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Construction Supervisor

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Supervision of public works. What is a public work?

The one whose promoter is a public administration

In Spain, it is Public Administrations the General Administration of the State, the Administrations of the Autonomous Communities, the entities that make up the Local Administration, and the public bodies and entities of public law linked or dependent Public Administrations (Law 40/2015, of October 1, on the Legal Regime of the Public Sector)

State (General Administration of the State) +
17 Autonomous Communities (Autonomous Administration)



8,116 municipalities
(Local Administration)

Municipalities are grouped in
provincial Councils
(52 provinces)



What is included within a PUBLIC WORK?

Planning, design, study of alternatives, drafting of the project/project



Administrative processing, public exposure, expropriations, sectoral reports, tendering



Construction



Conservation/Exploitation



Own legislation of public administrations

In all their activities, the Public Administrations are subject to their own legislation:

Law 9/2017, of 8 November, on Public Sector Contracts, transposing into Spanish law the Directives of the European Parliament and of the Council 2014/ 23/EU and 2014/24/EU of 26 February 2014. (LCSP)

Royal Decree 1098/2001, of 12 October, approving the General Regulations of the Law on Contracts of Public Administrations (RLCAP)

Law 39/2015, of October 1, on the Common Administrative Procedure of Public Administrations. Law 40/2015, of October 1, on legal regime of Public Sector

Important: there are other organisms also subject to the LCSP, and that can carry out works, such as autonomous organisms, consortia, etc.

Legislation of Public Administrations

In the case of public works, before starting its construction, a PROJECT has been drafted (with means of administration or through a service contract) and the work of execution of the works has been awarded, through a contract of works

Construction supervision will be carried out by the technician appointed by the developer. The Administration may designate an official technician or hire the work of a private individual/external person, through a contract for the provision of services

Work Director

Decree 3854/70 of 31 December approving the specification slate for the procurement of Works of the State

The "Facultative of the Director Administration of the work" (hereinafter "Director") is the person, with adequate and sufficient qualification, directly responsible for the verification and monitoring of the correct realization of the contracted work

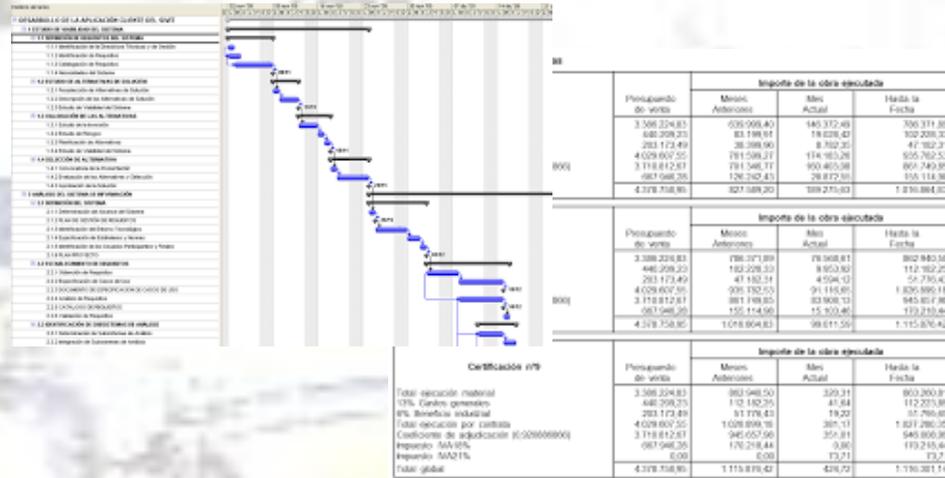
Law 9/2017, of February 9, on public sector contracts

In works contracts, the powers of the contractor shall be exercised by the Facultative Director in accordance with Articles 237 to 246. These articles cover the functions of the work manager relating to:

- Execution of the works contract
- Modification of the works contract
- Compliance with the works contract
- Resolution of the works contract

What aspects does the SUPERVISION of construction of works include?

Execution time and cost



Security and health



Construction and demolition waste management



Environment



SECURITY AND HEALTH

Where more than one undertaking, or an undertaking and self-employed workers or various self-employed workers, is involved in the execution of the work, the developer shall, before the commencement of work or as soon as such a circumstance is found, appoint a coordinator in the field safety and health during the execution of the work (Article 3 of Royal Decree 1627/1997, laying down minimum safety and health provisions in construction works)

What are the health and safety coordinator's obligations?

- (a) Coordinate the implementation of the general principles of prevention and safety
- (b) Coordinate the activities of the work to ensure that contractors and, where appropriate, subcontractors and self-employed workers apply consistently and responsibly the principles of preventive action (...) during the execution of the work (...)
- (c) Approve the safety and health plan drawn up by the contractor and, where appropriate, the modifications made thereto.
- (d) Organize the coordination of business activities (...)
- (e) Coordinate the actions and functions of controlling the correct application of working methods
- (f) Take the necessary measures to enable only authorized persons to access the work.

BUT the appointment of the coordinator will not relieve the promoter of his responsibilities.

SECURITY AND HEALTH

For example:

GRAVE INFRINGEMENT by the PROMOTOR (Royal Legislative Decree 5/2000, of August 4, which approves the consolidated text of the Law on Infringements and Sanctions in the Social Order)

- a) Do not designate health and safety coordinators where required.
- b) Failure to comply with the obligation to develop the study or, where appropriate, the basic safety and health study, where required, with the scope and content established in the occupational risk prevention regulations, or where such studies present significant and serious deficiencies or deficiencies in relation to safety and health at work

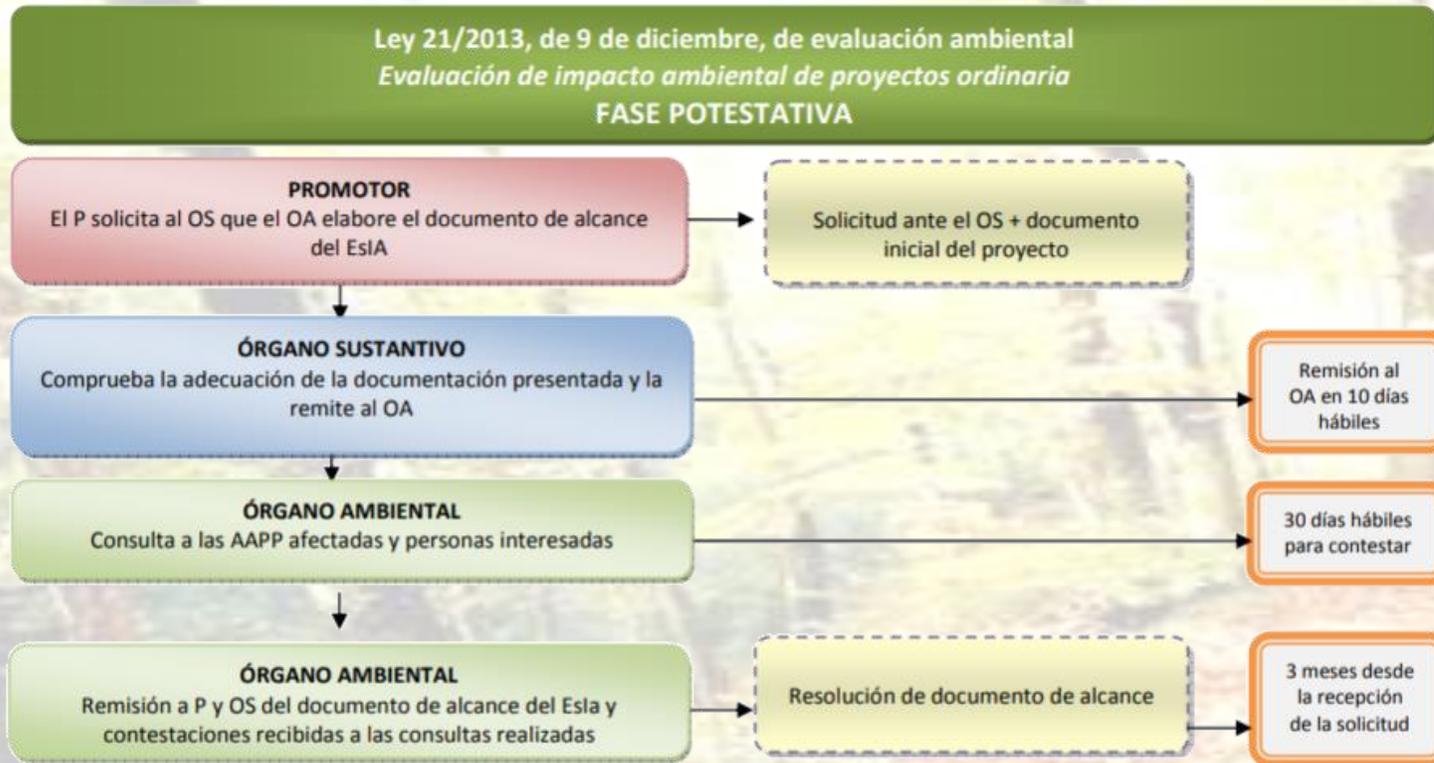
**Prior to the work
(project drafting phase)**

SECURITY AND HEALTH

- c) Not taking the necessary measures to ensure, in the manner and with the scope and content provided for in the prevention regulations, that employers engaged in on-site activities receive appropriate information and instructions on the risks and protection, prevention and emergency measures.
- d) Failure to comply with the health and safety coordinators their obligations as a result of their lack of presence, dedication or activity on the site.
- e) Failure to comply with safety and health coordinators with the obligations, other than those referred to in the preceding paragraphs, set out in the occupational risk prevention regulations where such non-compliances have or may have a serious impact on related to safety and health at work.

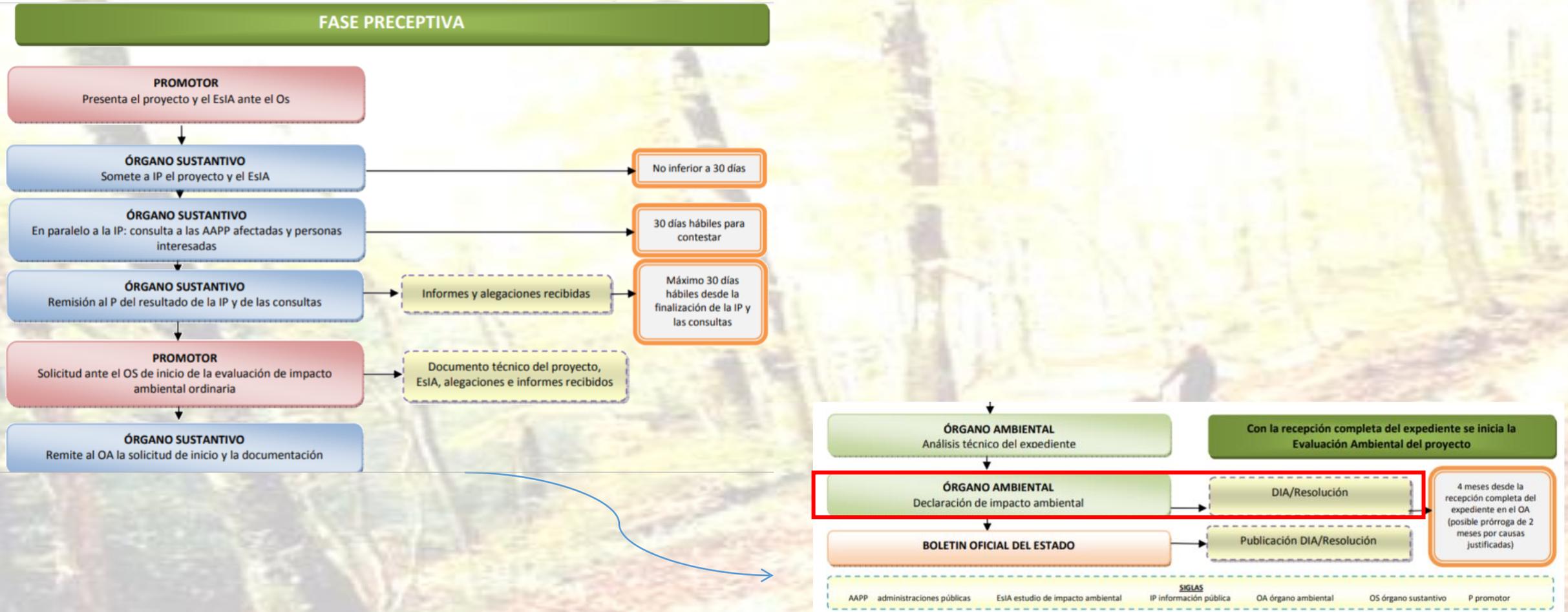
ENVIRONMENTAL ISSUES

State, autonomous legislation... complex procedure, in which the promoter has to carry out different formalities. They are exposed, by way of example and graphically



From: Ministry for Ecological Transition

ENVIRONMENTAL ISSUES



From: Ministry for Ecological Transition

ENVIRONMENTAL ISSUES

State and regional legislation

At the State level, Law 21/2013, of December 9, on environmental assessment, defines:

Environmental impact statement, which determines whether or not the project should be carried out for environmental purposes, and, where appropriate,

Measures corrective to negative environmental effects and, if appropriate,

Countervailing measures for these negative environmental effects

The environmental impact statement is a mandatory and decisive report, is not actionable and must be published in the official Gazette of the State or Official Journal

ENVIRONMENTAL ISSUES

Examples of determinations set out in environmental impact statements that affect the execution of the work (I)

"A pre-construction of the works will be carried out in order to identify nesting points of sensitive species, as well as the presence of otter in the environment of the (...) depending on which a work schedule will be established limiting noise-generating activities during breeding and nesting periods.

"In the movement of land and machinery and personnel with access to the works, especially in areas where the elimination of invasive species is planned and/or in the environment of river beds, special attention will be paid to the provisions of the work plan control of these species. Similarly, it will be made with regard to the withdrawal, collection or supply of plant land."

"Before the start of the works, during and after the completion of the works, samples will be taken in the watercourses in the surroundings of the works, up and down the crossing points with the projected duplication in order to contrast and control possible conditions during the construction process"

ENVIRONMENTAL ISSUES

Examples of determinations set out in environmental impact statements that affect the execution of the work (II)

"During the works, measures will be taken to prevent the trawling of land and other construction waste into the surrounding channels (...) through sediment retention barriers, infiltration ditches or other similar devices; retention and decanting rafts will also be available to prevent effluents from the excavation of piles and stirrups from reaching the surface drainage network. It shall be ensured that the placement of these systems does not involve the alteration of the environmental values to be protected, as well as their subsequent withdrawal once their function is complete"

MANAGEMENT OF CONSTRUCTION AND DEMOLDING RESIDUES

Royal Decree 105/2008, of 1 February, regulating the production and management of construction and demolition waste

The administration promoting the work performs, according to the terminology of the Royal Decree, the figure of "producer" of RCD, while the company that executes it, that of "owner".

The company that executes the work has to submit to the Administration a PLAN that reflects how it will carry out its obligations in relation to the RCDs produced.

The work director approves it and the Administration accepts it

The Administration must receive from the company that executes the certificates and other documentation that proves the waste management carried out

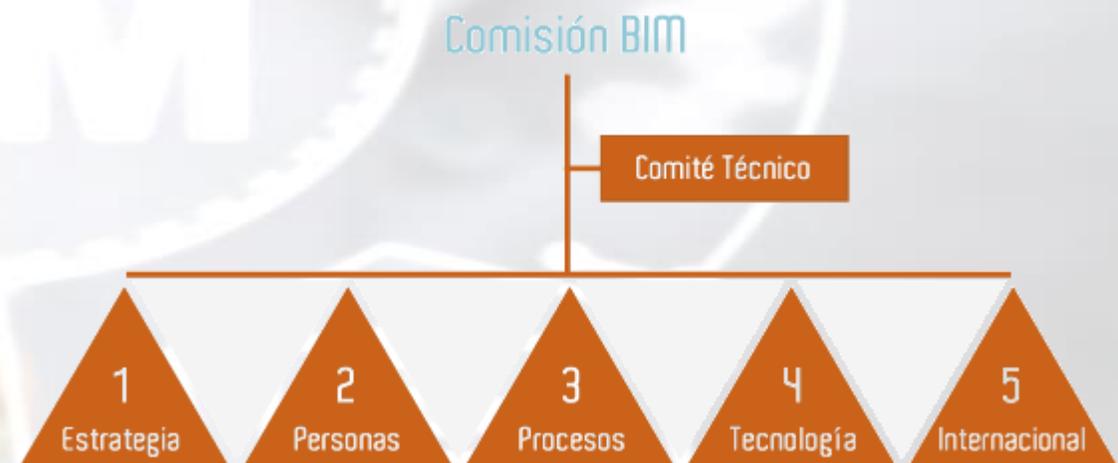
BIM: A new vision of construction

Building Information Modeling:

Collaborative working methodology

It is not a digital tool, but a way of working

esBIM: group open to all the agents involved (administrations, engineers, construction companies, universities, professionals...) whose main mission is the implementation of BIM in Spain. It is promoted by the Ministry of Development and is articulated at three levels: BIM Commission, Technical Committee and Working Groups.



Fuente: esBIM

BIM: A new vision of construction

In Spain, the Administration leads the process through the Ministry of Development, seeking the collaboration of representatives from all sectors involved, through "top-down" and "bottom-up" strategies (influenced by agents involved)





Thanks for your attention



Works awarded at the San Telmo Prize, organized by the
Colegio de Ingenieros de Caminos, Canales y Puertos de Galicia