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**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
<b>BOARD NOTICES</b>			
20	Construction Industry Development Board Act (38/2000): Standard for Contractor Performance Reports for use on Construction Works Contracts (Grades 2 to 9).....	3	36190
21	do.: Standard for Indirect Targeting for Enterprise Development through Construction Works Contracts.....	19	36190

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**BOARD NOTICES**

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**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.

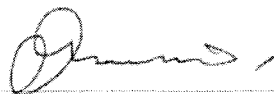
Interested parties are requested to forward their comments in writing for the attention of Mr Ishmail Cassiem to one of the following:

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Brooklyn Square 0075

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Block N&R  
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Groenkloof, Pretoria

Fax: 086 687 4936

email: [ishmailc@cidb.org.za](mailto:ishmailc@cidb.org.za)



Bafana Ndendwa  
Chairperson: Construction Industry Development Board



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Draft for Public Comment:

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

(29 January 2013)

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Construction Industry Development Board  
Pretoria  
Tel: 012 343 7136 or 012 481 9030  
Fax: 012 343 7153  
E-mail: [cidb@cidb.org.za](mailto:cidb@cidb.org.za)

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

1	Scope	1
2	Terms and Definitions	1
3	Requirements	2
3.1	Submission of Contractor Performance Reports	2
3.2	Completion of Contractor Performance Reports	2
3.3	Right of Reply / Appeal	3
3.4	Interim Contractor Performance Reports	3
Annex 1	Contractor Performance Report	4
Annex 2	Interim Contractor Performance Report	9

## Draft for Public Comment

### 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

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**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



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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.

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## Annex 1 Contractor Performance Report

ISSUE OF A CONTRACTOR PERFORMANCE REPORT											
Section A: Employer Information											
cidb Employer Number (if applicable)	<input style="width: 100%;" type="text"/>										
Employer Name	<input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/>										
Section B: Contract Data											
cidb Contract Number (if applicable)	<input style="width: 100%;" type="text"/>										
Contract Title	<input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/>										
Date of Practical Completion	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 25%; text-align: center;">Y</td> <td style="border: 1px solid black; width: 25%; text-align: center;">Y</td> <td style="border: 1px solid black; width: 25%; text-align: center;">Y</td> <td style="border: 1px solid black; width: 25%; text-align: center;">Y</td> <td style="width: 10px;"></td> <td style="border: 1px solid black; text-align: center;">M</td> <td style="border: 1px solid black; text-align: center;">M</td> <td style="width: 10px;"></td> <td style="border: 1px solid black; text-align: center;">D</td> <td style="border: 1px solid black; text-align: center;">D</td> </tr> </table>	Y	Y	Y	Y		M	M		D	D
Y	Y	Y	Y		M	M		D	D		
Section C: Reporting Officer's Information											
Organisation Name	<input style="width: 100%;" type="text"/>										
Name of Reporting Officer	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;">Title</td> <td style="width: 10%; border-bottom: 1px solid black;"> <input style="width: 100%;" type="text"/> </td> <td style="width: 10%; border-bottom: 1px solid black;">Initials</td> <td style="width: 10%; border-bottom: 1px solid black;"> <input style="width: 100%;" type="text"/> </td> <td style="width: 10%; border-bottom: 1px solid black;">Surname</td> <td style="width: 30%; border-bottom: 1px solid black;"> <input style="width: 100%;" type="text"/> </td> </tr> </table>	Title	<input style="width: 100%;" type="text"/>	Initials	<input style="width: 100%;" type="text"/>	Surname	<input style="width: 100%;" type="text"/>				
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Registration Number	<input style="width: 100%;" type="text"/>										
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Mobile	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border-bottom: 1px solid black;">0</td> <td style="width: 25%; border-bottom: 1px solid black;"> <input style="width: 100%;" type="text"/> </td> <td style="width: 5%; border-bottom: 1px solid black;">-</td> <td style="width: 25%; border-bottom: 1px solid black;"> <input style="width: 100%;" type="text"/> </td> <td style="width: 5%; border-bottom: 1px solid black;">-</td> <td style="width: 20%; border-bottom: 1px solid black;"> <input style="width: 100%;" type="text"/> </td> </tr> </table>	0	<input style="width: 100%;" type="text"/>	-	<input style="width: 100%;" type="text"/>	-	<input style="width: 100%;" type="text"/>				
0	<input style="width: 100%;" type="text"/>	-	<input style="width: 100%;" type="text"/>	-	<input style="width: 100%;" type="text"/>						
Office Telephone	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border-bottom: 1px solid black;">0</td> <td style="width: 25%; border-bottom: 1px solid black;"> <input style="width: 100%;" type="text"/> </td> <td style="width: 5%; border-bottom: 1px solid black;">-</td> <td style="width: 25%; border-bottom: 1px solid black;"> <input style="width: 100%;" type="text"/> </td> <td style="width: 5%; border-bottom: 1px solid black;">-</td> <td style="width: 20%; border-bottom: 1px solid black;"> <input style="width: 100%;" type="text"/> </td> </tr> </table>	0	<input style="width: 100%;" type="text"/>	-	<input style="width: 100%;" type="text"/>	-	<input style="width: 100%;" type="text"/>				
0	<input style="width: 100%;" type="text"/>	-	<input style="width: 100%;" type="text"/>	-	<input style="width: 100%;" type="text"/>						
Date submitted to Employer	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 25%; text-align: center;">Y</td> <td style="border: 1px solid black; width: 25%; text-align: center;">Y</td> <td style="border: 1px solid black; width: 25%; text-align: center;">Y</td> <td style="border: 1px solid black; width: 25%; text-align: center;">Y</td> <td style="width: 10px;"></td> <td style="border: 1px solid black; text-align: center;">M</td> <td style="border: 1px solid black; text-align: center;">M</td> <td style="width: 10px;"></td> <td style="border: 1px solid black; text-align: center;">D</td> <td style="border: 1px solid black; text-align: center;">D</td> </tr> </table>	Y	Y	Y	Y		M	M		D	D
Y	Y	Y	Y		M	M		D	D		
Signature	<div style="border: 1px solid black; height: 40px; width: 100%;"></div>										

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## Draft for Public Comment

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

Continued over

## Draft for Public Comment

Indicator	Prompts for judgement			
	Poor (-1)	Adequate (0)	Good (1)	Excellent (2)
<b>MANAGEMENT OF SITE CONDITIONS</b>				
Skill and commitment in managing conditions on site	<ul style="list-style-type: none"> <li>• Untidy, dusty, noisy site</li> <li>• Soil and/or water contamination</li> <li>• Wastage of materials</li> <li>• Lack of respect for natural environment</li> </ul>	<ul style="list-style-type: none"> <li>• Site in reasonable order</li> <li>• No evidence of soil or water contamination</li> <li>• Minimum wastage of materials</li> <li>• Impact of activities on natural environment minimised</li> </ul>	<ul style="list-style-type: none"> <li>• Dust, air and noise minimised</li> <li>• Preventative measures in place for soil and water contamination</li> <li>• Minimum wastage of materials, separation of waste, storage areas fenced off</li> <li>• Impact of activities on natural environment minimised</li> </ul>	<ul style="list-style-type: none"> <li>• Dust, air and noise levels proactively reduced</li> <li>• Emergency measures in place for soil and water contamination</li> <li>• Reuse and recycle of materials</li> <li>• Protection of the natural environment, reuse of top soil</li> </ul>
	x	x	x	x
<b>MANAGEMENT OF SUBCONTRACTORS</b>				
Skill and commitment in managing subcontractors	<ul style="list-style-type: none"> <li>• Selection of subcontractors on basis of lowest price only</li> <li>• Use of punitive subcontracts, including 'pay when paid' clauses</li> </ul>	<ul style="list-style-type: none"> <li>• Subcontractor selected on basis of ability and quality of service as well as price                             <ul style="list-style-type: none"> <li>• Use recognised forms of contract</li> </ul> </li> <li>• Payments made in accordance with contract</li> </ul>	<ul style="list-style-type: none"> <li>• Regular use of small number of preferred subcontractors in each trade                             <ul style="list-style-type: none"> <li>• Payments made in accordance with contract</li> <li>• variations to contract agreed upon on reasonable basis</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Partnering / alliancing style arrangements in place                             <ul style="list-style-type: none"> <li>• Sub-contractors give contractor priority when taking on work</li> <li>• Declared policy for fair dealing, acknowledged in practice by business partners</li> </ul> </li> </ul>
	x	x	x	x

*Continued over*

## Draft for Public Comment

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

*Continued over*

# Draft for Public Comment

Section G: Adjudicator's Information (If Applicable)			
Name of Adjudicator Title	<input type="text"/>	Initials	<input type="text"/>
Designation	<input type="text"/>		
e-mail	<input type="text"/>		
Mobile	0 <input type="text"/>	- <input type="text"/>	- <input type="text"/>
Office Telephone	0 <input type="text"/>	- <input type="text"/>	- <input type="text"/>
Date	<input type="text"/>	- <input type="text"/>	- <input type="text"/>
Signature	<input type="text"/>		
Section H: Outcome of Adjudication (If Applicable)			
	Employer's Rating	Contractor's Rating	Adjudication
Time Management	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>
Cost Management	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>
Quality Management	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>
H&S Management	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>
Site Conditions	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>
Subcontractors	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>	<input type="text"/> • <input type="text"/>
<p>I, the undersigned warrant that:</p> <ul style="list-style-type: none"> <li>• I am duly authorised to act as an adjudicator;</li> <li>• In my opinion, the outcome of this adjudication represents a fair outcome.</li> </ul>			
Signature	<input type="text"/>		
Date	<input type="text"/>	- <input type="text"/>	- <input type="text"/>
<p>On behalf of the employer, I note the outcome of the Adjudication process</p>			
Signature; Employer's Representative	<input type="text"/>		
Date	<input type="text"/>	- <input type="text"/>	- <input type="text"/>

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## Annex 2 Interim Contractor Performance Report

INTERIM CONTRACTOR PERFORMANCE REPORT	
Section A: Employer Information	
cidb Employer Number (if applicable)	<input style="width: 100%;" type="text"/>
Employer Name	<input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/>
Section B: Contract Date	
cidb Contract Number (if applicable)	<input style="width: 100%;" type="text"/>
Contract Title	<input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/>
Date of Assessment	<input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>
Section C: Reporting Officer's Information	
Organisation Name	<input style="width: 100%;" type="text"/>
Name of Reporting Officer Title	<input style="width: 100%;" type="text"/>
Initials	<input style="width: 40px;" type="text"/>
Surname	<input style="width: 100%;" type="text"/>
Designation	<input style="width: 100%;" type="text"/>
Professional Registration Body	<input style="width: 100%;" type="text"/>
Registration Number	<input style="width: 100%;" type="text"/>
e-mail	<input style="width: 100%;" type="text"/>
Mobile	<input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>
Office Telephone	<input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>
Date submitted to Employer	<input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>
Signature	<input style="width: 100%; height: 40px;" type="text"/>

*Continued over*

## Draft for Public Comment

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

*Continued over*



## Draft for Public Comment

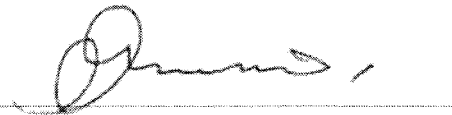
Indicator	Prompt for judgement			
	Poor (-1)	Adequate (0)	Good (1)	Excellent (2)
<b>MANAGEMENT OF SITE CONDITIONS</b>				
Skill and commitment in managing conditions on site	<ul style="list-style-type: none"> <li>Untidy, dusty, noisy site</li> <li>Soil and/or water contamination</li> <li>Wastage of materials</li> <li>Lack of respect for natural environment</li> </ul>	<ul style="list-style-type: none"> <li>Site in reasonable order</li> <li>No evidence of soil or water contamination</li> <li>Minimum wastage of materials</li> <li>Impact of activities on natural environment minimised</li> </ul>	<ul style="list-style-type: none"> <li>Dust, air and noise minimised</li> <li>Preventative measures in place for soil and water contamination</li> <li>Minimum wastage of materials, separation of waste, storage areas fenced off</li> <li>Impact of activities on natural environment minimised</li> </ul>	<ul style="list-style-type: none"> <li>Dust, air and noise levels proactively reduced</li> <li>Emergency measures in place for soil and water contamination</li> <li>Reuse and recycle of materials</li> <li>Protection of the natural environment, reuse of top soil</li> </ul>
	x	x	x	x
<b>MANAGEMENT OF SUBCONTRACTORS</b>				
Skill and commitment in managing subcontractors	<ul style="list-style-type: none"> <li>Selection of subcontractors on basis of lowest price only</li> <li>Use of punitive subcontracts, including 'pay when paid' clauses</li> </ul>	<ul style="list-style-type: none"> <li>Subcontractor selected on basis of ability and quality of service as well as price</li> <li>Use recognised forms of contract</li> <li>Payments made in accordance with contract</li> </ul>	<ul style="list-style-type: none"> <li>Regular use of small number of preferred subcontractors in each trade</li> <li>Payments made in accordance with contract</li> <li>variations to contract agreed upon on reasonable basis</li> </ul>	<ul style="list-style-type: none"> <li>Partnering / alliancing style arrangements in place</li> <li>Sub-contractors give contractor priority when taking on work</li> <li>Declared policy for fair dealing, acknowledged in practice by business partners</li> </ul>
	x	x	x	x

*Continued over*



**BOARD NOTICE 21 OF 2013****Construction Industry Development Board****Standard for Indirect Targeting for Enterprise  
Development through Construction Works Contracts  
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 Indirect Targeting for Enterprises Development through Construction Works Contracts establishes a key performance indicator in the form of a contract participation goal (CPG) relating to the engagement of targeted enterprises on a contract for the provision of construction works coupled to the enterprise development.



Bafana Ndendwa  
Chairperson: Construction Industry Development Board



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## Standard for Indirect Targeting for Enterprise Development through Construction Works Contracts

(29 January 2013)

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Construction Industry Development Board  
Pretoria  
Tel: 012 343 7136 or 012 481 9030  
Fax: 012 343 7153  
E-mail: [cidb@cidb.org.za](mailto:cidb@cidb.org.za)

## Standard for Indirect Targeting for Enterprises Development through Construction Works Contracts

Foreword	1
1 Scope	1
2 Terms and Definitions	1
3 Requirements	3
3.1 Contract Participation Goal (CPG)	3
3.2 Enterprise Development Support	3
3.3 Reports after Practical Completion	4
4 Sanctions	4
Annex A: Targeted Enterprise Declaration Affidavits	6

## Standard for Indirect Targeting for Enterprises Development through Construction Works Contracts

### Foreword

The cidb Act (Act 38 of 2000) requires that the Board must establish a *Best Practice Project Assessment Scheme* based on the best practices identified by the Board. All construction contracts above a prescribed tender value will then be subject to an assessment of compliance with best practice standards and guidelines published by the Board.

The aim of this best practice *Standard for Indirect Targeting for Enterprise Development* is to promote enterprise development by providing for a minimum contract participation goal (CPG) of 5% of the total project value on selected contracts to be undertaken by joint-venture partners or to be sub-contracted to developing contractors that are also to be beneficiaries of enterprise development support from the main contractor.

Private and public sector employees are encouraged to adopt this Standard. However, notwithstanding this, it is the cidb's intent that in terms of the cidb Act and as prescribed by the Minister of Public Works, this Standard will become a mandatory requirement on public sector contracts.

Furthermore, it is the cidb's intent to increase the minimum CPG of 5% to at least 10% over a three year period. This incremental phasing-in of the CPG will provide clients and contractors the time required to gain experience with this Standard, and to introduce the necessary changes into the nature and structure of construction contracts to accommodate a CPG of 10% or higher.

This cidb *Standard for Indirect Targeting for Enterprise Development* is aligned to the enterprise development components within the construction sector Codes of Practice for Broad Based Black Economic Empowerment.

### 1 Scope

This standard establishes a key performance indicator in the form of a contract participation goal (CPG) relating to the engagement of targeted enterprises on a contract for the provision of construction works coupled to the enterprise development.

This standard sets out the methods by which the key performance indicator is measured, quantified and verified in the performance of the contract.

### 2 Terms and Definitions

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

**black people:** natural person who are African, Coloured, Indian or Chinese and who are a citizen of the Republic of South Africa:

- a) by birth or descent; or
- b) naturalisation occurring before the commencement date of the constitution of the Republic of South Africa Act of 1993 or occurring after the commencement date of such Act, but who, without the Apartheid policy would have qualified for naturalisation before then.

**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).

**construction works:** the provision of a combination of goods and services arranged for the development, extension, installation, repair, maintenance, renewal, removal, renovation, alteration, dismantling or demolition of a fixed asset including building and engineering infrastructure.



**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.

**contract participation goal (CPG):** the value of goods, services and works for which the contractor contracts targeted enterprises exclusive of all allowances and any value added tax or sales tax which the law requires the employer to pay to the contractor, expressed as a percentage of the contract amount.

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

**developed enterprise:** an enterprise which:

- a) in the case of a single enterprise operating as the main contractor, must be registered in a CIDB Grade 7 or higher in the General Building (GB) or Civil Engineering (CE) Classes of Works, and must be accountable for providing the enterprise development support; or
- b) in the case of a JV agreement, at least one JV partner must be registered in a CIDB Grade 7 or higher in the General Building (GB) or Civil Engineering (CE) Classes of Works, and must be accountable for providing the enterprise development support.

**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.

**fifty percent black owned:** an enterprise in which black people:

- c) hold more than 50% of the voting rights that are not subject to any limitation; and
- d) hold more than 50% of the economic interest.

**joint venture:** grouping of two or more contractors acting as one legal entity, where each is liable for the actions of the other.

**main contractor:** contractor who contracts with the employer for the provision of construction works, and who may subcontract part of this contract.

**practical completion:** the state of completion at the end of construction required in terms of the contract.

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 occur 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 reached 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.



**targeted enterprise:** an enterprise which:

- a) is a contractor registered with the Construction Industry Development Board acting in the capacity of a sub-contractor or JV partner; and
- b) the contractor does not have an equity holding exceeding 20% in the enterprise, either directly or through a flow through calculation in accordance with the Construction Sector Code of Good Practice published in General Notice 862 of 2009 in Government Gazette No 32305 of 2009 in terms of the Board Based Black Economic Empowerment Act of 2003 (Act 53 of 2003); and
- c) employs at least three permanent employees other than the owner; and
- d) be registered in terms of the Company's Act of 2008 (Act No. 71 of 2008) or Close Corporation Act of 1984 (Act No. 69 of 1984);
- e) is 50% or more black owned or 30% or more black women owned; and
- f) has entered into a written relationship agreement of co-operation and assistance with the developed enterprise for the duration of the contract.

**thirty percent black woman owned:** an enterprise in which black people who are women:

- a) hold more than 30% of the voting rights that are not subject to any limitation; and
- b) hold more than 30% of the economic interest.

### 3 Requirements

#### 3.1 Contract Participation Goal (CPG)

3.1.1 The requirements of a contract participation goal applies only to:

- a) construction works contracts in the General Building (GB) and to Civil Engineering (CE) classes of construction works;
- b) construction works contracts of an estimated minimum project duration of 6 months; and
- c) construction works contracts in which at least 25% of the main contract could reasonably be expected to be sub-contracted out in one or more of the following CIDB classes of construction works:
  - 1) Civil Engineering (CE);
  - 2) Electrical Engineering Work (EB);
  - 3) General Building Works (GB); or
  - 4) Mechanical Engineering (ME).

3.1.2 The contractor shall engage targeted enterprises in the performance of the contract to the extent that at least a five percent (5%) contract participation goal is achieved.

3.1.3 Each targeted enterprise shall complete the targeted enterprise declaration affidavit contained in Annex A and attach to the applicable written relationship agreement of co-operation and assistance.

3.1.4 Credits towards the contract participation goal will be denied in respect of the participation of a targeted enterprise should any of the provisions relating to 3.2 not be satisfied.

#### 3.2 Enterprise Development Support

3.2.1 The contractor shall perform a needs analysis on all targeted enterprises and provide internal mentorship which improves the targeted enterprise's performance in at least two developmental areas. Such developmental areas should be guided by the requirements of the *cidb Best Practice Contractor Recognition Scheme*<sup>1,2</sup> as well as the NCDP exit requirements for accreditation of contractors<sup>3</sup>, and may include but are not limited to:

<sup>1</sup> cidb (2011). *cidb Best Practice Contractor Recognition Scheme; Requirements and Guidelines for Contractor Competence Assessment* (Draft). Construction Industry Development Board, <http://www.cidb.org.za>

- a) management and labour skills transfer;
- b) establishment of administrative systems;
- c) establishment of cost control systems;
- d) establishment of construction management systems and plans (health and safety, quality and environmental);
- e) planning, tendering and programming skills transfer;
- f) business skills transfer with emphasis on entrepreneurial and negotiation skills;
- g) technical skills transfer with emphasis on innovation;
- h) legal compliance;
- i) procurement skills transfer;
- j) establish credit rating/history;
- k) establish financial loan capacity/history; and/or
- l) contractual knowledge transfer.

3.2.2 The needs analysis shall be mutually agreed upon between the contractor and the targeted enterprise.

3.2.3 The contractor shall appoint an enterprise development co-ordinator. The enterprise development co-ordinator shall:

- a) develop a project specific enterprise development plan to improve the targeted enterprise's performance in the identified developmental areas which allocate resources and monitors progress in relation to improved performance; and
- b) submit to the employer's representative a monthly enterprise development report which documents all mentoring activities that have taken place during that month and the progress made in improving the targeted enterprise's performance in the development area, countersigned by the targeted enterprise.

### 3.3 Reports

3.3.1 Progress reports detailing interim values of the contract participation goal that was achieved together with an assessment of the enterprise development support provided should be tabled and discussed at least monthly at progress meetings between employer's representative and the contractor.

3.3.2 The contractor shall submit a report in an acceptable format to the employer's representative for acceptance within 15 days of achieving practical completion.

3.3.3 The information contained in the report shall include not only the value of the contract participation goal that was certified in accordance with this standard but also the CIDB registration numbers of each and every targeted enterprise, and the value of the subcontracted works or the participation parameter of the joint venture entered into.

## 4 Sanctions

In the event that the contractor fails to substantiate that any failure to achieve the contract participation goal was due to reason beyond the contractor's control which may be acceptable to the employer, the sanctions provided for in the contract shall apply.

NOTE: The contract establishes the sanctions that apply and are usually in the form of financial penalties, typically formulated on the difference between the contracted contract participation goal and the contract participation goal achieved in the performance of the contract; the rejection of claims for payments as being incomplete should the appropriate supporting documentation not be provided; and the issuing of completion certificates only after the reports described in 3.2 are received.

<sup>2</sup> cidb (2011). *cidb Best Practice Contractor Recognition Scheme; Requirements and Guidelines for Construction Management Systems* (Draft). Construction Industry Development Board, <http://www.cidb.org.za>

<sup>3</sup> cidb (2011). *Guidelines for Implementing Contractor Development Programmes*. Construction Industry Development Board, <http://www.cidb.org.za>



Annex A: Targeted Enterprise Declaration Affidavits

TARGETED ENTERPRISE DECLARATION To be completed for each targeted enterprise	
Section A: Employer Information	
cidb Employer Number	<input style="width: 100%;" type="text"/>
Employer Name	<input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/>
Section B: Contract Data	
cidb Contract Number	<input style="width: 100%;" type="text"/>
Contract Title	<input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/>
Date of Practical Completion	<input style="width: 25px;" type="text"/> <input style="width: 25px;" type="text"/> <input style="width: 25px;" type="text"/> <input style="width: 25px;" type="text"/> <input style="width: 25px;" type="text"/> <input style="width: 25px;" type="text"/> <input style="width: 25px;" type="text"/> <input style="width: 25px;" type="text"/>
Estimated final value of contract (including VAT, variations and any price adjustment)	R <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> 0 0 0 . 0 0
Section C: Main Contractor / JV Information	
cidb Contractor Registration Number of main / lead contractor	<input style="width: 100%;" type="text"/>
Name of contractor / Joint Venture	<input style="width: 100%;" type="text"/>
If the case of a JV;	
Name of developed enterprise (i):	<input style="width: 100%;" type="text"/>
cidb Contractor Registration Number:	<input style="width: 100%;" type="text"/>
Name of developed enterprise (ii):	<input style="width: 100%;" type="text"/>
cidb Contractor Registration Number:	<input style="width: 100%;" type="text"/>

*Continued Over*

**Section D Targeted Enterprise Information**

JV partner  or sub-contractor   
 cidb Contractor Registration   
 Name of contractor   
 Contact Person Title  Initials  Surname   
 Designation   
 e-mail   
 Mobile  -  -   
 Office Telephone  -  -   
 Number of full time employees other than the owner

**Shareholding by cidb Registered Contractors**

Name	cidb registration	Equity (%)

**Ownership by Black Persons (Complete for each person)**

Name Title  Initials  Surname   
 ID or Passport   
 e-mail   
 Citizenship   
 by birth  or by decent  or by naturalisation   
 year of naturalisation

Name Title  Initials  Surname   
 ID or Passport   
 e-mail   
 Citizenship   
 by birth  or by decent  or by naturalisation   
 year of naturalisation

Name Title  Initials  Surname   
 ID or Passport   
 e-mail   
 Citizenship   
 by birth  or by decent  or by naturalisation   
 year of naturalisation

Name Title  Initials  Surname   
 ID or Passport   
 e-mail   
 Citizenship   
 by birth  or by decent  or by naturalisation   
 year of naturalisation

Continued Over

Section E: Agreement of Co-Operation and Assistance										
List the areas of development identified (at least two):										
Section F: Contract Participation for Targeted Enterprise										
a) Estimated final value of contract with targeted enterprise (excluding VAT, including variations and price adjustment)										
R							000	.	00	
b) Estimated final value of contract from Section B (excluding VAT, including variations and price adjustment)										
R							000	.	00	
Contract participation for targeted enterprise a/b (%)										
Section G: Declaration: Enterprise Development Co-ordinator										
Name of Co-ordinator	Title			Initials			Surname			
Designation										
ID / Passport										
e-mail										
Mobile	0			-			-			
Office Telephone	0			-			-			
I, the undersigned warrant that:										
<ul style="list-style-type: none"> <li>• I am duly authorised to submit this notice behalf of the Contractor / JV; and</li> <li>• The contents of this notice are within my personal knowledge, and are to the best of my belief both true and correct.</li> </ul>										
Signature										
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>										
Date completed										
					-			-		
Y	Y	Y	Y	Y		M	M		D	D

Continued Over

Section H: Declaration, Targeted Enterprise Representative	
Name of Representative	Title <input style="width: 40px;" type="text"/> Initials <input style="width: 40px;" type="text"/> Surname <input style="width: 120px;" type="text"/>
Designation	<input style="width: 95%;" type="text"/>
ID / Passport	<input style="width: 95%;" type="text"/>
e-mail	<input style="width: 95%;" type="text"/>
Mobile	0 <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/>
Office Telephone	0 <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/>
I / we agree <input type="checkbox"/> disagree <input type="checkbox"/> with the Enterprise Development Co-ordinator's assessment of compliance with the Enterprise Development support provided	
I / we appeal the assessment by the Enterprise Development Co-ordinator <input type="checkbox"/> Y <input type="checkbox"/> N	
I, the undersigned warrant that: <ul style="list-style-type: none"> <li>• I am duly authorised to submit this notice behalf of the Qualifying Developing Enterprise</li> <li>• The contents of this notice are within my personal knowledge, and are to the best of my belief both true and correct .</li> </ul>	
Signature	<div style="border: 1px solid black; height: 40px; width: 95%;"></div>
Date completed	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/>
Section I: Declaration, Employer's Representative	
Name of Representative	Title <input style="width: 40px;" type="text"/> Initials <input style="width: 40px;" type="text"/> Surname <input style="width: 120px;" type="text"/>
Designation	<input style="width: 95%;" type="text"/>
ID / Passport	<input style="width: 95%;" type="text"/>
e-mail	<input style="width: 95%;" type="text"/>
Mobile	0 <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/>
Office Telephone	0 <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/>
I / we agree <input type="checkbox"/> disagree <input type="checkbox"/> with the Enterprise Development Co-ordinator's assessment of compliance with the Enterprise Development support provided	
I / we appeal the assessment by the Enterprise Development Co-ordinator <input type="checkbox"/> Y <input type="checkbox"/> N	
I, the undersigned warrant that: <ul style="list-style-type: none"> <li>• I am duly authorised to submit this notice behalf of the Employer</li> <li>• The contents of this notice are within my personal knowledge, and are to the best of my belief both true and correct.</li> </ul>	
Signature	<div style="border: 1px solid black; height: 40px; width: 95%;"></div>
Date completed	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> - <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/>

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