10.019

Components or equipment listed in Appendix 10/14 shall be installed under the supervision of the supplier's representative. Such components or equipment shall be installed, and where applicable tested and commissioned, in accordance with the recommendations of the supplier's representative.

Contract programme

10.020

A draft Contract programme in tabular form shall be submitted with the Tender, showing the work to be carried out and identifying work to be carried out during absolute possessions, T(ii) protection, isolations of electrical traction supply equipment, and where applicable, road and footpath closures.

A list of all absolute possessions and T(ii) protection proposed to be utilised shall be included in the Tender.

Within 21 days of the award of the Contract, the final Contract programme shall be issued for the agreement of the Employer's Representative.

Upon acceptance by the Employer's Representative, three copies of the accepted Contract programme shall be supplied to the Employer's Representative. Acceptance of the Contract programme by the Employer's Representative shall not imply endorsement of the activity times or the mode of operation for each item of work.

Dating of the Works

The Permanent Way works shall be carried out in accordance with the dates specified in :

- i) Section 225: Permanent Way Particular Specification (Plain Line Renewals);
- ii) Section 226: Permanent Way Particular Specification (S&C Renewals);
- iii) Section 227: Permanent Way Particular Specification for Bridgeworks.

The latest date(s) for substantial completion of Permanent Way work shall be as specified in the above Sections.

Date(s) for completion of specific items of work shall be as listed in Table 10/1 in Appendix 10/15.

Such dates shall form an integral part of the Contract programme and shall be Sectional Completion date(s).

Staging of the Works

10.021

The Works shall be carried out in accordance with the pre-Tender health and safety plan and in the stages shown on the Contract Drawing Numbers listed in Appendix 10/16 and/or as outlined in Appendix 10/16.

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Programme for work to be carried out during periods of speed restriction, absolute possessions, T(ii) protection or isolations of electrical traction supply equipment

10.022

Unless stated otherwise in Appendix 10/17, the following detailed information shall be submitted to the Employer's Representative for acceptance, at least 28 weeks before any period of speed restrictions, absolute possessions, T(ii) protection or isolations of electrical traction supply equipment, or within 10 working days of the award of the Contract, as applicable:

- (i) a programme for the speed restrictions, absolute possessions, T(ii) protection and isolations of the electrical traction supply equipment at hourly intervals indicating all the work to be executed and by whom,
- (ii) proposed labour resources, working arrangements, and significant items of Contractor's Equipment proposed to be used, including the make, type, power rating, capacity, and duration of likely activity for each item of Contractor's Equipment. Details shall also be provided of contingency arrangements should any part of the Works extend beyond the programme period,
- (iii) proposed Temporary Works not previously submitted,
- (iv) the detailed method statement for the Permanent Way works.

Additionally, the shift arrangements for the proposed labour resources during absolute possessions (including contingency arrangements) shall be in accordance with the requirements of NR/SP/CPR/008, and demonstrated as such to the Employer's Representative.

Absolute possessions and T(ii) protection for work on or near the line

10.023

The Contractor's attention is drawn to the fact that rail traffic will be maintained at all times during the Contract except during the periods of absolute possessions or T(ii) protection listed in Appendix 10/18.

Further to NR/SP/CPR/008, where not listed in Appendix 10/18, absolute possessions that the Contractor considers necessary to carry out the Works shall be arranged by the Contractor giving a minimum of 28 weeks' notice to the Employer's Representative unless stated otherwise in Appendix 10/18.

When not listed in Appendix 10/18, absolute possessions shall be in accordance with the 'Rules of the Route' as listed in Appendix 10/18.