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DOC 1

Tender Clauses related to Enemalta Environmental and Safety Management System

Revision list


Revision no.	Description	Written By/ Revised By	Date
0	First issue	C. Abela	20.12.2010
1	Introduction of a new clause, Contractor's briefing and training of employees as Clause 7, renumbering of original Clause 7 to Clause 8	C. Abela	28.03.2011
2	Introduction of Aim and Scope in document	C. Abela	26.06.2012
3	Updating of Clauses 2.2, 4.3, 5.1 and 8.1 to include new legislation and Clause 7.1 to make reference to DOC 2	C. Abela	23.04.2014
4	Updating of Clauses 2.2 and 4.3, amendments to company name and adding reference to company web site link.	P.Conti	30.12.2015
5	Introduction of Health and safety clauses. Updating legislations.	G. Xuereb	16.08.2016

Reviewed by: [Signed] G. Xuereb Environmental Coordinator [Signed] C. Abela ER Legal Obligations	Verified by: [Signed] I. Bonello Procurement Manager [Signed] S. Scicluna EMS Management Representative	Approved by: [Signed] H. Attard Executive Director Finance
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Aim and Scope


The objective of this document is to address those operations in generation and distribution which can impact on the environment and cause environmental damage and pollution and also include Health and Safety obligations by contractors. These tender clauses shall be included in all tender documents issued by Enemalta plc for generation and distribution activities.

Environmental Management System

1. Dangerous chemical handling and transportation

- 1.1 Chemicals must be REACH registered and CLP compliant in accordance to S.L. 427.66 Registration, Evaluation, Authorisation and Restriction of Chemicals Enforcement (E-REACH) Committee Regulations and S.L. 427.69 Classification, Labelling and Packaging of Substances and Mixtures (CLP) (Implementation) Regulations.
- 1.2 The supplier shall forward to Enemalta the latest revision of the Safety Data Sheet each time a new revision is issued and with every purchase / delivery of goods. If no revisions are issued within a period of five (5) years the supplier is obliged to confirm with the manufacturer that no updated revisions have been issued within this period and communicate this information to Enemalta.
- 1.3 The Contractor or his sub-contractors, who in the course of executing a contract are required to handle, store, transport or dispose of dangerous chemicals (including oil), shall do this according to the Environmental Management System of Enemalta plc and follow the standard operating procedures and practices implemented at Enemalta plc as per **SOP CNT 44 – Oil and Chemical Storage, Handling and Spill Control for Contractors**, available on the Enemalta website on the below link.

<http://www.enemalta.com.mt/index.aspx?cat=8&art=12&art1=259>


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2. Handling, Transportation and Maintenance of equipment containing CFCs, HCFCs and fluorinated gases (F-gases)

2.1 The contractor must take all the necessary precautions to ensure that there are no leakages of gases when handling, transporting and/or carrying out maintenance on equipment containing CFCs, HCFCs or fluorinated gases (F-gases). Tests should be carried out to confirm that there are no leakages.

When handling, transporting or maintaining equipment containing such gases the contractor or his sub-contractors must abide by the legal obligations as stipulated by the following EU and Local legislation:

- Regulation (EC) No1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer
- S.L. 549.58 (LN 280/2010) Substances Depleting the Ozone Layer Regulations.
An example of such a gas being R22 refrigerant
- Regulation (EU) 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006
Examples of such fluorinated gases being R407c, R410a, R134a and SF₆
- Commission Regulation (EC) No 308/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States
- S.L. 549.55 (LN 93/2010) Certain Fluorinated Greenhouse Gases Regulations


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3. Contamination of soil and water

- 3.1 The contractor shall take all the necessary measures to avoid any problem of contamination of ground, surface water or groundwater.
- 3.2 Substances potentially hazardous to humans or the environment (e.g., fuels, lubricants, paints, solvents, etc...) shall be kept in closed and sealed containers or covered within shelters to protect the chemicals from the weather and thus from coming into contact with rainwater and extreme temperatures.
- 3.3 Any runoff or spills shall not contaminate the soil or water. Any spillage shall be collected and any waste generated shall be disposed of as required by law.

4. Waste management

- 4.1 The Contractor is to designate a person from his staff to be responsible for the management of waste generated from the execution of the contract. The name of this person together with his/her ID number shall be communicated to the Supervisor 15 days from the Commencement Order.
- 4.2 The Contractor is responsible for the disposal of any waste generated by the Contractor in executing the contract.
- 4.3 The Contractor or his sub-contractors, who in the course of executing a contract are required to dispose of waste generated through their activities, shall follow the practices as stipulated by the following legislation for waste (where applicable):
 - S. L. 549.63 Waste Regulations
 - S.L. 549.45 (LN 106/2007) Waste Management (Activity Registration) Regulations
 - S.L. 549.65 Waste Management (Shipments of Waste) Regulations
 - S.L. 549.43 Waste Management (Packaging and Packaging Waste) Regulations
 - S.L. 549.89 Waste Management (Electrical and Electronic Equipment) Regulations
 - S.L. 549.36 Waste Management (End of Life Vehicles)
 - S.L. 549.54 Waste Management (Waste Batteries and Accumulators) Regulations

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- any other legislation related to waste that might be applicable at the time of the execution of the contract
- any instruction that might be issued by the local authority responsible for waste during the execution of the contract and follow the standard operating procedures and practices for waste according to the Environmental Management System as per **SOP CNT 45 - Waste Management Procedure for Contractors**, available on the Enemalta website on the below link.


<http://www.enemalta.com.mt/index.aspx?cat=8&art=12&art1=259>

5. Certification of vehicles

- 5.1 The vehicles and the drivers used in executing contracts which are in any way involved in the transportation of dangerous or hazardous goods must be licensed as required by EU and local legislation. Drivers carrying hazardous goods must have a valid Dangerous Goods Driver Training (DGD) Certificate issued by Transport Malta as per S.L. 65.22 Motor Vehicles (Carriage of Dangerous Goods by Road) Valid Certificates for vehicles and drivers shall be provided to the Supervisor 15 days from the Commencement Order.

6. Environmental audits

- 6.1 Enemalta plc reserves the right to carry out environmental audits in order to ensure that the Contractor and his sub-contractors are carrying out their activities in compliance with the requirements laid down in the Enemalta Environmental Management System.

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7. Briefing of Contractor and training of Contractor's employees

7.1 A responsible officer/s representing the section which will be making use of the contractor's services will explain and forward a copy of the following documents to the contractor or his/her representative:


- **Briefing Document for Contractors and Visitors** (specific for the sections of MPS, DPS or Distribution with reference numbers **DOC 11, DOC 12 or DOC 13** respectively) , available on the Enemalta website on the below link.

<http://www.enemalta.com.mt/index.aspx?cat=8&art=12&art1=259>

- the relevant clauses from **DOC 1 - Tender Clauses related to EMS** which are applicable for the services being rendered by the contractor (these clauses are also included in the Tender document).
- any relevant EMS procedures.

The responsible officer/s will oblige the contractor (or his/her representative) to train his/her employees working on the contract, on the contents of environmental related documents. This training may be carried out in conjunction with Enemalta plc personnel depending on the nature and duration of the work. The contractor (or his/her representative) will then sign **DOC 2 - Contractor's Briefing & Employee Training** the documents confirming that they have understood the contents of these documents and that they will deliver the relevant training to their employees. A copy of DOC 2 is available on the Enemalta website on the below link:

<http://www.enemalta.com.mt/index.aspx?cat=8&art=12&art1=259>


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8. Environmental liability

- 8.1 Enemalta plc reserves the right to withhold payments and/or claim compensation if damages or injury results from the violation of environmental regulations. The amount is established according to S.L. 549.97 Prevention and Remedying of Environmental Damage Regulations implementing provision of Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage.
- 8.2 The contractor shall ensure that ALL services provided shall comply with the Local Legislation in force at the time the service is provided.

Health and Safety

- 9.1 The Contractor shall, at all times, comply with all the relevant occupational health and safety laws and regulations, in particular but without limitation the Occupational Health and Safety Authority Act [CAP 424], all regulations and subsidiary legislation promulgated under the said Act, as well as any other laws, regulations, standards, and/or codes of practice, in effect during the execution of the contract, regarding health and safety issues as they apply to the nature of the work subject to this agreement.
- 9.2 The Contractor warrants that all information and documents pertaining to health and safety shall be made available to Enemalta on demand. Without prejudice to the generality of the foregoing, the following documentation shall be submitted by the Contractor to Enemalta: (a) the risk assessment; (b) the technical works method statement; (c) the safe works method statement which are subject to Enemalta's approval.
- 9.3 Without prejudice to the foregoing, the Contractor shall also comply with Enemalta's policies regarding Health and Safety and Environmental Management System (EMS).
- 9.4 The Contractor shall at all times, assume responsibility and accountability in relation to health and safety for all work carried out by its employees and/or subcontractors, including any third parties involved in the execution of this contract.

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- 9.5 The Contractor shall maintain at all times a health and safety management system in line with the relevant health and safety regulations.
- 9.6 Upon the occurrence of an event leading to a possible health and safety hazard, the Contractor shall use its best endeavours to notify Enemalta of such circumstances as early as possible. Furthermore, the Contractor shall use its best endeavours to eliminate or contain the hazard in question.
- 9.7 Enemalta reserves the right to monitor the Contractor's activities and carry out safety inspections and/or audits from time to time during the progress of the contract. In the event that Enemalta reasonably believes that the Contractor is not complying with health and safety requirements as mentioned above, Enemalta hereby reserves the right to suspend the work at the Contractor's expense until the latter remedies the situation to Enemalta's satisfaction within the period provided by Enemalta. Failure to remedy the situation to Enemalta's satisfaction may lead to the immediate termination of the contract without prejudice to any other provision hereof, and without prejudice to any claim for damages or other remedy to which Enemalta may be entitled either at law or under this Agreement.

Reference documents

DOC 2 - Contractor's Briefing & Employee Training

DOC 11 - MPS Briefing Document for Contractors and Visitors

DOC 12 - DPS Briefing Document for Contractors and Visitors

DOC 13 - Distribution Briefing Document for Contractors and Visitors

SOP CNT 44 - Oil and Chemical Storage, Handling and Spill Control for Contractors

SOP CNT 45 - Waste Management Procedure for Contractors