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AGUS SCILEANNA | AND SKILLS**

Circular 0055/2015

**To: The Managerial Authorities of Recognised Primary,
Secondary, Community and Comprehensive Schools
and
The Chief Executive Officers of Education and Training
Boards**

SUMMER WORKS SCHEME (SWS)

2016 & 2017

Scheme of Capital Grants for Small Scale Works



**School Planning and Building Unit,
Department of Education and Skills,
Portlaoise Road, Tullamore,
Co. Offaly.**



SWS Helpline: Freephone 1800 200 955



www.education.ie

The Minister for Education and Skills is pleased to announce details of a Summer Works Scheme (SWS) that will be applied on a multi-annual basis for the years 2016 and 2017, and to invite applications under the Scheme in accordance with the terms of this Circular Letter. Please read this Circular Letter carefully before completing the application form.

The purpose of the Summer Works Scheme is to devolve funding to individual school authorities to undertake small-scale building works which can be carried out during the summer months or at other times that avoid disrupting the operation of the school.

Primary and Second Level schools, participating in the Free Education scheme, with permanent recognition and in non-rented accommodation, are eligible to apply under the Summer Works Scheme.

Applications submitted by schools must comply with all the terms and conditions of the Scheme (attached to this Circular Letter)

Schools will be invited to submit their proposals on-line using the Esinet portal. As in the case of SWS 2014, the Esinet platform that schools currently use to make payroll returns has again been extended to facilitate an online SWS Application Scheme. It is intended that the Esinet system will be open for applications from the 2nd November 2015. As also in the case of SWS 2014, paper based applications will not be accepted under any circumstances. **The closing date for receipt of all applications under this Scheme will be 27th November 2015.**

Commensurate with the level of funding set aside for the Scheme, applications will be assessed on a top down basis in accordance with the prioritisation criteria (outlined in Section 3 of the Scheme's Terms and Conditions). Responsibility for identifying and applying for the most urgently required project rests with the school authority. **Schools may apply for one small scale project only.**

The scheme being announced will apply to both 2016 and 2017. Accordingly, a new call for proposals from schools will not be sought in respect of 2017. Under SWS 2016 and 2017, valid applications from schools that are not reached for funding reasons from within the funding made available in 2016 will qualify to be assessed for purposes of the funding available in 2017, subject to the overall availability of funding.

Timetable for 2016 & 2017 Scheme

Publication of Governing Circular Letter	13th October 2015
Esinet system open for applications from	2nd November 2015
Completed application forms should be returned on line via Esinet by the closing date. <i>Schools are urged to submit applications in advance of this date where possible.</i>	27th November 2015
Publication of list of successful applicants approved to proceed in 2016	end February/early March 2016
School Authority must confirm acceptance of grant offer to the Department's Planning and Building Unit	within 4 weeks of date of grant of approval letter
School Authority will be required to confirm to the Department's Planning and Building Unit that the works have commenced and request draw down of 70% of the grant aid.	within 6 months of the date of grant approval
School Authority will be required to have requested the drawdown of the final 30% of the grant aid.	within 12 months of the date of grant approval letter

SWS Helpline Freephone service

A Freephone SWS Helpline service will be put in place to assist schools with any queries on the Scheme including completion of the application form. This service will be made available between the hours of 10am to 1pm and 2pm to 4.30pm when the on-line system is opened for applications. The Freephone number is 1800 200 955.

Note that at that time, SWS related calls to other lines will automatically be re-directed to this number to ensure that information given to schools is being provided by staff specifically trained in the detail of the Summer Works Scheme.

Freedom of Information Act

Persons signing application forms are reminded that the Department may be obliged to release any information supplied under the Freedom of Information Act 2014.

Jerome Kelly
School Planning and Building Unit

October 2015.

Terms and Conditions Applicable to Applications for Small Scale Works under Summer Works Scheme 2016 & 2017

1. Schools covered by the Scheme for the purposes of small scale works

The Scheme is open to primary and post primary schools participating in the Free Education system with permanent recognition and in non-rented accommodation.

2. Making an application for small scale works

To make an application, schools must complete the on-line Application Form which may be accessed on Esinet. In the case of schools under the Patronage of an Education Training Board, applications may be made by either the ETB school or ETB on behalf of its schools – schools should confirm the arrangements that are in place with their ETB.

3. Small scale works covered by the Scheme

The Scheme covers necessary small-scale works to improve the integrity of buildings and their external environment that, ideally, can be delivered during the summer months.

It is important to note that this scheme is designed to address necessary and immediate works. Only those applications satisfying the fundamental criterion of need will be considered. Funding will not be made available to projects considered by the Department to be desirable but not essential.

Categories of work eligible for funding under SWS 2016 and 2107, are prioritised on the following basis:

- Priority/Category 1: Gas Works
- Priority/Category 2: Electrical Works
- Priority/Category 3: Mechanical works
- Priority/Category 4: Special Needs projects*
- Priority/Category 5: Toilet facilities
- Priority/Category 6: Roof works
- Priority/Category 7: Window projects
- Priority/Category 8: Curricular requirement projects
- Priority/Category 9: Other structural improvements
- Priority/Category 10: External environment projects

**Priority/Category 4: Under previous Summer Works Schemes, applications for projects to facilitate inclusion and access for pupils or staff members with special needs were accepted. As applications under this heading are now dealt with on an ongoing priority basis by the Department under the heading of the Emergency Works Scheme (EWS), applications for special needs works should not be made under this or future Summer Works Schemes.*

Note also that applications otherwise submitted under the EWS will be accepted only in the case of projects that are unforeseen and are an absolute emergency, as defined under the terms and conditions of that Scheme.

Works **not covered** by the SWS include:

- Asbestos/ Dust Extraction/ Radon remediation projects (the Department has separate schemes for dealing with these issues)
- Projects containing new build elements (i.e. extend the foot print of the existing building) with the exception of toilet facilities
- Works that should be addressed by routine maintenance such as painting, replacement of floor coverings etc.
- Works to or provision of temporary accommodation
- Projects that have been funded under earlier Summer Works or other schemes
- As referred to above, works to facilitate the inclusion and access of students and staff with special needs – such works are considered for funding under the Emergency Works Scheme.

In the assessment of individual applications, the examination of applications for funding will take into account factors such as, in particular, future sustainability issues e.g. falling enrolments or where a school has a major capital project pending.

Where a school applies for projects not covered by the scheme, any Consultant's fees incurred by the school will have to be met by the school from its own resources and will **not** be funded by the Department.

4. Application process for small scale works

Schools may apply for **one** small scale project only.

Schools should identify the works needed at their schools, prioritise them and apply for the most urgent project only.

Schools should also note that in the current budgetary climate, it will not be possible to fund all applications and therefore they should only apply for those projects of an urgent and priority nature.

N.B. Applications for multiple small scale projects will automatically be INVALIDATED and will not be considered.

5. Technical issues relating to applications for small scale works

A Consultant's report is necessary:

- For a professional diagnosis of the full nature and extent of the proposed project.
- To verify the absolute necessity of the project relative to the impact of not doing it.
- To provide a range of cost effective solutions, ranked in order of preference e.g. Option I is the preferred recommended option.
- To enable the prioritisation of projects on the basis of professional objective information.

The appointment of a Consultant is a matter for the School Authority and any fees arising must be borne by it. A reasonable contribution towards fees incurred will be included in the overall grant amount for successful applicants. Please see Appendix A of this Circular Letter for guidance on the appointment of a Consultant.

No commitment should be entered into with a Consultant beyond completing the report on the works being considered.

The Consultant's report must comply in full with the Department's relevant Technical Guidance Documents with respect to format and content - see Department's website [Technical Guidance Documents - Department of Education and Skills](#). The report must include photographic evidence.

Note that the relevant technical reports, where appropriate, must be completed

- (a) by a suitably qualified Consultant with adequate Professional Indemnity Insurance and Employer's and Public Liability Insurance – see Appendix A of this Circular. Otherwise the application will be deemed invalid.**
- (b) by a Consultant who has the appropriate qualifications for the works being considered as the use of a Consultant not appropriately qualified will also result in an application being invalidated.**

Guidance on the procedures for tendering for the appointment of a Consultant to oversee the completion of projects will be issued to schools whose applications are approved.

Please note that it is the responsibility of the School Authority to ensure that the completed Consultant's report including the mandatory photographic evidence is successfully attached to the on-line SWS application as failure to do so will result in the application being deemed invalid.

6. Assessment process for small scale works

There will be 4 steps in the assessment process, A – D.

A. Validation of small scale works applications

Only applications deemed valid will progress to the determination of need stage.

You must be able to answer “YES” to **all** of the following questions for an application to be considered valid:

	Yes
Is the project within the scope of the Summer Works Scheme? i.e. See Section 3 and 4 above	
Is the Consultant appropriately qualified and insured for the particular project? (see Appendix A)	
Has a Consultant’s report been fully and properly completed to include 3 individually costed solutions and ranked in order of preference?	
Is the application made under the appropriate Category? (see Section 3)	
Has the Consultant included the mandatory photographic evidence?	
Has the application been agreed by the Chairperson of the Board of Management or CEO (as appropriate) on behalf of the Patron?	

B. Determination of Need

This determination will be based on the evidence provided by the Consultant’s report and the mandatory photographic evidence. It is important, therefore, that the quality of the Consultant’s report is such as to demonstrate clearly the absolute necessity for the project (i.e. cannot be addressed by routine maintenance.)

C. Approval/Refusal of the Application

Invalid applications will not be approved. A valid application will be approved, in principle, if:

- the application clearly demonstrates that the works are absolutely necessary and not just desirable;
- the works needed cannot be addressed as a matter of routine maintenance.

However, it is important to understand that approval in principle does not mean that funding will be available to allow a project to proceed.

D. Allocation of funding for approved projects

It may not be possible to progress all valid projects depending on demand and the level of funding available. Therefore, applications will be assessed in accordance with availability of funding on a top down basis in accordance with the prioritisation criteria (see Section 3).

The scheme being announced will apply to both 2016 and 2017. Under SWS 2016 and 2017, valid applications from schools that are not reached for funding reasons from within the funding made available in 2016 will qualify to be assessed for purposes of the funding available in 2017, subject to the overall availability of funding.

When applications under the Scheme are finalised, decision letters will be made available on the Esinet on-line system to all successful and unsuccessful applicants. Decisions in the case of successful applications will also be published on the Department's website <http://www.education.ie/>.

The Department will require the agreement of the School Authority to have the project monitored by the Department or its agents and to allow access to its premises and records, as necessary, for that purpose.

In addition, Department staff may visit schools to examine applications with regard to determination of need.

7. Project delivery

Under the terms of the Scheme, School Authorities are empowered to manage these works with guidance from, and minimal interaction with the Department. Responsibility for procuring the services of Consultants and contractors is devolved to School Authorities. Schools are also responsible for managing the projects, including cost management, through to successful completion.

In line with the role envisaged for Education Training Boards (ETBs) whereby these Boards will provide support services to other education and training service providers at local level, it is intended that schools, in certain areas, can avail of the project management/procurement/project delivery expertise that has been developed in ETBs in the delivery of approved projects. Further details of such arrangements will be outlined in the approval letter to successful applicants.

8. Grant details

Amount which will be approved

The grant payable by the Department (inclusive of VAT and fees) will be **whichever is the lesser of the following**:

The amount of grant-aid approved by the Department in its letter of approval made available on the Esinet on-line system

or

The lowest valid tender amount for the proposed project plus fees.

Funding shortfall

If there is a shortfall in funding, the options open to School Authorities are to:

- Reduce the scope of the works to stay within the limit of the grant.
- In the case of primary schools, use funds allocated by the Department under the terms of the Grant Scheme for Minor Works to supplement the SWS grant provided such funds are not required for more urgent and immediate works.
- Make up the shortfall in funding from own resources.

What the grant covers

- The grant is intended to cover the capital cost of the project including VAT, associated planning charges, Consultants' fees incurred in the design and construction of the project, fees for the Project Supervisor Design Process (PSDP) and fees for the Project Supervisor Construction Stage (PSCS).

Payment of grant

- Payment of the grant will be made to the School Authority in two moieties. The first payment will be for **70%** of the grant amount, when the works have commenced on site, and the second and final payment will be for the remaining **30%** of the grant amount. Such payments will be paid subject to compliance with the conditions as set out in Appendix B.

9. Local Contribution

- A local contribution will not be required from successful applicants for small scale works.

10. Keeping of project records and audits/inspections

- All records in relation to a project for which funding is approved must be kept for 7 years at the school (and not in the Consultant's office).
- The Department reserves the right to audit/inspect these records and the works carried out. In this regard, a percentage of projects will be selected for detailed audit and inspection.
- The Department reserves the right to refuse to pay out grant aid on foot of an application with false information or where the administration of the project was not in accordance with the Department's guidelines.
- The Department will select a proportion of applications for audit as part of the determination process prior to a decision being made on the application.

Appendices

Appendix A

Engaging Professional Advice for the Preparation of a Technical Report for Small Scale Works

Important: The cost of engaging professional advice to prepare a technical report must be met in full from a school's own resources. Failure to procure a Consultant in the appropriate discipline or the procurement of a Consultant without adequate Professional Indemnity Insurance & Employer's and Public Liability Insurance will result in the application being invalidated.

Advice will be available on the Freephone SWS Helpline service while the on-line system is open for applications

Before a Consultant is appointed:

- Refer to the Department's Technical Guidance Documents (TGDs):
 - Guidance on Procuring Consultants for Small Works (2nd edition March 2014) click [here](#).
 - TGD-007 4th edition June 2014 Design Team Procedures for Small Works Revision 1 click [here](#).

As the onus rests with the School Authority to ensure that the appropriate level and range of service is procured, it must ensure that the Consultant is in the **appropriate** discipline for the works concerned. Please refer to Technical Guidance documentation for advice on Consultant disciplines.

For example, if the report refers only to limited (not exceeding €500,000 incl. VAT) repairs/remedial works related to the fabric of the building (e.g. roof repairs, windows, toilet refurbishment/up-grade, Health & Safety works, etc.) the School Authority may appoint a Registered Architect, Civil/Structural Engineer, or Registered Building Surveyor. A Building Services Engineer or Quantity Surveyor is not an acceptable Consultant for this work.

- Examples of **unacceptable** qualifications for the purposes of a Consultant's report are:

Agricultural Engineer, Building Contractor, B. Sc. (Environment), Estimator, Electrician, Plumber, Window Contractor, OPW architect (unless it is verified with the application that the report is carried out on the direction of the OPW acting on the instruction of the Department of Education and Skills.)

This list is not exhaustive. If you have **any** doubts in relation to the suitability of a proposed Consultant, please contact the Helpline. The Department's decision will be final as to whether or not a Consultant is appropriately qualified for the purpose of this Scheme.

- Be satisfied that the Consultant is competent and qualified to carry out the work. A minimum of at least five quotations in writing or by email from suitable Consultants (reference Guidance on Procuring Consultants for Small Works, see above for link) must be sought, a minimum of three written quotations obtained, and the one most suitable selected on objective criteria. While fee competitiveness is of first importance and should be weighted accordingly, the criteria at (e) below (i) to (v) should be used to assess suitability.

Appointment of a Consultant to carry out the Report:

- (a) The School Authority should refer to the application form for the scope of the technical report required.
- (b) When a School Authority engages professional advice to assist in the preparation of a report, the cost must be met in full out of the school's own resources.
- (c) When engaging professional advice for the preparation of a report, the School Authority must appoint the relevant Consultant for that task only. The School Authority must not enter into any commitments regarding an overall appointment or fees for works other than the preparation of the report and must make this clear to the Consultant before the appointment is made.
- (d) The Consultant should have appropriate professional Qualifications and previous experience in preparing reports of a similar nature.
- (e) To enable the School Authority to assess which firm to engage it is recommended that the following information be requested from the Consultants under consideration for the work:
 - (i) Experience in projects of a similar nature highlighting the scope of works, the timescale and how the Consultant ensures accurate cost information.
 - (ii) A brief summary of the scope of the agreed report and a timescale for its delivery.
 - (iii) Confirmation of appropriate professional Qualifications, Professional Indemnity Insurance and Employer's and Public Liability Insurance.
 - (iv) A list of the relevant other services where required, (including Quantity Surveying Services) which will be bought in, and confirmation that those service providers will be qualified professionals in the relevant discipline.
 - (v) VAT inclusive all-in lump-sum fee (including buying-in other services as required, and all expenses).

"Buying-in" means that the professional Consultant engaged by the school undertakes as part of the overall fee to get advice as required from other professional disciplines (e.g. Quantity Surveyor, Structural and M&E).

- (f) For the preparation of reports, School Authorities should avoid appointing a Consultant who proposes to act solely in a Project Management type role and who has to buy in the services of another Consultant to prepare the actual report.
- (g) The appointment of a Project Supervisor (Design) Process is not normally required for the preparation of a report.
- (h) In assessing the amount of work necessary to prepare the technical report, the School Authority should discuss with their Consultant(s) a realistic scope of works. Additionally, accurate professional cost advice is an essential part of the report. Accordingly, the cost of the work must be clearly identified alongside the cost of any associated planning or other statutory fees and an estimate of the professional fees for managing the execution of the works should the project be approved.
- (h) The level of fee for the preparation of the report should be confirmed before the Consultant is appointed and should relate to the preparation of that report only. The School Authority should be satisfied that the agreed fee is a fair reflection of the time and resources required to carry out the task.
- (i) For a technical report (as above) a formal contract is not required. A simple letter of appointment summarising the agreed scope of work should suffice.

Do not:

- Enter into any commitments regarding an overall fee for the proposed works and make it clear to the Consultant that the appointment is for the preparation of the Report only and **does not entitle** the Consultant to be appointed to carry out the works if the application is successful.

Consultant's Insurance Requirements:

Professional Indemnity Insurance:	Minimum cover is €750,000.
Public Liability Insurance:	Minimum cover is €6,500,000.
Employers Liability Insurance:	Minimum cover is €13,000,000.

Grant Draw Down Requirements SWS 2016 & 2017

First Instalment

The first payment will be for 70% of the Department's liability and will be paid on receipt of the written confirmation from the School Authority as follows:

When the works have commenced on site, the School Authority must confirm that all of the points below (1 to 12) have been addressed in accordance with the guidelines provided by the Department. Where confirmation is required from the school's Consultant that an issue has been addressed, this should be provided in writing by the Consultant and this written confirmation should be forwarded to the Department.

Each point below must be addressed to enable payment to be made.

- The School Authority understands their legal duty to appoint a competent PSDP and they have taken reasonable steps to satisfy themselves as to the competency of the PSDP
- Confirmation that the tender process and contract award for the appointment of a Consultant has been carried out in accordance with the [Department's Guidance on Procuring Consultants for Small Works](#). (2nd edition March 2014).
- Confirmation that where the Building Control (Amendment) Regulations 2014 apply to the project, an Assigned Certifier has been appointed.
- Confirmation that School Authority have:
 - Registered online for ROS (Revenue Online System)
 - Registered for VAT and as a Main Contractor
 - Obtained contractor's tax reference number and proof of identity
 - Prior to commencement of construction, that they have notified the Revenue of the contract (Contract Notification)
- A PSDP has been appointed, the appointment has been confirmed in writing by the Client, and the Health and Safety Authority have been notified using the HSA form AF1.
- The PSDP has checked the safety file and has taken the appropriate action in relation to asbestos.
- A Preliminary Safety & Health Plan has been prepared by the PSDP and provided to tenderers as part of the tender documents.
- The School Authority must confirm the monetary value of the **TOTAL** cost of the building works inclusive of fees and VAT
- The works undertaken are in accordance with the scope of works for which the grant was approved.
- The tender process and contract award has been carried out in accordance with the Department's [Technical Guidance Document TGD 007](#) and the contract has been awarded to the lowest valid tenderer. If the contract has not been awarded to the lowest valid tenderer, evidence of consultation with and approval from the Planning and Building Unit must be provided.
- The School Authority has placed a contract for the proposed works with the successful contractor and the contractor is on site and has commenced the works.
- Where the Building Control (Amendment) Regulations 2014 apply to the project, confirm that:
 - An Assigned Certifier has been appointed
 - A preliminary inspection plan has been prepared
 - The online submission to the Building Control Authority of all documentation required by the Code of Practice for Inspecting and Certifying Buildings and Works at commencement stage has been done.

Second (Final) Instalment

The second and final payment will be for the remaining 30% of the Department's liability and will be paid on receipt of the written confirmation from the School Authority as follows:

When the works have reached substantial completion, the School Authority must confirm in writing that they have received from their Consultant all of the documentation outlined below. The School Authority then forwards a copy of the "Certificate of Substantial Completion" and a covering letter confirming all of the other points. Each point must be addressed to enable payment to be made.

1. A copy of the "Certificate of Substantial Completion" from the Consultant.
2. The School Authority must confirm the monetary value of the final **TOTAL** cost of the building works inclusive of fees and VAT
3. The Consultant's *Opinion of Compliance* of the relevant development with planning permission and or exemption from planning control.
4. Where the Building Control (Amendment) Regulations 2014 apply to the project a copy of:
 - 4.1. The Certificate of Compliance on Completion signed by the Builder (at Part A) and by the Assigned Certifier (at Part B).
 - 4.2. Confirmation that the above certificate and all necessary plans, calculations, specifications and particulars showing how the completed building has achieved compliance with the Building Regulations has been lodged with the Building Control Authority on the Building Control Management System.
 - 4.3. Confirmation that the Inspection Plan as implemented by the Assigned Certifier has been lodged with the Building Control Authority.
5. Confirmation from the PSDP that the Safety File has been prepared and issued to the School Authority.
6. The School Authority must confirm that:
 - 6.1. Prior to discharging any payment to the contractor, they notified the Revenue of the payment (Payment Notification)
 - 6.2. That they obtained a Deduction Authorisation from the Revenue specifying the tax to be deducted from the contractor
 - 6.3. Provided the contractor with a copy of the deduction Authorisation
 - 6.4. Deducted the applicable amount of tax from payments due to the contractor
 - 6.5. Filed RCT returns and paid the deducted amount to the Revenue
 - 6.6. Filed monthly VAT returns and paid the VAT to the Revenue
 - 6.7. Obtained and have kept a Deduction Summary – Periodic Return at the end of each return period
7. Written confirmation from the School Authority that a minimum of 50% of the agreed retention percentage rate of the contract sum will be retained for a period of 12 months following the completion of the works and pending the necessary rectification of any building defects which may become apparent during that period, and that the retention sum shall not be expended for any other purpose.
8. Confirmation that the School Authority has received from the Consultant copies of all relevant drawings and documents, if possible in an appropriate electronic format, together with your Consultant's confirmation that the completed works are in accordance with these drawings and documents.