

## **STANDARD CLAUSES FOR PLANT AND TRANSPORT HIRE ORDERS**

These Clauses for Plant and Transport Hire Orders are for incorporation into a contract for the hire of Equipment by one of the Costain Group of Companies named in the Order.

### **1. Definitions**

(A) "The Buyer" means the purchaser being The Buyer / or Hirer

(B) "The Supplier" means the organisation/person named as such on the order

### **2. General**

- 2.1 The Supplier will provide to the Buyer prior to delivery, full details of their inspection/thorough examination regime required under statute or regulation (in particular PUWER and LOLER) in respect of the plant / equipment to be Hired for the period of hire. Where local conditions of use may give rise to increased risk of deterioration a competent person shall with the agreement of the Supplier establish a regime of more frequent inspections/thorough examinations and maintain a record of the completed examinations.
- 2.2 The Supplier or nominated agent shall provide to the Buyer prior to delivery the necessary physical evidence of the last inspection / thorough examination of the plant / equipment to be hired as required under statute or regulation (in particular PUWER and LOLER).
- 2.3 During the hire period, the Employer / User will ensure / assure that The Supplier / nominated agent carries out all necessary inspections/thorough examinations in accordance with the inspection / examination regime referred to in paragraph 1.1. Should the Supplier / nominated agent not carry out the necessary inspections / thorough examinations, The Buyer may serve a written request that they do so within 3 working days and in default of that request The Buyer may at its absolute discretion either off-hire the plant/equipment (and have no liability for any charges under this agreement until the plant/equipment is on-hired again) or have the necessary inspections / thorough examinations carried out by a competent person of their choice and be entitled to set off or claim from The Supplier the costs thereby incurred.
- 2.4 Where it is necessary for The Buyer to insure the plant/equipment, this will be arranged through The Buyers Insurance Broker.
- 2.5 Unless otherwise stated on this order, or agreed in writing between The Buyer and The Supplier, or where the Buyer and Supplier have a valid signed agreement, then the CPA Model Conditions of Hire shall apply to and be deemed to be incorporated into this order.

### **3 Health, Safety & Environment**

- 3.1 The Supplier shall comply with all current Health, Safety & Environmental legislation relevant to the works including but not limited to the Construction (Design and Management) Regulations 2007 (CDM Regulations) or any remaking thereof or any amendment to a regulation therein. The Construction (Design and Management) Regulations 2007 require contractors to co-operate with the Principal Contractor in regards to compliance with site rules and reasonable directions given by The Buyer.

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- 3.2 The Supplier shall provide to The Buyer at no extra cost such information as may reasonably be required by the Buyer to the extent that such requirements are necessary for compliance with the CDM Regulations.
- 3.3 All statutory notices specifically concerning the contract will be posted on the site notice board.
- 3.4 The Buyers Current Policies and Policy Statements (including but not limited to those relating to Health & Safety, Environment, Sustainable Procurement, Drugs and Alcohol etc.) are available for inspection at <http://www.costain.com/our-culture/policies/> and the requirements of such Policies or Policy Statements shall also be highlighted and reinforced to The Supplier during the site induction.
- 3.5 The Supplier must ensure that all activities to be carried out on The Buyers site or areas under their control are managed by current and valid Risk Assessment(s) and Method Statement(s). Copies of said documents must be accessible to The Suppliers representatives whilst on The Buyers site. Where necessary or requested said documents must be submitted to The Buyer for approval prior to commencement of work.
- 3.6 A copy of The Buyers Safety, Health & Environment Procedures & Guidance will be available on site.
- 3.7 All operatives employed by The Supplier in connection with the works must attend a Health, Safety and Environmental Induction, prior to their commencement on site. Records will be kept of staff that attend.
- 3.8 All Suppliers shall ensure that all those engaged by them to work on the site including (but not limited to) all maintenance contractors, delivery personnel and other transient workers are competent are provided by the Supplier with the necessary information relative to their particular activity, are supervised by the Supplier and work under a safe system of work.
- 3.9 The Supplier shall be responsible at his cost for ensuring that sufficient and suitable Personal Protective Equipment (PPE) is available on the site at all times for all employees and persons within his control, including his visitors, those making deliveries and all employees and persons within the control of his suppliers. The Supplier must ensure that where appropriate, or as otherwise designated by The Buyer, suitable PPE is worn by all employees and persons within his control, including his visitors, and all employees and persons within the control of his suppliers at all times. The Supplier should be aware that the wearing of suitable gloves and safety glasses is mandatory when on site. PPE styles and colours may vary from project to project, if in doubt please contact The Buyer for confirmation.
- 3.10 Where safety helmets and/or safety footwear and/or high visibility vests and/or any other PPE are not provided by the Supplier, The Buyer will arrange to supply these and the cost of these will be deducted from the Supplier's account. Such PPE shall be of an appropriate personal specification, suitability and condition and reflect the corporate image either of the sub - contractor or that of the Contractor and not of other Suppliers or contractors engaged or involved in the project.
- 3.11 No personal audio systems will be allowed on site and the use of mobile phones is strictly prohibited, use only allowed in designated areas. The Buyer will provide project specific details during the Induction.

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- 3.12 Evidence of medical fitness is required for all persons who operate mobile plant, mobile and equipment or where the work activity dictates that it may be covered by the Costain Critical Worker Protocol details of which are available <http://costain.com/our-culture/policies/>
- 3.13 All applicable supplier vehicles, or those of their suppliers, attending Costain sites will be operated by current FORS registered companies that have attained a minimum FORS Bronze award. Additionally, Costain projects will risk assess transport attendance to each site and suppliers may be required to demonstrate compliance to a FORS silver standard to be able to attend certain sites. Any additional requirements over and above 'FORS Bronze' will be advised at point of enquiry. Further details can be found at: <http://www.costain.com/suppliers/specific-customer-requirements/>?

### **4 Daily SHE Management Review**

- 4.1 Suppliers should be aware that on a daily basis, a brief Review of the day's activities will be undertaken on site at the start of each day, prior to any works commencing on site.
- 4.2 A record of the Review and the associated attendance will be recorded and signed off by the project senior management team.'

### **5 Site Health Safety and Environmental Management Plan (HASEMP)**

- 5.1 The Supplier shall comply with the Contractor's Site Health, Safety and Environmental Management Plan. A controlled copy is available on all sites

### **6 CSCS & Training**

- 6.1 Each Supplier (and self-employed person) must ensure that those engaged in their undertakings are competent for the tasks they have to perform. Details of training and skills testing of employees must be provided to the Buyer on request.
- 6.2 As such, all personnel working on the project will fall under the scope of the requirements of the CSCS (including CPCS) and the Costain Competency Card Policy, details of which can be found In the General Requirements area at: <http://www.costain.com/suppliers/specific-customer-requirements/>?
- 6.3 Suppliers are expected to support our stance on CSCS and must therefore comply with these requirements and shall demonstrate such compliance by providing evidence as is reasonably required in advance of working on site. Failure to provide evidence to that specified above will render such labour inadmissible to site and the Supplier shall provide alternate labour to comply with those obligations.
- 6.4 Supplier's Managers/Supervisors must be able to demonstrate the appropriate level of SHE Management Competence that should include a minimum of two days safety management training.

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- 6.5 It is a requirement on all The Buyers sites that the person supervising teams of artisans or others wears a blue safety helmet, this will identify him to site management as being the competent person.

### **7 CPCS and Driving Licences**

- 7.1 It is The Buyers policy that the operators/drivers of all mobile plant and other categorised equipment including ride on rollers and forward tipping dumpers, must hold valid CPCS card (or equivalent recognised by the Buyer) AND a current valid UK recognised car driving licence (this does NOT apply to those operating mobile elevated work platforms).

### **8 Truck Mounted Cranes**

- 8.1 Wherever possible, the user (of the Lorry Mounted Crane) should hold a CPCS card for the category in question. Where this is no evident, proven training under the "ALLMI" scheme (Association of Lorry Loader Manufacturers and Importers) is an absolute minimum and the need for instruction and supervision by the Contractor remains in any case.
- 8.2 If ALLMI become affiliated to CPCS, membership of the CPCS scheme will become the minimum and the arrangements in the paragraph above will be revoked.
- 8.3 All lifting equipment operators/drivers are required to make contact with an appropriate person on site, and the operation be controlled by a suitably competent site based person as per the approved safe system of work

### **9 Plant & Equipment**

- 9.1 All work equipment that is used to carry out work activity must be suitable for the task to be undertaken
- 9.2 No plant or transport vehicle must be reversed or moved without supervision by a competent traffic marshal.
- 9.3 ROPS & Restraints - Where there is a risk of the mobile work equipment rolling over i.e. with forward tipping dumpers and ride on rollers, Roll-over Protective Systems (ROPS) must be fitted. Restraining systems (i.e. seat belts) must also be fitted and worn by the operative.
- 9.4 FOPS - Where there is a risk of persons operating mobile plant being struck by falling material e.g. demolition plant, Falling Object Protective Systems (FOPS) must be fitted.
- 9.5 Immobilisation - Suppliers shall ensure that it not possible for mobile work equipment to be started / used by unauthorised persons.
- 9.6 Lighting and Warnings - Suppliers shall ensure that work equipment used in the dark or in reduced visibility must be fitted with suitable lighting and warning systems which must be maintained in good working order. In addition, amber-flashing lights that give warning to the presence of the vehicle shall also be fitted. It is also a requirement that some types of construction vehicles be fitted with audible reversing warning devices.
- 9.7 Visual Devices - Where a driver's direct field of vision is inadequate, to ensure safety, visual aids or other suitable devices must be fitted e.g. convex mirrors, CCTV or other suitable devices.

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- 9.8 Fire Fighting Equipment - Where escape from work equipment in the event of a fire cannot be achieved easily (such as from a tower crane), appropriate equipment for the extinguishing the fire must be provided.
- 9.9 Storage of potentially polluting materials and Spill Response - Suppliers requiring and storing fuels, oils and chemicals and other materials which may cause harm to the environmental, should ensure they are stored to prevent spillage and in line with the oil storage and COSHH regulations. The Supplier shall also ensure appropriate spillage response material is available in the event of a spill of such material.
- 9.10 Tools - The Buyer will only accept tools onto site that have been competently tested for levels of vibration by OPERC (Off road Plant and Equipment Research Centre) or supplied with verified manufacturer's data. Where applicable the tools tested and their associated results are shown on the OPERC 'HAVTEC' website. These test results or other manufacturer's data should subsequently be used as the basis for vibration based risk assessments. In addition, the noise output in dB(A) and dry weight in kg will also be provided, as well as 'K' Factor data (via the Hire Association of Europe website) where available.
- 9.11 Licences/Permits - required permits or licenses (such as mobile plant license) for certain types of plant (such as concrete crushers) will be obtained by the Supplier and a copy of the license submitted to The Buyer prior to starting works.
- 9.12 Road-going Tractors (licenced for the road) will be supplied with derv (not rebated fuel)
- 9.13 A handbrake warning alarm must be fitted on large site goods vehicles / HGVs to indicate when the cab door is open and the handbrake is not applied.
- 9.14 All Mobile diesel powered (self-contained) welfare to have an optical smoke alarm fitted to seating area as well as Carbon Monoxide alarm
- 9.15 All lighting towers supplied will be fitted with AMOSS or equivalent and levelling devices
- 9.16 Unless specified and agreed otherwise, all plant equipment with a power output of 37kw -560kw will as a minimum meet Stage IIIB of the EU directive 97/68/EC. Where compliance is by way of aftermarket treatment then the provision of certification confirming a minimum of 85% emissions reduction is required.

### **10 Lifting Operations & Equipment**

- 10.1 The Supplier/supplier of lifting equipment and / or accessories must provide evidence of valid thorough examination prior to or at delivery to site and prior to being used for the first time.
- 10.2 Suppliers shall ensure that all lifting operations are planned to ensure that they are carried out safely and that all foreseeable risks are taken into account. Planning should be carried out for or by an appointed person and approved by them. The contractor shall also provide appropriately competent crane supervisors/coordinators and slinger / signallers as is necessary to ensure safety.

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- 10.3 Boom lowering devices (hose burst check valves), or similar devices, are required on the raising boom cylinder(s) of all excavators with a maximum rated lift capacity of greater than 1,000Kg or an overturning moment of greater than 40,000Nm which are for object handling operations.
- 10.4 Excavators intended to be used for object handling with a maximum rated lift capacity of greater than 1000Kg shall be fitted with an acoustic or visual warning device which indicates to the operator that the object handling capacity or corresponding load moment is exceeded. Safe Load radius charts shall also be made immediately available to the operator e.g. displayed in the cab.
- 10.5 Tower cranes must have standard edge protection in the form of guardrails at rest / landing platforms to prevent the risk of falls and have appropriate protection from falls throughout the access route to the operator's cab. Ladder access in Tower Cranes should be inclined and 'hooped' with intermediate landing / rest platforms whenever practicable but no more than 9 meters apart.
- 10.6 Telehandlers will not be supplied equipped for lifting underslung loads unless specifically requested to do so.
- 10.7 No tower crane is to be fitted with a vertical ladder
- 10.8 Mobile cranes with a capacity in excess of 40te will be permanently fitted with an anemometer
- 10.9 All lifting equipment or accessory supplied to Costain must be compliant with the requirements of applicable BSEN standard.

### **11 Scaffolding & Major Support Work to Formwork**

- 11.1 The Supplier shall employ upon the works only those operatives who are qualified by experience and/or training to carry out the specific scaffolding operations for which the operative has been certified as competent. Each operative shall produce his Certificate and/or Scaffold Card as recognised by the Buyer and the MCG e.g. CISRS, PASMA to the Contractor for inspection upon request. The Supplier shall ensure that a safe system of work is adopted which complies with Legislative Requirements, HSE and Industry Guidance on safe working practices and that the use of at least one Advanced Scaffolder during the works be adopted whenever practicable.
- 11.2 Scaffolding contractors shall provide appropriate competent supervision as is necessary to ensure health & safety.
- 11.3 Scaffolding contractors will comply with the requirements of NASC Code of Practice SG: 4:05.
- 11.4 Unless otherwise notified in writing, the scaffolding is to be designed, erected and maintained to comply with BS EN 12811-1, NASC Guide to Good Practice for Scaffolding with Tube & Fitting and the Work at Height Regulations 2005 (amended 2007).
- 11.5 Unless otherwise agreed in writing, the scaffolding and other working platforms are to be inspected by the Supplier and a report produced in order to comply with Regulations 12, 13 Schedule 7 of the Work at Height Regulations 2005(amended 2007). Inspections must be carried out by suitably competent persons.

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### **12 Use of Ladders**

- 12.1 The use of ladders will only be permitted by the contractor following the completion of a suitable and sufficient risk assessment, which clearly identifies the fact that ladders provide the best means of access for a particular task. Wherever possible, the use of ladders should be avoided.
- 12.2 In any case, the specification of such ladders must be of industrial standard, with handrails where practicable and their condition should be sound with regular work equipment checks carried-out to ensure ongoing compliance.
- 12.3 Where the Contractor has not approved the use of ladders, then the Supplier shall provide alternative means of access (which is to the satisfaction of the Contractor) at the Supplier's own expense.