

Checklist for developers working on our highways

Introduction

1. For works subject to a Section 278 Agreement under the Highways Act 1980, the Developer is required to demonstrate that they or their appointed consultants and contractors have the professional and organizational capability and competency to undertake the works.
2. Therefore, as part of the Agreement with KCC, KCC requires that the Developer checks the competency of its appointed consultants and contractors in accordance with the criteria in Table 1 below. Alternatively, the Developer must be able to demonstrate they hold the necessary capacity and competencies themselves.
3. For other works affecting the highway, including adoptable structures subject to a Section 38 Agreement, the Developer is responsible for the competency and capability of their consultants and contractors, and the criteria below must be met.
4. KCC will not adopt structures designed and built without the relevant demonstration of competency
5. For other structures subject to Technical Approval, it is strongly advised that these competency requirements are met to simplify the approval process and keep costs to a minimum.

Developer's responsibility

6. The Developer shall undertake each of the checks prior to appointing the contractor/consultant. The Developer shall retain full records of the checks for 6 years following completion of the development, for inspection by Kent County Council.
7. The Developer retains full responsibility for the performance of their contractor/consultant.
8. The Kent Lane Rental Scheme (KLRS) applies charges to companies carrying out work at set times on some of Kent's busiest roads. Refer to our [Kent lane rentals scheme webpage](#) for more information.
9. All work on Kent roads requires a permit before work commences. The Kent Permit Scheme section of the KCC website gives details of permit types and costs. It is the responsibility of the Developer to ensure these are in place before any work on the highway commences.
10. Failure on the part of the contractor to have undertaken the works in accordance with the design standards required by Kent County Council will be put right at the Developer's own cost within a time which minimises the adverse effect on the Kent County Council or Others. In the instance of failure to correct the defect within a suitable time, Kent County Council can
 - a. assess the cost to KCC of having the Defect corrected by other suppliers and the Developer pays this amount or
 - b. call upon the bond or performance security
11. Failure on the part of the consultant will be judged on the basis of using the skill and care normally used by professionals designing works similar to the works. Inadequate designs will take longer to approve, cause delays to construction, and incur greater costs for Developers.

Table 1: Checks required by Developer on any Consultant/Contractor they wish to employ for works on the highway.

Documentation	Section 278 Contractors	Section 278 Consultants	Structure Design and Check Consultants	Principal Designer
3 years' worth of full accounts that demonstrate the company has been trading successfully and is financially viable for the future.	Y	Y	Y	Y
Public Liability Insurance – A minimum of £10m. The current certificate must have been inspected by the Developer prior to any works being carried out.	Y	Y	Y	Y
Employer's Liability Insurance – A minimum of £10m. The current certificate must have been inspected by the Developer prior to any works being carried out	Y	Y	Y	Y
Professional Indemnity Insurance – suitable level for the work and risk involved. The Insurance must cover the works being carried out. The current certificate must have been inspected by the Developer prior to any works being carried out	N/A	Y	Y	Y
Competent person qualifications – evidence of suitable qualifications and an appropriate level of experience to the work they are undertaking and that they have suitable experience or working/designing on a highway	Y	Y	Y	Y
NRSWA operative accreditation	Y	N/A	N/A	N/A
Evidence of company's capability of carrying out the activities, by way of a completed project record, demonstrating the skills, efficiency, experience and reliability of the organization.	Y	Y	Y	Y
A statement of the professional qualifications held by members of staff/workforce within the company who will be responsible for providing the services or carrying out the activities	N/A	Y	Y	Y
Chartered membership of ICE, IStructE or equivalent plus suitable years' experience to undertake the work required on structure/bridges – for Category 3 checks, also a £1m+ bridge / structure design portfolio	N/A	N/A	Y	N/A
Evidence of understanding and application of Technical Approval of Highway Structures, in accordance with Highways England standards (DMRB, SHW)	N/A	N/A	Y	N/A
Evidence of periodically reviewed general H&S policy, signed and dated by a senior person within the organization. The H&S policy should also contain the organization and arrangements. These should be relevant to the anticipated nature and scale of activity to be undertaken, and set out responsibilities for H&S management at all levels in the organization.	Y	Y	Y	Y
Details of the arrangements for H&S management that are relevant to the anticipated nature and scale	Y	Y	Y	Y

of activity to be undertaken, and how these arrangements are communicated to workers.				
Evidence of how the organization has ready access to competent H&S advice, for both general health and safety and, for CDM duty holders, construction-related health and safety.	Y	Y	Y	Y
Evidence that the organization implements relevant training arrangements to ensure that employees/other workforce have sufficient skills and understanding to discharge their various duties. This should include refresher training on relevant good H&S practice	Y	Y	Y	Y
Evidence that the organization has an effective, ongoing system for monitoring H&S procedures, and for periodically reviewing and updating that system as necessary.	Y	Y	Y	Y
Evidence that the organization maintains records of all RIDDOR-reportable and other incidents for at least the last three years. Evidence that organization has an effective system for reviewing significant incidents, and recording any resulting action taken (including your response to any H&S enforcement activity).	Y	Y	Y	Y
Evidence that the organization implements arrangements for ensuring and monitoring H&S skills, knowledge and experience, and performance, throughout entire supply chain, appropriate to the work likely to be undertaken.	Y	Y	Y	Y
Evidence that the organization implements procedures for carrying out relevant risk assessments and for developing and implementing safe systems of work (“method statements”). Provide indicative examples, which must include: the identification and control of any significant occupational health (not just safety) issues, appropriate to the work likely to be undertaken.	Y	Y	Y	Y
Emergency procedure	Y	N/A	N/A	N/A
ISO 9001 Quality Assurance Certificate	N/A	Y	Y	N/A
In the absence of ISO 9001 certification, evidence that the organization has and implements a quality management policy that is authorized by the chief executive or equivalent that is periodically reviewed at a senior management level. The policy should be relevant to the nature and scale of the work to be undertaken and set out responsibilities for quality management throughout the organization.	N/A	Y	Y	N/A
Organisational competency to undertake the role of CDM 2015 Principal Contractor if required by the Developer as client. Evidence of being able to: Plan, manage, monitor and coordinate H&S in the construction phase, including communication with the client, principal designer and contractors; Prepare, review and maintain CPPs; Organize co-operation between contractors and others, and coordinate the work; Ensure relevant and suitable site inductions; Provide information for the H&S file.	Y	N/A	N/A	N/A

<p>Organisational competency to undertake the role of CDM 2015 Principal Designer if required by the Developer as client</p> <p>Concise, practical examples, relevant and proportionate to the type of activity likely to be carried out, of how your organization meets the requirements of principal designer. In particular, evidence of being able to:</p> <p>Help the client to meet its duties under CDM 2015</p> <p>Gather, prepare, communicate and coordinate information, including design information, with other duty holders during the pre-construction phase</p> <p>Plan, manage and monitor health and safety-related information, including design information, in the pre-construction phase of a project, with the aim of identifying, eliminating or controlling foreseeable risks;</p> <p>Ensure designers carry out their duties, including oversight and co-ordination within the design team and with other designers/contractors;</p> <p>Liaise with the principal contractor;</p> <p>Prepare and provide relevant information to other duty holders, including the H&S file.</p> <p>Evidence of the skills, knowledge and experience of H&S in construction</p>	N/A	Y	Y	Y
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Further information and guidance on suitable forms of evidence can be found in BSI Publication PAS 91: 2013+A1:2107 “Construction prequalification questionnaires”

Please complete the details below:

	Organisation	Name	Address	Email	Telephone
Client (CDM)					
Principal Designer (CDM)					
Principal Contractor (CDM)					
S278 Consultant					
S278 Contractor					
Structures Design Consultant					
Structures Check Consultant					

Developer Declaration: I have checked the compliance of all appointed designers and contractors against all competency criteria above and I am able to demonstrate this is if required. I understand my roles and responsibilities under CDM 2015 regulations and have nominated in writing persons accordingly. I understand that all liability for design and construction on the highway subject to a Section 278 Agreement is held by the developer and that advice or input from KCC does not alter this liability.

Signed

Name

Position held

Name of organisation

Date
