

Pengembangan Standar Kontrak Biaya Plus Imbalan untuk Pengadaan Pekerjaan Konstruksi Pemerintah dalam Rangka Penanganan Keadaan Darurat = Development of Cost Plus Fee Contract Standards for Procurement of Government Construction Works in the Context of Handling Emergencies

Saragih, Afrijhon, author

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Abstrak

Penanganan bencana alam dalam Pengadaan Barang/Jasa Pemerintah termasuk dalam Pengadaan dalam Rangka Penanganan Keadaan Darurat yang dapat menggunakan jenis kontrak biaya plus imbalan dengan nilai kontrak merupakan perhitungan dari biaya aktual ditambah imbalan dengan presentase tetap atas biaya aktual atau imbalan dengan jumlah tetap. Sampai saat ini standar kontrak biaya plus imbalan belum tersedia, meskipun untuk kontrak kerja konstruksi yang dibiayai dengan keuangan negara harus menggunakan dokumen terstandar. Penelitian ini akan mengembangkan Standar Kontrak Biaya Plus Imbalan Untuk Pengadaan Pekerjaan Konstruksi Pemerintah Dalam Rangka Penanganan Keadaan Darurat. Diawali dengan identifikasi kondisi eksisting pengadaan pekerjaan konstruksi dalam rangka penanganan keadaan darurat akibat bencana alam melalui survei kuesioner, analisa arsip terhadap standar/model kontrak terkait kontrak biaya plus imbalan yang berlaku di berbagai negara, menentukan klausul-klausul persyaratan kontrak untuk kontrak biaya plus imbalan, selanjutnya disusun menjadi standar kontrak biaya plus imbalan untuk pengadaan pekerjaan konstruksi pemerintah dalam rangka penanganan keadaan darurat setelah melalui validasi dari para pihak yang memiliki kewenangan dalam pengaturan kebijakan kontrak konstruksi. Dari 20 responden Pejabat Pembuat Komitmen (PPK) di Kementerian PUPR yang telah dan/atau sedang menangani pekerjaan penanganan keadaan darurat akibat dari bencana alam belum ada yang menggunakan jenis kontrak biaya plus imbalan, sebagian besar menggunakan kontrak harga satuan dan sisanya menggunakan kontrak gabungan lumpsum dan harga satuan, dengan permasalahan terkait kewajaran harga satuan tersebut. Terdapat beberapa institusi penerbit standar/model kontrak internasional yang menerbitkan standar kontrak terkait biaya plus imbalan yaitu American Institute Architect (AIA), ConsensusDoc Contract Document, Engineers Joint Contract Documents Committee (EJCDC), Canadian Construction Documents Committee (CCDC), New Engineering Contract (NEC), dan Joint Contract Tribunal (JCT). Perbedaan yang mendasar antara isi klausul kontrak biaya plus imbalan dengan jenis kontrak lainnya yaitu istilah-istilah dan definisi, imbalan, kelengkapan dokumen kontrak, tugas pengawas pekerjaan, program kegiatan, harga kontrak, perubahan harga kontrak, biaya aktual, pembukuan dan pencatatan keuangan, dan pembayaran.

.....The handling of natural disasters in Government Procurement is included in Procurement in the Context of Handling Emergencies which can use the type of cost plus contract with the value of the contract being a calculation of actual costs plus a fee based on a fixed percentage of the actual costs or a fee based on a fixed amount. Until now, the standard cost plus fee contract is not yet available, although for construction work contracts financed with state finances must use standardized documents. This research will develop a Standard Cost Plus Fee Contract for Procurement of Government Construction Works in the Context of Handling Emergencies. Starting with the identification of the existing conditions of procurement of construction work in the context of handling emergencies due to natural disasters through questionnaire

surveys, literature study of contract standards/models related to cost plus fee contracts that apply in various countries, determining the clauses of contract requirements for cost plus fee contracts, then compiled into a cost plus fee contract standard for the procurement of government construction work in the context of handling emergencies after going through validation from parties who have the authority in regulating construction contract policies. Of the 20 respondents of Commitment-Making Officer (PPK) at the Ministry of Public Works and Housing (PUPR) who have and/or are handling of emergency conditions due to natural disasters, none have used the type of cost plus fee contract, most of them use unit price contracts and the rest use combination lump sum and unit price contracts, with problems related to the reasonableness of the unit price. There are several institutions that publish international contract standards/models that publish contract standards related to cost plus fee, namely the American Institute Architect (AIA), ConsensusDoc Contract Document, Engineers Joint Contract Documents Committee (EJCDC), Canadian Construction Documents Committee (CCDC), New Engineering Contract (NEC), and Joint Contract Tribunal (JCT). The basic differences between the content of cost plus fees contract clauses and other types of contracts are terms and definitions, fees, completeness of contract documents, duties of work supervisors, activity programs, contract prices, changes in contract prices, actual costs, bookkeeping and financial records, and payment.