



Derogations Standard Operating Procedure		
Document No: AD-EDS-SOP-005	Revision: 2.0	
Approved By: Carol Doyle	Effective Date: 02/11/2023	


# Uisce Éireann

## IDD Derogations Standard Operating Procedure

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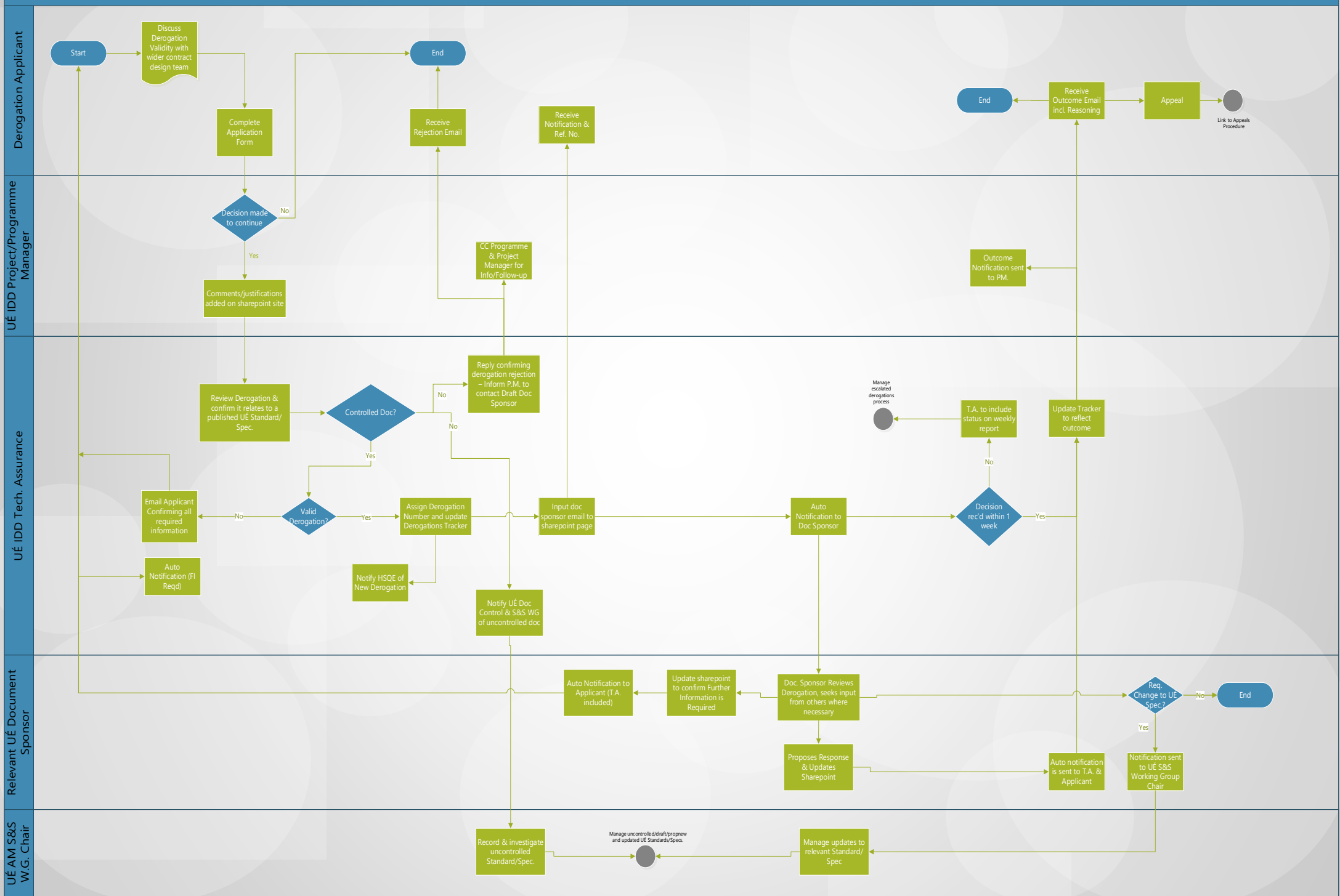
## Revision History


Revision Number	Description of Change	Author(s)	Approved By	Date of Approval
0.1	Draft for discussion	Paul Keane	Mark O'Connell	N/A
0.2	WTEF Approved	Paul Keane	WTEF	20/12/2018
1.0	First Approval	Paul Keane	Mark O'Connell	18/2/2019
2.0	Reviewed and updated.	Greg Sloane Gerard Sheehan	Carol Doyle	02/11/2023

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## 2. Purpose

The purpose of this Derogations Procedure is to allow users to seek and obtain approval to depart from a specified requirement of an Uisce Éireann Standard or Specification, for one or more specified projects only.

This document is not intended to form part of the construction or engineering services contract – this is an internal UÉ process.

Details of the Project(s) to which the Derogation Application applies must be provided by the Applicant in the Derogation Application Form.

In addition, a facility is also provided to allow users to submit a Query request in respect of a requirement contained in a Standard or Specification.

Information obtained as part of a Derogation application, or a Query submission, will be used to facilitate continuous improvement of Uisce Éireann Standards and Specifications.

The objectives of the Derogations Procedure are :


- Introduce governance in the communication streams between users of UÉ Standards and Specifications and those responsible for the development and updating of those UÉ Standards and Specifications,
- Require users requesting a Derogation to provide sufficient information for its evaluation,
- Set expectations and manage timely response to Derogation applications,
- Establish a system for evaluation of Derogation applications in an informed and consultative manner, considering any impacts arising,
- Support the use of Standards and Specifications by responding to Queries,
- Facilitate continuous improvement of Standards and Specifications through ongoing feedback

## 3. Scope

This Procedure applies to controlled Uisce Éireann Standards and Specifications. Controlled UÉ Standards and Specifications are published on the Uisce Éireann Standards & Specifications website ([www.water.ie/iwstandards](http://www.water.ie/iwstandards) )


Derogation applications and Queries received in respect of draft and/or uncontrolled versions of UÉ Standards or Specifications, or project specific documents will be deemed invalid.

Applications to depart from the requirements of draft / uncontrolled specifications or project documents will require the approval of the relevant project manager and will not be part of this Procedure.

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## 4. Definitions

Term	Definition
<b>Derogation</b>	An approval to depart from a requirement of a controlled UÉ Standard or Specification. An approved Derogation shall only apply to the specific project(s) referenced in the Derogation Application and shall not carry precedent to any other project.
<b>Controlled Document</b>	A controlled document is a document which is subject to formal review, formal approval, controlled distribution, controlled modification and controlled storage and access.
<b>Query</b>	A Query is a request for information or clarification in respect of a requirement of a UÉ Standard or Specification.
<b>IDD Technical Assurance</b>	The Infrastructure Delivery Unit responsible for the management and administration of Derogation Applications and Queries.
<b>Document Sponsor</b>	Person or role responsible for the development of a Standard or Specification and for reviewing and responding to Derogation applications and queries relating to that Standard or Specification
<b>Asset Planning Manager</b>	Person or role responsible for monitoring responses to Derogation Applications in a functional area.
<b>Technical Hub</b>	UÉ functional group which will provide guidance and feedback to the Document Sponsor in respect of responses to Derogation Applications and Queries
<b>Standards &amp; Specifications Working Group</b>	Responsible for the technical content of Standards and Specifications, including continual review, improvement, and innovation
<b>Engineering Service Provider (ESP)</b>	Consultant employed by Irish Water to complete the design of an Irish Water Infrastructure Delivery project.
<b>Contractor</b>	Contractor employed by Irish Water to complete construction or design / construction of an Irish Water Infrastructure Delivery project.

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## 5. Responsibilities

The following responsibilities are assigned as part of this Procedure:

- **Applicant** – the person who submits an application for a Derogation e.g. Contractor, Engineering Services Provider, Project Manager,
- **Employer's Representative (ER) / Programme / Project Manager** – The ER /Programme / Project Manager is required to provide supporting information for Derogation applications requested by a Contractor / ESP, before submission to IDD Technical Assurance.


The ER / Project / Programme Manager may also prepare and submit a Derogation Application,

- **IDD Technical Assurance** – The Infrastructure Delivery, Technical Assurance unit is responsible for the management, administration, reporting and escalation of Derogation Applications and Queries,
- **Document Sponsor** –The Document Sponsor is responsible for providing a decision on a Derogation Application in relation to a Standard or Specification and for recommending if an update to the Standard or Specification is required.

The Document Sponsor is also responsible for providing a response to Queries received regarding a Standard or Specification,

- **UÉ Technical Hub** –The UÉ Technical Hub is responsible for reviewing Derogation Applications and providing feedback following consultation by a Document Sponsor,
- **Asset Planning Manager** – The Asset Planning Manager is responsible for ensuring that responses from Document Sponsors to Derogation Applications or Queries, are provided within the timeframes specified in this Procedure,
- **Standards and Specifications Working Group (S&S WG) Chair** – The S&S WG Chair is responsible for recording and investigating the use of uncontrolled Standards and Specifications, which have been referenced in Derogation application forms.

The S&S WG Chair will also maintain a record of recommendations for Standards and Specifications updates, identified as part of Derogation decisions.

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## 6. Derogations Process

The following is an outline of the Derogations Process (refer also to the Derogations Process Map, contained in Section 1 of this document):


- a) Where an Applicant wishes to apply for a Derogation from a UÉ Standard or Specification, they are required to complete and submit (see below) a Derogation Application form (AD-EDS-SOP-005-FM-01) and include the following information -
  - Specify details of the UÉ Standard or Specification from which a Derogation is required,
  - Provide details of the specific Project(s) to which the Derogation Application applies,
  - Provide Applicant contact details,
  - Detail the reasons for the Derogation application. Valid reasons include value engineering proposals or inability to meet the requirements as detailed in the Specification,
  - Detail the UÉ process / asset affected by the Derogation application and the duration for which the Derogation is required,
  - Provide a risk assessment in relation to the derogation proposal to include CAPEX / OPEX cost implications, legal implications, health & safety, sustainability, energy, biodiversity, water quality, operations, etc. and any potential impact on other processes / assets,
  - Submit the Derogation Application at an appropriate stage of the project to ensure that sufficient time may be allocated for consideration of the proposal without impact on the project schedule.

IDD Technical Assurance may issue a request for further information –

- if an application form does not contain the required information or
- if the Document Sponsor requires additional information to enable a decision to be made on the Derogation application.

The Applicant shall respond to any further information request within four weeks of receipt of the request. If a response is not received within four weeks, the application will be deemed as withdrawn. The Applicant shall consult with the IDD Technical Assurance team if any additional time is necessary to provide the required further information.

- b) The Applicant shall forward the completed Derogation Form and supporting information to the Employer's Representative (and cc. The Project / Programme Manager). The ER / Project / Programme Manager will be required to provide supporting comments / information for the Derogation Application, before submission to IDD Technical Assurance at *designstandards@water.ie*

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- c) The Employer's Representative / Project / Programme Manager may also apply for a Derogation, as per (a) above, and submit the application to IDD Technical Assurance at *designstandards@water.ie*
- d) IDD Technical Assurance will review the Derogation Application and supporting documents to validate that the required information as detailed in (a) and (b) above has been provided.

If the Derogation application has referenced an uncontrolled Standard or Specification, IDD Technical Assurance will invalidate the application and will email the Standards and Specifications Working Group Chair with details of the uncontrolled document.

IDD Technical Assurance will respond to the Applicant and to the Project / Programme Manager if any of the required information has not been provided or if the Derogation is not considered valid.

Once the Application has been validated, IDD Technical Assurance will -

- Assign a Derogation number to the Application,
- Update the Derogations Tracker,
- Upload the Application and supporting information to the allocated Derogations document folder,
- Email the Application form and supporting information to the relevant Document Sponsor,
- Request the Document Sponsor to notify [hsqe@water.ie](mailto:hsqe@water.ie) should the Document Sponsor consider that the derogation application may have an HSQE impact,
- Respond to the Applicant and to the Employer's Representative /Project /Programme Manager to confirm that the Application has been forwarded to the relevant Document Sponsor for decision.


IDD Technical Assurance will complete the tasks outlined in (d) within two working days of receipt of the Application

- e) The Document Sponsor will review the Derogation Application and supporting information.

The Document Sponsor may email *designstandards@water.ie* detailing any further information required to enable a decision to be made on the Derogation application. The Document Sponsor is required to request further information within one week of receipt of a Derogation Application,

Within one week of receipt of a Derogation Application / Further Information, the Document Sponsor will email *designstandards@water.ie* detailing the derogation decision.

If additional time for assessment of the Derogation application is required by the Document Sponsor, the Document Sponsor will email *designstandards@water.ie*

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notifying IDD Technical Assurance of the additional time required. IDD Technical Assurance will inform the Applicant of the revised timeline.

Prior to a making a decision, the Document Sponsor may consult with the UÉ Technical Hub / Subject Matter Expert / nominated Consultant, having knowledge and expertise in relation to the Standard or Specification.

If a decision for approval is made, reasons in support of the decision, and any conditions / further actions to be applied, will also be specified in the response.

The response from the Document Sponsor will specify if the Derogation decision requires a change to one or more UÉ Standards or Specifications.


The response from the Document Sponsor will also specify if the Derogation decision should be communicated further within UÉ. For example, communications may be required to ensure that other Project Managers / Programme Managers are made aware of the Derogation decision, so that any potential implications for other projects may be considered.

Details of the communications requirements will be specified in the response from the Document Sponsor.

The response from the Document Sponsor should also specify if the Derogation proposal and subsequent outcome comprises an innovative solution for consideration by the UÉ Innovation Team.

- f) On receipt of a response for Approval / Rejection from the Document Sponsor, IDD Technical Assurance will -
- Update the Application details on the Derogations Tracker,
  - Copy the email from the Document Sponsor, containing details of the Derogation decision, to the Derogations documents folder,
  - Respond to the Applicant and to the Employer's Representative /Project /Programme Manager to confirm that the Application has been Approved / Rejected and provide details of the decision and any conditions,
  - Email the Standards and Specifications Working Group Chair with details of any recommendation contained in the Derogation decision for a change to one or more UÉ Standards or Specifications,
  - Email the UÉ Innovation Team with details of innovative solutions identified by the Document Sponsor within the Derogation application,
  - Issue communications in relation to the decision as recommended by the Document Sponsor.

IDD Technical Assurance will complete the tasks outlined in (f) within two working days of receipt of the response from the Document Sponsor

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- g) On receipt of a response requesting further information from the Document Sponsor, IDD Technical Assurance will, within two working days, -

- Update the Application status, and date of the further information request, onto the Derogations Tracker,
- Respond to the Applicant and to the Employer's Representative /Project /Programme Manager with details of the further information request

IDD Technical Assurance will issue a reminder to the Applicant if a response to the further information request has not been received within the required period of four weeks (or alternate agreed period). The Applicant will also be informed that the Derogation Application will be cancelled if a response is not provided within a further period of four weeks.

- h) IDD Technical Assurance will prepare a weekly Derogation Status Report, which will be issued to Asset Planning Managers.

Asset Planning Managers will review the Status Report and will ensure that the required timelines for responding to Derogation Applications in their functional areas are being achieved.

The Derogation Status Report will include details of –

- New Derogation applications received during the previous week,
- Derogation applications closed during the previous week,
- Currently open derogation applications including time waiting for a response


The Derogation Status Report will also include the following summary information –

- Number of New Derogation applications received during the week,
- Number of Derogation applications closed during the week,
- Number of Derogation applications open at the end of the week,
- Compliance rate KPI for one-week decision response by Document Sponsors,
- For closed applications, the average number of days to provide a decision,
- For open applications, the average number of days waiting for a decision.

The KPI for one week response will exclude applications, where the Doc. Sponsor has notified IDD Technical Assurance of a time extension for review/ decision.

- i) On receipt of the Derogation decision, the Applicant may decide to submit an appeal. The Applicant will be required to submit the appeal in accordance with the procedure outlined in section 6b above. The process outlined above in relation to Derogation Applications, will also apply for consideration of appeals.

The derogation, where approved, shall only pertain to the specific circumstance for which the derogation is approved. An approved derogation shall not carry any precedent to another project, and it shall not be used or applied on other similar projects or circumstances

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thereafter. The subject of a derogation can only be applied in another circumstance if and only after it has been directly incorporated as a change into an Uisce Éireann Controlled Document i.e. Standard or Specification, in which case the Controlled Document becomes the point of reference

## 7. Derogations Application Form

The Derogation Application Form AD-EDS-SOP-005-FM-01 will request the following information –

### **UÉ Controlled Standard / Specification Document Details.**

UÉ Publication Number:

Document Title:

Revision Number:

Revision date:

Section / Table Number:

Page Number:

Drawing Number:

### **Applicant Details.**

Applicant Name:

Company Name:

Applicant Title:

Mobile Number:

Email Address:

### **UÉ Project Details.**

Project Name:

Project Oracle Code:

### **Derogation Details.**

Summary Reason for the Derogation proposal:

Asset / Process affected by the Derogation proposal

Impact on upstream or downstream processes or networks:

Detailed Reason for the Derogation proposal:

CAPEX Impact:

OPEX Impact:


Energy Consumption impact:

Sustainability / Biodiversity / Environmental impact:

Construction impacts:

Operational impacts:

Health and Safety Risk Assessment / Method Statement for the Derogation proposal:


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## 8. Derogations Tracker

The Derogation Tracker, AD-EDS-SOP-005-FM-02, is used to capture, manage, and monitor the progression of derogation applications and queries. The Tracker will also record if a derogation application decision requires a revision to a Standard or Specification document.

The Tracker may also be used to compare, review, and analyse Derogation applications and Derogation decisions. The list of information recorded in the Tracker is as follows –

Derogation Tracker Field Name	Description
Derogation Item No.	Sequential Number
UÉ Derogation No.	Derogation reference number
Date Received by EDS (RAG)	Date application received by IDD TA
Document Ref. No.	UÉ Specification Publication Number
Revision or Version	Specification Reference number
Doc. Ref. or Section	Specification section number
Derogation Description	Summary description of Derogation
Project / Programme Name	UÉ Project Name
Project Code	UÉ Project Oracle Code
Requested by	Name of Derogation Applicant
Company	Company name of Applicant
IW Business Area	
Derogation Application Form Link	Link to Application form on Alfresco
Name of Project Delivery Lead (ADRL)	
Responsible Document Sponsor	Document Sponsor responsible for the Standard or Specification
Document Sponsor Decision	(Pending, FI Request, Approved, Rejected, Approved with Conditions)
Relevant Standard/Spec to be Amended Based on Derogation Outcome? (Y/N)	Record whether a UÉ Standard or Specification should be updated
Is it a Significant Derogation? (Y/N)	Communications required to other projects
Further Information Request Date	
Further Information Received Date	
Document Sponsor Decision Date	
Document Sponsor Comments / Conclusions / Reasons for Decision	Document Sponsor Decision reason summary
Date Decision Issued to Requester	
Derogation Status (Open, Closed, Appealed, Withdrawn)	Current Derogation Application Status
Date Appeal sent to Document Sponsor	If the Derogation decision is appealed
Details of Further Actions required e.g. monitoring of derogation proposal	Further actions may be recommended by the Document Sponsor
Further Actions Status (Open, Closed)	
Further Actions Owner	

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## 9. Reference to the Derogations Process in UÉ Standards and Specifications


The following text, referencing the Derogations procedure, shall be included in UÉ Standards and Specifications –

### *DEROGATIONS FROM THE STANDARD/SPECIFICATION*

*Whilst the minimum requirements of this standard / specification shall be met (where applicable) this document is not intended to stifle innovation by the Contractor, or delay progress. Should the Contractor wish to apply for a derogation from any aspect of the document, they shall submit a derogation application to the Employer's Representative, in accordance with AD-EDS-SOP-005, in advance of any proposed departure from the requirements of the specification (the required form for the derogation application will be provided to the Contractor by the Employer's Representative). Submission of the derogation application does not confer permission to proceed, and the application should be submitted allowing sufficient time for the Employer and the Employer's Representative to evaluate. Works can only proceed on the basis of the derogation, after the Contractor has received written confirmation from the Employer's Representative. The written confirmation of the derogation shall be treated as a change order/variation under the contract and its consequences shall be decided pursuant to the change/order variation mechanism of the contract.*

*The submission of a derogation application shall not impact on the programme of works for the specified project and shall be made at the risk and expense of the Contractor. Uisce Éireann or the Employer's Representative shall retain the right to reject the derogation application in favour of compliance with this document.*

*For the avoidance of doubt, the derogation, where approved, shall only pertain to the specific circumstance for which the derogation is approved. An approved derogation shall not carry any precedent to another project/contract and shall not be used or applied on other similar projects/contracts or circumstances thereafter. The subject of a derogation can only be applied on another contract/project if it has been directly incorporated into the standards/specifications for the relevant contract/project.*

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## 10. Communications of Derogations

Information on Derogations will be communicated as follows:

- Derogation Status Report
- Quarterly report
- Dashboard / Control Site (SharePoint)

## 11. Business Unit Contacts List

Business Unit	Email
IDD Technical Assurance	<a href="mailto:designstandards@water.ie">designstandards@water.ie</a>

## 12. Generated Documents

Document Name	Document Title	Location
AD-EDS-SOP-005-FM-01	Derogation Form	<a href="https://www.water.ie/docs/standards-portal/600-Common%20Asset%20Standards%20Specifications/Workshop%20Procedures/AD-EDS-SOP-005-FM-01.pdf">https://www.water.ie/docs/standards-portal/600-Common%20Asset%20Standards%20Specifications/Workshop%20Procedures/AD-EDS-SOP-005-FM-01.pdf</a>
AD-EDS-SOP-005-FM-02	Derogation Tracker	<a href="#">AD-EDS-SOP-005-FM-02 (Derogations Tracker) (External View).xlsm</a>