

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 who has agreed to supply the goods or any other person acting on behalf of the supplier.

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). All Equipment will be Safe, CE or UKCA marked, supplied with a Certificate of Conformity and suitable instructions in English on how to install and use the machine safely in accordance with The Supply of Machinery (Safety) Regulations 2008. From 1st January 2022 UKCA marking is applicable to all newly manufactured equipment and from 1st January 2023 this must be affixed to the product.
- 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 2.1. 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 by default 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 2015 (CDM Regulations) or any remaking thereof or any amendment to a regulation therein.

STANDARD CLAUSES FOR PLANT AND TRANSPORT HIRE ORDERS

The Construction (Design and Management) Regulations 2015 require contractors to co-operate with the Principal Contractor in regard to compliance with site rules and reasonable directions given by The Buyer.

- 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. Note that additional inductions are carried out for plant operators and Supervisors. 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 and are supervised by the Supplier and working under a safe system of work.
- 3.9 The Supplier shall be responsible at their cost for ensuring that sufficient and suitable Personal Protective Equipment (PPE) as appropriate or as designated by the Buyer 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 and worn by the same. The Supplier should be aware that the wearing of suitable gloves and safety glasses is mandatory when on site. and there is a minimum standard of safety helmet to be used. 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.

STANDARD CLAUSES FOR PLANT AND TRANSPORT HIRE ORDERS

- 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.
- 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/>.
- 3.14 The supplier shall ensure that all plant and machinery conform to the Costain Plant [Specification Booklet Minimum Mandatory Requirements](#) as found in the Customer Specific Requirements section of www.costain.com/

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. Of which 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 NPORS) and the Costain List of Approved Competency Cards, 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.

STANDARD CLAUSES FOR PLANT AND TRANSPORT HIRE ORDERS

- 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.
- 6.5 It is a requirement on all The Buyers sites that the person supervising teams of artisans or others wears a black 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 and Mobile Cranes

Wherever possible, the user (of the Lorry Mounted/Mobile Crane) should hold a CPCS or NPORS card for the category in question. Where this is not 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.

- 8.1 All lifting equipment operators/drivers are required to make contact with a lifting Appointed Person (AP) 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 and conform to the [Costain Plant Specification Booklet Minimum Mandatory Requirements](#) as found in the Customer Specific Requirements section of www.costain.com
- 9.2 No plant or transport vehicle must be reversed or moved without supervision by a competent plant and/or vehicle marshal.
- 9.3 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.
- 9.4 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 extinguishing the fire must be provided.
- 9.5 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.
- 9.6 Tools - The Buyer will only accept tools onto site that are Pat tested and are able to provide the vibration magnitude and K factor to enable assessment and prevention of HAVS. This

STANDARD CLAUSES FOR PLANT AND TRANSPORT HIRE ORDERS

information can be found on the [Hire Association Europe \(HAE\) Website \(http.www.hae.org.uk/havs-data-hae/\)](http://www.hae.org.uk/havs-data-hae/) or in manufacturers data. Both the Vibration Magnitude and K factor should be added together, and the combined figure used as the Vibration Magnitude for the tool. Where the K factor data is not available then 1.5m/s² should be added to the HAE or manufacturers reading. In addition, the noise output in dB(A) and dry weight in kg will also be provided.

- 9.7 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.
- 9.8 Road-going Tractors (licenced for the road) will only be supplied and used with derv (white diesel not rebated fuel)
- 9.9 A handbrake warning alarm must be fitted on large site goods vehicles / HGVs on Costain sites to indicate when the cab door is open and the handbrake is not applied.
- 9.10 All Mobile diesel powered (self-contained) welfare to have an optical smoke alarm fitted to seating area as well as Carbon Monoxide alarm.
- 9.11 In recognition and of climate change and to support carbon reduction, HVO fuel may be used as a direct replacement for diesel in plant and equipment hired to Costain. Where equipment is unsuitable for this fuel the supplier must advise at receipt of order or enquiry.
- 9.12 All 'operated' plant either supplied to Costain or used on Costain sites must have the integral capability of being locked and isolated (immobilised) from unauthorised use.

10 Lifting Operations & Equipment

- 10.1 The Supplier of lifting equipment and / or accessories must ensure that equipment is provided in accordance with [Costain Plant Specification Booklet Minimum Mandatory Requirements](#) and 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. All lifting operations must comply with the requirements of Costain procedure How To Manage Lifting Operations (a copy of which is available upon request from the person placing this order).
- 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.

STANDARD CLAUSES FOR PLANT AND TRANSPORT HIRE ORDERS

- 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 All lifting equipment and lifting accessories supplied to Costain must be compliant with the requirements of the EC Machinery Directive 2006/42/EC and, where applicable, the requirements of the relevant harmonised standards (e.g. BS EN).

11 Scaffolding & Major Support Work to Formwork

- 11.1 The Supplier shall employ upon the works only those operatives who are competent to carry out the required role. Each operative shall produce evidence of competence, e.g. their CISRS or PASMA certificate and qualification card, 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 at least one Advanced Scaffolder will be present during the works (except when using mobile aluminium towers). All scaffolding works must comply with the requirements of Costain procedure How To Manage Scaffolding Operations (a copy of which is available upon request from the person placing this order).
- 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 SG4 (except with the requirement that Costain do not recognise the use of "scaffolder's safe-zones" and all scaffolders must remain securely clipped to the scaffold until both guardrails are in place)..
- 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 (TG20) 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.

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.

STANDARD CLAUSES FOR PLANT AND TRANSPORT HIRE ORDERS

- 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.