

# Best Practice

## Contractor Recognition Scheme



Contractor Performance Reports

DRAFT

**REQUIREMENTS AND GUIDELINES FOR  
CIDB CONTRACTOR PERFORMANCE REPORTING**

**(ISSUED IN TERMS OF THE CIDB REGISTER OF PROJECTS REGULATIONS)**

Version 1

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## 1 INTRODUCTION

The Construction Industry Development Board Act (Act 38 of 2000) requires the Board to establish a *Best Practice Contractor Recognition Scheme* which:

- (a) enables organs of state to manage risk on complex contracting strategies; and*
- (b) promotes contractor development in relation to best practice standards and guidelines developed by the Board.*

In addition, the Act also requires the Board to establish a *Best Practice Project Assessment Scheme*, based on the best practices identified by the Board. After a date determined by the Minister in the Gazette, all construction contracts above a prescribed tender value will then be subject to an assessment, in the prescribed manner, of compliance with best practice standards and guidelines published by the Board, and different dates may be determined for different practices.

Contractor performance reports are an integral part of the *cidb Best Practice Contractor Recognition Scheme* and the *cidb Best Practice Project Assessment Scheme*. Contractor performance reports are required to be submitted by the employer (on behalf of the client) to the *cidb* on practical completion of all prescribed public sector projects.

The contractor performance report provides a track record of the performance of contractors, and after the date and above a prescribed tender value determined by the Minister in the Gazette, assessment of a contractor's track record is required to be taken into account in construction procurement on all public sector contracts for the purpose of:

- assessing the suitability of contractors for pre-qualification, selective tender lists or expressions of interest; and
- adjudication for the award of a contract.

This document presents the requirements for the submission of performance reports, together with guidelines for the completion of performance reports as well as guidelines for clients for taking contractor track record into account in construction procurement.

## 2 DEFINITIONS

For the purposes of this document, the following definitions shall apply:

To be completed

### 3 REQUIREMENTS FOR CONTRACTOR PERFORMANCE REPORTS

#### 3.1 Registration of Projects

In terms of the Construction Industry Development Board Regulations 2004 (as amended 2008), all public and private employers must, in the manner prescribed by the cidb:

- a) register a contract above a prescribed value (see below) with the cidb at least monthly for the public and quarterly for private employers, respectively, from the date on which the contractor's offer to perform a construction works contract is accepted in writing (using Form CRS-F001);
- b) notify the cidb of the issuance of a certificate of practical completion of a registered contract, within one calendar month of the date of issue of a practical completion certificate to the contractor (using Form CRS-F002); and
- c) notify the cidb of the termination or cancellation of a registered contract and the reasons therefore, within one calendar month of the date upon which the contract was cancelled or terminated by either of the parties (using Form CRS-F003).

Minimum Prescribed Value for Registration of Projects	
Sector	Minimum Project Value
Public sector projects	R200 thousand
Public entity	R10 million
Private sector projects	R10 million

Where prescribed, all public sector employers must submit contractor performance reports to the cidb, in the manner prescribed by the cidb:

- a) within 30 days of the date of issuance of a certificate of practical completion of a registered contract (using Form CRS-F002); or
- b) within 30 days on the date of issuance of a notice upon which the contract was cancelled or terminated (using Form CRS-F003).

#### 3.2 Compliance Requirements

Contractor performance reports are required to be submitted on all public sector contracts after the date and above a prescribed tender value determined by the Minister in the Gazette. The initial phased requirements for submission of contractor performance reports are given below:

Sector	Minimum Tender Value	Implementation Date
National Public Works and regions	tbd	tbd
National government departments		
Provincial government departments		
Public entities		
Metros		
High-capacity municipalities		
Medium-capacity municipalities		
Low-capacity municipalities		

#### 3.3 Responsibility for Submission of Contractor Performance Reports

The Employer's Representative or his/her designated authority (referred to here the Reporting Officer) is responsible for the completion of the contractor reports on behalf of the employer/client. To be in a

position to make factual assessments against the evaluation criteria in the contractor performance report on the contractor's performance, the Reporting Officer must:

- be experienced in contract management; and
- have frequent and direct liaison with the contractor.

The contractor performance reports must be signed off by the Reporting Officer and by the employer's representative, as well as the contractor.

### 3.4 Right of Reply / Appeal

Each contractor performance report must be discussed with the contractor, who must be given the opportunity to comment on the assessment. The Reporting Officer must respond to any issues raised by the contractor in writing, and the contractor's comments and the written response by the Reporting Officer must form part of the contractor performance report. The contractor performance report must then be signed-off by the Employer's Representative.

Where significant differences of opinion exist between the employer and the contractor which cannot be resolved by the parties, the contractor has the opportunity to an independent review of the contractor performance report by a mutually agreed Adjudicator, as stipulated in the Contract. The contractor appeal process is outlined below:

- a) The contractor must state on the signed contractor performance report (in the appropriate place, on Form CRS-F002, Appendix 1 or Form CRS-F003, Appendix 2) that he/she appeals the performance assessment by the Reporting Officer.
- b) The contractor must notify the Employer's Representative of its intention to refer the matter to an Adjudicator within the required time as stipulated in the Contract.
- c) The contractor and the Employer's Representative must adhere to the adjudication procedure as stipulated in the Contract.
- d) The contractor must submit the case on Form CRS-F004, Appendix 3 to the Adjudicator when required.
- e) The Adjudicator shall notify the contractor and the Employer's Representative of his/her decision together with his reasons within the required time as stipulated in the Contract.
- f) The Adjudicator's decision is binding until the dispute is finally determined by litigation or arbitration if required by either the contractor or the Employer's Representative.
- g) Where the contractor performance report is changed as a result of a Review, an adjusted copy of the report is to be given to the contractor, the Employer's Representative and the Reporting Officer.
- h) The Reporting Officer will forward this copy of the contractor performance report to the cidb.

### 3.5 Auditing of Contractor Performance Reports

All contractor performance reports may be subject to inspection, audit and validation by the cidb from time to time.

### 3.6 Non-completion of Contractor Performance Reports

Any organ of state who fails to submit a contractor performance report to the cidb in terms of the Regulations is guilty of an offence and is liable to referral to the Auditor-General.

In the case of an organ of state being found guilty of non-completion of Contractor Performance Reports, the particulars of the findings and the sentence will be published by the Board in the Gazette and will be submitted to the Auditor-General.

### 3.7 Exchange of Contractor Performance Report Information

A condition of tendering and contracting with the public sector is that summarised information contained in contractor performance reports will be made available to the public through the cidb Register of Contractors. The format of information to be made available is given in Form CRS-F005 in Appendix 4, using the following principles:

- i) The contractor performance summary reports will only be made available to employers that are registered with the cidb.
- ii) Where a contractor is registered in more than one of the cidb works categories, i.e., civil engineering (CE), general building (GB) and specialist works (SB), the cidb will provide separate contractor performance summary reports for each cidb works category.
- iii) Only the minimum, average and maximum scores obtained for each of the different performance criteria from each contractor performance report will be given in the summary report. An illustrative example is given below for a contractor with five performance reports (see Appendix 4 for scoring):

	Time Management	Cost Management	Quality Management	Health & Safety Management	Site Conditions	Aggregate
Project	Score	Score	Score	Score	Score	Score
Project 1	1	0	1	1	0	
Project 2	0	1	1	1	1	
Project 3	1	2	1	1	1	
Project 4	2	1	2	1	1	
Project 5	1	2	1	1	1	
<b>Contractor Performance Summary Report</b>						
Minimum Score	0	0	1	1	0	
Average Score	1	1.2	1.2	1	0.8	1.04
Maximum Score	2	2	2	1	1	

- iv) The number of individual contractor performance reports used for the summary report will be identified, with a maximum of the 10 most recent contractor performance reports.
- v) Performance reports older than five years will not be reflected in the contractor performance summary report.
- vi) Changes in the grading of a contractor will not influence the contractor performance reports used for the summary report.
- vii) Failure to complete a contract under circumstances within the contractor's control issued in terms of a notice of termination or cancellation will also be recorded on the contractor performance summary report.

#### 4 GUIDELINES FOR CLIENTS

The following guidelines for public sector clients are given in the following Appendices:

- i) Guidelines for clauses to be included in Conditions of Tendering and Conditions of Contract in the tender and contract documents for public sector organisations are given in Appendix 5.
- ii) Guidelines for using contractor performance reports for Tender Evaluation by public sector organisations are given in Appendix 6.



Section D: Reporting Officer's Information	
Organisation Name	<input type="text"/>
Name of Reporting Officer Title	<input type="text"/>
Initials	<input type="text"/> <input type="text"/>
Surname	<input type="text"/>
Designation	<input type="text"/>
Professional Registration Body	<input type="text"/>
Registration Number	<input type="text"/>
e-mail	<input type="text"/>
Mobile	0 <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>
Office Telephone	0 <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>
Date submitted to cidb	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>
Section E: Contractor / JV Information	
cidb Contractor Registration Number of main / lead contractor	<input type="text"/>
Name of contractor / Joint Venture	<input type="text"/>
Contact Person Title	<input type="text"/>
Initials	<input type="text"/> <input type="text"/>
Surname	<input type="text"/>
Designation	<input type="text"/>
e-mail	<input type="text"/>
Mobile	0 <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>
Office Telephone	0 <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>
I / we agree <input type="checkbox"/> disagree <input type="checkbox"/> with the Reporting Officer's Assessment of the Contractor Assessment Report	
I / we appeal the Performance Assessment by the Reporting Officer	<input type="text"/> <input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>

*Continued over*

Section F: Contractor Performance Information				
Please select the appropriate prompt that reflect the contractor's performance on the project				
Indicator	Prompt for judgement			
	Poor (-1)	Adequate (0)	Good (1)	Excellent (2)
<b>TIME MANAGEMENT</b>				
Skill and commitment in managing time	Significant delay attributable to contractor	Some delay attributable to contractor	On time, no delays attributable to contractor	Ahead of time, within extension granted
	x	x	x	x
<b>COST MANAGEMENT</b>				
Skill and commitment in managing cost	Significant cost over-run, disputed by client	Some cost over-runs, with limited client dispute	Completed for contract sum plus agreed extras only	Completed within contract sum, including absorbing additional costs
	x	x	x	x
<b>QUALITY MANAGEMENT</b>				
Skill and commitment in managing quality on site	<ul style="list-style-type: none"> <li>• Need for close attention by inspectors</li> <li>• Significant re-working required</li> <li>• Handover subject to list of defects</li> <li>• Slow attention to defects after handover</li> </ul>	<ul style="list-style-type: none"> <li>• Inspections regarded as necessary</li> <li>• Little rework required</li> <li>• Some defects at handover</li> <li>• Defects attended to efficiently after handover</li> </ul>	<ul style="list-style-type: none"> <li>• Inspections largely a formality</li> <li>• Some rework required, but all initiated by contractor</li> <li>• Few defects, very efficiently cleared</li> </ul>	<ul style="list-style-type: none"> <li>• No re-work attributable to contractor</li> <li>• Substantially free of any defects attributable to contractor</li> <li>• Client completely satisfied.</li> </ul>
	x	x	x	x
<b>HEALTH AND SAFETY MANAGEMENT</b>				
Skill and commitment in managing health and safety	<ul style="list-style-type: none"> <li>• H&amp;S plans on current project</li> <li>• No evidence of consistent review of health/safety incidents</li> </ul>	<ul style="list-style-type: none"> <li>• Plan expressed in generalities or not fully comprehensive</li> <li>• Review of all incidents</li> <li>• Thorough investigation of all incidents with potential for serious injury</li> </ul>	<ul style="list-style-type: none"> <li>• Plan specific and comprehensive regarding site operations</li> <li>• Regular, company-wide review of procedures</li> <li>• Using internal reviews and external sources</li> </ul>	<ul style="list-style-type: none"> <li>• Plan is fully implemented, in spirit and detail</li> <li>• Positive incentives built into plan</li> <li>• Active sharing and dissemination of lessons learned particularly down supply chain</li> </ul>
	x	x	x	x

Continued over

Indicator	Prompt for judgement			
	Poor (-1)	Adequate (0)	Good (1)	Excellent (2)
<b>SITE CONDITIONS</b>				
<b>Skill and commitment in managing conditions on site</b>	<ul style="list-style-type: none"> <li>• Untidy, dusty, noisy site</li> <li>• Soil and/or water contamination</li> <li>• Wastage of materials</li> <li>• Lack of respect for natural environment</li> </ul>	<ul style="list-style-type: none"> <li>• Site in reasonable order</li> <li>• No evidence of soil or water contamination</li> <li>• Minimum wastage of materials</li> <li>• Impact of activities on natural environment minimised</li> </ul>	<ul style="list-style-type: none"> <li>• Dust, air and noise minimised</li> <li>• Preventative measures in place for soil and water contamination</li> <li>• Minimum wastage of materials, separation of waste, storage areas fenced off</li> <li>• Impact of activities on natural environment minimised</li> </ul>	<ul style="list-style-type: none"> <li>• Dust, air and noise levels proactively reduced</li> <li>• Emergency measures in place for soil and water contamination</li> <li>• Reuse and recycle of materials</li> <li>• Protection of the natural environment, reuse of top soil</li> </ul>
	x	x	x	x

**Section G: This section is for statistical purposes only**

Were there any reportable health and safety incidents on site during the execution of the project?

- Accident type N.E.C.  Y  N      If Yes, number of
- Striking against  Y  N      If Yes, number of
- Struck by  Y  N      If Yes, number of
- Caught in, on, between  Y  N      If Yes, number of
- Fall onto same level  Y  N      If Yes, number of
- Fall onto different level  Y  N      If Yes, number of
- Slip or over-exertion  Y  N      If Yes, number of
- Contact with temperature extremes  Y  N      If Yes, number of
- Inhalation, absorption, ingestion  Y  N      If Yes, number of
- Contact with electrical current  Y  N      If Yes, number of
- Motor vehicle accidents  Y  N      If Yes, number of
- Other  Y  N      If Yes, number of

please specify

Were any of the following notices issued to the contractor on the project by the Department of Labour

- Improvement notice(s)  Y  N      If Yes, number of

Please specify

- Contravention notice(s)  Y  N      If Yes, number of

Please specify

- Prohibition notice(s)  Y  N      If Yes, number of

Please specify



APPENDIX 2: NOTIFICATION OF CANCELLATION / TERMINATION OF CONTRACT (FORM CRS-F003)

FORM CRS-F003: NOTIFICATION OF THE ISSUE OF THE CANCELLATION / TERMINATION OF A CONTRACT AND CONTRACTOR PERFORMANCE REPORT	
Section A: Employer Information	
cidb Employer Number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Employer Name	<input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/>
Section B: Contract Data	
cidb Contract Number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Employer's contract number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Contract Title	<input style="width: 100%;" type="text"/>
Date of cancellation / termination	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>
Section C: Termination / Cancellation Information	
Circumstance within the contractor's control	
Failure to commence the contract <input type="checkbox"/>	Failure to perform on time <input type="checkbox"/>
Unwilling to perform <input type="checkbox"/>	Unable to produce works of an acceptable standard <input type="checkbox"/>
Other, please specify below:	
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	
Circumstances beyond the contractor's control	
Reasons of the employer	
Insufficient funding available <input type="checkbox"/>	Works no longer required <input type="checkbox"/>
Other, please specify below:	
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	
Reasons of the contractor	
Failure to provide sureties / guarentees <input type="checkbox"/>	
Other, please specify below:	
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	

Section D: Employer's Representative Information	
Name of Representative	Title <input type="text"/> Initials <input type="text"/> <input type="text"/> Surname <input type="text"/>
Designation	<input type="text"/>
e-mail	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Mobile	0 <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>
Office Telephone	0 <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>
Date	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>
I agree <input type="checkbox"/>	disagree <input type="checkbox"/> with the Reporting Officer's Assessment of the Contractor Assessment Report
Signature	<input type="text"/>

Section E: Reporting Officer's Information	
Organisation Name	<input type="text"/>
Name of Reporting Officer	Title <input type="text"/> Initials <input type="text"/> <input type="text"/> Surname <input type="text"/>
Designation	<input type="text"/>
Professional Registration Body	<input type="text"/>
Registration Number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
e-mail	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Mobile	0 <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>
Office Telephone	0 <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>
Date submitted to cidb	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>

Section F: Contractor / JV Information	
cidb Contractor Registration Number of main / lead contractor	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Name of contractor / Joint Venture	<input type="text"/>
Contact Person	Title <input type="text"/> Initials <input type="text"/> <input type="text"/> Surname <input type="text"/>
Designation	<input type="text"/>
e-mail	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Mobile	0 <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>
Office Telephone	0 <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>
I / we agree <input type="checkbox"/>	disagree <input type="checkbox"/> with the Reporting Officer's Assessment of the Contractor Assessment Report
I / we appeal the Performance Assessment by the Reporting Officer	<input type="text"/> <input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>







APPENDIX 4: CONTRACTOR PERFORMANCE SUMMARY REPORT (FORM CRS-F005)

FORM CRS-F005: CONTRACTOR PERFORMANCE INFORMATION FOR CLIENTS									
Section A: Contractor / JV Information									
cidb Contractor Registration Number	<input style="width: 100%;" type="text"/>								
Name of contractor /Joint Venture	<input style="width: 100%;" type="text"/>								
	<input style="width: 100%;" type="text"/>								
cidb Grade	<input style="width: 20px;" type="text"/>	Works Category	<input style="width: 100%;" type="text"/>						
Section C: Contractor Performance Information									
Number of contractor performance reports considered <input style="width: 40px;" type="text"/>									
	<b>Minimum Score</b>		<b>Average Score</b>		<b>Maximum Score</b>				
Time Management	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>			
Cost Management	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>			
Quality Management	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>			
H&S Management	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>			
Site Conditions	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>	<input style="width: 20px;" type="text"/>	• <input style="width: 20px;" type="text"/>			
<b>Scale</b> Poor <input style="width: 20px;" type="text"/> -1    Adequate <input style="width: 20px;" type="text"/> 0    Good <input style="width: 20px;" type="text"/> 1    Excellent <input style="width: 20px;" type="text"/> 2									
Number of contract cancellations / terminations due to circumstances within the contractor's control <input style="width: 40px;" type="text"/>									

## APPENDIX 5: CLAUSES FOR INCLUSION IN TENDER DOCUMENTS

Clients and employers soliciting tender offers may introduce requirements for the completion and the use of contractor performance reports as eligibility criteria in engineering and construction works contracts in the Conditions of Tendering and Conditions of Contract documents in terms of the regulations from a date determined by the Minister in the Gazette in accordance with the requirements of the **cidb** Standard for Uniformity in Construction Procurement.

### A5.1 Notification of the Requirement for Contractor Performance Reports

Note: The following wording presumes that the contract makes provision for adjudication.

The following wording must be included in the additional contract data in all construction works contracts:

i) Insert the following where JBCC MWA is used:

The principal agent shall issue to the contractor together with the certificate of practical completion a completed **cidb** Contractor Performance Report (see annex ....\*). Unless the contractor within one week of receiving such report disputes its findings, the report shall be deemed to reflect the performance of the contractor.

\*Include **cidb** Notification of Practical Completion (Form CRS-F002) in the Annex.

Disputes relating to the findings of the report shall be dealt with in accordance with the provisions of Clause 18.

ii) Insert the following where JBCC PBA is used:

The principal agent shall issue to the Contractor together with the certificate of practical completion a completed **cidb** Contractor Performance Report (see annex ....\*). Unless the contractor within one week of receiving such report disputes its findings, the report shall be deemed to reflect the performance of the contractor.

\*Include **cidb** Notification of Practical Completion (Form CRS-F002) in the Annex.

Disputes relating to the findings of the report shall be dealt with in accordance with the provisions of Clause 40.

iii) Insert the following where the FIDIC red or yellow book:

The Engineer shall issue to the Contractor together with the Taking Over-Certificate a completed **cidb** Contractor Performance Report (see annex ....\*). Unless the Contractor within one week of receiving such report disputes its findings, the report shall be deemed to reflect the performance of the Contractor.

\*Include **cidb** Notification of Practical Completion (Form CRS-F002) in the Annex.

Disputes relating to the findings of the report shall be dealt with in accordance with the provisions of Clause 20.

iv) Insert the following where the FIDIC silver book:

The Employer shall issue to the Contractor together with the Taking-Over Certificate a completed **cidb** Contractor Performance Report (see annex ....\*). Unless the Contractor within one week of receiving such report disputes its findings, the report shall be deemed to reflect the performance of the Contractor.

\*Include **cidb** Notification of Practical Completion (Form CRS-F002) in the Annex.

Disputes relating to the findings of the report shall be dealt with in accordance with the provisions of Clause 20.

v) Insert the following where the FIDIC Short Contract is used:

The Employer shall issue to the Contractor together with the Taking-Over Notice a completed **cidb** Contractor Performance Report (see annex ....\*). Unless the Contractor within one week of receiving such report disputes its findings, the report shall be deemed to reflect the performance of the Contractor.

\*Include **cidb** Notification of Practical Completion (Form CRS-F002) in the Annex.

Disputes relating to the findings of the report shall be dealt with in accordance with the provisions of Clause 20.

vi) Insert the following where the GCC 2004 is used:

The Engineer shall issue to the Contractor together with the Certificate of Practical Completion a completed **cidb** Contractor Performance Report (see annex ....\*). Unless the Contractor within one week of receiving such report disputes its findings, the report shall be deemed to reflect the performance of the Contractor.

\*Include **cidb** Notification of Practical Completion (Form CRS-F002) in the Annex.

Disputes relating to the findings of the report shall be dealt with in accordance with the provisions of Clause 58.

vii) Insert the following where the NEC3 ECC is used:

The Project Manager completes the **cidb** Contractor Performance Report (see annex ....\*) within one week of Completion and attaches such report to the certificate of Completion. Unless the Contractor within one week of receiving such report disputes its findings, the report is deemed to accurately reflect the performance of the Contractor.

\*Include **cidb** Notification of Practical Completion (Form CRS-F002) in the Annex.

Disputes relating to the findings of the report are dealt with in accordance with the provisions of Option W1.

viii) Insert the following where the NEC3 ECSC is used:

The Employer completes the **cidb** Contractor Performance Report (see annex ....\*) within one week of Completion and attaches such report to the certificate of Completion. Unless the Contractor within one week of receiving such report disputes its findings, the report is deemed to accurately reflect the performance of the Contractor.

\*Include **cidb** Notification of Practical Completion (Form CRS-F002) in the Annex.

Disputes relating to the findings of the report are dealt with in accordance with the provisions of Clause 9.

## A5.2 The Use of Contractor Performance Reports in Complex Projects

i) The following wording shall be included in the Notice and Invitation to Tender in all engineering and construction works contracts which are categorised as complex projects:

*Only tenderers who have achieved an aggregate score for contractor performance report of "Good" or "Very Good" (i.e. +0.5 and above) are eligible to submit tenders.*

ii) The following wording shall be included in the Tender Data in all engineering and construction works contracts which are categorised as complex projects:

Clause number (refer to Annex F)	Tender data
F.2.1	<i>Only tenderers who have achieved an aggregate score for contractor performance report of "Good" or "Very Good" (i.e. +0.5 and above) are eligible to submit tenders.</i>

iii) The following wording shall be included in the Notice and Invitation to Submit an Expression of Interest in all engineering and construction works contracts which are categorised as complex projects:

*Only tenderers who have achieved an aggregate score for contractor performance report of "Good" or "Very Good" (i.e. +0.5 and above) are eligible to submit tenders.*

iv) The following wording shall be included in the Submission Data in all engineering and construction works contracts which are categorised as complex projects:

Clause number (refer to Annex H)	Submission data
H.2.1	<i>Only those respondents who have achieved an aggregate score for contractor performance report of "Good" or "Very Good" (i.e. +0.5 and above) are eligible to make submissions.</i>

### A5.3 The Use of Contractor Performance Reports as Eligibility Criteria in Contracts other than Complex Projects

Where deemed desirable to do so, the employer may establish eligibility criteria in engineering and construction works contracts which are not categorized as complex projects, using the same wording as that contained in A5.1.

## APPENDIX 6: GUIDELINES FOR PUBLIC SECTOR TENDERING AND ADJUDICATION OF CONTRACTS

Clients and employers soliciting tender offers may introduce in the evaluation of expressions of interest or tender offers quality criteria relating to the score obtained from contractor performance reports in terms of the regulations from a date determined by the Minister in the Gazette in accordance with the requirements of the cidb Standard for Uniformity in Construction Procurement.

### A6.1 Tender data or submission data

- i) The tender data or submission data, as relevant, shall indicate the total number of evaluation points allocated to the aggregate score for contractor performance report.
- ii) The scoring should be either on a logarithmic scale or a linear scale as illustrated in Tables 1 and 2.

**Table 1: Evaluation of Contractor Performance Reports – Logarithmic Scale**

Criteria	Maximum score	Score obtained from CIDB register of contractors (percentage of maximum score)				
		No score	Poor (<-0,5)	Adequate (>-0,5 to 0,5)	Good (>0.5 to 1,5)	Excellent (>1,5)
		(0%)	(40%)	(70%)	(90%)	(100%)
Aggregate score for contractor performance report	X					

**Table 2: Evaluation of Contractor Performance Reports – Linear Scale**

Criteria	Maximum score	Score obtained from CIDB register of contractors (percentage of maximum score)				
		No score	Poor (<-0,5)	Adequate (>-0,5 to 0,5)	Good (>0.5 to 1,5)	Excellent (>1,5)
		(0%)	(25%)	(50%)	(75%)	(100%)
Aggregate score for contractor performance report	X					

# Best Practice

Contractor Recognition Scheme



Contractor Performance Reports