**Appendix [X]# to ACC [V:2]#**

*[For contracts* ***with*** *contract measures to prevent non-payment of wages]*

**Guidelines on Scope and Contents of the Subcontractor Management Plan**

The Subcontractor Management Plan shall include (but not limited to) the following:

1. Scope of works to be subcontracted including the form and extent of subcontracting arrangement such as labour only, labour and plant, labour and material, plant only, lump sum or any other combination of types. Proof of ownership of construction plant and material shall be addressed. The scope of works to be subcontracted shall comply with the relevant contractual provisions (i.e. ACC Clause V:3 on **Limiting Tiers of Subcontracting**).
2. Particulars of subcontracts (irrespective of tiers) as required under the Template under Table 1.
3. The *Contractor*’s approach to demand/ensure its Subcontractor(s) to a) abstain from subcontracting the whole of the works subcontracted to it/them, and b) report upwards its/their subcontracting arrangement and any subsequent changes with written declarations of no “hidden” subcontracts for any part of the *works* subcontracted to any of them.
4. The *Contractor*’s proposed measures for supervision of the works and monitoring of the performance of Subcontractors, particularly the aspects of the works programming, quality and safety of the works and environmental protection.
5. The C*ontractor*’s proposed measures for monitoring the performance of the Subcontractors in complying with the requirements in the contract in reporting site accidents.
6. The *Contractor*’s approach to ensure all Tier Subcontractors to incorporate the **Mandatory Subcontract Conditions for Prohibition of Imposing Administrative Charges for Reporting of Site Accidents and Elimination of Under-reporting of Site Accidents** as stipulated in the Appendix to ACC Clause V:7(1)(i).
7. Criteria for selection of Subcontractor(s) involving trade(s) not available in the Registered Specialist Trade Contractors Scheme (RSTCS).
8. The *Contractor*’s approach to ensure all its Tier Subcontractor(s) to adopt written contracts in its/their subcontracting and that all the subcontract(s) comply with the requirements as stipulated in the contract (i.e. ACC Clause V:7 on **Subcontract Conditions**) and incorporate the **Mandatory Subcontract Conditions for Security of Payment** as stipulated in the Appendix to ACC Clause VIII:1.
9. Details of the *Contractor*’s Management Team, as required in the contract (i.e. ACC Clause IV:1 on ***Contractor*’s Management Team**), employed on direct supervision and management of Subcontractor(s). An organization chart showing the responsibilities of the *Contractor*’s direct staff in supervision and management of its Subcontractor(s) shall be submitted.
10. Declaration through the standard declaration form that members of staff on the *Contractor*’s Management Team are prohibited to be given a subcontract to any part of the *works* or to have a vested interest in any of the Tier Subcontractor(s).
11. The *Contractor*’s proposed measures to ensure the compliance with the implementation of the system of payment of wages to the Site Workers as stipulated in the contract (i.e. ACC Clause IV:4 on Non-Payment of Wages and Section 6.7 of the Scope). The *Contractor*’s proposed measures for ensuring timely payments to Subcontractor(s) and payments by Subcontractor(s) to subcontractor(s) of lower tiers.

*[NB. The above items are not exhaustive. The Contractor can add any other items, which it considers pertinent to the proper management of its Subcontractor(s).]*

**Internal Note:**

# Insert appropriate reference

**Appendix [X]# to ACC [V:2]#**

*[For contracts* ***without*** *contract measures to prevent non-payment of wages]*

**Guidelines on Scope and Contents of the Subcontractor Management Plan**

The Subcontractor Management Plan shall include (but not limited to) the following:

1. Scope of works to be subcontracted including the form and extent of subcontracting arrangement such as labour only, labour and plant, labour and material, plant only, lump sum or any other combination of types. Proof of ownership of construction plant and material shall be addressed. The scope of works to be subcontracted shall comply with the relevant contractual provisions (i.e. ACC Clause V:3 on **Limiting Tiers of Subcontracting**).
2. Particulars of subcontracts (irrespective of tiers) as required under the Template under Table 1.
3. Criteria for selection of Subcontractor(s) involving trade(s) not available in the Registered Specialist Trade Contractors Scheme (RSTCS).
4. Details of the *Contractor*’s own staff employed for direct supervision and management of its Subcontractor(s). An organization chart showing the responsibilities of the contractor’s direct staff in supervision and management of its Subcontractor(s) shall be submitted.
5. The *Contractor*’s approach to demand/ensure its Subcontractor(s) to a) abstain from subcontracting the whole of the works subcontracted to it/them, and b) submit written declarations of no “hidden” subcontracting of works.
6. The *Contractor*’s approach to encourage its Subcontractor(s) to adopt written contract(s) in its/their subcontracting and that all the subcontract(s) comply with the requirements as stipulated in the contract (i.e. ACC Clause V:7 on **Subcontract Conditions** other than ACC Clause V:7(1)(b) on **Payment of Site Workers’ Wages**) and incorporate the **Mandatory Subcontract Conditions for Security of Payment** as stipulated in the Appendix to ACC Clause VIII:1.
7. The *Contractor*’s proposed measures to demand its Subcontractor(s) to report upward its/their subcontracting arrangement(s) and any subsequent changes.
8. The *Contractor*’s proposed measures for monitoring and assessing the works programme, quality, safety and environmental performance of its Subcontractors.
9. The C*ontractor*’s proposed measures for monitoring the performance of the Subcontractors in complying with the requirements in the contract in reporting site accidents.
10. The *Contractor*’s approach to ensure all Tier Subcontractors to incorporate the **Mandatory Subcontract Conditions for Prohibition of Imposing Administrative Charges for Reporting of Site Accidents and Elimination of Under-reporting of Site Accidents** as stipulated in the Appendix to ACC Clause V:7(1)(i).
11. The *Contractor*’s proposed measures for ensuring timely payment to downstream subcontractor(s) after its payment to Subcontractor(s).
12. The *Contractor*’s approach for monitoring disputes.
13. The *Contractor*’s approach for handling complaints from workers on site regarding wages arrears disputes and co-ordinating with Labour Department for prompt action. The *Contractor* is required to keep the *Project Manager*’s site representatives updated of the situation.
14. The *Contractor*’s proposed measures for maintaining updated daily attendance records of all workers on site.
15. The *Contractor*’s proposed measures for site security and workers’ daily access control if applicable.

*[NB. The above items are not exhaustive. The Contractor can add any other issues, which it considers pertinent to the proper management of its Subcontractor(s).]*

**Appendix [X]# to ACC [V:2]#**

**Standard Declaration Form by the *Contractor***

**on Compliance with Provisions in**

**Subcontractor Management Plan**

To: The *Project Manager*

|  |  |  |
| --- | --- | --- |
| Contract No. | : |  |
| Contract Title | : |  |

In accordance with the Guidelines on Scope and Contents of the Subcontractor Management Plan referred to in ACC [V:2]#, I / we declare and confirm that we have complied with and undertake to continue to comply with the following provisions, and declare and confirm that I / we have ensured and undertake to continue to ensure that our members of staff on the *Contractor*’s Management Team as referred in ACC [IV:1]# are aware of the following provisions:

1. Members of staff on the *Contractor*’s Management Team are prohibited from being given a subcontract to any part of the *works* or having a vested interest in any of the Tier Subcontractors;
2. Members of staff on the *Contractor*’s Management Team are required to submit written declarations to the *Project Manager* upon its written request from time to time or at any time that they do not have a subcontract to any part of the *works* or any vested interest in any of the Tier Subcontractors.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| (Name of the *Contractor*) | | |  | |
| (Name of the Signatory) | |  | | |
| (Position of the Signatory) | | | |  |
| (Date) |  | | | |