

Environmental, Health and Safety incorporation in Procurement

Jenny Yanyee Chu
Procurement Specialist, PPFD

June 2024

The views expressed in this presentation 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

EHS an important aspect in ADB procurement

Integration in Physical Works, Consulting Services and Contract Mgmt

Reference Materials for Capacity Building and Country System Understanding

Next steps

MDB Joint Statement on Sustainable Procurement

A joint statement on Sustainable Procurement developed by a MDB working group, chaired by ADB, was endorsed by the Heads of Procurement of 12 MDBs in September 2023.

This joint statement reflects the collective intent of MDBs on mainstreaming sustainable procurement to actively induce and catalyze environmental, social, economic, and institutional sustainability outcomes, at both the national public procurement system level and within MDB funded project procurement, as each MDB's mandate permits.



JOINT STATEMENT ON SUSTAINABLE PROCUREMENT INITIATIVES By the Heads of Procurement at Multilateral Development Banks

Preamble

The Heads of Procurement (HoP) network of the Multilateral Development Banks (MDBs) was formed over 20 years ago to harmonize their operational policies and practices for the purpose of enhancing economy, efficiency, effectiveness, and fairness across all MDB financed operations. Significant progress has been made, including harmonized procurement approaches and documents. Beyond this, several MDBs have put in place harmonized approaches for mutual reliance arrangements that allow for one MDB to rely on the procurement arrangements of another, in jointly financed operations.

Building on their successful collaboration among MDBs on climate finance, Paris Alignment and mitigation and adaptation finance tracking, the HoPs in mid-2023 created a Working Group on Sustainable Public Procurement (SPP) to develop concepts, strategies and action plans for their activities. Through this, the HoPs seek to actively induce and catalyze environmental, social, economic, and client institutional sustainability outcomes, at both a national public procurement system level and within project operations procurement, as each MDB's mandate permits.

The following joint statement reflects the HOPs' collective intent on mainstreaming sustainable procurement¹.

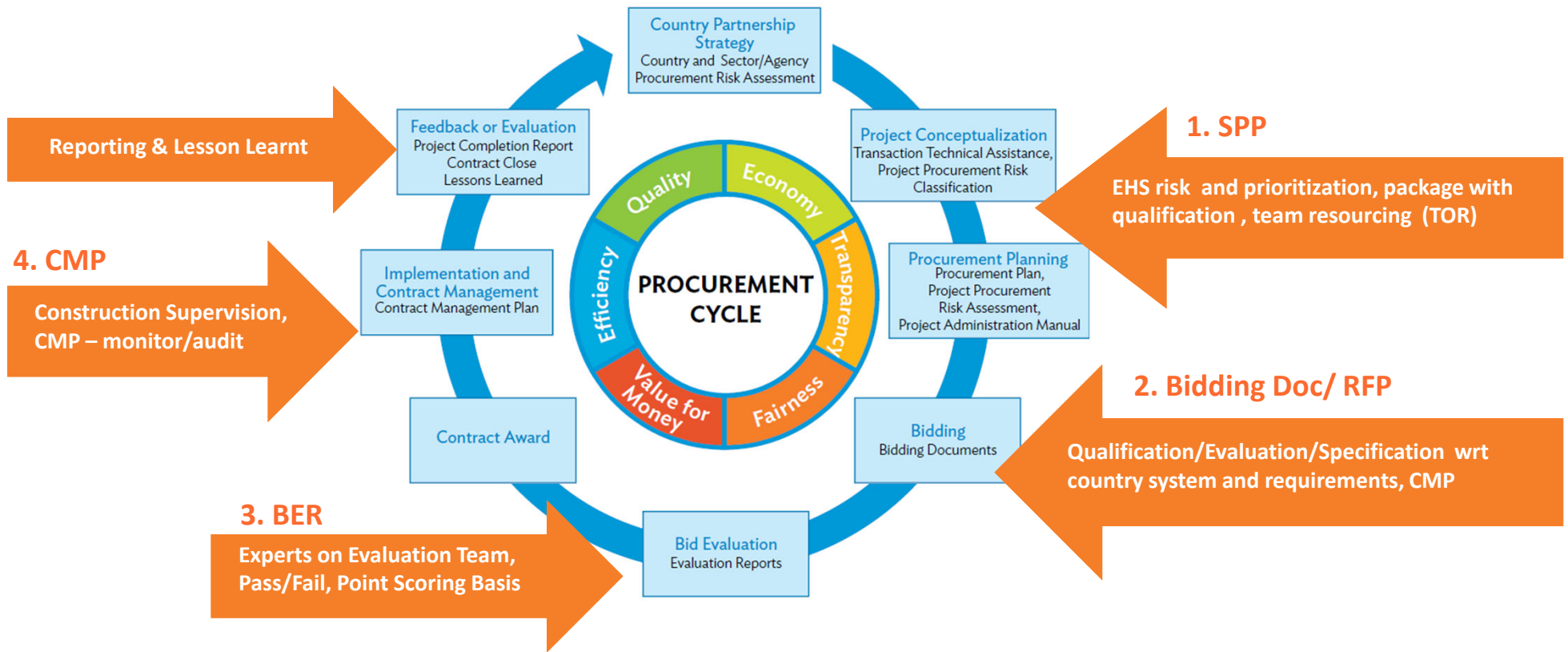
Global public procurement amounts to over US\$13 trillion annually (or around 15 percent of global GDP)² and can play a crucial and strategic role to support achievement of the United Nations

¹ ADB. 2021. Manila. *Sustainable Public Procurement (Guidance Note on Procurement)*.

<https://www.adb.org/sites/default/files/sustainable-public-procurement.pdf>.

² World Bank Group. *A Global Procurement Partnership for Sustainable Development (An International Stocktaking of*

EHS Considerations in the Procurement Cycle



*Relevant Procurement Document Interface

Bid Submission & Evaluation

- **BDS** - Submission of Technical Proposal (EHS Management Plan, EHS Code of Conduct)
- **Qualification**
- **Evaluation Criteria** - part of Technical Responsiveness, adequacy based on country requirements
- **Bid Form** - Revised Technical Proposal form, EHS Code of Conduct, BoQ line

Contract Requirement

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

To be mirrored across to Harmonised Bidding Documents

Which SBDs does this affect?

- Large Works
- Works- Small Contracts
- Plant
- Design-Build-Operate
- Pre-Qualification

Note: Contract condition parts of SBD Large Works further revised to adopt 2017 FIDIC Red Book (no material change to Section 1-6); other 4 SBDs unaffected by this FIDIC licence change

Note: Further update after Safeguard Policy Statement revision

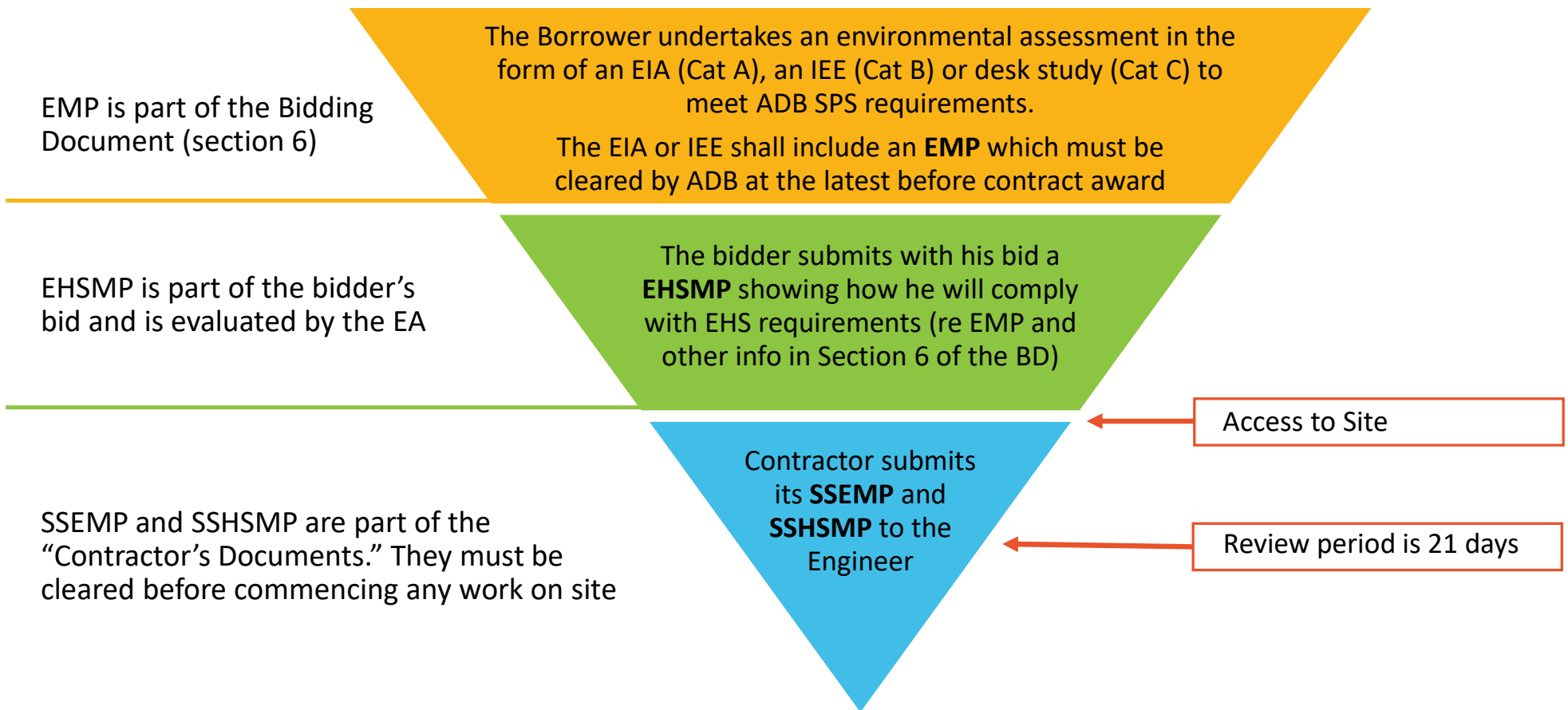
- Cat A & B projects
- Internationally advertised packages in project with CP clearance on/after 1 Mar 22
- Optional for Nationally advertised packages and project with CP clearance before 1 Mar 22

What does it mean to our SBD ?

Submission	Qualification	Evaluation	Employer's Requirement and Contract Conditions
<ul style="list-style-type: none">• Section 1 – ITB16	<ul style="list-style-type: none">• Section 3.2<ul style="list-style-type: none">» Qualification Criteria 2.2.4. 2.4.3, 2.5• Section 4	<ul style="list-style-type: none">• Section 3.1<ul style="list-style-type: none">» Criteria 1.7.1• Section 4	<ul style="list-style-type: none">• Section 6 and 8• Section 9

- Internationally advertised packages in project with CP clearance on/after 1 Mar 22
- Optional for Nationally advertised packages and project with CP clearance before 1 Mar 22
- **To be included in SPP stage - Qualification 2.4.3 and 2.5 optional, others are mandatory**

EHS Requirements as per ADB Standard Bidding Documents (Works related)



Section 1

16. Documents Comprising the Technical Proposal

The Bidder shall furnish a Technical Proposal including a statement of work methods, equipment, personnel, schedule, **environmental , health and safety (EHS) management plan commensurate with the proposed scope of works, EHS Standard of conduct, and any other information as specified in the BDS** and stipulated in Section 4 (Bidding Forms), in sufficient detail to demonstrate the adequacy of the Bidders' proposal to meet the work requirements and the completion time. Proposed text by EHS team
Duplicate text

Section 3 - Qualification

2.2.4 Declaration: Environmental and Health and Safety past performance

Criteria	Compliance Requirements			Documents	
Requirement	Single Entity	Joint Venture			Submission Requirements
		All Partners Combined	Each Partner	One Partner	
Declare any contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the non-compliance of any environmental, health and safety contractual obligations in the past five years ^a	Must make the declaration. If the bidder proposes Specialist Sub-contractor/s to meet EQC 2.4.2, those Specialist Sub-contractor/s must also make the declaration	Not applicable	Each partner must make the declaration. If the bidder proposes Specialist Sub-contractor/s to meet EQC 2.4.2, those Specialist Sub-contractor/s must also make the declaration.	Not applicable	Form CON-2

^a The Employer may use this information to seek further information or clarifications regarding corrective actions undertaken by the contractor during the bidding stage and the associated due diligence to ensure appropriate measures are incorporated in the EHSMP. Failure to disclose information may result in rejection of bid.

Section 3 - Qualification

2.4.3 Specific Experience in managing Environmental, Health and Safety aspects

Criteria Requirement	Compliance Requirements		Documents
	Single Entity or Its Specialist Subcontractors	Joint Venture or Its Specialist Subcontractors	Submission Requirements
For the contracts in 2.4.1 and 2.4.2 above and/or any other contracts [substantially completed and under implementation] as prime contractor, Joint Venture partner, or Subcontractor between 1st January ^a and Bid submission deadline, experience in managing EHS risks and impacts in the following aspects: ^b	Must meet requirements	One member must meet requirements <i>Or</i> All members must meet requirements	Form EXP – 3

^a Insert year.

^b Based on the EHS assessment of the project, specify, as appropriate, specific experience requirements to manage EHS aspects.

Section 3 - Qualification

2.5 Organizational Environmental, Health and Safety System

2.5.1 Environmental, Health and Safety Certification

Criteria	Compliance Requirements		Documents
Requirement	Single Entity or Its Specialist Subcontractors	Joint Venture or Its Specialist Subcontractors	Submission Requirements
Availability of a valid ISO certification or internationally/ nationally recognized equivalent (equivalency to be demonstrated by the Bidder), and applicable to the worksite: ^{a, b} 1. 2. 3.	Must meet requirements	One member must meet requirements <i>Or</i> All members must meet requirements	Form EXP – 4

^a Examples of certifications that can be selected:

- 1 Quality management certificate ISO 9001
- 2 Environmental management certificate ISO 14001
- 3 Health and Safety management certificate ISO 45001

^b According to the environmental, health and safety issues of the worksite and the type of competition planned (national or international), it can be decided to not to keep this criterion or only to ask for part of the certifications, specifically the one(s) corresponding to the main issue of the worksite management.

Section 3 - Qualification

2.5.2 Environmental, Health and Safety Documentation

Criteria Requirement	Compliance Requirements		Documents
	Single Entity or Its Specialist Subcontractors	Joint Venture or Its Specialist Subcontractors	Submission Requirements
Availability of in-house policies and procedures for ESHS management: <i>For example:</i> <ol style="list-style-type: none"> 1. Existence of an Ethics Charter. 2. Existence of a system for monitoring compliance with EHS commitments for the Bidder's Subcontractors and all its partners. 3. Existence of official company procedures for the management of the following:^a <ul style="list-style-type: none"> - - - - - 	Must meet requirements	One member must meet requirements Or All members must meet requirements	Form EXP – 5

^a From the below options, the Employer to select 3-5 that apply to the worksite. The selection should be based on the most pressing EHS issues pertaining to the worksite as detailed in the project EMP.

- EHS resources and facilities and EHS monitoring system;
- Project Areas management information (base camps, quarries, burrow pits, storage areas);
- Health and Safety on worksites policy and related guidance;
- Local recruitment and EHS trainings of local staff/subcontractors/local partners;
- Community stakeholder engagement practice;
- Traffic management practice;
- Hazardous products management practice;
- Waste management practice;
- Protection of water resources;
- Biodiversity protection practices;
- Site rehabilitation and revegetation practice;
- Local cultural heritage protection practice;
- Erosion and sedimentation practices;
- Control of infectious and communicable diseases (HIV/AIDS, malaria, COVID-19 etc)

Section 3 - Qualification

2.5.3 Environmental, Health and Safety Dedicated Personnel

Criteria	Compliance Requirements		Documents
Requirement	Single Entity or Its Specialist Subcontractors	Joint Venture or Its Specialist Subcontractors	Submission Requirements
Availability of in-house personnel dedicated to EHS issues: <ul style="list-style-type: none">- Environmental Manager- Health and Safety Manager	Must meet requirements	One member must meet requirements Or All members must meet requirements	Form EXP – 6

Section 4 – Qualification

Bidder's Qualification
Form ELI – 1: Bidder's Information Sheet.....
Form ELI – 2: Joint Venture Information Sheet
Form CON – 1: Historical Contract Nonperformance
Form CON – 2: EHS Performance Declaration.....
Form FIN – 1: Historical Financial Performance
Form FIN – 2: Average Annual Construction Turnover.....
Form FIN – 3: Availability of Financial Resources.....
Form FIN – 4: Financial Requirements for Current Contract Commitments.....
Form FIN – 5: Self-Assessment Tool for Bidder's Compliance to Financial Resources.....
Form EXP – 1: Contracts of Similar Size and Nature
Form EXP – 2: Construction Experience in key Activities.....
Form EXP – 3: Specific Experience in Managing Environmental, Health and Safety Aspects.....
Form EXP – 4: Environmental, Health and Safety Certification
Form EXP – 5: Environmental, Health and Safety Documentation.....
Form EXP – 6: Environmental, Health and Safety Dedicated Personnel

Form CON – 2: Environmental, Health and Safety Performance Declaration

Each Bidder must fill out this form in accordance with Criterion 2.2.4 of Section 3 (Evaluation and Qualification Criteria).

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name:

Joint Venture Partner: _____

In case of a Specialist Subcontractors, each Specialist Subcontractor must fill out this form and provide the Specialist Subcontractor's name:

Specialist Subcontractor: _____

Environmental and Health and Safety Performance Declaration in accordance with Section 3- Evaluation and Qualification Criteria			
<input type="checkbox"/> No suspension or termination of contract: An employer has not suspended or terminated a contract and/or called the performance security for a contract for reasons related to Environmental or Health and Safety performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5.			
<input type="checkbox"/> Declaration of suspension or termination of contract: The following contract(s) has/have been suspended or terminated and/or Performance Security called by an employer(s) for reasons related to Environmental or Health and Safety performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5. Details are described below:			
<input type="checkbox"/> Declaration of request for replacement of Key Environment, Health and Safety Personnel: The following contract(s) has/have experienced a request by the Employer to replace Environmental, Health and Safety Personnel for reasons related to Environmental or Health and Safety performance since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5. Details are described below:			
<input type="checkbox"/> Declaration of past fatality resulted from EHS issues on site: The following contract(s) has/have experienced a fatality resulted from EHS issues on site since the date specified in Section III, Qualification Criteria, and Requirements, Sub-Factor 2.5. Details are described below:			
Year	Suspended or terminated portion of contract	Contract Identification	Total Contract Amount (current value, currency, exchange rate and US\$ equivalent)
[insert year]	[insert amount and percentage]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country] Reason(s) for suspension or termination: [indicate main reason(s) e.g. discharge over environmental limit, workers did not have required health and safety permits to undertake high risk work, work carried out was not adhered to approved construction methodology and quality control plan.]	[insert amount]
[insert year]	[insert amount and percentage]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country] Reason(s) for suspension or termination: [indicate main reason(s)]	[insert amount]

...	...	[list all applicable contracts]	...
Performance Security called by an employer(s) for reasons related to EHS performance			
Year	Contract Identification		Total Contract Amount (current value, currency, exchange rate and US\$ equivalent)
[insert year]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country] Reason(s) for calling of performance security: [indicate main reason(s) e.g. discharge over environmental limit, workers did not have required health and safety permits to undertake high risk work, work carried out was not adhered to approved construction methodology and quality control plan.]		[insert amount]

Key EHS personnel replacement requested by the Employer for reasons related to EHS performance		
Year	Contract Identification and Reasons	Personnel replacement action and results
[insert year]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country] Reason(s) for requesting for replacement: [indicate main reason(s)]	[insert description]
Fatality due to EHS issues on Site		
Year	Contract Identification	Follow-on actions taken by the contractor
[insert year]	Contract Identification: [indicate complete contract name/ number, and any other identification] Name of Employer: [insert full name] Address of Employer: [insert street/city/country] Description of fatality event: Causation:	[insert description]

Form EXP – 3: Specific Experience in Managing Environmental, Health and Safety Aspects

Fill out one form per contract.

Each Bidder must fill out this form.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name:

Joint Venture Partner: _____

1. Key Requirement no 1 in accordance with Criterion 2.4.3 of Section 3: _____

Contract Identification				
Award date				
Completion date				
Role in Contract	Prime Contractor <input type="checkbox"/>	Member in JV <input type="checkbox"/>	Management Contractor <input type="checkbox"/>	Subcontractor <input type="checkbox"/>
Total Contract Amount			US\$	
Details of relevant experience				

2. Key Requirement no 2 in accordance with Criterion 2.4.3 of Section 3: _____

3. Key Requirement no 3 in accordance with Criterion 2.4.3 of Section 3: _____

Form EXP – 4: Environmental, Health and Safety Certification

Please provide the following information:

Availability of the following valid ISO certification or internationally-recognized equivalent (equivalency to be demonstrated by the Bidder), and applicable to the worksite:

[Select the required certifications from below^a]

- Quality management certificate ISO 9001
- Environmental management certificate ISO 14001
- Health and Safety management certificate ISO 45001

^a Depending on the environmental, health and safety issues of the worksite and the type of competition planned (national or international), the list of required certifications may be restricted to those corresponding to the main issue of the worksite management, or removed altogether.

Form EXP – 5: Environmental, Health and Safety Documentation

Please provide the following information:

Availability of in-house policies and procedures acceptable to the Employer for ESHS management:

1. Existence of an Ethics Charter.
2. Existence of a system for monitoring compliance with EHS commitments for the Bidder's Subcontractors and all its partners.
3. Existence of official company procedures for the management of the following relevant points:

[Select 3-5 that apply for the worksite from below options- as per Section 2]

- EHS resources and facilities and EHS monitoring system;
- Project Areas management information (base camps, quarries, borrow pits, storage areas);
- Health and Safety on worksites policy and related guidance;
- Local recruitment and EHS trainings of local staff/subcontractors/local partners;
- Community stakeholder engagement practice;
- Traffic management practice;
- Hazardous products management practice;
- Waste management practice;
- Protection of water resources;
- Biodiversity protection practices;
- Site rehabilitation and revegetation practice;
- Local cultural heritage protection practice;
- Erosion and sedimentation practices;
- Control of infectious and communicable diseases (HIV/AIDS, malaria, COVID-19 etc)

Form EXP – 6: Environmental, Health and Safety Dedicated Personnel

Please provide CV of the in-house personnel of the main contractor/ JV partners dedicated to EHS issues as follows:

- Environmental and Social Manager
- Health and Safety Manager

Section 3 – Evaluation

1.7.1 Environmental, Health and Safety Management Plan (EHSMP)

[The following is a sample criteria]

Any bid not accompanied by the EHSMP may be rejected by the Employer as nonresponsive. If a Bidder submits a EHSMP that is not commensurate with the risks and impacts of the proposed works and activities in the bidding document, the Employer shall issue a request for clarification to request for further information from the Bidder. The Bidder must submit the requested information within *[insert number of days, normally 5 working days]* days of receiving such a request. Failure to provide a satisfactory response to the request for further information within the prescribed period of receiving such a request may cause the rejection of the Bid.

NOTE

The Employer should evaluate the responsiveness of the EHSMP in accordance with the project Environmental Management Plan and other supplementary reference in Section 6, the Employer's country-specific requirement and local regulations on environmental, health and safety, and/or international good practices and outline here as the basis of evaluation. EA should seek support from the Engineer/PMC/H&S consultant in reviewing the plan if they do not have in-house expertise.

Section 4 – Evaluation

Table of Forms

Letter of Bid	
Schedules	
Schedule of Payment Currencies	
Tables of Adjustment Data	
Bid Security	
Bid-Securing Declaration	
Affiliate Company Guarantee	
Bill of Quantities	
Sample Bill of Quantities	
Technical Proposal	
Personnel	
Form PER – 1: Proposed Personnel	
Form PER – 2: Resumé of Proposed Personnel	
Equipment	
Site Organization	
Method Statement	
Mobilization Schedule	
Construction Schedule	
Environmental, Health and Safety Management Plan	
Environmental, Health and Safety Code of Conduct	

Section 4 – Evaluation

Sample BoQ

Bid Price (D + E) to be carried forward to Letter of Bid	(F)	
---	------------	--

All provisional sums are to be expended in whole or in part at the direction and discretion of the engineer in accordance with the Conditions of Contract.

The amount for **(C) Specified Provisional Sums included in Subtotal of Bills**, if any, is to be entered by the Employer, which is the total amount from the table, **Summary of Specified Provisional Sums**. Alternatively, the Employer may use only **(E) Provisional Sum for Contingency** described below.

The amount for **(B) Daywork** needs to be included only when the Daywork Schedule is made competitive by the introduction of nominal quantities of work to be extended at the rates quoted. If not competitive, it should be included in **(E) Provisional Sum for Contingencies** and excluded from evaluation.

For **(E) Provisional Sum for Contingency** covering unforeseen physical quantities of work, it is recommended to insert a predetermined percentage to provide for unforeseen physical quantities of work (usually 5%–15% of base cost, i.e., of the subtotal of bills); and, if included in the contract, for price escalation adjustments (commonly 6%–12% per annum on estimated annual payments). The resulting total bid price is then a more realistic estimated final contract value for the purposes of budgetary approval. As an alternative to the percentage addition for contingencies, a fixed amount can be predetermined by the Employer, based on the estimated contract amount, and inserted as a common figure in the “Amount” column.

For evaluation purposes, Daywork, if priced competitively, will be included but provisional sums will be excluded.

For **(F)** the **Bid Price** is inclusive of all Environmental, **Health and Safety** management and compliance cost.

Option to enter provisional sum by the Employer for additional Environmental outcomes. *[Delete if not applicable]*

Section 4 – Evaluation

Technical Proposal

Mobilization Schedule

Please reflect the no-objection request and approval step for Site Specific Environmental, Health and Safety Management Plan as per Contract Conditions in the Mobilization Schedule.

Environmental, Health and Safety Management Plan (EHSMP)

The Bidder shall submit an outline Environmental, Health and Safety Management Plan (EHSMP) commensurate with the risks and impacts of the proposed works and activities. These strategies and plans shall describe in detail the actions, materials, equipment, management processes etc. that will be implemented by the Contractor, and its subcontractors.

In developing these strategies and plans, the Bidder shall have regard to the EHS provisions of the contract and EHS risks including those as may be more fully described in Section 6 (Employer's Requirements).

NOTE

The Employer shall assess whether the proposed site organization, method statement, mobilization schedule, construction schedule and environmental, health and safety management plan described in Section 4 (Bidding Forms) are presented in a consistent manner and comply with requirements stipulated in Section 6 (Employer's Requirements) without material deviation, reservation, or omission.

Section 4 – Evaluation

Environmental, Health and Safety Code of Conduct Environmental Health and Safety Code of Conduct for Contractor's Personnel Form

NOTE TO EMPLOYER

The following minimum requirements shall not be modified. The Employer may add additional requirements to address identified issues, informed by relevant environmental and social assessment.

Delete this Box prior to issuance of the bidding documents.

NOTE TO BIDDER

The minimum content of the Standard of Conduct form as set out by the Employer shall not be substantially modified. However, the Bidder may add requirements as appropriate, including to take into account Contract-specific issues/risks.

The Bidder shall initial and submit the Standard of Conduct form as part of its bid.

ENVIRONMENTAL, HEALTH AND SAFETY STANDARD OF CONDUCT FOR CONTRACTOR'S PERSONNEL

We are the Contractor, [enter name of Contractor]. We have signed a contract with [enter name of Employer] for [enter description of the Works]. These Works will be carried out at [enter the Site and other locations where the Works will be carried out]. Our contract requires us to implement measures to address environmental and social risks related to the Works.

This Environmental Health and Safety (EHS) Code of Conduct is part of our measures to deal with environmental, health and safety risks related to the Works. It applies to all our staff, labourers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as "Contractor's Personnel" and are subject to this EHS Code of Conduct.

This EHS Code of Conduct identifies the behavior that we require from all Contractor's Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT

Contractor's Personnel shall:

- carry out his/her duties competently and diligently;
- comply with this EHS Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
- maintain a safe working environment including by:
 - ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
 - wearing required personal protective equipment;
 - using appropriate measures relating to chemical, physical and biological substances and agents; and
 - following applicable emergency operating procedures.
- report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;

Note: Can add this to Contract under 'Other Documents' explicitly if in doubt if Section 4 is included in the contract document.

- treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
- report violations of this EHS Code of Conduct; and
- not retaliate against any person who reports violations of this EHS Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

RAISING CONCERNS

If any person observes behavior that he/she believes may represent a violation of this EHS Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly. This can be done by call [] to reach the Contractor's hotline (if any) and leave a message.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

CONSEQUENCES OF VIOLATING THE EHS CODE OF CONDUCT

Any violation of this EHS Code of Conduct by Contractor's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

FOR CONTRACTOR'S PERSONNEL:

I have received a copy of this EHS Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this EHS Code of Conduct, I can contact [enter name of Contractor's contact person(s) with relevant experience] requesting an explanation.

Name of Contractor's Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____

Section 6 – Employer’s Requirements

Table of Contents

Specifications.....
Environmental, Health and Safety Management Requirement.....
Drawings
Supplementary Information Regarding Works to Be Procured
Personnel Requirements
Equipment Requirements

Environmental, Health and Safety Management Requirement

NOTES

The Employer's team preparing the EHS requirements should include a suitably qualified Environmental and Social specialist/s as determined by the EMP. The Employer should attach or refer to the Employer's environmental and social policies that will apply to the project if available.

Based on the EIA undertaken for the project and this specific contract, the Employer shall provide key EHS risks and impacts and expectations on contractors to manage the risks and impacts. This may include as appropriate, but not limited to a summary of: key expectations in managing labor and working conditions, protection of the environment, health and safety and security of the site, community health and safety, management of safety of hazardous materials, resource efficiency and pollution prevention and management, biodiversity conservation and sustainable management of living natural resources etc. Any summary (key) information provided here shall not be inconsistent with the more detailed requirements in the bidding document.

The Employer should highlight the requirement of a Site Specific Environmental/ Health and Safety Management Plan (SSEHSMP) to be prepared based on the outline Environmental Health and Safety Management Plan (EHSMP) submitted as part of the Contractor's technical proposal. The SSEHSMP shall be submitted within the contractual timeline (e.g. 28 days) outlined in the Contract Conditions. The Engineer/Project Manager shall endeavor to issue no-objection of the SSEHSMP within a prescribed period (e.g.10 days) upon receipt of the SSEHSMP, if the EHS requirements for the plan is met. No physical works shall commence on site prior to the confirmation of no objection of the SSEHSMP has been obtained from the Engineer as per Contract Conditions.

Minimum Content of Requirements

In preparing detailed specifications for requirements, the specialists should refer to and consider:

- project reports e.g. EIA/EMP
- consent/permit conditions
- required standards including ADB Safeguard Policy Statement and related EHS Guidelines
- relevant international conventions or treaties etc., national legal and/or regulatory requirements and standards (where these represent higher standards than the ADB Guidelines)
- relevant international standards e.g. WHO Guidelines for Safe Use of Pesticides
- relevant sector standards e.g. EU Council Directive 91/271/EEC Concerning Urban Waste Water Treatment
- grievance redress mechanism including types of grievances to be recorded and how to protect confidentiality

The detail specification for ES should, to the extent possible, describe the intended outcome rather than the method of working.

The ES requirements should be prepared in manner that does not conflict with the relevant General Conditions of Contract (and the corresponding Particular Conditions if any) and other parts of the specifications.

Payment for ES Requirements

The Employer's environmental, health and safety, social and procurement specialists should consider how the Contractor will cost the delivery of these requirements. In the majority of cases, the payment for the delivery of these requirements shall be a subsidiary obligation of the Contractor covered under the prices quoted for other Bill of Quantity items. For example, normally the cost of implementing work place safe systems of work, including the measures necessary for ensuring traffic and road safety, shall be covered by the Bidder's rates for the relevant works. Alternatively, provisional sums could be set aside for discrete activities to encourage the contractor to deliver additional environmental, health and safety, and social outcomes beyond the requirement of the Contract.

Supplementary Information Regarding Works to Be Procured

NOTES

[The Employer is required to include local regulations and guidance specific to COVID-19 prevention and controls, and worksite safety measures requirements that are deemed applicable to the contract, as well as the applicable international good practices on Health and Safety for the contract as Supplementary Information under Section 6 – Employer's Requirements.

The Employer should attach the Environmental Impact Assessment ("EIA") and the Environmental Management Plan ("EMP") as Supplementary Information in the Employer's Requirements.

Personnel Requirements

Key Personnel as determined by the EMP and other safeguard management plans

Item No.	Position/specialization	Relevant qualifications	academic	Minimum years of relevant work experience	Minimum time on-site (%FTE)
1	[Environmental]	[e.g. degree in relevant environmental subject]		[e.g. [years] working on road contracts in similar work environments]	
2	[Health and Safety]				

Section 8 – PCC

Same as COVID-19 H&S version published in July/Oct 2020

- Submission of Site Specific Health and Safety Management Plan, and Site Specific Environmental Management Plan, based on technical proposal submitted in the bid (the EHS Management Plan as an outline)

Section 9 – Contract Forms

Reference to Technical Proposal including EHS Code of Conduct can be made explicit in (k)

Contract Agreement

THIS AGREEMENT made the [date] day of [month], [year], between [name of the Employer] (hereinafter “the Employer”), of the one part, and [name of the contractor] (hereinafter “the Contractor”), of the other part:

WHEREAS the Employer desires that the Works known as [name of the contract] should be executed by the Contractor, and has accepted a Bid by the Contractor for the execution and completion of these Works and the remedying of any defects therein,

The Employer and the Contractor agree as follows:

1. In this Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Contract documents referred to.
2. The following documents shall be deemed to form and be read and construed as part of this Agreement. This Agreement shall prevail over all other Contract documents.
 - (a) Letter of Acceptance,
 - (b) Letter of Bid,
 - (c) Addenda Nos. [insert addenda numbers if any]¹
 - (d) Particular Conditions of Contract – Part A,
 - (e) Particular Conditions of Contract – Part B,
 - (f) List of Eligible Countries that was specified in Section 5 of the Bidding Document,
 - (g) General Conditions of Contract,
 - (h) Specifications,
 - (i) Drawings,
 - (j) completed Schedules including Bill of Quantities, and
 - (k) any other documents shall be added here.²

Possible Interface Points & Relevant Resources

- TRTA inception mission
- SPP discussion
- Loan inception mission
- Bidding Document/ TOR review points
- Contract Award
- Project review mission

Reference Examples

PROCUREMENT

- Input in SPP, Bidding Doc/ RFP (incl requirements/ TOR/ contract), BER, Contract Management Plan

SDCC GPG

EHS

- Roles & Responsibilities
- Due Diligence/Planning / Documentation
 - » Risk Assessment
 - » Resourcing
 - » Mitigation in Method Statement
 - » Site Specific Management Plan & Updates
 - » Job Site Set up, Induction & Training
 - » Reporting – Compliance and Incident/Accident
 - » Audit

CMP – prior to contract commencement

- Adequate PPE and experience & qualified staff
- Hazard prevention and control (risk management)
- Monitoring and reporting approach and system incl. incidents
- Ongoing staff training

See next slide of a good practice template of CMP

[Contract Management: Guidance Note on Procurement \(adb.org\)](https://www.adb.org/publications/contract-management-guidance-note-on-procurement)

Example Contract Management Progress Report

5.3.8 Environment, Social, Health and Safety, and Security-Related Obligations

a. CEMP activity Monitoring

Record all CEMP activities in this table.

Description of CEMP Activities	Corresponding Submittal	Due / Planned Date	Actual Date Received

CEMP = contractor's environmental management plan.

b. Social Safeguards monitoring

[Record all Social Safeguards monitoring activities in this table.]

Description of Social Safeguard Activities	Corresponding Submittal	Due / Planned Date	Actual Date Received
COVID 19 Management Plan (re PCC 6.7)			
HIV/AIDS prevention activities (re PCC 6.7)			
Respectful Work Environment (re PCC 6.25)			

PCC = particular conditions of contract.

Note: PCC clause numbers refer to *FIDIC Contract MDB Harmonized Edition (June 2010)*.

Source: International Federation of Consulting Engineers. 2010. *FIDIC Contract MDB Harmonized Edition (June 2010)*. Geneva.

c. Health and Safety Monitoring

[Record all Health and Safety monitoring activities in this table.]

A3.125 The information is to be added exactly as per the table. No deviation is permitted.

Health and Safety Accidents Reports on Site

Current period

Average daily manpower (including Subs)

Lost Time Injury (LTIn)

Lost Time Injury Frequency Rate (LTIFRn)

First Aid Injury (FAI n)

Medical Treatment Injury (MTIn)

Significant Near Misses (SNMn)

Total Recordable Injury Frequency Rate (TRIFRn)

Contract period to date

Average daily manpower (including Subs)

Lost Time Injury (LTI)

Lost Time Injury Frequency Rate (LTIFR)

First Aid Injury (FAI)

Medical Treatment Injury (MTI)

Significant Near Misses (SNM)

Total recordable Injury Frequency Rate (TRIFR)

LTI = number of work-related injuries or disease that result in a fatality, permanent disability or time lost from work. It could be as little as one day or shift (excluding the day of the incident).

LTIFR = number of lost-time injuries (LTIs) within a given accounting period, relative to the total number of hours worked in that period. The formula measures the number of LTIs per million hours worked during an accounting period and is as follows:

$$(\text{Number of LTIs in accounting period}) / (\text{Total hours worked in accounting period}) \times 1,000,000$$

FAI = number of injury that requires a single first aid treatment and a follow up visit for subsequent observation involving only minor injuries, and for which the person would typically return immediately to their normal activities.

MTI = number of injuries or disease that resulted in a certain level of treatment given by a physician or other medical personnel under standing orders of a physician other than on-site first aid treatment.

SNM = number of unplanned events that did not result in injury, illness, or damage – but had the potential to do so (i.e. 'Close-Call', 'Nearly a Collision', 'Near Hit').

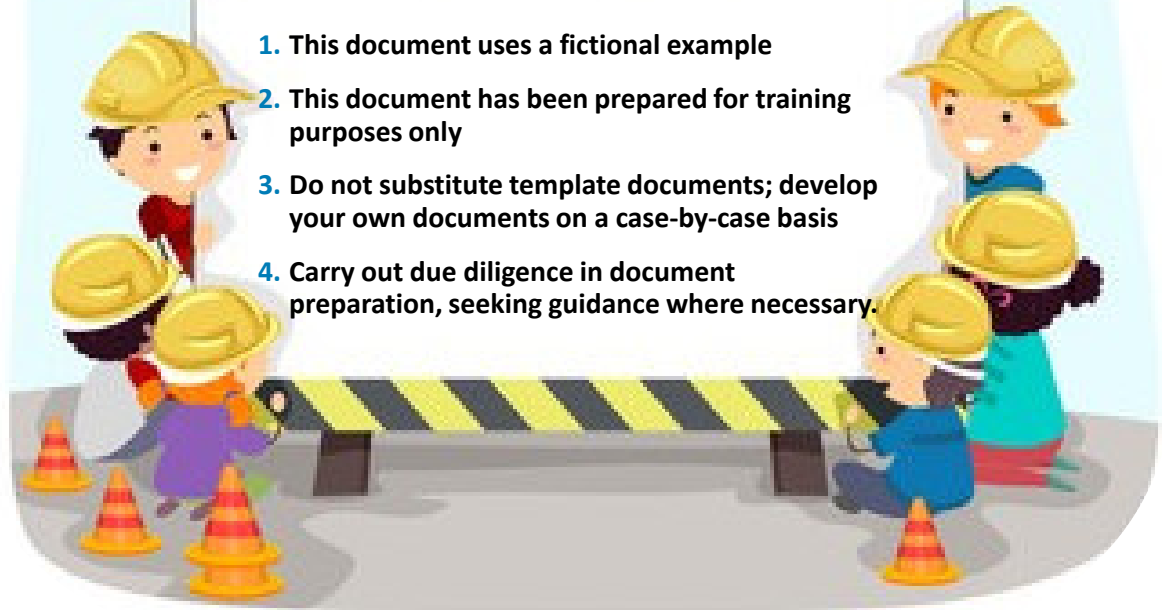
TRIFR = number of injuries (excluding fatalities) requiring medical treatment per million hours worked within an organization. The formula is as follows:

$$(\text{Number of recordable injuries in accounting period}) / (\text{Number of hours worked by all staff in the same accounting period}) \times 1,000,000.$$

Reference materials and tools

IMPORTANT – PLEASE READ:

1. This document uses a fictional example
2. This document has been prepared for training purposes only
3. Do not substitute template documents; develop your own documents on a case-by-case basis
4. Carry out due diligence in document preparation, seeking guidance where necessary.



Works - Scenarios Mixed Sector/Region/Risk Profiles

Scenario #:	1	2	3
Project Type:	Water Distribution	Transportation	Health Facility (part demolition; part new-build)
Project Attributes:	Contract 1: Water transmission pipe network Contract 2: Water treatment plant structures	Contract 1: Vehicle bridges and highways approaches Contract 2: Soft landscaping	Contract 1: New health facility buildings, including demolition of existing.
Project Location:	South Asia	<u>South East Asia</u>	Pacific
ENVIRONMENTAL Considerations:	<ol style="list-style-type: none"> 1. Dewatering 2. Sedimentation 3. Noise 4. Dust 	<ol style="list-style-type: none"> 1. Water courses / flood plains 2. Ground contamination 3. Wildlife 	<ol style="list-style-type: none"> 1. Asbestos 2. Material storage on site 3. Explosive material
CONSTRUCTION H&S Considerations:	<ol style="list-style-type: none"> 1. Excavations / Slope stability 2. Underground services 3. Structures, including temporary works 4. Confined spaces 	<ol style="list-style-type: none"> 1. Traffic Management 2. Plant and Machinery 3. Hazardous Materials 	<ol style="list-style-type: none"> 1. Demolition 2. Working at Heights 3. Temporary partitions (isolate construction areas from healthcare operations)
SOCIETAL Considerations:	N/A	Re-housing affected communities	Apprenticeships
SUSTAINABILITY Considerations:	N/A	Re-use of materials (spoil, excavated material)	Re-use of materials (existing building material)

Still To Come:

(based on same set of fictional projects' context)

- Example of lower risk contracts for illustration on differential approach
- Example for consulting services – construction supervision firm
- Corresponding BER/ Contract Management Report

Country Info – EHS system (to help with section 3)

- Database
- Harmonised Bidding Document Status

Next Steps

- SBD/ RFP – update after SPS finalization
- EHS part of Procurement Training materials

IT TAKES A VILLAGE

