

## New Arrangement for Reporting of Contractor's Performance

- (1) The existing Development Bureau (DEVB) contractor performance reporting system will be adopted for reporting of contractor's performance for contracts or quotations with value exceeding **\$1.4 million**. The reports of contractor's performance will be submitted and uploaded to the DEVB performance reporting system in accordance with Section 4 of the Contractor Management Handbook (CMH);
- (2) In parallel, a new simplified contractor performance reporting mechanism has been set up for quotations with value equal to or not exceeding \$1.4 million. The following are the main features of this new mechanism:-
  - (i) The subject officers of the quotation shall report the contractor's performance upon the issuance of the certificate for substantial completion (for GCC for Minor Works) or the expiration of the Contract Period (for GCC for Maintenance Works);
  - (ii) A simplified form of report ([Appendix I](#)) shall be adopted for reporting of contractor's performance in this new mechanism;
  - (iii) Under EMSD's Departmental Report Review Committee (DRRC), a Departmental Report Review Subcommittee (DRRSC) chaired by a D1 officer will be set up for reviewing the reports submitted by the subject officers. For contractor appeal cases, the subcommittee will review and decides whether appeals submitted by the concerned contractors are substantiated or not and make appropriate adjustment accordingly;
  - (iv) There are four reporting dates in each year (i.e. the last day of February, May, August and November). On or before the third working day after the reporting date, the subject officer shall complete and submit the Simplified Report on Contractor's Performance (Simplified CPR) for the quotations of which the certificate of substantial completion was issued or the Contract Period was expired within the 3 month period before the reporting date. At the same time, the contractor shall be sent with an advance copy of the simplified CPR for their consideration.
  - (v) The same procedure and time table specified in paragraph 4.6.4 of the CMH for contractor to express his disagreement and the Departmental Report

Review Subcommittee to review the CPR shall be adopted in this new mechanism;

- (vi) The DRRSC shall submit a recommendation to DRRC for agreement for any follow up action in cases of adverse performance of contractors. After reviewing the recommendation, the DRRC will submit the agreed recommendation to DEVB for implementation in accordance with paragraph 4.5.1 of Chapter 4 of the Contractor Management Handbook;
  - (v) In spite of paragraph (i) above, a subject officer may report at any reporting cycle the performance of a contractor who has performed very poorly. He shall submit an application by Lotus mail to the Secretary of DRRSC (E/CAU1/1) with justification for DRRSC's agreement **at least 14 working days** before the next reporting date. Upon DRRSC's agreement, he shall inform the concerned contractor **at least 7 working days by letter** before the next reporting date. Once a simplified CPR has been reported, submission of simplified CPR shall continue for every quarter until finalization of the quotation.
  - (vi) Submission of simplified CPR is not required for contracts invited under single tendering or open tendering. However, a subject officer may apply to submit simplified CPR at any reporting cycle if the performance of a contractor is very poor. Under such circumstances, the subject officer shall submit an application by Lotus mail to the Secretary of DRRSC (E/CAU1/1) with justification for DRRSC's agreement **at least 14 working days** before the next reporting date. Upon DRRSC's agreement, he shall inform the concerned contractor **at least 7 working days** before the next reporting date. Once a simplified CPR has been reported, submission of simplified CPR shall continue for every quarter until finalization of the quotation.
- (3) Regardless of paragraph (2) above, officers can still adopt DEVB's contractor performance reporting system for quotations with value equal to or not exceeding **\$1.4 million** if they consider that close monitoring and supervision of contractors are required to ensure that the works under the quotations will be carried out properly. The following, among others, are some of the criteria for consideration whether DEVB's contractor performance reporting system should be adopted:-
- (a) quotation with value that is considered to be unreasonably low during tender

assessment;

- (b) quotation with technically complicated works / services;
- (c) quotation that is politically sensitive; or
- (d) quotation with tight programme or completion date(s).

If a subject officer of a particular quotation wishes to initiate the submission and uploading of CPRs for his quotation to DEVB's contractor performance reporting system, he shall first submit through Lotus mail 7 working days before the contract commencement date an application with justifications to the DRRC for agreement and, upon the receipt of the DRRC's agreement, he shall inform the concerned contractor accordingly. In order to maintain consistency, once an officer has made his decision, the CPR submission process shall follow the procedures and time table specified in the CMH and continue for every quarter until finalization of the quotation.

Contract Advisor

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