

Definition of Persistent Breach

1. Where the Contractor fails to meet the target performance defined in Annex K at PHASE 2 in-service Key Performance Indicators for KPIs 6, 7, 8, 9 or 10 for four occurrences in any 12-month rolling period, the Authority will consider that a Persistent Breach may have occurred for the purpose of Clauses 3.12 and 7.6.2.
 - 1.1 For the purpose of Clause 7.6.2, a measurement period is defined to be one calendar month or as stated at Annex K to the Contract. Data from the previous calendar month will be used to calculate actual performance against target performance Annex K for that measurement period.
 - 1.2 For the purpose of Clauses 3.12 and 7.6.2, failure by the Contractor to meet target performance for one KPI during one measurement period will be recorded as one occurrence.