BOARD NOTICES

BOARD NOTICE 20 OF 2013

Construction Industry Development Board

Standard for Contractor Performance Reports for use on Construction Works Contracts (Grades 2 to 9)

29 January 2013

In terms of sections 5(2) of the Construction Industry Development Board Act, 2000 (Act no. 38 of 2000) (the Act), the Construction Industry Development Board is empowered to promote best practice Standards. This best practice Standard for Contractor Performance Reports for use on Construction Works Contracts (Grades 2 to 9) is issued here for public comment. The Standard provides for a uniform and consistent method of assessment of the performance of a contractor with respect to the following project parameters:

- time management;
- cost management;
- quality management;
- health and safety management;
- management of site conditions; and
- management of subcontractors (including payment).

Interested persons and the public are invited to submit comments on the draft best practice Standard within 30 days of the date of this publication.

Interested parties are requested to forward their comments in writing for the attention of Mr Ishmail Cassiem to one of the following:

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Brooklyn Square 0075

cidb

Block N&R

SABS Campus

2 Dr Lategan Drive Groenkloof, Pretoria Fax: 086 687 4936

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Bafana Ndendwa

Chairperson: Construction Industry Development Board

Standard for Contractor Performance Reports for use on Construction Works Contracts (Grades 2 to 9)

(29 January 2013)



Construction Industry Development Board

Tel: 012 343 7136 or 012 481 9030

Fax: 012 343 7153 E-mail: <u>cidb@cidb.org.za</u> Standard for Contractor Performance Reports for use on Construction Works Contracts (Grades 2 to 9)

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Standard for Contractor Performance Reports for use on Construction Works Contracts (Grades 2 to 9)

1 Scope

This standard for contractor performance reports provides for a uniform and consistent method of assessment of the performance of a contractor with respect to the following project parameters:

- time management;
- cost management;
- quality management;
- health and safety management;
- management of site conditions; and
- management of subcontractors (including payment).

Subject to sufficient contractor performance reports being available, contractor performance reports can be used, amongst others, for the purpose of managing procurement risks through:

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

Contractor performance reports also allow for the contractor to benchmark its performance against national norms – thus encouraging performance improvement.

This standard sets out:

- the process and responsibilities by which the contractor performance report is to be completed; and
- the information required.

The standard is limited to General Building and Civil Engineering classes of construction works within tender values equivalent to cidb Grades 2 to 9, including joint ventures.

2 Terms and Definitions

For the purposes of this document, the following terms and definitions apply:

class of construction works: the class of construction works referred to in Schedule 3 of the Construction Industry Development Regulations 2004 as amended and published in terms of the Construction Industry Development Board Act of 2000 (Act 38 of 2000)

Construction Industry Development Board (CIDB): the board established in terms of the Construction Industry Development Board Act of 2000 (Act 38 of 2000)

contract amount: financial value of the contract at the time of the award of the contract, exclusive of all allowances and any value added tax or sales tax which the law requires the employer to pay to the contractor

contractor: person or organization that contracts to provide the goods, services or engineering and construction works covered by the contract

employer: person or organization entering into the contract with the contractor for the provision of goods, services, or engineering and construction works

employer's representative: person authorized to represent the employer and named as such in the contract data

practical completion certificate: a certificate issued in terms of a contract by the employer, signifying that the whole of the construction works have reached a state of readiness for occupation or use for the purposes intended, although some minor work may be outstanding

NOTE Practical completion is commonly understood to be a state of readiness for occupation of the whole works although some minor work may be outstanding. Practical completion in a construction works contract occurs when:

- a) FIDIC Short Form of Contract: the date when the Employer considers that the Works have been completed in accordance with the Contract, except for minor outstanding work and defects which will not substantially affect the use of the Works for their intended purpose
- b) FIDIC Red, Silver and Yellow Book: the date when the Engineer determines that the Works has substantially been completed and can be used for the purpose intended
- c) GCC 2010: "Practical Completion" means the date when the Engineer certifies that the whole or portion of the Works has reached a state of readiness, fit for the intended purpose, and occupation without danger or undue inconvenience to the Employer, although some work may be outstanding
- d) JBCC 2000 Principal Building Agreement and JBCC Minor Works Agreement: the date when the principal agent decides that the completion of the works has substantially been reached and can be used for the purpose intended
- e) NEC3 Engineering and Construction Contract: the date when the Project Manager decides that the Contractor has reached Completion as defined in the contract
- f) NEC3 Engineering and Construction Short Contract: the date when the Employer decides that the Contractor has completed the works in accordance with the Works Information except for correcting notified Defects which do not prevent the Employer from using the works and others from doing their work.

reporting officer: employer's representative or his/her delegated representative that is authorized to complete the contractor performance reports on behalf of the employer.

3 Requirements

3.1 Submission of Contractor Performance Reports

Completed contractor performance reports (see Annex 1) must be submitted by the reporting officer to the employer's representative:

- i) where no dispute exists, within 15 days of the date of issuance of a certificate of practical completion of a contract: or
- ii) where a dispute exists, within 15 days of the date of receipt of the outcome of the dispute (see Item 3.3).

NOTE: Other than for interim contractor performance reports (Item 3.4), contractor performance reports should only be completed for contracts which reach practical completion. Subject to the CIDB Regulations, where a contract is terminated or abandoned due to poor or non-performance of a contractor, such performance must be recorded on the CIDB Register of Projects.

3.2 Completion of Contractor Performance Reports

The reporting officer is responsible for the completion of the contractor performance reports on behalf of the employer on issuance of a certificate of practical completion. 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.

Taking cognizance of the time requirements of Item 3.1, 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.

The contractor performance reports must be signed off by the reporting officer, the contractor and the employer's representative.

3.3 Right of Reply / Appeal

Where significant differences of opinion exist between the reporting officer 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 resulting contractor performance report after adjudication must be signed by the adjudicator and witnessed by the reporting officer and the contractor.

The reporting officer will forward this copy of the contractor performance report to the employer.

3.4 Interim Contractor Performance Reports

Interim contractor performance reports (see Annex 2) should be completed monthly at progress meetings between the reporting officer and the contractor, and should be filed with the minutes of such meetings.

Annex 1 Contractor Performance Report

ASSUÉ	OF A CONTRACTOR PERFORMANCE REPORT
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Employer Name	
cidb Contract Number (if applicable)	Section B: Comract Data
Contract Title	
Date of Practical Completion	Y Y Y Y M M D D
	ection C: Reporting Officer's Information
Organisation Name	
Organisation Name Name of Reporting Officer	
1	Title Initials Surname
Name of Reporting Officer	Title Initials Surname
Name of Reporting Officer Designation	Title Initials Surname
Name of Reporting Officer Designation Professional Registration Body	Title Initials Surname
Name of Reporting Officer Designation Professional Registration Body Registration Number e-mail	Title Initials Surname
Name of Reporting Officer Designation Professional Registration Body Registration Number e-mail Mobile	Title
Name of Reporting Officer Designation Professional Registration Body Registration Number e-mail Mobile Office Telephone	Title
Name of Reporting Officer Designation Professional Registration Body Registration Number e-mail Mobile Office Telephone Date submitted to Employer	Title
Name of Reporting Officer Designation Professional Registration Body Registration Number e-mail Mobile Office Telephone	Title

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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 cost	
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Skill and commitment in managin quality on sit	 Need for close attention by inspectors Significant reworking required Handover subject to list of defects Slow attention to defects after handover 	Inspections regarded as necessary Little rework required Some defects at handover Defects attended to efficiently after handover	 Inspections largely a formality Some rework required, but all initiated by contractor Few defects, very efficiently cleared 	No re-work attributable to contractor Substantially free of any defects attributable to contractor Client completely satisfied.	
	×	×	×	Х	
HEALTH AND	1000				
Skill and commitment in managing health and safety	 H&S plans on current project No evidence of consistent review of health/safety incidents 	Plan expressed in generalities or not fully comprehensive Review of all incidents Thorough investigation of all incidents with potential for serious injury	Plan specific and comprehensive regarding site operations Regular, company-wide review of procedures Using intemal reviews and external sources	Plan is fully implemented, in spirit and detail Positive incentives built into plan Active sharing and dissemination of lessions learned particularly down supply chain	

		Promotor			
	Poor (-1)	Adequate (0)	Good (1)	Excellent (2)	
MANAGEMEN			38	Hitti	
Skill and commitment in managing conditions on site	Untidy, dusty, noisy site Soil and/or water contamination Wastage of materials Lack of respect for natural environment	Site in reasonable order No evidence of soil or water contamination Minimum wastage of materials Impact of activities on natural environment minimised	Dust, air and noise minimised Preventative measures in place for soil and water contamination Minimum wastage of materials, separation of waste, storage areas fenced off activities on natural environment minimised	Dust, air and noise levels proactively reduced Emergency measures in place for soil and water contamination Reuse and recycle of materials Protection of the natural environment, reuse of top soil	
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Skill and commitment in managing subcontractors	Selection of subcontractors on basis of lowest price only Use of punitative subcontracts, including 'pay when paid' clauses	selected on basis of ability and quality of service as well as price Use recognised forms of contract Payments made in accordance	Regular use of small number of preferred subcontractors in each trade Payments made in accordance with contract variations to contract agreed upon on reasonable basis	Partnering / alliancing style arrangements in place Sub-contractors give contractor priority when taking on work Declared policy for fair dealing, acknowledged in practice by business	
		with contract	busis	partners	

	Section E: Contractor / JV Information
cidb CRS Number of main / lead	
contractor (if applicable)	
Name of contractor /Joint Venture	
cid b CRS Number of joint venture	
Name of Joint Venture partner	
cidb CRS Number of joint venture	
partner	
Name of Joint Venture partner	
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Contact Person	Title Initials Surname
Designation	Tine Striame Striame
e-mail	
Mobile	
Office Telephone	0
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I / we appeal the Performance	Assessment by the Reporting Officer Y N
Signature	
Date	Y Y Y Y . M M . D D
Section 1	on F. Employer's Representative Information
Name of Employer's Representative	Title Initials Surname
Designation	
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Site Conditions		•					•]			•]	
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Signature; Employer's Representative															
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Annex 2 Interim Contractor Performance Report

INTE	RIM CONTRACTOR PERFORMANCE REPORT
	Section A: Employer Information
ci b Employer Number (if applicable)	
Employer Name	
	Section B: Contract Data
ciáb Contract Number (if applicable)	
Contract Title	
Date of Assessment	
	ection C: Reporting Officer's Information
Organisation Name	
Name of Reporting Officer	Title Initials Surname
Designation	
Professional Registration Body	
Professional Registration Body	
Professional Registration Body Registration Number	
Professional Registration Body Registration Number e-mail Mobile	
Professional Registration Body Registration Number e-mail Mobile Office Telephone	
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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	
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Skill and commitment in managing quality on site	Need for close attention by inspectors Significant reworking required Handover subject to list of defects Slow attention to defects after handover	Inspections regarded as necessary Little rework required Some defects at handover Defects attended to efficiently after handover	 Inspections largely a formality Some rework required, but all initiated by contractor Few defects, very efficiently cleared 	No re-work attributable to contractor Substantially free of any defects attributable to contractor Client completely satisfied.	
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	Poor (-1)	Adequate (0)	Good (1)	Excellent (2)	
MANAGEME!	l · · ·				
Skill and commitment in managing conditions on site	Untidy, dusty, noisy site Soil and/or water contamination Wastage of materials Lack of respect for natural environment	Site in reasonable order No evidence of soil or water contamination Minimum wastage of materials Impact of activities on natural environment minimised	Dust, air and noise minimised Preventative measures in place for soil and water contamination Minimum wastage of materials, separation of waste, storage areas fenced off Impact of activities on natural environment minimised	Dust, air and noise levels proactively reduced Emergency measures in place for soil and water contamination Reuse and recycle of materials Protection of the natural environment, reuse of top soil	
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MANAGEMEN	Г		<u> </u>		
Skill and commitment in managing subcontractors	Selection of subcontractors on basis of lowest price only Use of punitative subcontracts, including 'pay when paid' clauses	Subcontractor selected on basis of ability and quality of service as well as price Use recognised forms of contract Payments made in accordance with contract	Regular use of small number of preferred subcontractors in each trade Payments made in accordance with contract variations to contract agreed upon on reasonable basis	Partnering / alliancing style arrangements in place Sub-contractors give contractor priority when taking on work Declared policy for fair dealing, acknowledged in practice by business partners	
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Contact Person	Title Initials Surname
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