



Department of Education and Skills Circular Letter 0068/2020

To: Managerial Authorities of Recognised Primary, Secondary, Community and Comprehensive Schools and the Chief Executives of Education and Training Boards

Emergency Works Grant Scheme

Migration to On-Line Applications and Minor Revisions of Scheme

Purpose:

1. The purpose of this Circular is to advise Management Authorities of the migration of the Emergency Works Grant Scheme to a digital environment through an online application process. This will provide for a streamlining of the processing of applications for funding under the scheme. It also provides for revisions to the scheme as set out in this circular and appendices.

The Emergency Works Grant Scheme:

2. The main purpose of the Emergency Works Grant Scheme is to provide for unforeseen emergencies that impact on school buildings. It does so by ensuring the availability of funding for urgent works to those schools that are in need of resources as a result of an emergency situation.
3. The scheme also provides funding to facilitate inclusion and access for special needs pupils on receipt of an enrolment application from such a pupil and/or for staff members (as set out in Appendix C attached to this circular).
4. Applications for funding under the scheme must serve one or both of these purposes and meet the criteria for funding as set out in this circular and its appendices.
5. An emergency is a situation which poses an immediate risk to health, life, property or the environment, which is sudden, unforeseen and requires immediate action and, in the case of a school, if not corrected would prevent the school or part thereof from opening. It is not intended that this scheme will be used to supplement previous applications under other schemes that have not been successful in securing funding. All relevant and supporting information in relation to such an Emergency Works Grant Scheme application must be provided in order to support your claim for emergency grant aid.



6. All applications will be dealt with on an individual basis. In any and all circumstances, this Circular Letter must be read carefully before completing an application form. All primary and post-primary schools requiring emergency works to be undertaken must apply under this scheme by completing in full an Emergency Works Application Form.

Streamlining of scheme and migration to online environment:

7. The Department is implementing two changes to the Scheme which will come into effect as and from 5th October, 2020:
 - a. The process applicable to the Scheme, including applications and approval processes, will now migrate completely to an online environment using Esinet as set out below
 - b. A number of modifications to the terms and conditions of the scheme are being made. Appendices A to D attached to this circular set out the revised terms and conditions applicable to this scheme. These appendices should be considered as forming part of this circular. Appendix E is for information purposes and provides a summary of the changes being made to these terms and conditions for ease of reference of school authorities.
8. School Authorities will be familiar with the Esinet system which is used to process applications under the Department's Summer Works Scheme. This system will be extended to include the processing of all applications under the Department's Emergency Works Grant Scheme as and from 8 a.m. on 5th October, 2020 (the 'go-live date'). A link to the system will be provided on the Emergency Works Homepage of the Department's website prior to the go-live date and a Frequently Asked Questions document will also be made available. The web address for these documents is as follows:
<https://www.education.ie/en/Schools-Colleges/Services/Building-Works/Emergency-Works/>
9. This Circular and the new Application Form will be available on the website on that date. Applications after that date will only be accepted using the on-line system. The existing application form will be discontinued in that respect and paper-based applications will no longer be accepted as valid.
10. It is important to note that the Department's Emergency Works Grant Scheme team will still be available to be contacted for any queries in respect of the operation of the scheme and, in particular, to assist in addressing any urgent queries relating to the operation of the scheme. Contact details at present are as follows:
Phone: 057-9324446
Email: emergency_works@education.gov.ie
Any changes in these details will be notified on the website at the above link.



Gary O'Doherty
Principal Officer
Devolved Projects Section, School Planning and Building Unit
23rd September, 2020



Appendix A

TERMS AND CONDITIONS APPLICABLE TO APPLICATIONS FOR THE DEPARTMENT'S EMERGENCY WORKS GRANT SCHEME

1. SCHOOLS COVERED BY THE EMERGENCY WORKS GRANT SCHEME

The Scheme is open to primary and post primary schools with permanent recognition and *in non-rented accommodation*.

2. MAKING AN APPLICATION FOR EMERGENCY WORKS

To make an application schools must complete the online Emergency Works Application Form available through the Esinet system and which can be found on the following link:

<https://www.esinet.ie/portal/login.init.action>

This Form has 3 Sections:

Section 1: Important information in relation to the scheme, including the completion and submission of the application form

Section 2: To be completed by the school authority applying for emergency works funding and signed in all areas by the Chairperson, Board of Management or Chief Executive Officer as the case may be.

Section 3: To be completed by an appropriately qualified consultant to support an application for emergency works funding.

Mandatory items for inclusion on or in your application:

- **Full Cost of proposed works which contains descriptions, quantities and rates including VAT & Fees (the school must pay itself for its initial report. The fee for preparing this report should not be included in the cost)**
- **Photographic Evidence: Detailed High Resolution Photographic evidence of the affected area is mandatory and must be included with the Consultant's Report where applicable as outlined in Appendix B.**
- **In relation to projects to facilitate the inclusion and access of pupils with special needs and/or for staff members, supporting documentation as outlined in Appendix C, is mandatory.**



3. WORKS COVERED BY THE SCHEME (SEE ALSO INFORMATION PROVIDED IN THE APPLICATION FORM)

The main purpose of the Emergency Works Grant Scheme is to provide for unseen emergencies that impact on school buildings. It does so by ensuring the availability of funding for urgent works to those schools that are in need of resources as a result of an emergency situation. Schools must ensure that the works for which they are seeking funding meet this criteria and all the other relevant criteria as set out in this circular and its appendices.

In cases where costs are recoverable from an insurance company the school must agree to refund the recovered amount to the Department.

All schools should have appropriate insurances, including contents insurance, in place at all times.

The relevant school authority must ensure that effective planning and preventative maintenance regimes are put in place in its school. This will minimise the risk of emergency situations arising that affect the school premises. An appropriate approach to undertaking inspections and regular maintenance should identify issues that need to be addressed, such as structural defects or significantly deteriorating condition of roofs or similar elements before they cause an emergency situation.

The scheme also provides funding to facilitate inclusion and access for special needs pupils on receipt of an enrolment application from such a pupil and/or for staff members (as set out in Appendix C). An application under this scheme will also be accepted from schools seeking funding to provide facilities to enable special needs pupil's enrolment at school.

Information on Works not covered by the Scheme are contained in the Frequently Asked Questions Document on the Department's Website. It should be noted that these include emergency events that arise due to poor Maintenance.

4. APPLICATION PROCESS FOR EMERGENCY WORKS

Applications for funding under the scheme must be made through the Department's Esinet System. A Frequently Asked Questions documents is available on the Department's website in that respect and can be found at:

<https://www.education.ie/en/Schools-Colleges/Services/Building-Works/Emergency-Works/>

This document is a living document and will be updated regularly.



5. ASSESSMENT PROCESS FOR EMERGENCY WORKS

Applications for funding under the scheme will be assessed on the basis of the information contained in the relevant parts of the application form, mandatory photographic evidence of the affected areas and, where appropriate, the supporting documentation requested in Appendix B below.

There will be **5** steps in the assessment process

- Validation of the application
- A determination as to whether or not the works are absolutely necessary or can be addressed by routine maintenance. *(This criteria does not apply to applications for funding to facilitate inclusion and access for special needs pupils on receipt of an enrolment application from such a pupil and/or for staff members. Applications in that respect must meet the criteria set out at Appendix C below)*
- If the works are absolutely necessary *(or meet the criteria for application in respect of funding to facilitate inclusion and access for special needs pupils and/or for staff members as set out in Appendix C)* the proposed costs will be assessed to ensure they are fair & reasonable and represent value for money.
- Approval/refusal of the application
- Allocation of funding for approved projects

Appeals will only be considered if they are submitted through the Esinet system outlined above. They must be submitted by the School Authority and should include additional relevant information which was not included in the original application.

6. DETERMINATION OF NEED FOR EMERGENCY WORKS

This determination will be based on the evidence provided by the Consultant's report, the photographic evidence (where required), and supporting documentation required under Appendix B and C of the circular. It is important, therefore, that the quality of the Consultant's report is such as to demonstrate clearly the absolute necessity for the project.



The Department will require the agreement of the school authority at Section 2 of the application form 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, officials from the Department will visit a number of schools to cross-check applications with regard to determination of need.

7. APPROVAL/REFUSAL OF APPLICATIONS

Applications must be:

- **completed in full**
- **signed by Chair, BoM/CEO**
- **signed and stamped by suitably qualified consultant**
- **supported by relevant documentation**

otherwise they will be deemed invalid.

A valid application will be approved, if:

- The application clearly demonstrates that the works are absolutely necessary and if not carried out will force the school, or part thereof, to close or prevent a special need pupil enrolling in the school.
- The works needed cannot be/could not have been addressed as a matter of routine maintenance.
- The works are not covered by appropriate insurance – evidence of this should be submitted from the insurance company.
- In respect of applications for funding to facilitate inclusion and access for special needs pupils on receipt of an enrolment application from such a pupil and/or for staff members, it meets the criteria set out in Appendix C

8. SIGNING UP TO THE DEPARTMENT'S ENERGY WEBSITE

Payment of the grant will be subject to schools registering on the SEAI website "Energy-in-Business, Monitoring and Reporting for Schools" and they must do so before grant aid is paid. Schools can register by using the following link:<https://www.seai.ie/energy-in-business/monitoring-and-reporting/for-schools/>

9. TECHNICAL ISSUES RELATING TO APPLICATIONS FOR EMERGENCY WORKS

Section 3 of the application form addresses technical issues and forms a critical part of the application.



This **must** be completed by a suitably qualified consultant with adequate **Professional Indemnity Insurance and Employer's Liability Insurance**. Otherwise the application will be deemed invalid. **It is important that the consultant 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 deemed invalid.** Schools should retain copies of these insurances and qualifications.

Please refer to: <https://www.education.ie/en/School-Design/Appointment-of-Consultants/Guidance-on-Procuring-Consultants-for-Small-Works-3rd-Edition-Apr-2016.docx>

The appointment of a Consultant to complete the application form is a matter for the school authority and any fees arising must be borne by the school.

No commitment should be entered into with a consultant beyond the work involved in completing Section 3 of the application form.

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

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](#)). It **must** also be accompanied by documentation outlined at Appendix B.

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 non-completion.
- To provide a range of cost effective solutions.
- To enable the prioritisation of projects on the basis of professional objective information.

Please see Appendix B of this Circular Letter for guidance on the appointment of a Consultant.

10. KEEPING OF PROJECT RECORDS FOR COMPLIANCE CHECK PURPOSES

- All records in relation to a project for which funding is approved must be kept for 7 years.
- The Department reserves the right to carry out compliance checks/inspections of these records and the works carried out. In this regard, a percentage of projects will be selected for detailed compliance checks and inspections.



- The Department reserves the right to refuse to pay out grant aid on foot of an application with incorrect information or where the administration of the project was not in accordance with the Department's guidelines.

11. GRANT DETAILS

Grant details, including some of the key conditions for drawing down the grant, are set out in Appendix D. Further requirements for drawing down the grant will also be set out in writing if and when approval for the grant has issued. These details and requirements will also form part of the terms and conditions of the scheme.

12. 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 Acts, 1997 and 2003.

13. DATA PROTECTION NOTICE

On a small number of occasions, the Department of Education and Skills may need to obtain personal data to complete the application process. It will treat all personal data you provide on this form as confidential and will use it solely for the purpose intended. The main purpose for which the Department requires the personal data provided by you to the Department is to gather information relating to an application for funding to facilitate inclusion and access for special needs pupils on receipt of an enrolment application from such a pupil and/or for staff members. The privacy notice outlining further information in relation to this form can be found at:

<https://www.education.ie/en/The-Department/Data-Protection/gdpr/>

Full details of the Department's data protection policy setting out how we will use the data relating to the application as well as information regarding your rights as a data subject are available at <https://www.education.ie/en/The-Department/Data-Protection/>. Details of this policy and privacy notice are also available in hard copy through the contact details set out in this circular and upon request.



APPENDIX B

Application Requirements

- **Photographic Evidence.**

Provide a minimum of five number Photographs for each of the following bullet points:
(including at least three close-up shots & two panoramic established views.)

- ❖ The exact location where the failure/breakdown occurred which caused the emergency.
- ❖ Any other areas of the school building that were damaged as a direct consequence of that emergency.
- ❖ Any part of the building where opening works occurred for investigation purposes as a direct consequence of the Emergency.

N.B. Consultant must provide a written comment for each photograph.

Engaging Professional Advice for the Preparation of a Technical Report for Emergency Works Application

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 LIABILITY INSURANCE WILL RESULT IN AN INVALID APPLICATION.

Before a Consultant is appointed:

Refer to the Department's Guidance on Procuring Consultants for Small Works available at <https://www.education.ie/en/School-Design/Appointment-of-Consultants/Guidance-on-Procuring-Consultants-for-Small-Works-3rd-Edition-Apr-2016.doc>

APPROPRIATE CONSULTANTS FOR TECHNICAL REPORTS

The School Authority should refer to the documentation issued with the relevant Department Circular for advice on the scope of the technical report required.



When engaging professional advice for the preparation of a report, the School Authority must select an appropriate consultant (an individual consultant or a consultancy firm) for the type of work being recommended. Refer to EWS [Frequently asked Questions](#).

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.

When a School Authority engages professional advice to assist in the preparation of the initial technical report, the cost must be met in full out of the school's own resources.

The appointment of a Project Supervisor (Design) Process is not normally required for the preparation of a report.

The consultant must have appropriate professional qualifications, professional indemnity insurance Cover and previous experience in consultancy services of a similar nature.

In the case of multi-disciplinary practices, the firm must have a principal (i.e. director or partner) who meets the qualification requirements for the category of work being applied for.

The websites of the professional bodies include search facilities for checking the qualification status of members, including, in the case of architects, building surveyors and quantity surveyors, their registration number. The following are the relevant professional bodies:

Architects	Royal Institute of the Architects of Ireland (RIAI)
Building Surveyors	Society of Chartered Surveyors Ireland (SCSI)
Quantity Surveyors	Society of Chartered Surveyors Ireland (SCSI)
Building Services Engineers	Engineers Ireland (IEI) and Association of Consulting Engineers of Ireland (ACEI)
Civil/Structural Engineers	Engineers Ireland (IEI) and Association of Consulting Engineers of Ireland (ACEI)

PROCUREMENT OF CONSULTANTS FOR TECHNICAL REPORTS



Where applications are being made by School Authorities under a particular scheme (e.g. Summer Works Scheme or Emergency Works Scheme) the inclusion of a Technical Report with the application is an essential requirement of the application process.

The fee for the Technical Report must be a lump-sum fee (ex VAT). A lump-sum fee means a fixed price in Euros.

A technical report must be submitted with the application as it is an essential requirement of the application process.

The School Authority is required to:

- Seek a minimum of at least 5 quotes in writing or by email (from [suitable consultants](#), see 1.5) so that a minimum of 3 written quotations will be received. It is necessary to contact prospective consultants to establish their interest in tendering before seeking quotations to ensure that at least three competitive quotations will be received
- Consider any consultant (being qualified in the appropriate discipline) who has expressed an interest in tendering for the project (e.g. by writing or emailing the school), and where that consultant meets the minimum standard required, that consultant must be included on the list of firms from whom quotes are to be obtained. (There is no upper limit on the number of Consultants permitted to submit quotes.)
- Allow a reasonable time for submission of quotations. In general a minimum of 7 - 10 working days should be given to allow time for visiting the site and preparing the report (in the case of emergency works it may be necessary to agree a shorter period with the tendering consultants).

In general a single consultant, with qualifications appropriate to the main body of the work being proposed (see 1.5), is all that is required for the preparation of a report. However, where the proposed works are complicated in nature the tendering consultant may need to buy in additional expertise outside his/her own area of competence, e.g. a roof replacement project where the building's electrical or mechanical services are affected, an architect will need the expertise of a Building Services Engineer in order to complete the report and this should be included in the lump sum fee. The buying in of additional expertise, if necessary, is a matter for the tendering consultant.

To award the contract for the preparation of a report the School Authority should first examine all tenders received. In general, the contract should be awarded to



the tenderer who has submitted the lowest price if the School Authority is satisfied that this tenderer meets the following minimum standards:

- is properly qualified,
- has experience of similar projects,
- has addressed the need, or otherwise, for additional bought-in expertise and
- Has given a brief summary of the service to be provided for the tender sum.

Only in cases where little or no information has been provided to address the above points should the lowest tenderer be by-passed.

Where identical lowest prices have been tendered by more than one consultant, the contract should be awarded to the tenderer that most exceeds the minimum standards.

If a consultancy firm is under consideration for appointment, the School Authority should also seek confirmation of appropriate Professional Qualifications, Professional Indemnity Insurance and Employer's Liability Insurance. See also [validating the preferred tenderer's suitability](#)

If fewer than 5 firms submit tenders, the Contracting Authority should only proceed with an award if it considers that there has been genuine competition and that the tender being considered for acceptance represents value-for-money.

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. The level of fee (in Euros, not %) should be confirmed in the letter of appointment and must relate to the preparation of that report only.

A standstill period is not required before awarding the contract.

Out of courtesy an email should be sent to the unsuccessful tenderers explaining briefly why they were not awarded the contract (e.g. your tender was not the lowest price, or, you did not meet the qualification requirements, or, while your tender was joint lowest with another tenderer your experience of similar projects was not as great as the successful tenderer / you did not address the need to buy in other services / you did not give a brief summary of the service to be provided).

If there is the possibility that there could be interest from another jurisdiction (e.g. Northern Ireland) it is important to ensure that the principles of Transparency and Non-Discrimination under the Treaty of Rome are observed.

Do not enter into any commitments regarding an overall fee for the remedial works. 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.



APPENDIX C

PROJECTS TO FACILITATE INCLUSION AND ACCESS FOR SPECIAL NEEDS PUPILS OR STAFF MEMBERS

The following supporting evidence is required, in addition to the information required in the Emergency Works Application form, in relation to applications for projects to facilitate inclusion and access for special needs pupils and/or staff members.

- An Occupational Therapist's Report for the child or staff member outlining the following:
 - Nature & extent of the special need
 - How existing accommodation could be modified to accommodate the pupil or staff member
 - In the case of a pupil or staff member not yet attending the school, confirmation of intent to commence at the school and proposed date of commencement. This information will be solely used for the purpose of the application.

- In reference to the design of Primary & Post Primary school sanitary facilities the minimum standard is set out in the current Department of the Environment, Community & Local Government (DoECLG) Building Regulations Technical Guidance Documents. For further requirements on Sanitary facilities for Primary & Post Primary Schools refer to DES TGD - 021-2 & TGD-021-3.

- Drawings to scale of:
 - the existing school
 - the proposed works

- Itemised breakdown of the estimated cost

- Confirmation of the SNA provision for the school as a whole and the child



APPENDIX D

TERMS AND CONDITIONS APPLICABLE TO PAYMENT OF FUNDING UNDER THE DEPARTMENT'S EMERGENCY WORKS GRANT SCHEME WHERE FUNDING IS GRANTED

1. 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 **or**
- The lowest valid tender amount for the proposed project plus fees.

2. FUNDING SHORTFALL

If there is a shortfall in funding, the options open to school managerial 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 Emergency Works Scheme grant provided such funds are not required for more urgent and immediate works and otherwise meet the requirements of the Minor Works Grant Scheme.
- Fund the balance of the works from their own resources.

3. WHAT THE GRANT COVERS

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

PLEASE NOTE THAT WHERE GRANT APPROVAL IS GIVEN, IT IS A CONDITION THAT A TENDER REPORT IS PROVIDED TO THE DEPARTMENT WITHIN 12 MONTHS OF THE DATE OF THE GRANT APPROVAL (I.E. THE DATE THAT AN APPROVAL LETTER IS ISSUED).



4. PAYMENT OF GRANT

The first payment will be for 85% of the Department's liability and will be paid on receipt of the written confirmation from the school authority as follows:

First instalment

When the works have commenced on site **the school authority may draw down the first grant instalment subject to confirmation that all of the points below (1 to 12 inclusive) have been addressed** in accordance with the guidelines provided by the Department. Where confirmation is required from your 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.

1. The school authority understands its legal duty to appoint a competent PSDP and it has taken reasonable steps to satisfy itself as to the competency of the PSDP
2. 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.
3. Confirmation that where the Building Control (Amendment) Regulations 2014 apply to the project an Assigned Certifier has been appointed.
4. Confirmation that the Board of Management has:
 - 4.1. Registered online for ROS (Revenue Online System)
 - 4.2. Registered for VAT and as a Main Contractor
 - 4.3. Obtained contractor's tax reference number and proof of identity
 - 4.4. Prior to commencement of construction, that the Revenue Commissioners have been notified of the contract (Contract Notification)
5. A PSDP has been appointed, the appointment has been confirmed in writing by the Client, and the Health and Safety Authority has been notified using the HSA form AF1.
6. The PSDP has checked the safety file and has taken the appropriate action in relation to Asbestos.
7. A Preliminary Safety & Health Plan has been prepared by the PSDP and provided to tenderers as part of the tender documents.
8. **The school authority** must confirm the monetary value of the **total** cost of the building works inclusive of fees and VAT
9. The works undertaken are in accordance with the scope of works for which the grant was approved.
10. The tender process and contract award has been carried out in accordance with the Department's Technical Guidance Document TGD007 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.
11. 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.



12. Where the Building Control (Amendment) Regulations 2014 apply to the project, confirm that:
 - 12.1. An Assigned Certifier has been appointed
 - 12.2. A preliminary inspection plan has been prepared
 - 12.3. 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.
13. The school authority confirms that in the case of Fire Alarm and/or Emergency Lighting Systems that the first year's servicing of these systems has been put in place.
14. The School Authority confirms that they have registered on the SEAI website and are committed to making the appropriate returns.

Second (final) instalment

The second and final instalment will be for the remaining 15% of the Department's liability and will be paid when the works have reached substantial completion and the school authority submits the following documentation:-

- A copy of the documents listed at 1, 2 & 3.1 below
- Confirmation from the PSDP of point no. 5 below
- A covering letter from the **school authority** 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. A copy of the Consultant's "*Opinion of Compliance*" of the relevant development with planning permission and/or exemption from planning control.
3. Where the Building Control (Amendment) Regulations 2014 apply to the project a copy of:
 - 3.1. The Certificate of Compliance on Completion signed by the Builder (at Part A) and by the Assigned Certifier (at Part B).
 - 3.2. 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.
 - 3.3. Confirmation that the Inspection Plan as implemented by the Assigned Certifier has been lodged with the Building Control Authority.
4. **The school authority** must confirm the monetary value of the final **total** cost of the building works inclusive of fees and VAT (exclusive of ICT & Furniture)
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, it notified the Revenue Commissioners of the payment (Payment Notification)
 - 6.2. That it obtained a Deduction Authorisation from the Revenue Commissioners specifying the tax to be deducted from the contractor



- 6.3. Provided the contractor 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 Commissioners
- 6.6. Filed monthly VAT returns and paid the VAT to the Revenue Commissioners
- 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 the consultant's confirmation that the completed works are in accordance with these drawings and documents.



Appendix E

AMENDMENTS TO PREVIOUS CIRCULAR

1. The Emergency Works Application process is now initiated through an online application process using the Esinet portal.

2. Mandatory items for inclusion in your application:

Full Cost of proposed works which contains descriptions quantities and rates including VAT & fees. *(As always, the school must pay itself for its initial report. The fee for preparing this report should not be included in the cost.)*

Photographic Evidence: Detailed High Resolution Photographic evidence of the affected area is mandatory and must be included with the Consultant's Report where applicable as outlined in Appendix B (see further under item 13 below).

In relation to projects to facilitate the inclusion and access of pupils with special needs and/or for staff members, supporting documentation as outlined in Appendix C, is mandatory.

3. Photographic Evidence is required to be provided in a different format.

Provide a minimum of five number Photographs for each of the following bullet points:
(Including at least three close-up shots & two panoramic established views.)

- ❖ The exact location where the failure/breakdown occurred which caused the emergency.
- ❖ Any other areas of the school building that were damaged as a direct consequence of that emergency.
- ❖ Any part of the building where opening works occurred for investigation purposes as a direct consequence of the Emergency.

N.B. Consultant must provide a written comment for Each Photograph.

4. In cases where costs are recoverable from an insurance company the school must agree to refund the recovered amount to the Department. All schools should have appropriate insurances, including contents insurance, in place at all times.

5. Information on Works not covered by the Scheme are contained in the Frequently Asked Questions Document on the Department's Website. It



should be noted that these include emergency events that arise due to poor Maintenance.

6. Assessment process for emergency works

There will be 5 steps in the assessment process:

- Validation of the application.
- A determination as to whether or not the works are absolutely necessary or can be addresses by routine maintenance.
- If the works are absolutely necessary the proposed costs will be assessed to ensure that they are fair and reasonable and represent value for money.
- Allocation of funding for approved projects.
- Approval/refusal of the application.

7. Approval/refusal of applications

Applications must be:

- completed in full
- signed by Chair, BoM/CEO
- signed and stamped by suitably qualified consultant
- supported by relevant documentation

8. Appeals will only be considered if they are submitted through the Esinet system. They must be submitted by the School Authority and should include additional relevant information which was not included in the original application.



9. Technical issues relating to applications for Emergency Works

Additional photographs are now required as follows:

*Provide a minimum of five number Photographs for each of the following bullet points:
(including at least three close-up shots & two panoramic established views.)*

- ❖ *The exact location where the failure/breakdown occurred which caused the emergency.*
- ❖ *Any other areas of the school building that were damaged as a direct consequence of that emergency.*
- ❖ *Any part of the building where opening works occurred for investigation purposes as a direct consequence of the Emergency.*

N.B. *Consultant must provide a written comment for each photograph.*

The online application process will also require an approximate elemental cost breakdown to be provided. This must include a description of the works item, quantity and rate leading to the overall cost for each particular element allowing for a more detailed & beneficial cost analysis.

10. Signing up to the Department's Energy Website

Payment of the grant will be subject to schools registering on the SEAI website "Energy-in-Business, Monitoring and Reporting for Schools" and must do so before grant aid is paid. Schools can register by using the following link:<https://www.seai.ie/energy-in-business/monitoring-and-reporting/for-schools/>

11. Keeping of project records for compliance check purposes

- All records in relation to a project for which funding is approved must be kept for 7 years.
- The Department reserves the right to carry out compliance checks/inspections of these records and the works carried out. In this regard, a percentage of projects will be selected for detailed compliance checks and inspections.
- The Department reserves the right to refuse to pay out grant aid on foot of an application with incorrect information or where the administration of the project was not in accordance with the Department's guidelines.

12. Consultant

The application must be completed by a suitably qualified Consultant with adequate Professional Indemnity Insurance and Employer's Liability Insurance. No commitment should be entered into with a consultant beyond the work involved in completing the relevant section (Section 3) of the application form.



13. Procurement of Consultants for Technical Reports

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

The Consultant's report must comply in full with the Department's relevant Technical Guidance Documents with respect to format and content. It must also be accompanied by the documentation outlined at Appendix B.

14. For completeness, additional information which is already required as part of the scheme is now included in the appendices to this circular.

In particular, these include:

a. Projects to facilitate inclusion and access for special needs pupils or staff members

As set out in Appendix C.

b. Drawdown requirements

As set out in Appendix D.

c. Project costs covered by the grant (as set out in Appendix B)

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

Please note that where grant approval is given, it is a condition that a tender report is provided to the department within 12 months of the date of the grant approval (i.e. the date that an approval letter is issued).