



Guideline for Construction Contractor Performance Reporting

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Procedure – Applicable to:

Transport Projects

Quality Management System

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1. Purpose and Scope

TfNSW's Construction Contractor Performance Report (CPR) process has been established to:

- Provide management a tool to enhance the management of construction contractors, alliances and professional services contractors performing site activities (together called "contractor" or "contractors" in this procedure, alliances sometimes referred to separately).
- Enhance contractor performance via a continuous improvement process and recognition of good performance.*
- Provide records of performance that will contribute to the ROI and tender assessment processes.
- Develop a system that is generally consistent with the NSW Government Guidelines for "Contractor Performance Reporting and Exchange of Reports between Government Agencies".

The CPR process requires the regular assessment of contractor performance by the Reporting Manager, with the outcomes of those assessments being reviewed by the Reviewing Manager before being provided to the contractor. The contractor has the opportunity to comment on the findings, and those comments and TfNSW's subsequent response both form part of the CPR.

***Note:** Alliance CPR data may only be used to contribute to the ROI and tender assessment process if the exact same alliance partners are involved in the tender. The data may not be used to evaluate the performance of a single party.

2. Definitions

All terminology in this Procedure is taken to mean the generally accepted or dictionary definition.

3. Accountabilities

The Director Commercial is accountable for this Procedure. Accountability includes authorising the document, monitoring its effectiveness and performing a formal document review.

Program Directors and Branch Directors are accountable for ensuring the requirements of this document are implemented within their area of responsibility.

4. Application

This Construction Contractor Performance Report guideline is to be used on all contractor contracts valued at more than \$150,000, however its use is encouraged on contracts of lesser value.

The CPR process applies to a 6 month reporting period ending March and September of the relevant year or the full contract period depending on the CPR. Refer to Section 6.1 for reporting frequency.

5. Assessment

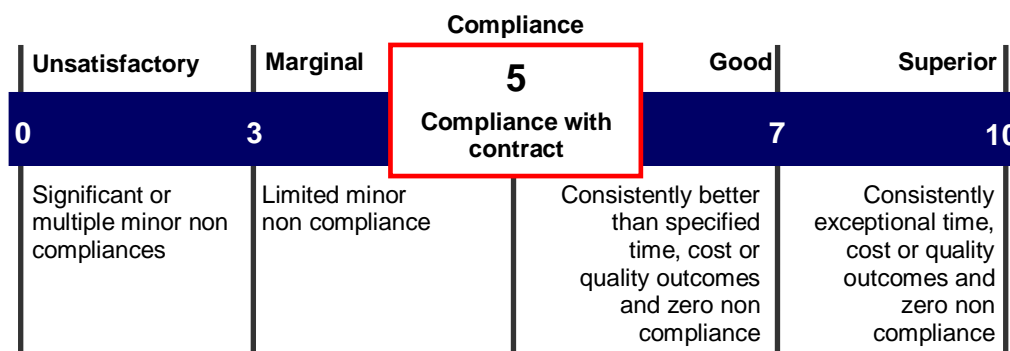
5.1. Assessment of Contractor’s Performance

The contractor’s performance against each of the applicable performance criteria is to be assessed and graded in accordance with the following definitions:

Grade	Explanation
Superior:	Standard well above the required standard of performance.
Good:	Standard satisfactory and often exceeds the required standard of performance.
*Compliance	Meets required standard of performance.
Marginal:	Mostly meets required standard of performance but has some weaknesses.
Unsatisfactory:	Many weaknesses, has not met the required standard of performance.

***Note: The “required standard of performance” should be considered as the base level that meets the requirements of the project, contract and/or industry standards. Therefore when evaluating the contractor the starting position is for any criterion is a score of Compliance. Taking a cautious approach to assessing contractor’s performance compromises the effectiveness of the CPR system hence it is essential the grades are followed closely and the contractors are assessed against the assessment criteria.**

It is important that the grade assigned to each assessment criteria and the comments provided describing the performance satisfy the definitions in this table.



There should be no unsatisfactory performance rating unless objective evidence exists supporting the non-compliance with the required standard of performance. Similarly no superior performance rating should be given without evidence supporting outstanding outcome with no non-conformance.

Where a contractor’s performance is not assessed in relation to a standard performance criterion, the criterion is to be marked as “Not Applicable” and the reason noted in the relevant comments section or the General Comments section of the CPR.

The pro-forma for reporting is [Contractor Performance Report 5TP-FT-057](#).

5.2. Standard Performance Criteria and Evaluation

Where applicable the Reporting Manager must gather the thoughts and opinions of all the stakeholders and enter the collective opinion into the CPR. The Reporting Manager must consider performance in the context of the project as a whole, including the respective roles and obligations of the Principal and contractor under the contract. If certain matters impact upon the satisfactory completion of a project which:

- occurred during a previous reporting period
- are outside of the contractor's control (e.g. industry wide strikes) or
- are the result of action or omission by the Principal which under the terms of the contract gave rise to a Principal caused delay

then these matters should not be taken into account by the Reporting Manager.

In summary, evaluation against performance criteria must be a measure of the contractor's performance on the contract, after taking into account matters beyond the contractor's control.

Note: When grading alliances replace “contractor” with “alliance” and consider the additional alliance specific criteria in conjunction with the regular assessment criteria.

5.2.1. Cost Management

In assessing the contractor's cost management performance, the assessment may include assessment of the following matters:

1. provide advice to TfNSW regarding anything that is likely to adversely affect the timing, cost or quality of the works in the time set out in the contract
2. proactive mitigation of costs and ability to find cost effective solutions associated with variations and/or delays
3. provision of clear cost information to TfNSW when requested
4. accurate cost management records (e.g. Variation Registers, Progress Claim Registers, Cash Flow and Claim Forecasts)
5. the quality of information provided to support variations, provisional sums, and the like.

For example to allocate a grade of “compliance” it would be expected that the contractor has been with providing TfNSW with clear cost information and information of issues that could have unfavourably impacted cost of the works in the time specified in the contract, have implemented cost effective solutions for variations without exaggerating costs, kept up-to-date records and included good quality accurate supporting documentation.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum or cost reimbursable contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. accurate six-monthly and yearly cash flow forecasts
2. transparent and proactive reporting of cost issues
3. compliance with procurement processes

4. effective and timely project close out
5. timely and accurate results from financial audits.

5.2.2. Time Management

On major contracts the contractor's detailed construction program will form the basis for the assessment of the contractor's ability to manage time. On smaller contracts, the nominated commencement and completion dates may be adequate as a basis for assessment.

In assessing the contractor's time management performance, the assessment may include assessment of the following matters:

1. progressive monitoring of works and appropriate resource allocation to critical activities
2. updating of program to account for delivery and/or unforeseen delays
3. ability to meet programmed milestones
4. progress of the work in accordance with the agreed schedule
5. inclement weather
6. industrial conditions affecting the work
7. occupational health and safety issues affecting the work
8. environmental issues affecting the work
9. latent conditions
10. delays by public authorities outside the contractor's control
11. effectiveness of the program as a management tool.

For example to allocate a grade of "compliance" it would be expected that the contractors program has met the contract requirements, progress is reviewed regularly, programs updated and submitted within the specified timeframe and work was managed in accordance with the program.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. limited re-scheduling other than delay events
2. demonstrated effective use of schedule as a management tool such as earned value analysis and reporting
3. proactive management of shared risks (inclement weather industrial conditions, environmental management issues, planning issues, latent conditions, public or private authorities)
4. use of schedule to manage inputs and obligations of others.

5.2.3. Standard of Work

In assessing the contractor's standard of work, the assessment may include assessment of the following matters:

1. requirements of the specification

2. amount of remedial work required, if any
3. conformance with specified performance criteria
4. compliance with specified tolerances and finishes
5. performance during the defects liability period, if applicable.

For example to achieve an “compliance” grading it is expected the contractor has adhered to contract requirements or work brief, consistently identified and rectified defects or issues progressively as work proceeded, number of defects and amount of rework required was minimal and rectified defects/issues within the agreed timeframe.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. absolute compliance with standards and specifications
2. no remedial work
3. performance during defect liability period
4. quality of documentation
5. no rejection of design packages.

5.2.4. Auditing

In assessing the contractor’s auditing performance, the assessment may include assessment of the following matters:

1. the extent of the contractor's compliance with the specified system requirements and the contractor’s project plans
2. the results of TfNSW’s audits
3. contractor’s ability to rectify non-compliances
4. the number of repetitions of the same non-compliances
5. the ability of the contractor’s system to identify and rectify non-compliance issues
6. the need to re-open closed findings
7. reference to the Contractor Performance and Incentive Payment Scheme results in the assessment period.

For example to allocate a grade of “compliance” it would be expected that the contractor has demonstrated compliance with the requirements and project plans through audit results, proactive rectification of non-conformances and limited repetition and re-opening of non-conformances.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. audit results demonstrate compliance with standards
2. timely rectification of limited non compliances
3. no repetition of audit issues

4. alliance demonstration of self audit to identify and rectify issues before audit.

5.2.5. Personnel

In assessing the contractor's performance relating to personnel, the assessment may include assessment of the following matters:

1. adequacy of the number of site personnel engaged by the contractor so as to ensure adequate progress in relation to the work
2. the contractor's management and control abilities to ensure cooperative and effective performance of site personnel
3. payment to workers of all moneys due in respect of their employment and receipt or accrual on their behalf of all employment benefits under any industrial award, enterprise agreement etc, act or regulation
4. observance of site rules and guidelines
5. extent of input of senior personnel
6. comparison of the skills and experience of the staff assigned to the project with those nominated in the tender for the work and whether those nominated were supplied
7. suitability of staff in regard to management, administration, scientific or industry skill levels and overall experience relevant to the tasks undertaken.

For example to achieve an "compliance" grading it is expected the contractor's personnel have the appropriate skills, follow the contract requirements, had adequate resources to undertake the activities, established and maintained effective lines of communication with TfNSW, key management personnel showed good knowledge of the contract requirements and followed procedures.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. filling of vacancies from within the NOP/OP
2. requirement for substantial non alliance senior management input
3. understanding and demonstration of alliance principals throughout the alliance.

5.2.6. Management of Sub-Contractors, Consultants and Other Suppliers

In assessing the contractor's performance in relation to the management of off-site and on-site subcontractors, consultants and suppliers, the assessment may include assessment of the following matters:

1. full compliance with legal and contractual obligations
2. ensuring sub-contractors meet Quality, WHS and Environmental System requirements
3. timely completion of subcontract work and consultant services
4. ensuring timely delivery of goods and materials

5. making payments to all subcontractors, consultants and suppliers in accordance with contract conditions.

For example to allocate a grade of “compliance” it would be expected that the contractor has employed suitably competent and experienced subcontractors and consultants, the work/service was delivered in a timely fashion and to a satisfactory quality standard that required only minor rework, the subcontractors complied with the WHS and Environmental System objectives and the contractor reviewed all claims, established entitlement and paid the correct amount in accordance with the contract.

The assessment of an alliance may include additional assessment of the following matter:

1. transparent and compliant subcontractor procurement processes.

5.2.7. Contract Administration

In assessing the contractor’s contract administration performance, the assessment may include assessment of the following matters:

1. ability to plan, record and administer the contract
2. compliance with requirements of the contract and relevant legislation
3. issue of timely and complete clarification under the contract (RFI) or the provision of information such as drawings, reports or other documentation
4. issue of timely and complete submissions of claims for payment, variation claims, variation proposal requests etc, including supporting evidence
5. quantum not exaggerated.

For example to allocate a grade of “compliance” it would be expected that the contractor advised of any change to significant personnel before they occurred, submitted majority of RFIs in specified times, provided proposals for variations by the specified time, gave all notices in the specified time, all payment claims included the relevant information and were made in accordance with the contract.

The following assessment criteria are aimed at alliances but may also be applicable to reimbursable and elements of lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. consistency across the alliance
2. prompt and full response to questions in relation to validity of submissions
3. need for payment claims adjustments
4. accuracy of cash neutrality
5. management of project close outs
6. prompt response to impact requests
7. clear presentation of project status including status of over/underrun and pain/gain share
8. active management and monthly reporting of KPIs.

5.2.8. Claims

In assessing the contractor's claims performance, specifically regarding Claims under the contract for example variation claims and extension of time claims, excluding payment claims, the assessment may include assessment of the following matters:

1. the submission of adequate supporting evidence and logic of submitted claims
2. the proportion of claims approved for extensions of time
3. the number of claims submitted and proportion of claims approved (including value) for variations
4. commitment to a co-operative approach to the early resolution of claims as demonstrated by
 - timely submission of claims
 - claims being factual and justifiable
 - quantum is not exaggerated.

For example to allocate a grade of "compliance" it would be expected that the contractor submitted clear, logical and complete claims the value of which were not exaggerated, were co-operative in their approach to discuss and resolve claims and had limited EOT and variations rejected by TfNSW.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. early identification and open and prompt discussions on TAEs
2. absolute adherence to the PTAE process
3. full alignment on quantum
4. all submitted claims are approved
5. no intervention from Principal's Representative.

5.2.9. Co-operative Relations

1. In assessing the contractor's performance relating to co-operative relations, the assessment may include assessment of the following matters:
2. commitment to resolving issues through open and effective communication
3. commitment to a non-adversarial approach to dispute resolution
4. commitment and implementation of a management approach that fosters continuous improvement, self assessment and general industry monitoring
5. evidence of a co-operative culture (e.g. adoption and commitment to partnering principles with clients, subcontractors, consultants and suppliers)
6. willingness to improve performance based on feedback from meetings or previous Contractor Performance Reports.

For example to allocate a grade of "compliance" it would be expected that the contractor cooperated in all matters regarding the contract including accommodating the needs of TfNSW, engaged in open and effective communication, gave early warning of events

significantly effecting the contract, worked with TfNSW to achieve a solutions, discussed payment claims to agree on an agreed value for the completed work, demonstrated a commitment to informal dispute resolution and showed a enthusiasm to improve performance based on feedback from TfNSW.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. working together to manage shared risks and process TAEs
2. no surprises in any aspect of the project
3. transparent and proactive reporting
4. evidence of cooperative culture (with subcontractors)
5. prompt response to TfNSW requests
6. non adversarial approach to client staff.

5.2.10. Design

In assessing the contractor's design performance, the assessment may include assessment of the following matters:

1. timely delivery of design works
2. works designed to be reliable and maintainable
3. works designed to take WHS and environmental issues into consideration
4. clarity and completeness of the specifications, drawings and reports
5. degree and number of discrepancies within the design
6. design adherence to specified performance criteria
7. compliance with Design Management Plan
8. design process carried out consistent with the contractor's obligations as an AEO
9. extent of involvement required by TfNSW to achieve the desired standard of design
10. identify and provide early notification to TfNSW of any design issues when the design is provided by another party.

For example to allocate a grade of "compliance" it would be expected that the contractor's design was submitted within the required time, was submitted in packages that facilitated review, the design generally complied with the contract with only minor amendments required that did not delay the work, the contractor sufficiently consulted user groups to adequately take into account WHS and environmental requirements and limited comments required following TfNSW's initial review.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. joint ownership of design review outcomes.

5.2.11. Work Place Health Safety (WHS)

The requirements for WHS are set out in the NSW Government's WHS Management Systems Guidelines. In assessing the contractor's WHS performance, the assessment may include assessment of the following matters:

1. compliance with WHS obligations
2. compliance with safety issues specifically nominated in the contract and/or the contractor's WHS Management Systems
3. compliance with the Project WHS Management Plan or Site-specific Safety Management Plan, as appropriate
4. compliance with Safe Work Method Statements
5. evidence of a positive safety culture
6. results of audits of the Project Management Plan, Site-specific Safety Management Plan or Safe Work Method Statements, as appropriate
7. WHS risk identification, assessment and management
8. fulfilling the contractor's obligations for subcontractor WHS management
9. subcontractors' WHS performance
10. the number of infringement notices issued to the contractor
11. the number of directions issued to the contractor concerning safety
12. reference to the Contractor Performance and Incentive Payment Scheme results in the assessment period.

For example to allocate a grade of "compliance" it would be expected that the contractors WHS management plan met all the contract and legislative requirements, work methodologies comply with the Safe Work Method Statements, site is kept clean and free of uncontrolled safety hazards, limited minor directions issued to the contractor concerning safety and no notifiable injuries.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. meet or exceed TfNSW Performance Targets (LTIFR etc)
2. confidence that safety statistics are complete and accurate
3. transparent and proactive reporting of WHS incidents
4. systemic Analysis of incidents.

5.2.12. Rail Safety

In assessing the contractor's rail safety performance, the assessment may include assessment of the following matters:

1. standard of contractor's Work Site Protection Plan and other relevant safety plans and proposals
2. contractor's compliance with rail safety plans/proposals

3. compliance with drug and alcohol requirements
4. compliance with fatigue management requirements
5. standard of contractor's rail possession planning and performance
6. standard and maintenance of rail safety equipment
7. performance in reference to the Contractor Performance and Incentive Payment Scheme results in the assessment period.

For example to allocate a grade of "compliance" it would be expected that the contractor submits and complies with high standard rail safety plans, manages fatigue, drug and alcohol management requirements without direction from TfNSW, rail safety equipment is up-to-date with maintenance requirements and safety performance during possessions is without incident.

5.2.13. Reliability of Operation

In assessing the contractor's performance relating to the reliability of operations, the assessment may include assessment of the following matters:

1. minimised the possibility of its works impacting the reliability of the overall road and rail operator's network
2. avoidance of any adverse impact (present and future) on road and rail operator's reliability and operations resulting from its activities
3. consideration of the reliability of the road and rail operator's network at all stages of works including design (where applicable), construction, operational readiness, and commissioning
4. identified, assessed and mitigated reliability risks associated with its works
5. allocation of responsibility for management of these risks
6. establishment of a reporting system for incidents which either delayed or had the potential of delaying road or rail networks
7. timely provision of asset information
8. compliance with required documentation in accordance with the TSRs
9. performance in reference to the Contractor Performance and Incentive Payment Scheme results in the assessment period.

For example to allocate a grade of "compliance" it would be expected that the contractor has taken all steps to minimise potential disruption to the train operator's rail network, promptly notifies TfNSW of any matters that could impact the reliability of road or rail operator's services, effectively mitigates reliability risks and has suitably assigned responsibility to manage the risks.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. transparency and reporting of incidents affecting rail operations
2. reliability risk mitigation
3. performance in reference to the alliance KPIs.

5.2.14. Authority Approvals

In assessing the contractor's performance in relation to authority approval compliance, the assessment may include assessment of the following matters:

1. licences or permits obtained from authorities in a timely manner by the contractor
2. adherence to licences, permits, consents, approvals, determinations, exemptions, certificates, MoUs, laws, whether obtained by the contractor or by TfNSW.

For example to allocate a grade of "compliance" it would be expected that the contractor demonstrate an understanding of the required authority approvals and obtains them in a timely fashion without delay to the program and strictly adhered to the terms on the authority approvals.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. obtaining approvals from authorities with limited assistance from TfNSW
2. demonstrated understanding where authority approvals are required, including early notification
3. absolute compliance with authority approvals and reporting on management of authority approvals including planning approvals and the Environmental Planning Licence
4. management of utilities.

5.2.15. Industrial Relations

The requirements for management of industrial relations are set out in the NSW Government Industrial Relations Management Guidelines. In assessing the contractor's industrial relations performance, the assessment may include assessment of the following matters:

1. compliance with industrial relations obligations
2. implementation of a strategy for the management of industrial relations by the contractor
3. implementation of the project Industrial Relations Management Plan or evidence of compliance with employment obligations, as appropriate to the project
4. results of review of the project Industrial Relations Management Plan implemented or review of project industrial relations performance, as appropriate
5. payment of long service leave levy.

For example to allocate a grade of "compliance" it would be expected that the contractor submitted the required industrial relations information on time, the Industrial Relations Management Plan complies with the contract, adheres to the Industrial Relations Management Plan and legislation, industrial relations issues are quickly identified and resolved and a cooperative workplace environment is maintained.

5.2.16. Environmental Management

The requirements for environmental management are based on the NSW Government's Environmental Management Systems Guidelines. In assessing the contractor's performance

in relation to environmental management compliance, the assessment may include assessment of the following matters:

6. compliance with environmental obligations, the Environmental Impact Statement/Review of Environmental Factors requirements and Environment Management Plan
7. evidence of an environmentally aware culture
8. results of site surveillance and inspections
9. subcontractors' environmental performance
10. issued identified by the Environmental Representative closed out within required timeframe
11. performance in reference to the Contractor Performance and Incentive Payment Scheme results in the assessment period
12. number of infringements issued to the contractor.

For example to allocate a grade of "compliance" it would be expected that the contractor maintained a clean and tidy site with all environmental controls in place, site inspections identify only minor environmental issues and these issues are rectified in the required timeframe, the environmental management plan complies with the contract, there were no notifiable environmental incidents and staff are knowledgeable of the environmental obligations.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. full compliance with environmental obligations
2. empowered, competent and appropriately resourced environment team embedded within the project team with autonomy to make decisions and who adopt proactive and not reactive environmental management
3. strong connection between community, environment and construction teams
4. timely and high quality submissions that correctly capture the full scope of works
5. open reporting culture regarding issues, incidents and non-compliances
6. no issues raised on Environmental Representative's inspections
7. performance in reference to the alliance KPIs.

5.2.17. Community Relations

In assessing the contractor's community relations performance, the assessment may include assessment of the following matters:

1. commitment to a co-operative, non-adversarial approach
2. development and implementation of a Community Liaison Plan (where applicable), for example:
 - o management of external and internal communication processes and a commitment to resolving issues through open and effective communication

- establishment and administration of communication protocols
- 3. adequate response from the contractor in regard to community issues that have been raised and reporting of those issues to TfNSW
 - 1. all issues closed out within required timeframes
 - 2. contractor participation in community liaison groups and forums
- 4. performance in reference to the Contractor Performance and Incentive Payment Scheme results in the assessment period.

For example to allocate a grade of “compliance” it would be expected that the contractor was non-adversarial in their approach to community liaisons including forums, issues have been reported to TfNSW in a timely fashion, effective communication protocols have been implemented and no notifiable community incidents occurred.

The following assessment criteria are aimed at alliances but may also be applicable to lump sum contracts. The assessment may include additional assessment of the following matters which may be used in lieu of one or more of the criteria above:

1. open reporting culture of issues, incidents and non-compliances
2. strong connection between community, environment and construction teams
3. full compliance with Community Liaison Plan
4. performance in reference to the alliance KPIs.

5.3. Overall Performance

Assessment of Overall Performance should reflect the Reporting Manager’s opinion on the contractor’s performance as a whole after taking into account the individual assessments for the criteria described at Section 5.1.

5.4. Suitability for Further Work

The Reporting Manager shall, after taking into account the performance assessment, make a recommendation as to the contractor’s suitability for further works with TfNSW on projects of a similar type. Should this be marked as “Not Suitable”, then confirmation of the reasons should be discussed with the relevant Project Director and the Director Commercial before circulation.

5.5. Overall Comments

A brief comment on the rating or qualifying the rating must be made in the comments section of the applicable assessment criteria section and the General Comments section of the CPR and must include actual evidence of performance.

In completing CPRs it is important to report on good and superior performance as well as unsatisfactory performance. As CPRs will be used in ROI processes and tender assessments, contractors with proven good or superior performance should be recognised above those with average performance.

The Reporting Manager and the Reviewing Manager should ensure that comments are accurate, complement the grade given, are supported by evidence and not biased, untruthful, malicious or defamatory. Comments should be kept to the facts relating to the contract at hand, however where it is considered necessary to give an opinion, the opinion should be:

- a first-hand opinion
- recorded and signed by the Reporting Manager
- about the contractor, not individuals.

In particular, comments should commence with 'In my opinion', e.g. 'In my opinion the contractor did not provide a suitably experienced project manager' or 'In my opinion, the management of the contract was not satisfactory'. Comments should refer to the failure of the contractor and not to individuals.

In reporting do not use extreme language e.g. 'In my opinion the contractor was totally (or completely) inefficient'. Use of extreme language often indicates bias and it is easy to challenge such opinions as there may be some area, no matter how small, where the contractor was not inefficient and/or you are unable to substantiate the inefficiency.

Reasons for any opinion should be stated and should refer to the relevant evidence which underpins such opinion.

In order to drive continuous improvement it is a requirement that suggestions for improvement are included in the CPR either in the individual assessment criteria comments or in the General Comments section.

5.5.1.1. Comments on Applicable Assessment Criteria

Comments providing evidence and justification for the grade are mandatory for all assessment criteria. It is expected that these comments can be relied upon to justify CPR results to contractors during any appeal and to form the basis for discussions on performance. It is highly recommended that the Reporting Manager use the language used to define the grade in the table in Section 5.1 when providing the justification for the grade.

5.5.1.2. General Comments

The General Comments section provides an opportunity for the Reporting Manager to comment on the overall performance of the contractor, potentially taking into consideration things outside of the scope of the assessment criteria for example Rail Safety, WHS or Environmental Management.

It is in the General Comments that the contractor's good effort despite their failures to meet the assessment criteria can be recognised.

5.6. Objective and Accurate Reports

The Reviewing Manager is to ensure the report is objective and accurate and therefore capable of being relied upon for decisions relating to selective tender lists or selection of a tenderer. Grading accuracy is essential for comparison of CPR data to facilitate selection of the best performing contractor.

6. Reporting

6.1. Frequency

CPR reports must be prepared covering the following periods:

- (a) the six month periods ending March and September of each year that is relevant to the contract
- (b) immediately after practical completion of a contract
- (c) when there is a continuing period of unsuitable performance on a contract, in the opinion of the Reviewing Manager
- (d) when a contract is terminated
- (e) upon finalisation of all outstanding claims

Completed CPR reports should be provided to Transport Project's Commercial Group.

Note: A CPR may only be omitted where the reporting date is within one month of another report (e.g. practical completion CPR occurs within a month of the March or September reporting period then it is only necessary to complete one CPR) or it is less than six weeks since contract acceptance.

The performance criteria and a preliminary assessment should be discussed with the contractor at regular contract control meetings.

6.2. Notification to Commence Contractor Performance Report

Notification will be provided by the Principal Manager Commercial at the close of the March and September reporting periods outlining the time period allowed to complete the required CPRs under Section 6.1 (a). Strict adherence to this time period is a mandatory requirement of this process.

CPRs that occur due to any of the reasons set out in Section 6.1 (b) to (e) are the responsibility of the Reporting Manager and no formal notification will be provided.

6.3. Roles and Responsibilities

The key roles in the CPR process are the Reporting Manager and the Reviewing Manager. Together they perform a rigorous assessment of the contractor's performance involving a thorough review to ensure accuracy of the assessment. Furthermore the Project Director may carry out an additional review of the CPR before issuing it to the contractor.

Contractors may not assume the position of either the Reporting or Reviewing Manager unless extenuating circumstances exist and approval is granted by the Director Commercial.

6.4. Reporting Manager

Responsibility for completion of CPR reports should be assigned to the person best able to make accurate, factual assessments in accordance with the assessment criteria. The Reporting Manager should be the person who has day-to-day liaison with the contractor and would generally be the Project Manager.

6.5. Reviewing Manager

Review of the Reporting Manager's appraisal is to be made by a Reviewing Manager experienced in contract management at a more senior level and is preferably the Principal's Representative. In the event the Principal's Representative is also the Project Manager then the Project Director shall fill the role of Reviewing Manager.

The Reviewing Manager's task is to ensure the CPR is objective and accurate and that it can be relied upon by TfNSW to make accountable decisions in relation to ROI, selection of a tenderers and tender assessment processes.

The Reviewing Manager must also make sure the CPR is of a high standard and is robust to withstand any appeals by the contractor. To achieve this the Reviewing Manager must ensure that comments are consistent with the rating allocated to each assessment criterion. Where the Reviewing Manager finds the assessment is not suitable the Reviewing Manager must substantiate any differing assessments with supporting facts and return it to the Reporting Manager to amend.

Note: The Reviewing Manager does not have the authority to change the CPR without consulting the Reporting Manager.

6.6. Project Director

The Project Director shall review their programs CPRs prior to distribution to the contractor to ensure consistency within the program. Where they find the assessment is not suitable they must substantiate any differing assessments with supporting facts and return it to the Reporting Manager to amend. The Project Director should not have the authority to change the CPR without consulting the Reporting Manager.

6.7. Submission of CPR and Contractor's Response

6.7.1. All Reports

The contractor must be given a copy of each CPR by the Principal's Representative and the opportunity to comment on the assessment within 10 working days or other period as may be agreed by the parties.

In all cases the Reporting and/or the Reviewing Manager must address any issues raised by the contractor and respond in writing. The contractor's comments and the written response by the Reporting and/or Reviewing Manager form part of the CPR.

6.7.2. Reports with Unsatisfactory Ratings

Where the CPR concludes that the performance of a contractor is unsatisfactory in any reporting criteria the contractor must be given an opportunity to comment on the report in accordance with the following guidelines:

- (f) where the Overall Assessment is satisfactory (yet performance in a specific criteria is considered unsatisfactory) and the contractor is assessed suitable for further work:
 - i. the contractor is to be advised in writing of the assessment and requested to respond in writing within 10 working days
 - ii. the contractor's response is to be considered by the Reviewing Manager and the contractor advised if the unsatisfactory performance rating(s) against an individual criterion is to be retained.
- (g) where the Overall Assessment is unsatisfactory or the contractor is not recommended for further work:
 - i. a meeting between the contractor, the Reporting Manager and the Reviewing Manager is to be convened

- ii. the reason(s) for the assessment(s) contained in the CPR is to be discussed and the discussions shall be minuted
- iii. the contractor shall be given the opportunity to respond in writing within 10 working days of the meeting
- iv. upon review of the contractor's response the CPR may be adjusted at the discretion of the Reviewing Manager
- v. if upon completion of steps (a) to (d) the contractor's overall assessment is considered unsatisfactory, then the contractor must be informed and given the option of seeking a review which will be undertaken in accordance with Section 5 – 'Appeal Process' of this guideline (below).

The Reviewing Manager shall send the contractor a further copy of the CPR, whether amended or not, at the end of the above processes.

7. Appeal Process

In the event that, after following the process described at Section 6.5, a CPR rates the contractor's Overall Performance as unsatisfactory, the contractor must be given the opportunity of an independent review as follows.

The contractor is to be given a copy of this Appeal Process and notified it has 20 working days to lodge an appeal against the CPR.

The independent review will be undertaken within 10 working days (or other period as may be agreed by the parties) of receipt of the request for an appeal by the contractor.

The independent review is to be undertaken on the available evidence submitted by all parties and the reviewer may at his/her absolute discretion seek additional information from the contractor, Reporting Manager or Reviewing Manager, either in writing or in person.

The independent review is to be undertaken by either the Director Commercial or a Project Director or a nominee.

The contractor is to be notified of the outcome of the appeal within 10 working days (or other period as may be agreed by the parties) of the review. Where the CPR is changed as a result of a review an adjusted copy of the CPR is to be given to the contractor and the Reporting Manager.

8. Final Contractor Performance Report

The final CPR on each completed contract will be the main source of data for evaluation of the performance of a contractor. For this reason, the final CPR should reflect the performance of the contractor during the whole of the contract. When performance is unsatisfactory, the report must be accompanied by backup evidence and all relevant details of the unsatisfactory performance, including minutes of meetings with the contractor.

The Project Manager/Reporting Manager is responsible for creating and maintaining the report. A copy of the final CPR will be provided to the Principal Manager Procurement.

9. Confidential Information

CPR information is strictly confidential therefore is a requirement of this document that CPR forms are only be saved in the protected files in Desksite managed by the Document Controller. Disciplinary action may be taken against individuals who do not comply with this requirement. Please refer to the Contractor Performance Management Guideline for information on confidentiality and defamation.

10. Related Documents and References

Related Documents and References

[Construction Contractor Performance Report – 5TP-FT-057](#)
[Contractor Performance Management – 5TP-PR-017](#)
[Contractor Performance Management Process Chart](#)
[Review Unsatisfactory Overall Assessment Sub-Process Chart](#)

11. Superseded Documents

Superseded Documents

There are no documents superseded as a result of this document.

Appendix 1 – User Guide

Introduction

This document outlines the use of the Contractor Performance Report – PDF Version. From this point onwards, the ‘Contractor Performance Report – PDF Version’ will be referred to simply as the ‘CPR’ or ‘form’.

Software Requirements

The CPR requires the following programs to be installed on the user’s computer:

Adobe Reader version 8.0 (or later). This is installed on your computer by default.

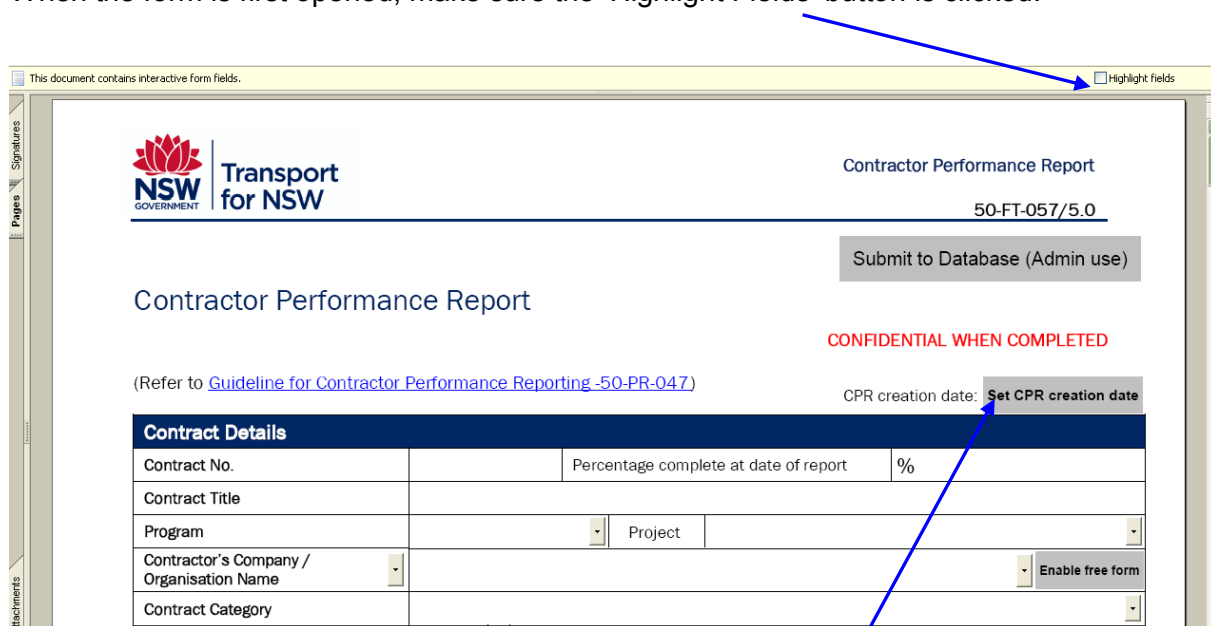
User Guide

1.1. Where to find the CPR form

The CPR form can be located on the QMS. The file name for the form is [Contractor Performance Report - 5TP-FT-057](#)

1.2. Starting a New Contractor Performance Report

When the form is first opened, make sure the ‘Highlight Fields’ button is clicked.



This document contains interactive form fields. Highlight fields

NSW GOVERNMENT | Transport for NSW

Contractor Performance Report
50-FT-057/5.0

Submit to Database (Admin use)

Contractor Performance Report

CONFIDENTIAL WHEN COMPLETED

(Refer to [Guideline for Contractor Performance Reporting -50-PR-047](#))

CPR creation date:

Contract Details			
Contract No.		Percentage complete at date of report	%
Contract Title			
Program		Project	
Contractor's Company / Organisation Name			<input type="button" value="Enable free form"/>
Contract Category			

Next, click the **'Set CPR creation date'** button.

This date will be set to today’s date and cannot be changed.

1.3. Contract Details

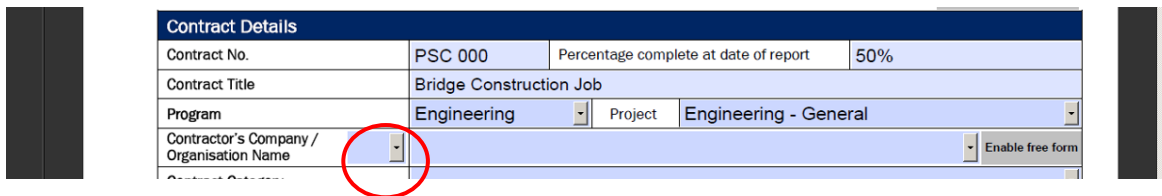
As seen in the above image, the first section of the form contains the Contract Details. Proceed to fill out the fields highlighted in blue.

In relation to the **Contract No.**, please double check that this field is the Scenario Contract number (S1234) and that it has been entered correctly. This will be important for running reports on a particular contract number.

There is a chance that the **Program, Project, Contractor** or **Contract Category** you are reviewing may not be on the list. Please notify the Document Manager (Procurement Governance Manager) and request for the form to be updated. At this stage, you will have to wait for the Document Manager to update the form before proceeding with the CPR.

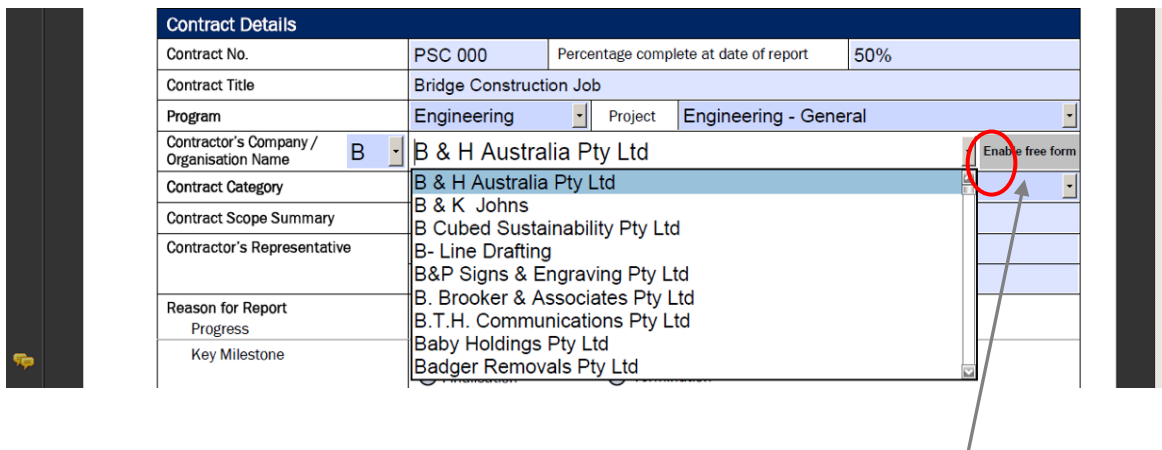
The **Program** field will automatically update the **Project** field with projects that belong to the program.

When filling out the **Contractor's Company** field start by using the filter circled in **red** below.



Contract Details			
Contract No.	PSC 000	Percentage complete at date of report	50%
Contract Title	Bridge Construction Job		
Program	Engineering	Project	Engineering - General
Contractor's Company / Organisation Name	<input type="text"/> Enable free form		

Once a letter is selected the Contractor Company field will be populated with companies that begin with the selected letter. Open the dropdown list by clicking the button circled in **red** below.



Contract Details			
Contract No.	PSC 000	Percentage complete at date of report	50%
Contract Title	Bridge Construction Job		
Program	Engineering	Project	Engineering - General
Contractor's Company / Organisation Name	B	<input type="text"/> Enable free form	
Contract Category	B & H Australia Pty Ltd		
Contract Scope Summary	B & K Johns		
Contractor's Representative	B Cubed Sustainability Pty Ltd		
Reason for Report	B- Line Drafting		
	B&P Signs & Engraving Pty Ltd		
Progress	B. Brooker & Associates Pty Ltd		
Key Milestone	B.T.H. Communications Pty Ltd		
	Baby Holdings Pty Ltd		
	Badger Removals Pty Ltd		

If the contractor to be reviewed is not in the dropdown list, click the **'Enable free form'** button and manually enter the contractor name.

Contract Category

Category	Definition
Major	Construction Contracts with Contract Sum > \$5M
Minor	Construction Contracts with Contract Sum < \$5M
Alliance	This category is only for Alliance Construction Contracts or Alliance Non-Owner participants. Please note that all other consultants working on Alliance to be categorised under other categories.

Category	Definition
Major	Construction Contracts with Contract Sum > \$5M
Cost/Risk	Estimators, Quantity Surveyors, Cost Planners, Cost Advisors, Financial Auditors
Environmental	Arborists, EMRs, Heritage Assessment Consultants, Ecological Assessments, Environmental Assessment, Planning Approval Contractors, Waste Audits, Sustainability Consultants, Noise Consultants, EMS Review, European Indigenous Assessment or other P&E services
Investigation	Site Investigations, Dilapidations Reports, Site Survey
Project Management	Project Managers, Project Management, Contract Managers, Construction Management, Construction Supervisors, Site Construction Managers, etc
Safety	Rail Safety Services, Worksite Protection Officers, OHS & R services, Safety Manager, Safety Support
Supply	Supply of goods and materials e.g. Lifts
Technical	Signalling, Design Services, Designers, Design Review, Technical Services, Engineering Services, Control Services
Corporate	Independent Audit / Compliance Services, Information Technology (IT), other corporate related services, insurance brokers, Training Services
Legal	Legal Services, Solicitors
Probity	Probity Advisors
Procurement	Procurement Managers, Procurement Officers, Procurement Support

1.4. Contractor's Performance

The second section of the form relates to the Contractor's Performance. Scores can be selected for each evaluation criteria (where applicable) and comments can be typed into the blue fields as seen below. Comments must be provided for all scores including actual evidence of performance.

Contractor's Performance

Evaluation Criteria:	Not Applicable (PSC's only)	A Unsatisfactory* 0 Points	B Marginal 3 Points	C Acceptable 5 Points	D Good 7 Points	E Superior* 10 Points
Cost management Comments:	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Time management Comments:	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Standard of work Comments:	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Auditing Comments:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

At the end of the Contractor's Performance section, an overall score is shown. This is automatically calculated based on scores entered for each criterion.

In addition, it is up to the user's discretion whether the contractor is suitable for further work on the project. Comments must be provided if the contractor is deemed to be Not Suitable.

Community relations* <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>					
Comments:					
Overall Performance: 58%	(Below 30%) Unacceptable	(30% to 49%) Unsatisfactory	(50% to 62%) Acceptable	(63% to 84%) Good	(85% and over) Superior
Suitable for further work: <input checked="" type="radio"/> Suitable <input type="radio"/> Not Suitable*					

* May not be applicable for some Professional Service Contracts (PSC's) ^ If "Not Suitable" is ticked, detailed reasons must be given.
Wherever superior or unsatisfactory score is given, evidence must be provided in the form of explanation in the comments section where this score has been given.

1.5. Overall Comments

The final section contains comments details of the Reporting Manager and Reviewing Manager

The unsatisfactory aspects were discussed with the Contractor / PSG at a meeting held:	
General Comments: The contractor's performance was acceptable for this reporting period.	
Reporting Manager: In my opinion: the performance of the contractor was acceptable for the September reporting period.	Reporting Manager's Signature: Name: Reporting manager name Title: Reporting manager title Email: Date: 29/09/2011

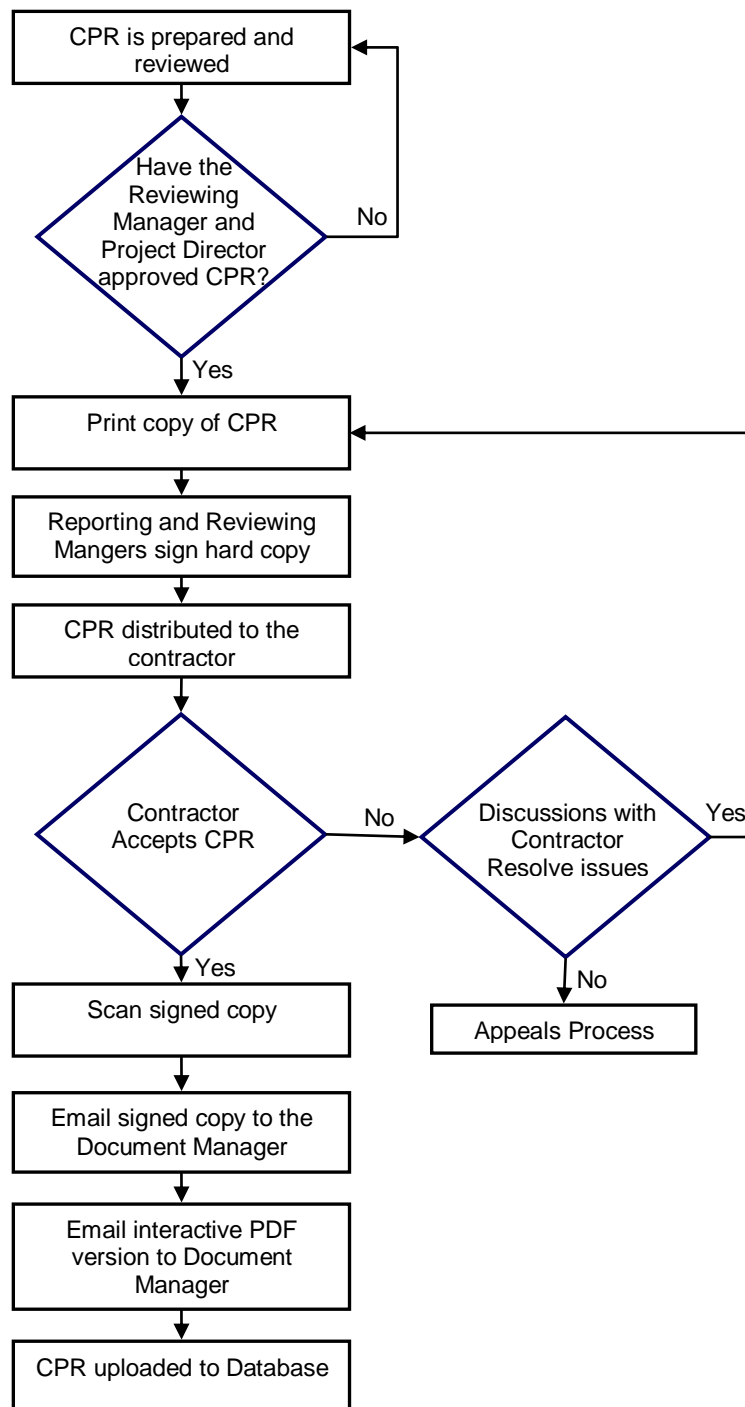
If you are the Reporting Manager, fill out the relevant fields and pass the document onto your Reviewing Manager.

Reviewing Manager: I concur / do not concur with the Reporting Manager's Assessment.	Reviewing Manager's Signature: Name: Reviewing manager name Title: Reviewing manager title Email: Date: 30/09/2011
Distribution: 1. Contractor's Representative 2. TNSW's Reporting Manager / Reviewing Manager 3. TPD's Commercial Group	
1656177_2 © TNSW 2011	TNSW MANAGEMENT SYSTEM UNCONTROLLED WHEN PRINTED
Page 4 of 4	

If you are the Reviewing Manager, you will need to deem whether the CPR is acceptable and either pass it onto the contractor (if acceptable) or pass it back to the Reporting Manager to amend. Do not sign the document until you deem it to be acceptable to be passed onto the contractor.

1.6. Completion Process

The form should only be signed if it is deemed acceptable to be sent to the Contractor. Once agreed the following signing process should be followed:



Note: CPRs must not be saved in an unprotected project folder.

1.7. File Naming Convention

The following file naming convention for saving the pdf form is required:

Company Name - Contract/PSC# - Program – Project – Reporting Period (Mar/Sept) - Year

For example *“ABC Contracting – MWD 1234 – NSFC – ETTT – Mar - 2014”*

1.8. Workflow

Refer to the Contractor Performance Management process chart.