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Kvalifikacije izvajalcev električne napeljave

Qualification of electrical installation contractors

Qualifikation von Elektro-Installations-Unternehmen

Qualification des entreprises d'électricité

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Qualification of electrical installation contractors

Qualification des entreprises d'électricité

Qualifikation von Elektro-Installations-
Unternehmen

This Technical Specification was approved by CENELEC on 2004-04-24.

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CENELEC

European Committee for Electrotechnical Standardization
Comité Européen de Normalisation Electrotechnique
Europäisches Komitee für Elektrotechnische Normung

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Foreword

This Technical Specification was prepared by the Technical Committee CENELEC TC 218, Qualification of electrical installation contractors. The text of the draft was submitted to the formal vote and was approved by CENELEC as CLC/TS 50349 on 2004-04-24.

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Introduction

The system of qualification described in this Technical Specification is intended to identify the capabilities of an electrical installation contractor for work covered by CENELEC and in accordance with activities as referred to in 8-2-1. It shall allow the relevant procurement entities to understand the profile of a contractor and is a tool for assisting in making a decision when selecting a contractor for a specific tender. It is not intended to cover the final selection process for specific contracts which takes place after the qualification procedure.

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1 Scope

This Technical Specification specifies the definitions, the criteria, and the application and assessment procedures, as well as the respective documentation related to a system of qualification of electrical installation contractors.

This qualification system includes electrical installation works including equipment supply. The manufacturing process of such equipment is excluded from this system.

2 Normative references

See C.7.

3 Definitions

For the purposes of this Technical Specification the following definitions apply:

3.1

appeal committee

a committee which is responsible for the consideration of appeals against the decisions and the operation of the qualification body

3.2

applicant

a physical person(s)/legal entity(ies), however organised, seeking to obtain/retain a qualification certificate from a qualification body

3.3

certificate validity period

the period during which the qualification certificate is valid

3.4

competent body

a national private or public body recognising the competence and reliability of a qualification body

3.5

electrical installation contractor

a contractor having skills and experience to perform electrical installation works by whatever means

3.6

general contractor

a contractor who, in addition to carrying out the electrical works for which he is qualified, has the ability to co-ordinate other qualified contractors to deliver part or all of a project.

A general contractor shall sublet works only to qualified contractors in the specific field of activity.

3.7

legal representative

a physical person who, according to national legislation, represents the applicant

3.8

qualification

a procedure based on a set of rules leading to the formal assessment of an applicant by a qualification body against set criteria, including administrative, legal, financial, human resources and technical skills

3.9**qualification body**

a private or public body recognised by a competent body as being competent and reliable to undertake the qualification

3.10**qualification certificate**

evidence of qualification provided by the qualification body

3.11**qualification committee**

a committee within the qualification body which is responsible for approving the qualification

3.12**qualification register**

a register in which the qualification body records qualification certificates issued

3.13**qualified contractor**

an electrical installation contractor that has been qualified according to this standard

3.14**recognition**

the procedure according to which a competent body recognises a qualification body as competent and reliable to carry out qualification

3.15**selection**

process by which contracting authorities select (a) qualified contractor(s) for a specific procurement

4 Criteria for qualification bodies**4.1 General**

This Clause 4 specifies the criteria that a qualification body shall fulfil in order to be recognised as competent and reliable in the operation of a qualification system for electrical installation contractors. It also specifies the procedures according to which the qualification body is recognised.

4.2 General requirements

4.2.1 The qualification body shall make its services accessible to all applicants. Access shall not be conditional upon the size of the contractor or membership of any association or enrolment in a group, nor shall qualification be conditional upon the number of contractors already qualified.

4.2.2 The procedures under which the qualification body operates shall be administered in a transparent and non-discriminatory manner. The qualification body shall grant equal access to all applicants. There shall not be any undue financial or other conditions.

4.3 Administrative structures

4.3.1 The administrative structure of the qualification body shall be such as to give confidence in its qualification activities.

4.3.2 In particular, the qualification body shall:

- a) be a legal entity, or form part of a legal entity;
- b) have the financial stability and resources required for the operation of a qualification system and adequate arrangements to cover liabilities arising from it;
- c) safeguard impartiality and demonstrate true transparency and confidence in its qualification activities;
- d) be impartial and free from any commercial, financial and other pressures which might influence the results of the qualification process;
- e) have a qualification committee with the task of awarding, rejecting, maintaining, modifying, suspending or cancelling a qualification certificate. Its members shall be competent. They are chosen to safeguard impartiality and enable equal participation of the parties concerned, regarding the contents and functioning of the qualification procedure, without any single interest predominating. Clients and electrical installation contractors shall be equally represented;
- f) have a senior executive responsible for day-to-day operations in such a way as to be free from pressures which could unfairly influence the outcome of the qualification process;
- g) establish a clear separation of tasks if the qualification personnel are also charged with activities other than qualification (including organisational identification and reporting methods within the qualification body);
- h) have an independent appeal committee to whom the appellant can address complaints. Its members are chosen to safeguard impartiality and enable equal participation of the parties concerned according to the rules set out under (e) for the qualification committee.

4.3.3 No person having a self interest in the outcome of a specific qualification procedure/appeal may participate in the decision making process.

4.4 Organisational structure

4.4.1 The qualification body shall have and make available on request:

- a) a description of the legal status of the qualification body;
- b) its annual financial accounts;
- c) documented procedures describing the operation of the system, including the relationship between the function of assessment, and issuing of the certificate as well as the rules of the qualification, modifications, renewal, suspension, cancellation and appeal procedures;
- d) names, qualifications, experience and terms of reference of the senior executive, with a description of all his other tasks and of the other qualification personnel;
- e) an organisation chart showing lines of authority, responsibility and allocation of functions within the qualification body.

4.4.2 The qualification body shall have and make available to applicants and those possessing a current qualification certificate:

- a) general information about the qualification process and professional ethics imposed on the qualification body;
- b) information on the procedure to be followed, including time period needed for the completion of the qualification process and fees charged;
- c) the application forms to be completed;

- d) a description of the rights and duties of applicants and qualified contractors, including requirements, restrictions or limitations on the use of the qualification body's logo and on the ways of referring to the qualification granted;
- e) a procedure to be applied in case of appeals.

4.4.3 The qualification body shall have documented procedures for conducting periodic internal reviews covering all procedures in a planned and systematic manner, to verify its continuous compliance with the provisions of this standard. The procedures shall ensure that:

- a) personnel responsible for the area reviewed are informed of the outcome of the review;
- b) corrective action, if necessary, is taken in a timely and appropriate manner;
- c) the results of the review and the corrective action are recorded.

4.5 Qualification personnel

4.5.1 The personnel of the qualification body shall be competent for the functions they undertake. Records of training and experience shall be maintained.

4.5.2 Personnel shall have available to them clearly documented instructions pertaining to their duties and responsibilities. These instructions shall be maintained up-to-date.

4.5.3 A statement defining the professional ethics will be signed by the personnel of the qualification body.

4.6 Use of external resources

4.6.1 The qualification body shall not use external resources for the performance of its tasks except for the verification of the information presented by the applicant. Verification in that context might include to check the completeness of the information supplied, but must not include any judgement whatsoever, which could be relevant to the decision on the qualification.

4.6.2 The qualification body remains legally responsible for the services which are undertaken by the external resources.

4.7 Documentation / Records

4.7.1 The qualification body shall maintain a system for the control of all documentation relating to the qualification system.

4.7.2 The qualification body shall maintain a record system to suit its particular circumstances and to comply with existing regulations. The record shall demonstrate that the qualification procedures have been effectively fulfilled. The records shall be identified, managed and disposed of in such a way as to ensure the integrity of the process and confidentiality of the information. The records shall be kept for an adequate period of time so that continued confidence may be demonstrated for at least one full qualification cycle, or as required by national legislation.

4.8 Access to documentation / Records

4.8.1 Upon request, every applicant/qualified contractor shall have access to all the documentation/records pertaining to its application/qualification.

4.8.2 The qualification body shall have procedures concerning access to the records consistent with confidentiality rules.

4.8.3 Upon request, the qualification body shall provide the applicant/qualified contractor with a copy of their respective documentation/records. The related costs shall be reimbursed by the contractor.

4.9 Confidentiality

4.9.1 The qualification body shall have adequate arrangements, consistent with applicable laws, to ensure confidentiality of the information obtained in the course of its qualification activities at all levels of its organisation, including committees and external bodies. Any commercial use by the qualification body of documents or related information provided by applicants/qualified contractors is forbidden.

4.9.2 Apart from the elements published in the publication referred to under 4.10, no other information about a particular qualified contractor shall be disclosed to a third party without the written consent of the contractor.

4.9.3 Except as required by law, information gained in the course of certification activities shall not be disclosed to a third-party without the written consent of the contractor. Where the law requires information to be disclosed to a third-party, the contractor shall be informed of the information provided as permitted by the law.

4.9.4 No information about contractors for which the qualification process is not yet concluded shall be disclosed, other than the fact that they are in the process of being addressed.

4.10 Publications

The qualification body shall publish in an official manner and update at least annually a list of the qualified contractors with an outline of the scope of the qualification granted.

The information on qualified contractors is set out in 8.2.2.1 and 8.2.2.2.

4.11 Appeals

4.11.1 Appropriate procedures for appeals against decisions of the qualification body including inactivity or refusal to start or to continue the qualification process shall be established. The applicant's/qualified contractor's recourse to national/European courts is not excluded.

4.11.2 The qualification body shall:

- a) keep a record of all appeals and remedial actions relative to qualification;
- b) take appropriate corrective and preventive action;
- c) document the actions taken and assess their effectiveness.

4.12 Misuse of documents

In the case of incorrect references to the qualification certificate, falsifications or any other misleading use coming to the knowledge of the qualification body, it shall immediately intervene with suitable actions.

4.13 Recognition

4.13.1 A national competent body shall recognise a qualification body as competent and reliable to carry out qualification according to this standard, if the qualification body complies with the procedures and the criteria set out in Clauses 4 and 5 of this standard.

4.13.2 Where recognition is not directly established by national legislation, then the competent body shall comply with the principles of independence and impartiality defined in this chapter.

4.13.3 Depending on the reasons for the cancellation, a review of the certificates awarded may be necessary.

5 Application and assessment procedures

5.1 General

This Clause 5 specifies the application, assessment, review and appeal procedures to be followed for the qualification of an electrical contractor.

5.2 Application procedure

5.2.1 Information for applicants

The qualification body shall have available upon request general informative and procedure documents, as set out in 4.4.2.

5.2.2 Request of the application documents

The applicant shall address the qualification body in writing (including telefax, mail or e-mail), and request the documents which are necessary to apply for qualification.

5.2.3 Supply of the application documents

Upon request, the qualification body shall send, within ten working days, the application documents (i.e. the application form and further documents set out in Annex A) to the applicant.

5.2.4 Authorised signature

The application (see A.1) shall be signed by a person duly authorised to commit the applicant.

5.2.5 Registration of application

Upon receipt of the application, the qualification body shall immediately record the application in an internal register.

5.2.6 Completeness of application

Upon receipt of the application, the qualification body shall check its completeness. If the application is incomplete, the qualification body shall, within 20 working days from receipt of the application, ask for the missing information/documentation required for qualification.

The qualification body may set out an adequate time limit for completion of the application. The time limit shall be no shorter than 20 working days starting upon the applicant's receipt of the qualification body's request. The applicant may ask for an extension.

If the applicant does not fulfil the request to complete the application within due time, the application is no longer valid, except if the applicant can prove within that period that the delay for the presentation of the missing documents or certificates is caused by a third party. All requests and responses shall be made by verifiable means.

5.2.7 Attestation of correctness

If evidence of contradiction and/or incorrectness arises, the qualification body shall, without delay, ask the applicant to produce due attestation of correctness by a nationally recognised authority/body. In such a case paragraphs 2 and 3 of 5.2.6 apply.

5.3 Assessment procedure

5.3.1 Assessment period

The assessment period starts as soon as the qualification body has received a complete application. The assessment period shall not exceed six months.

5.3.2 Recommendation for decision

The qualification body shall examine the application's conformity with the criteria set out in Clauses 6, 7 and 8 of this standard. The examination shall result in a recommendation for decision, which will be submitted to the qualification committee.

5.3.3 Assessment of application

On the basis of the recommendation referred to in 5.3.2 the qualification committee shall, without delay, investigate the application. The applicant shall be informed of the decision (see B.3) after it has been taken and implemented.

5.3.4 Award of certificate / rejection

If the application is approved, the qualification body shall issue the qualification certificate (see B.1) and record the qualification in the qualification register within 5 working days.

If the application is rejected, the qualification body (see B.4) shall notify the applicant in writing of the decision within 5 working days. The respective notification shall give the reasons for the decision and inform the applicant about the appeal procedure.

A new application for the same section may be submitted to any qualification body, not earlier than six months starting on the date of the rejection.

5.3.5 Authorisation of senior executive

The qualification committee may authorise the qualification body's senior executive to take decisions on behalf of the qualification committee.

5.3.6 Certificate validity period

The qualification certificate, once issued, is subject to review of the documentation every three years. The technical competence shall also be reviewed every three years. One month before expiry, the qualified contractor shall send the documents allowing the qualification body to review qualification in accordance with 5.4.1. Further reviews shall be carried out in accordance with 5.4.2 and 5.4.3.

The qualification continues to exist during the review procedure.

5.3.7 Probationary qualification

An applicant which is a start-up contractor, can ask for a probationary qualification if it meets:

- a) the administrative and legal criteria, set out in Clause 6 of this standard, except for 6.5.3 and 6.5.4 during the financial year after having been established;
- b) the financial criteria, as set out in Clause 7 of this standard;
- c) the technical criteria as set out in Clause 8 of this standard, except for references for works already completed (see 8.3.1).

If the applicant is already qualified in other areas, and still wishes to work in a particular section in order to gain the necessary experience, only c) applies.

In any case the applicant will be qualified as "S", i.e. "start-up contractor", in the section(s) in which he has decided to gain experience.

The time period for which a contractor can hold an "S" qualification shall not exceed two years unless extended by a further one year if one satisfactory reference is provided, or if a contract is under execution.

Contractors who fail to produce evidence of execution of work within the period defined above will lose their "S" qualification and will become unqualified in the section concerned.

A period of one year must elapse before they can reapply for qualification.

5.4 Review procedure

5.4.1 General provisions

The qualification body will inform the qualified contractor, six months before the review of his qualification, of the requirement for renewal of the assessment procedure. It shall invite the qualified contractor to provide the relevant update or confirmation of the information contained in the application file.

In accordance with Clause 5 of this standard, the qualification body shall review the qualification and shall hereby decide:

- a) to maintain the qualification;
- b) to extend or to restrict the scope of the qualification, if applicable;
- c) to suspend the qualification;
- d) to cancel the qualification.

The decision is taken by the qualification body, in accordance with the procedure set out in 5.2. and 5.3.

5.4.2 Change of relevant circumstances

Within the validity period of the certificate, the qualified contractor is obliged to notify (see B.2) the qualification body within 20 working days, if:

- a) the situation concerning 6.5.1, 6.5.57.3.2 and 8.3.3 changes;
- b) it gives up electrical installation activities for which qualification has been granted;
- c) it becomes bankrupt.

Upon notification of a) the qualification body shall review the qualification and take one of the decisions referred to in 5.4.1.

Upon notification of b) and/or c), the qualification shall be cancelled.

5.4.3 Infringements relating to qualification

5.4.3.1 An application shall be rejected or a qualification be cancelled, if it can be proved that an applicant/qualified contractor is guilty of one of the following infringements:

- a) fraudulent behaviour during the qualification process;
- b) false evidence concerning fulfilment of the qualification criteria;
- c) falsification of the qualification certificate.

The cancellation shall be revoked after a period of three months following the removal from the qualified contractor of the individual who has been proved guilty of the above mentioned infringements, provided that incorrect information concerning the qualified contractor has been corrected. The cancellation and/or the suspension of the qualification shall be recorded in the qualification register.