

PROCUREMENT POLICY OFFICE

Directive No. 75 (Issued Pursuant to Section 7 (b) of the Public Procurement Act 2006)

Performance Rating and Exclusion of Suppliers, Contractors and Consultants

This directive supersedes Directive 35, 64A and 69.

A. Performance Rating of Suppliers, Contractors and Consultants

1. Pursuant to section 35 of the Public Procurement Act (PPA) and regulation 9A of Public Procurement Regulations (PPR), public bodies shall set up a Performance Review Committee (Committee), which shall be chaired by a Senior Officer, not below the rank of a Deputy Permanent Secretary and comprising at least two members who are well conversant with contract management procedures.
2. The Committee shall:
 - (i) review the performance of suppliers and contractors on current as well as forthcoming contracts;
 - (ii) deal with cases of poor performance of suppliers and make recommendations to the Chief Executive of the public body; and
 - (iii) review progress of projects in hand on a monthly basis, as provided under regulation 9A, in respect of works contracts above the threshold of Rs 300 million and submit monthly reports to the Chief Executive.
3. Interim guidelines as per Annex1 and 2 are hereby issued for the evaluation of the performance of contractors for works projects and the result of which shall be posted on: <https://eservice.govmu.org/form/PPO/SupplierForm/welcome.php>

B. Exclusion of Suppliers, Contractors and Consultants

1. Pursuant to section 35A of the PPA, a public body may exclude a bidder from participating in a bidding exercise or award of a procurement contract for a period of six months.
2. A public body shall appoint a person or a team, as appropriate, for continuous assessment of the supplier's performance as from the award of a contract.
3. Every review of the supplier's performance during execution of a contract should be duly recorded.
4. The supplier should be notified of any deficiency in his performance of the contract with request to take remedial actions and be warned that in the absence of satisfactory remedy, he may be excluded in forthcoming biddings of the public body.
5. The supplier should be provided with sufficient opportunity to remedy the deficient performance.

6. The decision to exclude the supplier shall be recommended by the Performance Review Committee (Committee). The Committee should have also determined that the public body has suffered prejudice from the poor performance of the supplier or the latter has failed to deliver the goods, works or services satisfactorily and demonstrate that excluding the supplier is fair and reasonable under the circumstance.

7. The decision to exclude the supplier shall be approved by the Chief Executive within 15 days from the date of the recommendation of the Committee.

8. The decision of the public body to exclude a supplier shall be communicated to the supplier, copied to the Procurement Policy Office and published on the public body's website, within seven days from date of the decision.

9. A supplier that has been excluded by a public body in its procurement exercise may be subject to debarment from all public contracts by the Procurement Policy Office, on grounds specified under Section 53 of the PPA.

11. This Directive takes immediate effect.

Procurement Policy Office
15 January 2025

Guidelines on Contractor's Performance Reporting for Works Projects

1. These guidelines are issued pursuant to section 35 and section 35A of the PPA and regulation 9A of the PPR.
2. The performance report reviews a contractor's:
 - technical and management performance; and
 - compliance with statutory and contractual requirements.
3. The frequency for submitting performance reports to the Performance Review Committee shall be as follows:
 - for projects above Rs 10 million, quarterly;
 - for projects above the threshold of Rs 300 million, monthly;
 - whenever a critical aspect of performance is unsatisfactory;
 - at termination of a contract;
 - Whenever a Contractor fails to make good defects notified during the defects liability period irrespective of the value of the project; and
 - on completion of a project.
4. At the start of a project, the Contractor shall be informed of the system in place for monitoring and reporting his performance.
5. The performance reports shall be in the format at Annex 2 except at completion of project where the performance report shall also include an evaluation and rating of the performance as per Annex 2 A. No report is required in the first two months from the contract start date.
6. In cases of adverse performance reports at completion of the project, the reporting officer shall submit a copy of the performance report to the Contractor for review. Where the Contractor disagrees, the Contractor shall within seven days of the date of the report, discuss any areas of concern with the reporting officer and try to resolve any disagreement that arises. If disagreement persists, the Contractor shall submit written representation over the disagreement backed by factual justification.
7. After reviewing the representations made by the Contractor, the reporting officer may amend or maintain the initial performance report by recording the reasons for his decision before transmitting it to the Performance Review Committee along with the representation of the Contractor.
8. The Performance Review Committee shall review the Performance Report and if required, call the Contractor for an interview, prior to submitting its recommendations to the Accounting Officer.
9. The performance report as per Annex 2 shall be updated in case of poor performance during the defects liability period.
10. Access to post and view rating of Contractors on the PPO's portal shall be restricted to the chief executive officer of a public body or his representative for action as provided under regulation 9A (7) and 9A (8) of the PPR.

CONFIDENTIAL**PERFORMANCE REVIEW REPORT (works contract)****Contract Details**

Contract No:			
Contract Title:			
Original Contract Price:			
Date of Contract Signature	Start date	Date for Completion	

Contractor Details

Name of Contractor			
Contractor's Representative	Name		
	Position		
	Tel		Mobile: <input type="text"/>
	e-mail		

Public Body Details

Name of Public Body			
Representative of Public Body	Name		
	Position		
	Tel		Mobile: <input type="text"/>
	e-mail		

Consultant's Details

Project Manager	Name			
	Tel		Mobile:	
	e-mail			
Other Consultants	Name			
	Positions			
	Tel		Mobile:	
	e-mail			

Reporting Period

This report has to be delivered at intervals starting from the date of handing over of site as per table below:

Report Date (end of reporting period)	/...../20....	Percentage of total contract completed (at report date) (Progress report attached)	%
Report Reasons	<input type="checkbox"/>	Monthly	<input type="checkbox"/>	Unsatisfactory Performance
	<input type="checkbox"/>	3 Monthly	<input type="checkbox"/>	Termination
	<input type="checkbox"/>	Completion		

Cost

Initial Contract price	Rs
Final contract price	Rs
Liquidated damages	Rs

Time

Total extension of time approveddays	Extended Contractual completion date/...../20.....
Original Date for Completion/...../20....	Actual Completion date/...../20.....

Summary of Report during the period under assessment

Criteria	Performance
Quality/Standard of Work	
Contract Administration	
Time Management	
Co-operative relations and Industrial Relationship	
Work, Health and Safety	
Contractors Personnel	
Quality Management Systems <i>(applicable for projects above RS 300M)</i>	
Environment Management <i>(applicable for projects above RS 300M)</i>	
Defects Liability Period (<i>If Applicable</i>)	

Note: In case where the performance of the contractor is considered unsatisfactory, poor or very poor, or the contract is terminated, this shall be well substantiated in the report and the attention of the contractor drawn thereto.

Recommendation of *Reporting Officer

I confirm that the above report reflects a fair view on the performance of the contractor.

Name:

Signature:

Title:

Organisation:

Email:

Tel:

Mobile:

**The Reporting Officer shall be the Project Manager/Lead Person responsible for the project*

Performance Review Report (Works Contract)

To be submitted on completion of a project

The Performance Standards and Rating that may be used to evaluate the performance of Contractors and which are non-exhaustive are tabulated below:

Rating	Excellent 10	Good 7	Satisfactory 5	Poor 3	Very poor 0
Definition and Weighting of Grading	Standard well above the acceptable level of performance	Standard often exceeds the acceptable standard of performance	Meets the acceptable level of performance	Meets only some of the acceptable level of performance	Well below the acceptable level of performance

Evaluation Criteria (to customize as appropriate)	Weight * (a)	Rating (b)	Weighted Rating (a) × (b)	Maximum Rating (a) × 10
Quality/Standard of Work	5			
Contract Administration	5			
Time Management	4			
Co-operative relations and Industrial Relationship	2			
Work, Health and Safety	3			
Contractors Personnel	2			
* Quality Management Systems <i>*(applicable for projects above RS 300M)</i>	2			
* Environment Management <i>*(applicable for projects above RS 300M)</i>	4			
	Total			

Performance Score = $\frac{\text{Weighted Rating}}{\text{Maximum Rating}} \times 100 = \dots\dots\dots$

Rating	Excellent 85 % or above	Good 71 % - 84 %	Satisfactory 51 % - 70 %	Poor 30 % - 50 %	Very poor Below 30 %
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Overall Comments on Performance

In my opinion:
 The Performance of the Contractor is

(State also whether there has been any breach of contract)

I have attached further information	<input type="checkbox"/>
I have attached photographs	<input type="checkbox"/>

Consultations with the contractor

I confirm that I have consulted with the contractor in the preparation of this report and that a copy of this completed report was sent to the contractor on
/...../20.....

The Contractor has advised that this report is
 Accepted Not Accepted

(Attach details of any disagreement)

Recommendation of Reporting Officer

I confirm that the above report reflects a fair view on the performance of the contractor

Name:	Signature:
Title:	Organisation:
Email:	Tel: Mobile: