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SOP-085

Procurement Clauses related to Enemalta/IESC Environmental and Safety Management System

Last Review Details – Refer to QPulse for full history


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Revision number	Revision Details
11	Change in legislation.

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1 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 procurement clauses shall be included in all e-quotation and e-tender documents issued by Enemalta plc/IESC for generation and distribution activities.

2 Environmental Management System

2.1 Dangerous chemical handling and transportation

- 2.1.1 Chemicals must be REACH registered in accordance to S.L. 427.66 Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Implementation) Regulations and also comply to warnings or information as issued by the Committee as stated in S.L. 427.67 Registration, Evaluation, Authorisation and Restriction of Chemicals Enforcement (E-REACH) Committee Regulations and be compliant to S.L. 427.69 Classification, Labelling and Packaging of Substances and Mixtures (CLP) (Implementation) Regulations.
- 2.1.2 The Bidder must submit the REACH registration number and details of the manufacturer established in the EU or the EU importer of the chemical/s being purchased. If the chemical is on the pre-registration list and the supplier does not have a registration number, then a confirmation letter that the chemical is in the process of being registered must be provided together with any necessary documentation.
- 2.1.3 The Bidder must submit the Safety Data Sheet (SDS) according to Commission Regulation (EU) 2020/878 of 18 June 2020 amending Annex II to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) with all the contact details of the supplier and an email address of the competent person responsible for the safety data sheet. The supplier can be the manufacturer, the distributor or the importer. The person responsible should be appointed by the supplier who, according to the definition of a “supplier” under REACH, is located in one of the Member States.
- 2.1.4 The Supplier shall forward to Enemalta/IESC 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/IESC.
- 2.1.5 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/IESC and follow the standard operating procedures and practices implemented at Enemalta plc/IESC as per **SOP 044 – Oil and Chemical Storage, Handling and Spill Control for Contractors**, available on the Enemalta website on the below link.

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<https://www.enemalta.com.mt/emssms-documents/>

2.2 Handling, Transportation and Maintenance of equipment containing HCFCs and fluorinated gases (F-gases)

2.2.1 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 HCFCs or fluorinated gases (F-gases). Tests should be carried out to confirm that there are no leakages.

2.2.2 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 (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

2.2.3 Examples of such fluorinated gases being R407c, R410a, and SF₆:

- Commission Implementing Regulation (EU) 2015/2066 of 17 November 2015 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated greenhouse gases or recovery of fluorinated greenhouse gases from stationary electrical switchgear.
- S.L. 427.94 (LN 143/2018) Fluorinated Greenhouse Gases (Implementing) Regulations

2.2.4 Equipment containing Ozone Depleting Substances (ODS) has been phased out and can no longer be used.


2.3 Contamination of soil and water

2.3.1 The Contractor shall take all the necessary measures to avoid any problem of contamination of ground, surface water or groundwater.

2.3.2 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.

2.3.3 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.

2.4 Waste management

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2.4.1 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.

2.4.2 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 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) Regulations
- S.L. 549.54 Waste Management (Waste Batteries and Accumulators) Regulations
- S.L. 549.131 Waste Management (Ship Recycling) Regulations
- 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 045 - Waste Management Procedure for Contractors**, available on the Enemalta website on the below link.

<https://www.enemalta.com.mt/emssms-documents/>


2.4.3 If the Contractor or his sub-contractors are producers of packaging or packaging material, they have an obligation under the Packaging Regulation S.L. 549.43 to comply with the regulation and to recover and recycle all the packaging waste as per Regulation 13 of the Packaging Regulation.

2.4.4 If the Contractor or his sub-contractors are producers of waste from electrical and electronic equipment (WEEE), they have an obligation under the WEEE Regulation S.L. 549.89 to comply with the regulation and to recover and recycle all the WEEE separately as per Regulation 6 of the WEEE Regulation.

2.4.5 The Contractor is responsible for the disposal of any waste generated directly through the execution of the contract.

2.4.6 The Bidder must be either self-compliant or registered in the Packaging waste recovery scheme as per Packaging Regulation S.L. 549.43.

2.4.7 The Bidder must be either self-compliant or registered in the WEEE compliance scheme as per Packaging Regulation S.L. 549.89.

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2.5 Certification of vehicles

2.5.1 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) Regulations. Valid Certificates for vehicles and drivers shall be provided to the Supervisor within 15 days from the Commencement Order.

2.6 Environmental audits

2.6.1 Enemalta plc/IESC 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 Environmental Management System.

2.7 Briefing of Contractor and training of Contractor's employees

2.7.1 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:


- MPS Briefing Document for Contractors and Visitors, DPS Visitors safety card or Distribution Briefing Document for Contractors and Visitors with reference numbers MAN 001 , MAN 008 or MAN 003 respectively, available on the Enemalta website on the below link.

<https://www.enemalta.com.mt/emssms-documents/>

- the relevant clauses from **SOP 085 - Procurement Clauses related to Enemalta/IESC EMS and SMS** which are applicable for the services being rendered by the contractor (these clauses are also included in the e-tender or e-quotation 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/IESC personnel depending on the nature and duration of the work. The contractor (or his/her representative) will then sign **FRM 042 - 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 FRM 042 is available on the Enemalta website on the below link:

<https://www.enemalta.com.mt/emssms-documents/>


2.8 Environmental liability

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- 2.8.1 Enemalta plc/IESC 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.
- 2.8.2 The contractor shall ensure that ALL services provided shall comply with the Local Legislation in force at the time the service is provided.

2.9 Health and Safety

- 2.9.1 The Contractor shall, at all times, comply with all the relevant Occupational Health and Safety Laws and Regulations, in particular but not limited to, the Occupational Health and Safety Authority Act [CAP 424 of the Laws of Malta], all regulations and subsidiary legislation enacted 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.
- 2.9.2 The Contractor warrants that all information and documents pertaining to health and safety shall be made available to Enemalta plc/IESC on demand. Without prejudice to the generality of the foregoing, the following documentation shall be submitted by the Contractor to Enemalta plc/IESC: (a) the risk assessment; (b) the technical works method statement; (c) the safe works method statement which are subject to Enemalta/IESC approval.
- 2.9.3 Without prejudice to the foregoing, the Contractor shall also comply with Enemalta plc/IESC policies regarding Health and Safety and Environmental Management System (S/EMS) and the Contractors` Manual disseminated by Enemalta plc/IESC to the contractors.
- 2.9.4 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.
- 2.9.5 Further to the provisions of the General Conditions, it is also the duty of a contractor to cooperate with other employers, contractors and, or self-employed persons who share a common work place, on the implementation of Health and Safety provisions. The contractor or his designate shall co-ordinate necessary actions in matters which concern protective and preventive measures, and shall inform all on site as well as the Project Supervisor regarding any potential risks.
- 2.9.6 The Contractor shall maintain at all times a health and safety management system in line with the relevant health and safety regulations.
- 2.9.7 Upon the occurrence of an event leading to a possible health and safety hazard, the Contractor shall use its best endeavours to notify Enemalta plc/IESC of such circumstances as early as possible. Furthermore, the Contractor shall use its best endeavours to eliminate or contain the hazard in question.
- 2.9.8 Enemalta plc/IESC reserve 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 plc/IESC reasonably believe that the Contractor is not complying

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with health and safety requirements as mentioned above, Enemalta plc/IESC hereby reserve the right to suspend the work at the Contractor's expense until the latter remedies the situation to the satisfaction of Enemalta plc/IESC within the period provided by Enemalta plc/IESC. Failure to remedy the situation to the satisfaction of Enemalta plc/IESC 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 plc/IESC may be entitled either at law or under this Agreement.

2.9.9 Subsidiary Legislation 424.27 entitled Work Place (Minimum Requirements for Work) (Confined Spaces and Spaces having Explosive Atmospheres) Regulations shall be abided by whenever works are being carried out by the contractor inside tunnels or other confined spaces. Enemalta plc/IESC also has its own tunnel construction and tunnel access SOPs which shall be handed by the responsible person as applicable upon contract award together with **FRM 042 – Contractor's Briefing & Employee Training**. The titles of these SOPs are listed hereunder:

- SOP-051 - Tunnel Minimum Safety Requirements
- SOP-052 - Tunnel Construction Safety Procedure
- SOP-148 – Confined Space Procedure

3 Related documents

Number	Type	Title
MAN-008	Non- Restricted\Manual	DPS Visitors Safety Card
FRM-042	Non- Restricted\Form	Contractor's Briefing & Employee Training
MAN-001	Non- Restricted\Manual	MPS Briefing Document for Contractors and Visitors
MAN-003	Non- Restricted\Manual	Distribution Briefing Document for Contractors
SOP-044	Non- Restricted\Procedure	Oil and Chemical Storage Handling and Spill control for contractors
SOP-045	Non- Restricted\Procedure	Waste Management Procedure for Contractors
SOP-025	Non- Restricted\Procedure	DIST Waste Management
SOP-022	Non- Restricted\Procedure	MPS Waste Management
SOP-029	Non- Restricted\Procedure	DPS Waste Management
SOP-044	Non- Restricted\Procedure	Oil and Chemical Storage Handling and Spill control for contractors
SOP-045	Non- Restricted\Procedure	Waste Management Procedure for Contractors



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SOP-026	Non- Restricted\Procedure	DIST Chemical Procurement, Storage and Handling
SOP-064	Non- Restricted\Procedure	Suppliers and Contractors Management Procedure
MAN-005	Non- Restricted\Manual	EMS Manual