



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

**PROCESS FOR THE DESIGNATION OF AN ELECTRICAL
SAFETY SUPERVISORY BODY/BODIES**

STAGE 1

**COMMISSION'S RESPONSE TO REQUESTS FOR
CLARIFICATIONS**

ISSUED 4TH APRIL 2008

CER/08/051

Preamble

On 14th March 2008, the Commission for Energy Regulation (“the Commission”) published documentation relating to the process for inviting expressions of interest from parties seeking to participate in the process for the designation of an Electricity Safety Supervisory Body or Bodies (“the Designation Process”).

That documentation comprised:

- the Expressions of Interest document (“the EOI”, reference: CER/08/047); and,
- the Pre-Qualification Questionnaire document (“the PQQ”, reference: CER/08/047A) document.

The above documentation set out the background to, and the requirements of, the Commission with respect to the designation of any Electricity Safety Supervisory Bodies.

Interested parties were given until 28th March 2008 to request clarifications or further information relating to this documentation and the Designation Process.

The Commission received two requests and has set out these, and its response to same, below.

Please note the following important information:

1. Interested parties are advised to review and take cognisance of the following responses issued by the Commission, which are to be construed as forming part of the EOI.
2. Applicants should consider this additional information when preparing and submitting their intended Responses to the EOI.
3. Interested Parties are reminded that the date for the submission of responses, in line with the requirements of the EOI, is **25th April 2008**. Details concerning the submission requirements are set out in the EOI and PQQ.

Information Requests and Commission's Response

Question 1:

The checklist itemises Evidence of Turnover and Audited Accounts. However we assume that the Audited Accounts are adequate for evidence of turnover and that no other type of evidence is being sought.

Commission's Response:

The requirement to provide "Evidence of Turnover" may be satisfied by the submission of the preceding three years Annual Audited Accounts.

Question 2:

Is an Electrical Inspector working for a candidate but not engaged as an employee (i.e. on a PAYE-basis) to be identified as a sub-contractor in the PQQ submission?

Commission's Response:

Yes, the Commission can confirm that Electrical Inspectors, engaged on the above basis, shall be regarded as sub-contractors and details of same should be included in responding to the PQQ (details pertaining to any such arrangement should be reflected in responses to Q.1.3 of the PQQ in particular).

Advisory Note further to Commission's Response to Question 2:

The Commission set out the following requirement in Section A of its Criteria Document Consultation Paper (reference: CER/07/213, as referred to in Section 1.3 of the EOI and set out in Appendix 1 of the EOI document):

Sub-contracting:

The Body shall not sub-contract work related to registration or certification (e.g. testing or inspection) to an external Body or person.

[Note: This does not preclude the Body from employing inspectors on a contract basis.]

The Commission envisages that any party so appointed as an ESSB will not be permitted to sub-contract or outsource any of its Core Activities (as specified in Section B.1.4 of the Criteria Document Consultation Paper) and that the Body shall be required to maintain full financial and operational control of, and shall retain full responsibility for the discharge of the obligations placed on it with respect to, the Core Activities.

However, the Commission would view arrangements with respect to engaging Inspectors on a contract/sub-contract basis as not being in conflict with such a requirement, subject to the Commission's approval of same.

The Commission intends to release its decision on the Criteria Document shortly and, in doing so, it will amend the relevant wording in Section A to reflect the following:

*The Body shall not sub-contract work related to its Core Activities to any other party unless it is further to the **prior and express** approval of the Commission.*

[Note: This would not preclude the Body from employing inspectors on a sub-contract basis, subject to the Commission's approval of same].

Note Ends