

Scottish Hospitals Inquiry

Headline response on behalf of Arcadis, Independent Tester,
to the Inquiry's Provisional Position Paper 6

OCTOBER 2023

1. Introduction

- 1.1 The Inquiry has invited Arcadis to provide its comments on Provisional Position Paper 6 (“PPP6”). Arcadis notes that the purpose of PPP6 is to outline the Inquiry team’s current understanding of the process utilised to commission and validate the ventilation systems for the RHCYP/DCN but that the paper remains provisional.
- 1.2 In this response, Arcadis has provided a list of the key issues raised by the Inquiry in PPP6 which it considers require revision and/or clarification. Arcadis will shortly provide a more detailed response to assist the Inquiry further.
- 1.3 Arcadis’ comments are limited to the matters which it considers to be relevant to delivery of the Independent Tester (“IT”) role and within the knowledge of John Edwards, who led the team that delivered the IT role.

2. Contractual provisions for ventilation commissioning and validation

- 2.1 In section 2 of PPP6, the Inquiry has sought to identify the key contractual provisions relating to commissioning and validation. In particular, the Inquiry focuses on Schedule Part 6, Section 3 of the Project Agreement, which sets out the Board’s Construction Requirements (“BCRs”). The Inquiry draws the preliminary conclusion that the mechanical ventilation requirements in the Room Data Sheets were not to be used as part of the commissioning process. Arcadis is of the view that this conclusion cannot be reconciled with the wording of paragraph 3.6.3 of the BCRs or other provisions in the Project Agreement.

3. Comparison of contractual provisions with guidance relating to ventilation commissioning and validation

- 3.1 The Inquiry has acknowledged that the various guidance on commissioning referred to in Section 3 of PPP6 was not written with privately financed or Non-Profit Distribution (NPD) projects, such as the RHCYP/DCN, in mind (para 3.1.1 PPP6), and/or in relation to the SCIM guidance, not referred to in the contract documents at all (para 3.1.2 PPP6). The Inquiry has also recognised that there was no actual provision for parties other than Project Co to adhere to the guidance (para 3.1.3 PPP6).
- 3.2 In light of the Inquiry’s acknowledgements, it is not clear why the Inquiry has gone on to apply elements of the guidance literally which has resulted in a misunderstanding of the role of the IT.

The Inquiry has inferred that certain duties, as set out in commissioning guidance, fell to the IT, in circumstances where these duties are not specified in the IT’s contract.

4. Overview of the ventilation commissioning and validation procedure for Critical Care

Table 1

- 4.1 Arcadis has reviewed the information detailed in Table 1 of PPP6, the aim of which is to set out an overview of the commissioning and validation process for the Critical Care bedrooms at RHCYP/DCN.
- 4.2 Arcadis does not believe that the information set out in Table 1 is correct or complete and suspects that the Inquiry has not been provided with and/or has not properly considered the complete set of relevant commissioning documentation.
- 4.3 Zutec was the platform used for holding all documentation and evidence relating to compliance, including the commissioning test results, room reviews and the compliance matrix as well as other information including Room Data Sheets record drawings. Arcadis has noted that the documents it is currently able to access on Zutec are not complete and that the commissioning data from the Post Completion Works is missing in its entirety.

Further discussion on Table 1

- 4.4 In section 4.2 of PPP6, the Inquiry has sought to identify the final contractual specification for ventilation at the RHCYP/DCN following the dispute that arose between the NHSL and IHSL regarding the ventilation system for the single and multibed rooms and to understand the impact of the Settlement and Supplemental Agreement 1 entered into between the parties on 22 February 2019 (“SA1”).
- 4.5 The Inquiry has queried the apparent lack of any final Room Data Sheets or updated version of the Environmental Matrix and has explained that it is not clear what design conditions the mechanical ventilation systems were to actually meet during commissioning. The Inquiry has also inferred that the commissioning of the ventilation equipment cannot have been completed prior to the Certificate of Practical Completion and Commissioning Completion Certificate being issued.
- 4.6 Arcadis’ view is that the Inquiry has misunderstood the impact of SA1 on the commissioning process and the works undertaken ahead of the Certificate of Practical Completion being issued on 22 February 2019. In addition, the Inquiry does not appear to have taken cognisance of the commissioning tasks that were undertaken post February 2019 and the subsequent completion certificates issued by the IT in relation to Milestones, 2, 3 and 4, as detailed in SA1.

- 4.7 Updated Room Data Sheets were produced by IHSL prior to 31 October 2018, when IHSL first attempted to achieve Practical Completion. These Room Data Sheets (which were prepared using the current information from the Environmental Matrix) were approved by NHSL and, together with the Technical Schedule in SA1, comprised the final environmental design criteria for ventilation at the RHCYP/DCN. The IT used the Room Data Sheets and the Technical Schedule to SA1 as the basis of the commissioning data in practice.
- 4.8 The Certificate of Practical Completion and the Commissioning Completion Certificate were issued by the IT in accordance with the Project Agreement as amended by SA1.

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