



MINISTRY OF FINANCE AND THE PUBLIC SERVICE

OFFICE OF PUBLIC PROCUREMENT POLICY

Contractor and Consultant Performance Evaluation

This Guidance Note explains the process, system and structures required for creation, and maintenance of authoritative, reliable and accessible contractor and consultant performance evaluations to support the accountability requirements of the procuring entity.

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Introduction

Interpretation:

In this Guidance Note:-

Act means The Public Procurement Act 2015 as amended

Assessor means the individual tasked to undertake performance evaluation of GOJ's procurements and projects using the CCPEP guidelines

Contractor means any individual or firm, including joint venture and consortium that is awarded a procurement contract for the supply of goods, works and non-consulting services

Consultant means any individual or firm, including joint venture and consortium that is awarded a procurement contract for the supply of consulting services

Consulting services means services provided by a person or firm as a consultant that are of an intellectual, research, technical or advisory nature

Contractor and Consultant Performance Evaluation System (CCPES) is a system of grading the performance of a contractors and consultants for procurements and projects using a set of criteria, approved by the Cabinet of the GOJ

Contractor/Consultant Performance Evaluation (CCPE) is the report from an assessor pursuant to these CCPEP guidelines

Corrective Action Plan (CAP) is a plan of action proposed by the contractor or consultant to the concerned MDA's CPEP Team, which is aimed to correct the non-conformance findings on the project based on the CPE(s). The CAP shall include the specific actions and timetable to immediately correct the findings subject to the approval by the head of the MDA or authorised representative.

Corrective Action Request (CAR) is a request form wherein the Assessor records his/her validated finding(s) including corresponding location(s) of actions do not conform to procurement or project requirements, requiring immediate action by the contractor consultant.

CCPEP Team means the individuals or unit within an MDA responsible for the implementation of CCPEP.

During Construction reckoned from the time construction has started as provided for in the Notice to Proceed (NTP) or other significant documentation up to substantial completion of the project.

Evaluation Metrics are measures that are used to quantify the performance of the work of contractors and consultants on GOJ procurements and contracts.

Head of the Procuring Entity refers to the head of the Ministry, Department of Agency (MDA) of the Government of Jamaica (GOJ) or their duly authorized representative.

Works Procurements/Projects refers to construction, improvement or rehabilitation of roads and highways, airports and air navigation facilities, railways, ports, flood control and drainage, water supply and sewerage, irrigation systems, dams, buildings, communication facilities, dredging and reclamation, power generating plants, power transmission and distribution facilities and other related construction projects.

Preventive Action Plan is a plan of action proposed by the contractor or consultant to the concerned MDA's CCPEP Team, which is aimed to prevent the recurrence of non-conformance findings on his on-going and/or future procurements or projects.

Performance Score - the score is calculated for each interim period of activity evaluated and derived using the evaluation metrics. There are 5 bands of performance scoring i.e. 84% and above; 70% and above; 50% and above; 30% and above; and below 30%.

Performance Ranking – the ranking assigned are determined by the bands used for the performance scoring. There are 5 performance rankings i.e. Exceeds Requirements; Requirements Fully Met; Acceptable, Needs Improvements; and Unsatisfactory.

Performance Designator describes the terms assigned to the contractor's or consultant's final ranking. There are five performance designators i.e. Excellent Contractor; Good Contractor; Acceptable Contractor, Marginal Contractor; and Deficient Contractor.

Upon Completion refers to 100% completion of the project as reported by the project owner. Completion of project on time includes demobilization and final clean-up.

Scope and Context:

The Contractor and Consultant Performance Evaluation Programme (CCPEP) is the Government of Jamaica's official and standardised mechanism for assessing the performance of contractors and consultants, on particular procurement contracts over specified periods of time to provide accurate and complete analyses which will guide source selections and the regulatory administration of contractors and consultants. It offers a centralized consolidated registry of past and on-going performance reporting of contractors and consultants who participate in public procurement. The CCPEP focuses on the Contract Administration and management phase of public procurement contracts to achieve the following objectives:

- 1.1.1 Achieve value for money in the implementation of public procurement contracts;
- 1.1.2 Improve the capacity of procuring entities to fairly and equitably assess the performance of contractors and consultants and maintain accurate records of findings;
- 1.1.3 Improve the performance and capacity of contractors and consultants in terms of time, cost and quality; and
- 1.1.4 Foster positive relationships between suppliers and the GOJ in public procurement activities.

The CCPEP expressly requires procuring entities to integrate within the current procurement practice, more formal and structured contract monitoring and administration activities in the attainment of the objectives set out, thereby enabling balance and improving efficiency in the administration of public procurement.

The construct of the CCPEP is not primarily punitive - though this is a normal and expected outcome of the procedures. Rather, the CCPEP is used to encourage contractors and consultants to improve their performance in executing GOJ procurement contracts since it makes judgments on their suitability for future contract awards. By requiring procuring entities to transparently document and address issues with contractors and consultants during

the implementation of the contract, the CCPEP creates opportunities for contractors and consultants to improve on inadequate performance if it arises.

Law Policy and Compliance

The Law:

a. Section 11 of The Act sets out the functions of The Public Procurement Commission including its function to “*continuously assess suppliers for **capacity and performance** consistent with registration and classification requirements under the Act.*”

b. Regulation 3(3) of The Public Procurement (Registration and Classification of Suppliers) Regulations 2019 provides that the PPC may refuse to register an applicant as a supplier if the PPC is satisfied that the applicant:-

(f) having regard to the **past performance** during the period of five (5) years immediately preceding the date of the application, or expertise of the applicant or any relevant employee, it would not be appropriate to register the applicant as a supplier.

c. Regulation 15(1) of The Public Procurement (Registration and Classification of Suppliers) Regulations 2019 provides that the PPC may cancel the registration of a supplier if-

(g) the supplier has a past of **unsatisfactory performance** of procurement contracts verified by procuring entities.

d. Similarly, Regulation 14(1) of The Public Procurement (Registration and Classification of Suppliers) Regulations 2019 provides that the PPC may suspend the registration of a supplier-

for any of the reasons for cancellation specified in regulation 15 where, on the facts of the case before it, the Commission is of the view that suspension would be more appropriate.

e. Regulation 19(1) of The Public Procurement Regulations 2018 provides that

Regulation 19(1) A supplier shall not be qualified to bid if:-

(e) in the opinion of the procuring entity the supplier, is not a person

(i) of sound probity; or

(ii) able to exercise competence, diligence and sound judgment in fulfilling the supplier's responsibilities in relation to a public procurement.

- f. Section 7 of The Act provides that the Office of Public Procurement Policy (OPPP) is mandated to develop public procurement policy, and to provide policy implementation guidance, training and advice to persons participating in public procurement.

Amongst its functions, the OPPP is required to:

- i. Monitor the operation of the public procurement process and compliance with the provisions of the principal Act and regulations made thereunder;
- ii. Review the methods, procedures and processes used in public procurement and recommend any modifications as appropriate;
- iii. From time to time issue administrative guidance, in any form, including directives, guidelines, instructions, technical notes or manuals, with respect to the conduct of public procurement and the implementation of the Act and Regulations.

The Policy:

The Contractor and Consultant Evaluation Policy was passed by The Cabinet on February 1, 2023 and sets out all applicable principles for the Contractor and Consultant Evaluation System. **This guidance note must be read together with the policy which is annexed and marked Annex 1 for identification.**

How to Comply:

Considerations during individual procurement planning stage

a. Determine if the contract is subject to evaluation pursuant to the policy

Procuring entities must conduct contractor and consultant performance evaluations for procurement contracts:

- i. raised by any prescribed method of procurement, and valued in excess of “the CCPE Threshold”, which is Ten Million Jamaican Dollars (J\$10,000,000.00). Procuring Entities may elect to conduct evaluations for contracts below the CCPE threshold and any such evaluation must be done in accordance with the CCPE procedures;
- ii. made pursuant to a Framework Agreement, where the value of such procurement contract exceeds the CCPE threshold;
- iii. made pursuant to multilateral or bilateral agreements to which Jamaica is a party, or an agreement between Jamaica and an international organisation, providing for an alternate system of procurement than that which is provided under the Public Procurement Act;
- iv. **awarded to Micro Small and Medium Sized Enterprises under the GOJ policy for Special and Differential Treatment regardless of value;**
- v. **awarded under emergency circumstances regardless of value; and**
- vi. **that are terminated for cause, regardless of value.**

CCPEs are not required for procurement contracts

- i. that are exempt from the application of the Act by virtue of the First Schedule to the Act, save and except that those contracts formed pursuant to multilateral or bilateral agreements to which Jamaica is a party; and
- ii. raised between two government entities pursuant to prescribed procedures.

b. Settle the contract management plan

- i. The Procuring Entity should ensure that a preliminary contract management plan for implementing a contract is produced. The Procuring Entity's contract management plan contains pertinent information about the management of the contract over its life to ensure that value for money is achieved. It is intended to be a living document and should reflect the level of complexity and risk associated with the contract. A written contract management plan may not be necessary for routine contracts however more complex or higher risk contracts require a thorough contract management plan.
- ii. The procuring entity's contract management plan should not be a replica of the contract but should serve as a guide to information stipulated in the contract. Suggested elements of a contract management plan include but are not limited to:
 - Summary of key activities – Milestones/ dates for key activities to be completed;
 - Roles and responsibilities – Listing of the main representatives associated with the contract on both the supplier and the procuring entity;
 - Risk Management – details of identified potential risks and how they will be managed. A separate risk management plan must be created for more strategic procurements or complex contracts;
 - Contract governance – broad outline of stakeholder management and contract oversight/ reporting arrangements or hierarchy;
 - A register of clauses in the draft contract that concern Administration, Quality, Execution, Cost Control and Safety
 - Extension options and
 - Contract variations – governance framework concerning treatment of variation requests
- iii. The contract implementation team or individual so designated within the procuring entity should possess expertise required for the specific contract. A team approach should be utilised specifically for the management of large and complex contracts. In these cases, no one person can effectively manage all phases of a complex procurement contract nor is it desirable.
- iv. These teams may be either permanently installed or may be comprised on an *ad-hoc* basis. This CCPEP Team is responsible for the following:
 - Communicating with contract owners regarding contractor and consultant performance information;

- Preparing, screening and securing approval for CCPEs;
- Submitting CCPEs to the PPC via the DVBI Portal;
- Coordinating CPE conflict resolution processes, and
- Participating in CPE training and development exercises.

Considerations during solicitation stage

a. Disclose the evaluation criteria and their descriptions in the solicitation documents

- ii. Contractor and Consultant Performance Evaluation information must be disclosed in the solicitation documents for all applicable procurement contracts. Special attention must be given to this requirement especially where a GOJ Standard Solicitation Document is not being used.
- iii. In all relevant standard solicitation documents, procuring entities must set out the following table in the bidding data sheet.

Contractor & Consultant Performance Evaluation

- i. The Government of Jamaica has developed a centralised contractor and consultant performance evaluation system.*
- ii. This system requires the submission by PEs, of a report on your performance against criteria set out in these documents and agreed as your contractual obligations.*

Criterion	Description
Administration	The extent of the contractor's responsiveness, timeliness, communication and reporting during the contract
Safety	The extent to which the contractor adheres(d) to established industry and contractual protocols relating to worker, site and public safety
Quality	The degree to which technical requirements have been fulfilled
Execution	The extent to which the Contractor was able to manage and control the progress of the contract/works
Cost Control	The extent to which the contract was executed within the agreed upon price

b. Publish the draft contract with the solicitation document

All solicitation documents must be accompanied by a suitable draft contract. The contracts available for use are annexed to the Standard Solicitation Documents issued for use by the Office of Public Procurement Policy. You may find the documents here: <https://procureja.gov.jm/goj-standard-documents/>

Considerations during contract award stage

a. Discuss and agree the evaluation metrics

Prior to the contract kick-off meeting, the CCEP Team must meet to confirm and finalise the areas of contract implementation that are most relevant to their contractor and consultant performance evaluation goals. Note that the approach may be tailored to the circumstances of the procurement and may even take account of the identity of the awarded contractor or

consultant and their known weaknesses. Take care to ensure that each selected indicator refers specifically to a contract term.

See example 1 below:

Criterion	Description	Indicators
Safety	The extent to which the contractor adheres(d) to established industry and contractual protocols relating to worker, site and public safety	Total Recordable Incident Rate (TRIR)

This evaluation metric is related to Condition 4.8 “Safety Procedures” of the General Conditions of Contract in the Large Form Works Contract and is reproduced below:

4.8 Safety Procedures

The contractor shall:

- a. comply with all applicable safety regulations,*
- b. take care for the safety of all persons entitled to be on the Site,*
- c. use reasonable efforts to keep the Site and works clear of unnecessary obstruction so as to avoid danger to these persons,*
- d. provide fencing, lighting, guarding and watching of the works until completion and taking over under Clause 10 [procuring entity’s Taking Over]; and*
- e. provide any Temporary works (including roadways, footways, guards and fences) which may be necessary, because of the execution of the works, for the use and protection of the public and of owners and occupiers of adjacent land.*

During the kick-off meeting, you may reference this clause and agree with the contractor that measuring and reporting the TRIR during contract implementation is a useful and objective indicator of the contractor’s safety performance. The TRIR is a Key Performance Indicator developed by the United States’ Occupational Safety and Health Administration (OSHA). It is calculated using the following formula:

$$\text{Number of Incidents} \times 200,000 / \text{total number of hours worked in a year}$$

The 200,000 is the benchmark established by OSHA because it represents the total number of hours 100 employees would log in 50 weeks based on a 40-hour work week.

The lower the TRIR, the better the safety performance.

Now, in relation to the chosen indicator, set out the rating scale:

Example of Indicators		Rating Scale explanation				
		Unsatisfactory	Needs Improvement	Acceptable	Requirements Fully Met	Exceeds Requirements
TRIR	Number of work related recordable injuries	Greater than 3.3	3.2-3.3	2.9-3.1*	0-2.9	0.0

*According to <https://perlo.biz/measurements-of-safety-in-construction/> the global average for TRIR in construction is 3.1

See example 2 below

Criterion	Description	Indicators
Execution	The extent to which the contractor was able to manage and control the progress of the contract/works	Number of delays attributable to the contractor in relation to agreed project schedule measured by number of revised programmes submitted by Contractor at Engineer’s instruction

This evaluation metric is related to Condition 8.6 “Rate of Progress” of the General Conditions of Contract in the Large Form Works Contract and is reproduced below:

8.6 Rate of Progress

If, at any time:

- (a) actual progress is too slow to complete within the Time for Completion, and/or*
- (b) progress has fallen (or will fall) behind the current programme under Sub Clause 8.3 [Programme],*

other than as a result of a cause listed in Sub-Clause 8.4 [Extension of Time for Completion], then the Engineer may instruct the contractor to submit, under Sub-Clause 8.3 [Programme], a revised programme and supporting report describing the revised methods which the contractor proposes to adopt in order to expedite progress and complete within the Time for Completion.

Unless the Engineer notifies otherwise, the contractor shall adopt these revised methods, which may require increases in the working hours and/or in the numbers of contractor’s Personnel and/or Goods, at the risk and cost of the contractor. If these revised methods cause the procuring entity to incur additional costs, the contractor shall subject to Sub-Clause 2.5 [procuring entity’s Claims] pay these costs to the procuring entity, in addition to delay damages (if any) under Sub-Clause 8.7 below.

During the kick-off meeting, you may reference this clause and agree with the contractor that measuring and reporting the number of revised programmes would indicate how well the contractor was able to control the works. The higher the number of revised programmes, an objective determination may be made about the contractor’s achievement of its milestones.

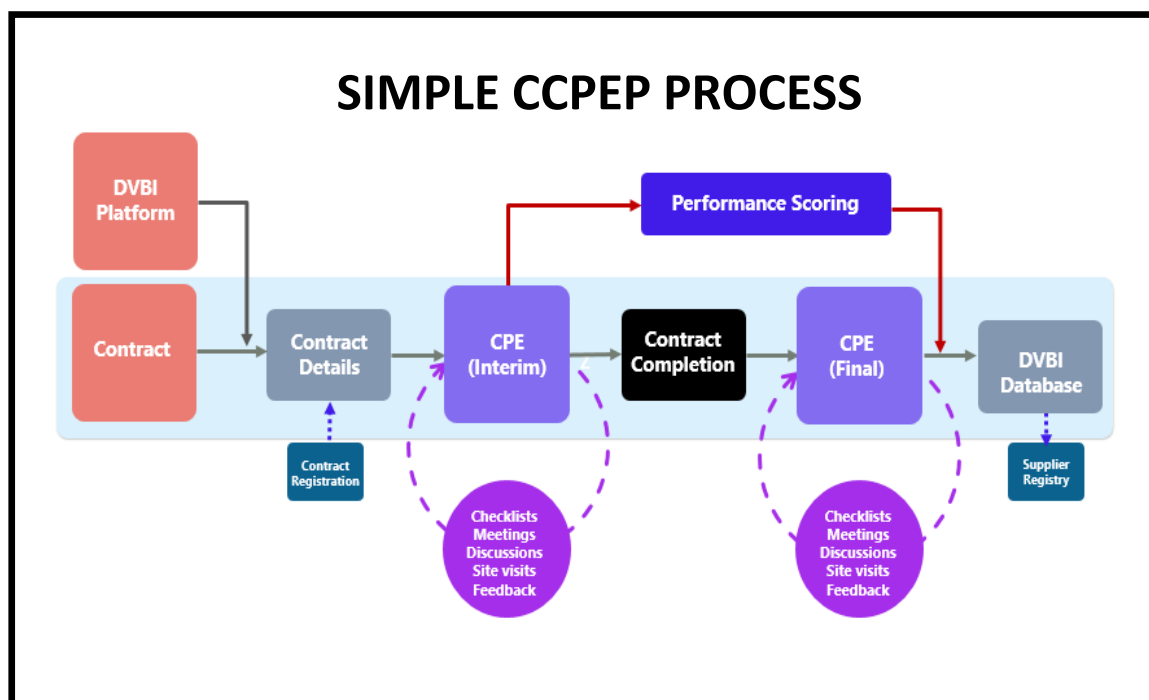
Example of Indicators	Rating Scale explanation				
	Unsatisfactory	Needs Improvement	Acceptable	Requirements Fully Met	Exceeds Requirements
Number of revised programmes submitted by contractor	Greater than 5	4-5	2-3	1	0

During the contract kick-off meeting, PE must:

- b. **identify all relevant criteria and metrics, proposed indicators and the rating scale**
- c. **invite brief discussions on the metrics and indicators and make relevant adjustments**
- d. **attach a copy of the finalized metrics and indicators to the contract document.**

Performing contractor and consultant performance evaluation

In this Section, the PE should consult the DVBI companion guide which will be provided by the PPC in line with the training activities that are to be implementation across the public sector. A simplified overview of the CCPEP process is provided in the diagram below



Key components of this process that you should know include the following:

- a. **Register your Contract:** The CCPE process requires mandatory registration of contracts that means the threshold requirements. This is the process of entering your basic contract details on the online DVBI portal and is required prior to initiating a CCPE. **Your contract must be registered within 30 days after contract award.**
- b. **Undertake your Interim Evaluation:** This is the stage of providing scheduled salient information on the performance of the contractor or consultant working on the project during an evaluation process, by entering performance information and scoring according to the approved indicators as well as other relevant remarks on the online portal. Obtain all approvals before publishing the results on the DVBI portal. The PPC can access and review the evaluation to see it if requires additional detail and/or clarification. The PPC

may request clarification or changes. This exchange between the Assessor and the PPC may occur until the PPC is satisfied with the level of detail and the quality of the evaluation. Interim evaluations must be provided for contractors and/or consultants through the life of their contract as follows:

ACTUAL CONTRACT DURATION	RECOMMENDED FREQUENCY	
	FINAL	INTERIM
Less than 1 month	1	None recommended
1– 4 months	1	At least 1 interim evaluation
+4 – 8 months	1	At least 2 interim evaluations
+8– 12 months	1	At least 3 interim evaluations
Over 12 months	1	At least 1 interim evaluation every 4 months

- c. **Undertake the Final Evaluation:** At the end of the contracted period, a final evaluation must be done. This is the stage of providing salient information on the performance of the contractor or consultant at the close out the performance reporting on the online portal. **The final CCPE must be submitted within 30 days of the close of the close of the contract.**
- d. **Database Performance Records:** The completed performance records become part of each MDA’s contract management database as well as the national database of contractor and consultant performance. The PPC will be providing statistical reports of trends and other salient information at periodic intervals in line with the requirements of Cabinet and public procurement reporting.

Handling disputes by contractor or consultant

- a. Successful completion of an evaluation requires the PE to observe due process, by allowing a contractor or consultant the opportunity to query or rebut the final rating received. Therefore, at the completion of the CCPE and notification to the contractor or consultant, a period of fourteen (14) days must be allowed for the purpose of rebuttal etc.

- b. Once a rebuttal is received, the PE must notify the procurement committee of its receipt of a rebuttal, and formulate a draft response for review by the procurement committee.
- c. The PE may amend the CCPE or affirm the original scores. Where a CCPE is amended, the amended CCPE is to be submitted to the PPC via the DVBI. The system will query whether or not the CCPE was amended following a dispute by the contractor.

Reporting:

- i. All procurement contracts whether or not exempt by virtue of the Act, and with nominal value exceeding J\$500,000.00 entered into by the Government of Jamaica, must be reported to the Integrity Commission on the Quarterly Contract Award report.
- ii. A monthly report of all contracts whether or not exempt, and regardless of value, must be reported to the Ministry with responsibility for finance, in accordance with the prescribed report format existing.
- iii. All contracts within the scope of this policy must be reported in the DVBI maintained by the PPC.

Further information and guidance: For further information, procuring entities are encouraged to contact the Public Procurement Commission by sending an e-mail to: ccpepinfo@ppc.gov.jm or by calling 876-669-7352