

# Guidance on COVID-19 related Health & Safety measures under Work and Service Contracts administered by ADB Borrowers

**Jenny Chu**

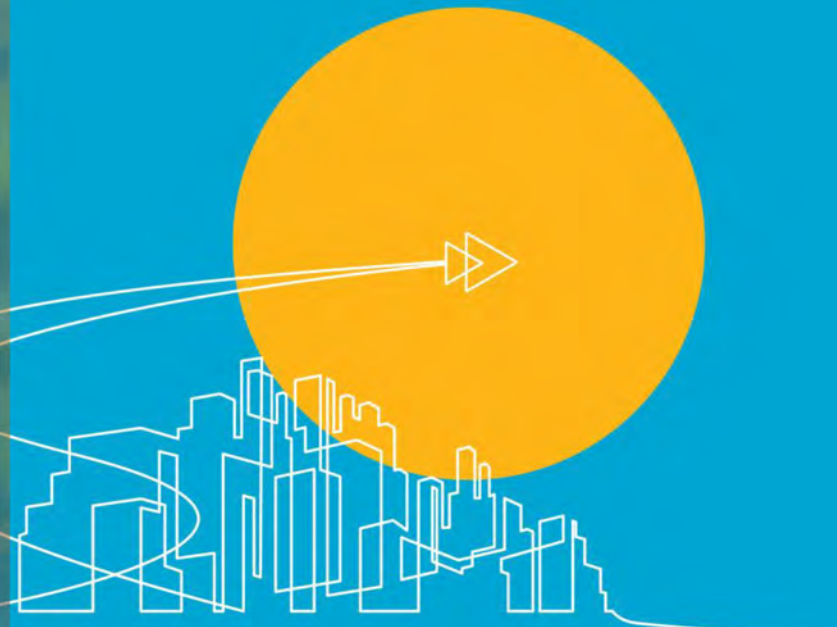
Procurement Specialist

Procurement Division 2

Procurement, Portfolio and Financial Management

Department

*The views expressed in this material are the views of the author/s and do not necessarily reflect the views or policies of the Asian Development Bank, or its Board of Governors, or the governments they represent. ADB does not guarantee the accuracy of the data included in this presentation and accepts no responsibility for any consequence of their use. The countries listed in this presentation do not imply any view on ADB's part as to sovereignty or independent status or necessarily conform to ADB's terminology.*



# Agenda

1. Overview
2. H&S management plan
3. Key points in the guidance
4. Role of the Borrower ('the Employer/Client')
5. Resources for extra support



# Purpose /Overview of Guidance

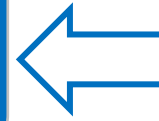
- Remobilization of contractors
  - Contract that paused
  - Contract that continued
- Bidding documents currently in the market
- New Bidding Document to be issued
  - Amendment to SBDs
- Loan Consultant Recruitment
  - Suggested H&S scope in the TOR of new Supervision Consultants

\* The guidance assumed effectiveness date as 31 July 2020



# Health & Safety Management Plan

Environment Management Plan  
[EMP]



- Endorsed by ADB at Project approval.
- Will require high-level update from **PMU/EA**
- Note Disclosure Requirements following update

Construction Environment Management Plan

Health and Safety Management Plans  
(including Emergency Response Plan)

Site Specific Health and Safety Management  
Plan

- COVID-19 specific version is referred to as H&S COVID-19 Plan in this guidance
- It is very important to ensure that these Plans have been updated by the **Contractor** and approved by the **Engineer/Employer**.



# Guidance for procurement under Loan/Grant

## Key Points – Works

Existing	New
<ul style="list-style-type: none"><li>▪ The H&amp;S Plan needs to be updated for COVID-19 situation by the contractor and cleared by the delegated contractual authority prior to restart.</li><li>▪ Refer to role matrix table.</li><li>▪ The Borrower is required to inform ADB that COVID-19 H&amp;S Plan is in place.</li><li>▪ ADB's review/clearance is based on safeguard risk assessment.</li></ul>	<ul style="list-style-type: none"><li>▪ The Borrower requires bidders to include in their bids an adequate COVID-19 specific H&amp;S plan that is reflected in bid price/programme/methodology.</li></ul>
<ul style="list-style-type: none"><li>▪ Follow the normal contract claim provisions and address on a case-by-case basis.</li></ul>	<ul style="list-style-type: none"><li>▪ New provisions in SBD BDS, addendum clarification, contract finalization discussion, variation.</li></ul>



# Guidance for procurement under Loan/Grant

## SBD for Works Contract – revised wording

### Bid Submission & Evaluation

- **BDS** – Submission of Technical Proposal – new COVID H&S mgmt. plan element
- **Evaluation Criteria** – part of Technical Responsiveness, adequacy based on country requirements
- **Bid Form** – Revised Technical Proposal form, BoQ line item

### Contract Requirement

- **Specification / Employer's Requirement** – EMP and any country requirements
- **PCC** – Site Specific Health and Safety Management Plan to be submitted within defined timeframe



# Guidance for procurement under Loan/Grant

## Key Points – Consulting Services

Existing	New
<ul style="list-style-type: none"><li>▪ Follow country specific COVID-19 regulations/ legislations as required by the Client.</li><li>▪ Explore non-travel alternatives</li><li>▪ The Client should be flexible in assessing claims.</li></ul>	<ul style="list-style-type: none"><li>▪ Clarify in the TOR responsibilities related to implementation of H&amp;S measures</li><li>▪ Highest risk consultant profile -&gt; assignments required frequent site visits</li><li>▪ Additional H&amp;S responsibility provisions to improve clarity in SC TOR</li></ul>

# Role of the Borrower (the Employer/Client)

- Remobilization of contractors

Contractor Actions	Supervision Consultant Actions	Employer Actions	ADB Actions
Submit HS COVID-19 Plan to the site supervision team for review and comment.	Review contractor's HS COVID-19 Plan and either (1) return comments to contractor for amendment and resubmittal, or (2) send the HS COVID-19 plan to the Employer with a recommendation to approve.	Review Supervision Consultant's recommendation and either (1) send formal notice of approval to SC, or (2) return comments to SC for amendment and resubmittal.	Confirm receipt of notice from the Employer that HS COVID-19 Plan has been approved. <sup>a</sup>
Remobilize after receiving formal approval from SC.	<p>After the Employer approval, formally inform the contractor that it can re-mobilize.</p> <p>When on site, comply with the approved HS COVID-19 Plan and instruction from the responsible Contractor's H&amp;S officer on site.</p>	<p>After approval of the COVID-19 HS Plan send a formal notification to ADB, indicating the formal approval date.</p> <p>When on site, comply with the approved HS COVID-19 Plan and instruction from the responsible Contractor's H&amp;S officer on site.</p>	When on site, comply with the approved HS COVID-19 Plan and instruction from the responsible Contractor's H&S officer on site.





# Role of the Borrower (the Employer/Client)

- Newly issued contract, prior to contractor mobilization

- Identify if the contract has been issued with COVID-19 H&S amended provisions.
- If not, discuss with ADB regarding action required.



# Role of the Borrower (the Employer/Client)

- Bid received before 31 July 2020, contract not yet awarded
  - Proceed with evaluation, address COVID-19 related H&S requirements via contract finalization discussion, with ADB no objection prior to the discussion.
  - Avoid contract award without clarity on COVID-19 H&S measures.



# Role of the Borrower (the Employer/Client)

- New Bidding Document issued after 31 July 2020

- Refer to revised wording in SBD on COVID-19 H&S requirements (available from ADB).
- If the bid has not been received, and SBD has no COVID-19 H&S provision.
  - Issue addendum.

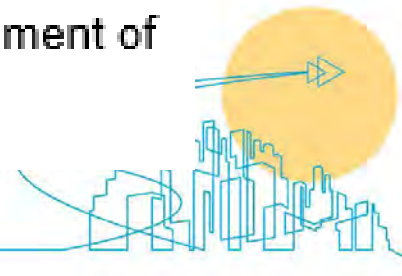


# Role of the Borrower (the Employer/Client)

- New Loan Consultant Recruitment for Site Supervision Consultant (Firm)

Suggest to include the H&S scope in SC's TOR.

- “Review the Site-Specific Health and Safety Management Plan (SSHSMP) for the Project that is prepared and submitted by the Contractor. Then, make recommendation to the Employer in relation to the approval of the SSHSMP. Communicate the approved SSHSMP to all consultants and contractors throughout all project stages. Should any unforeseen events occur, review the updated SSHSMP and make recommendation to the Employer in relation to the approval of the SSHSMP.”
- “In addition to the obligation to maintain safety on site, the SC will be required to undertake formal monthly safety audits throughout all stages of the Project.”
- “Prepare the Project Execution Plan, which inter alia, include how management of SSHSMP is to be addressed throughout all stages of the Project.”



# Points to Note

- H&S requirements do not apply to goods contracts.
- Approval or rejection is the responsibility of the Employer.
- ADB does not define/ mandate specifics content in H&S plan other than requesting that the process is in place. Refer to SDCC advisory on international good practices.
- General principles and approach discussed – case-by-case assessment and advise still required



# Resources for extra support

Two areas that may require extra Subject Matter Expert re. COVID-19 H&S measures:

1. Construction work related contractual issues – claims, variations, EOT
2. OHS system and plan development – organization and project site level

Contact ADB Project Officer/Safeguard Specialist/Procurement Specialist.

