

As of 3 May 2021

FAQs on the [Circular dated 27 April 2021](#) on Simplified Claim Process for Extension of Time and Prolongation Costs in Public Sector Construction Contracts due to COVID-19 Events (as mentioned in Para 4 and Para 5 of BCA media release on [additional measures to support the construction sector dated 26 April 2021](#))

Q1. What is the period in which Government Procuring Entities' ("GPEs") will co-share a base 0.1% of awarded contract sum per month of delay for eligible contracts up to \$100mil (or, the "base 0.1%"), for cost sharing of non-manpower related cost increases under Part 8B of COTMA?

A1. Part 8B of the COVID-19 (Temporary Measures) Act ["COTMA"] entitles contractors to claim specified qualifying costs, incurred between 7 April 2020 and 30 September 2021 (both dates inclusive), from their customers should they be or will be unable to complete the construction works by the completion date. The simplified process where GPEs co-shares, a base 0.1% of awarded contract sum per month of delay for eligible contracts up to \$100mil, such costs will apply to the same prescribed period from 07 April 2020 to 30 September 2021 (both dates inclusive).

Q2. The co-sharing of Base 0.1% and 49-days extension of time (EOT) as mentioned in the circular dated 27 April 2021 apply to public sector projects, does it also apply to private sector projects?

A2. These measure covers public sector projects and sets out the common accepted methodologies in estimating the EOT and COTMA Part 8B cost sharing. The same methodology could apply for private sector contracts as well. BCA encourages project parties to adopt the same methodologies to expedite the assessment of EOT and COTMA Part 8B cost sharing.

Q3. What are the eligibility criteria for contractors to be entitled for the co-sharing of base 0.1% as mentioned in the circular dated 27 April 2021?

A3. The same eligibility criteria which apply under COTMA Part 8B will apply for the co-sharing of base 0.1%. Notwithstanding COTMA Part 8B only applies to contracts entered into before 25 March 2020, the base 0.1% co-sharing will also apply to contracts which were entered into on or after 25 March 2020 but with

tenders closed on or before 1 June 2020 and for eligible contracts with awarded contract sum up to \$100mil only. For more details on COTMA Part 8B, please refer to the guide at <https://go.gov.sg/bca-guide-cotma-8a-8b>.

Q4. What are the eligibility criteria for contractors to be granted the 49-days extension of time (EOT) as mentioned in the circular dated 27 April 2021?

A4. The 49-days extension of time (EOT) applies for public sector construction contracts: (i) in which the tender was closed on or before 1 June 2020; (ii) that was not terminated by the Employer on or before 7 August 2020 under Clause 31 of PSSCOC (or equivalent clause under the contract); and (iii) that was not certified to be substantially completed on or before 7 August 2020 under Clause 17 of PSSCOC (or equivalent clause under the contract). Such contracts refer to construction contracts involving works such as building, civil engineering works and addition & alteration (A&A) works. Supply and maintenance term contracts **are not** eligible for this EOT. Also, contractors can apply for a longer EOT by providing substantiation based on their project specific circumstances.

Q5. What is the application or submission process required for contractors to receive payment by GPEs' co-sharing of base 0.1% as mentioned in the circular dated 27 April 2021?

A5. For eligible contracts, GPEs will calculate the co-sharing amount based on 0.1% awarded contract sum per month of delay and inform contractors on such amount. Contractors will include such amount in their progress payment claim and GPEs will certify via their payment response.

Q6. What is the application or submission process required for contractors to be granted by GPEs on the 49-days extension of time (EOT) from 7 August 2020 to 31 December 2020 as mentioned in the circular dated 27 April 2021?

A6. For eligible contracts, GPEs will proceed to grant the 49-day EOT for delay due to loss of productivity occurring between 7 August 2020 and 31 December 2020, on an ex-gratia basis. There is no need for contractors to apply or submit any claims. Contractors which wish to seek EOT beyond 49 days for the same period can continue to submit their EOT application with the necessary substantiation (for the total number of EOT) to GPEs for assessment.