

Civil Engineering and Development Building, 101 Princess Margaret Road, Kowloon, Hong Kong

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Civil Engineering and Development Department Technical Circular No. 04/2020

Consultants Review Committee

Introduction

This technical circular (TC) sets out the membership of and procedures for Consultants Review Committee (CRC) in vetting consultants' performance reports.

Effective Date

2. This TC takes immediate effect.

Effect on Existing Circular

- 3. This TC supersedes Civil Engineering and Development Department (CEDD) TC No. 07/2013, which is hereby cancelled. The revisions are mainly to:
 - (i) revise the membership of CRC; and
 - (ii) update the procedures for CRC in vetting consultants' performance reports.

Background

4. The membership of CRC, which has been set up to enhance the system on reporting and management of consultants' performance, is strengthened to address the increasingly large number of consultants' performance reports to be reviewed and to provide adequate representation to better fulfill the responsibility for determining regulating actions.

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Membership

5. The membership of CRC is:

Chairman: Deputy Director of CEDD

Members: A D2 Officer nominated by Office Head from

each Office in CEDD

Secretary: Senior Engineer/Planning 2 (SE/P2), CEDD

Headquarters

The terms of reference is at **Appendix A**.

Consultants' performance reports for consultancies approved by Architectural and Associated Consultants Selection Board (AACSB) / Engineering & Associated Consultants Selection Board (EACSB) / Departmental Consultants Selection Committee (DCSC)

- 6. The reporting interval should normally be three months, i.e. by the end of March, June, September and December each year. All performance reports, including Interim, Final and Special Reports should be endorsed by CRC prior to submission using the Consultants' Performance Information System (CNPIS). The Reporting Officers (RO) and Director's Representatives (DR) should complete data entry and verification of the Interim and Final Reports in the CNPIS by the end of the reporting period. However, Special Reports could be completed at any time on a need basis.
- 7. The Secretary is responsible for distributing the consultants' performance reports completed by RO and DR for CRC Members' advance review and comment within two working days after the end of the reporting period. CRC Members will be assigned reports from Offices other than their own Offices, and provide comments on the reports in the CRC meetings. CRC will vet the reports, consider Members' comments and inform the relevant RO of the CRC's views within ten calendar days after the end of the reporting period. RO in consultation with DR should then revise the reports in CNPIS where appropriate in response to the CRC's views, and submit the reviewed/amended reports to the Secretary via CNPIS.
- 8. The Secretary will submit the endorsed reports within two weeks after the end of the reporting period via CNPIS and notify RO accordingly. RO should then send full copies of the endorsed reports to the consultants concerned in accordance with Development Bureau Technical Circular (Works) (DEVB TC(W)) No. 3/2016.

Consultants' performance reports for consultancies other than those covered in paragraphs 6 to 8

9. The reporting interval should normally be six months, i.e. by the end of June and December each year, and should be reduced to three months when an adverse report is given in the last reporting period or in exceptional circumstances, e.g. upon identifying a major default of the consultants or any serious incident regarding the performance of the consultants in an assignment. The reporting interval should revert to six months only when the consultants' performance has improved and found to be "Acceptable".

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- 10. RO and DR¹ should complete and verify the reports in hard copy form shown at **Appendix B**². The guidance notes for completion of consultants' performance reports as set out in Annex I of DEVB TC(W) No. 3/2016 should be followed, where applicable.
- 11. RO should only submit reports which are adverse in the overall assessment to CRC by the end of the reporting period for vetting and endorsement.
- 12. CRC should vet the adverse reports and refer its comments, if any, to the relevant RO within ten calendar days after the end of the reporting period. RO in consultation with DR should then consider the comments, revise the reports where appropriate, and submit the reviewed/amended reports to CRC for endorsement. CRC will keep copies of endorsed reports and return the endorsed reports to RO. The RO will then issue copies of the endorsed reports to the respective consultants.
- 13. For all those reports which are not adverse, RO should enter "Not Applicable" in the endorsement sections of the reports. These reports should be issued to the consultants and CRC for record.
- 14. DR is responsible for seeking CRC's endorsement to take regulating actions, if any, arising from consultants' performance for consultancies other than those approved by AACSB/EACSB/DCSC. For consultants appointed under Central Consultants Selection Board (CCSB) procedures, guidelines for monitoring performance of consultants are provided in Appendix V (C) of Stores and Procurement Regulations (SPR). Offices should take all necessary advisory, warning, monitoring or interviewing actions in accordance with the terms of the relevant agreements.
- 15. Any appeal against adverse reports given to consultants for consultancies other than those approved by AACSB/EACSB/DCSC should be handled by Offices. RO should keep CRC informed of any appeal from their consultants and the progress until its conclusion. Any subsequently revised adverse reports should be endorsed by CRC.
- 16. Offices should maintain summaries of the performance scores of their consultants to enable CRC to retrieve such information for reference when necessary. Detailed procedures are shown at **Appendix C**.

Enquiries

17. Enquiries on this TC should be addressed to Senior Engineer/Planning 2, CEDD Headquarters.

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¹ For performance reports following Central Consultants Selection Board (CCSB) procedures, replace it by Countersigning Officer (CO).

² For performance reports following CCSB procedures, replace it by G.F. 562. G.F. 562 may be amended when deemed necessary.

Reference

- (a) DEVB TC(W) No. 3/2016 Management of Consultants' Performance
- (b) SDEV's memo ref. (02VPB-01-14) in DEVB(PS) 106/43 dated 12.1.2017
- (c) Appendix V (C) of SPR

(Signed)

(Ricky C K LAU)
Director of Civil Engineering and Development

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Consultants Review Committee

Terms of Reference

A. Consultants' performance reports for consultancies approved by $\overline{AACSB/EACSB/DCSC^1}$

(Under DEVB TC(W) No. 3/2016)

- 1. To review the performance of the consultants providing consultancy services to the Department.
- 2. To endorse performance reports and make supplementary comments, if necessary.
- 3. To decide and take regulating actions, including suspension from bidding and lifting of any suspension imposed previously, against consultants receiving two or more consecutive adverse Interim Reports, and to keep the relevant log(s) in CNPIS on regulating actions updated.
- 4. To consider circumstances, other than adverse Interim Reports, as mentioned in paragraphs 21 and 22 in Annex I of DEVB TC(W) No. 3/2016.
- 5. To obtain approval from AACSB or EACSB before taking regulating actions as required under paragraph 22 in Annex I of DEVB TC(W) No. 3/2016.

B. Consultants' performance reports for consultancies other than those in (A) above

- 6. To endorse adverse performance reports and make supplementary comments, if necessary.
- 7. To endorse regulating actions recommended by Offices, including suspension from bidding and lifting of any suspension imposed previously.

¹ For consultancies approved by DCSC with a value above the Quotation Limit following AACSB or EACSB procedures.

Part I - Summary of Performance			
Department/Office :-			
Interim Report for 6 month ending/ Special/	Final Report *		
A. Details of Agreement			
Agreement No.:			
Agreement title:			
Category of consultancy:			
Type of agreement: Feasibility /Investigation/Design & Construction/Ot	hers (please spe	eify)*	
Consultant's name:			
B. Agreement Duration and Stage			
Commencement date:	Stage of work	k (for Interim Report):	
Original completion date:	Engineering		
(for the whole assignment)			
Anticipated (Actual * completion data)	☐ Feasibility /	Investigation	
Anticipated/Actual * completion date:	☐ Design and	Contract	
Reason for variation in time (for Final Report):	□ Constructio	n	
C. Fee			
Fee basis: Lump sum/Time-charge/Percentage/ Others (please specify)*	Reason for va	nriation in fee (for Final Rep	ort):
Original fee: \$M (excluding Notional Value)			
Latest estimated fee: \$M(for Interim/Special/Final Report)			
Actual fee: \$M (for Final Report) (Actual/Latest estimate*)			
D. Performance Score (Interim/Special Report Only)			
Performance Score:(Please refer to Part II)			
E. Overall Assessment	For Interim	Report/Special Report:-	
Overall Performance: G : Good or above	A "X7 D		: D
☐ Ac : Acceptable		or" grading in any critical assess r the overall performance "Una	
☐ U : Unacceptable	such item is	rated "Very Poor", the overall	performance will
	be rated acco	ording to the performance score	: (PS):
☐ NA: Not Applicable	G: PS >	≥ 70 , Ac: $40 \leq PS < 70$, U: PS	< 40.
This Report is NOT ADVERSE / ADVERSE * (The report shall be			
* This Report is a CONSECUTIVE ADVERSE INTERIM REPO	RT under the	Assignment	
* This Report is the ADVERSE REPORT (BOTH INTERI			(the numbering of
this adverse report)			
* Delete as inannlicable			

* Delete as inapplicable

¹ For consultancies approved by DCSC with a value above the Quotation Limit following AACSB or EACSB procedures

RESTRICTED (CONTRACT)

F.	. Remarks by Reporting Officer (at a rank of senior professional or above):	
	Is the Consultant technically competent? (please tick as appropriate) □ Yes □ No	
	If the performance of the consultant is <u>in any respect</u> "Poor" or "Very Poor", please indicate what actions have been to draw the consultant's attention to their shortcomings and the consultant's responses, if any:	taken
	Report by:	
	() Title: Date:	
G.	G. Countersigning by Director's Representative: Supplementary comments, if any:	
	()	
	Director's Representative Title: Date:	
Н.	I. Endorsement by Departmental Consultants Review Committee:# Supplementary comments, if any:	
	(
	Chairman, Consultants Review Committee Title: Date:	

Pursuant to para. 11 of this TC, endorsement is not necessary if the report is not adverse.

Note: All parts of the Consultant's Performance Report shall be copied to the consultant.

^{*} Delete as inapplicable

Agreement No. XX/XX

RESTRICTED (CONTRACT)

2.	Design and Contract Stage									•		
2.1	Design solutions											
(a)	Quality of design					\Box	X	111111	8:::::	0	0	/
(b)	Technical consideration	******************					X	quantaquanq	6	0:::::	::::::::::::::::::::::::::::::::::::::	/
(c)	Consideration of environmental friendliness, energy efficiency,	****************	•••••									/
	health & safety, and life cycle costs						x		5	0	0	
(d)	Consideration of alternatives and innovative ideas					***********	X		3:::::	0::::::	::::::::::::::::::::::::::::::::::::::	
2.2	Consultation and public engagement						X		3:::::	0:::::	: : : : : : : : : : : : : : : : : : :	
2.3	Cost estimates & quality of tender documents/drawings (Note 5)						X		10	0:::::	0	/
2.4	Tender assessment						X		5:::::	0	0	<u>/</u>
	Stage period: month(s)								40	0:	0	0.0
3.	Construction Stage											
3.1	Supervision of contractors						X		10	0	0	/
3.2	Administration of contracts						X	1111111	6		0	/
3.3	Recruitment, supervision and administration of site staff						X	3:3:3:3	6:	0	0	
3.4	Financial control of contracts			**************			X	1505050	5	0::::::	0 : : : : : : 0	
3.5	Certification of interim payments/final accounts						X	iiii	5:::::	0::::::	0 = 0	
3.6	Handling of contractor's claims						X	**********	4:::::	0:	0	
3.7	Provision of record drawings/manuals/other records						X	+++++++++++++++++++++++++++++++++++++++	4 : : :	0:::::	0	/
	Stage period: month(s)								40::::	0	0	0.0
В.	General Assessment											
4.	Aspects for General Assessment											
4.1	Programming, progress reports and adherence to programme						X		8: :::	0:::::	0	/
4.2	Competency & adequacy of staff						X		8:::::	():::::	$\cdots 0 \cdots \cdots$	/
4.3	Achievement of objectives and targets						X		8:::::		$\vdots \vdots $	/ /
4.4	Effectiveness in surmounting problems						X		6:::::	0	\dots	/
4.5	Familiarization with and adherence to Government											
	requirements and procedures	***************************************					X		6	0	$0 \cdots 0$	/
4.6	Participation and responsiveness of principals						X		6::::: 5:::::	0	:::::::d::::::	
4.7	Management of sub-consultants						X	00000000000	5:::::	0:	0	
4.8	Planning, preparation and management of site											
_	investigation/field works						X		:5:::::	0::::::	$\cdots \cdots a \cdots \cdots$	
4.9	Relationship between consultants and the managing department						X	dayadayadayada	4::::	0::::::	0	/
4.10	Public relations				<u> </u>	Ш	X		4 : : : :	0	Q	<u> </u>
									60::::	О.	0	#DIV/0!
										Performance so	core	#DIV/0!

General Notes:

- Mark appropriate box of performance (i.e. VG, G, S, P, VP) for each applicable item with 'x'.
- Put 'x' in the 'NA' column for inapplicable items.
- Fill in 'Stage period' in months (to one decimal place) for the stage(s) in the period.
- 1. 2. 3 Critical assessment items are shown in bold italics (i.e. item 1.1(a), 2.1(a), 3.1, 4.1, 4.2 and 4.3). A "Very Poor" rating in any of these items will render the overall performance "Unacceptable".
- 5. Item 2.3 is a critical assessment item for Quantity Surveying consultancies only.
- The performance scores displayed are rounded to 1 decimal place.
- Guidance notes for completion of consultants' performance reports are given in Appendix B of Annex I of DEVB TCW No. 3/2016.

Notes of computing Performance Score:

- 1. Max. scores are predetermined weightings assigned to the items (could not be changed)
- 2. For applicable items, applicable max. score = max. score. For 'NA' items, applicable max. score = 0

3. Grade	Consultant's Score			
VG (Very Good)	1.0 x applicable max. score			
G (Good)	0.75 x applicable max. score			
S (Satisfactory)	0.50 x applicable max. score			
P (Poor)	0.25 x applicable max. score			
VP (Very Poor)	0 x applicable max. score			

Note: All parts of the Consultant's Performance Report shall be copied to the consultant.

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Performance Scores Summary for Consultancies other than those approved by <u>AACSB/EACSB/DCSC</u>¹

Procedures

On or before the 14th day of the month following the end of the reporting period, the Designated Officers (DO) of Offices shall enter the performance scores of the consultants for consultancies other than those approved by AACSB/EACSB/DCSC¹ using a spreadsheet posted on CEDD Bulletin Board ("the Bulletin Page"). The spreadsheet contains the following data entries:-

Agreement no	Consultants' name	Report period ending on	Report period ending on Performance Score / Overall Grading	
CE xx/yyyy (CE)	ABC Co.	31/12/2019	50	No

Notes:

- 1. The Technical Services Team of each Office in CEDD has been assigned as DO who has access right to the Bulletin Page to open and edit the respective spreadsheet. Offices may also request the Planning Unit of CEDD Headquarters (HQ) to assign other staff as alternate DO. In case of consultancies undertaken by any unit/division of CEDD HQ, the unit/division concerned should liaise with Senior Engineer/Planning 2 to set up appropriate performance score summary.
- 2. The Planning Unit of CEDD HQ will provide DO with the password for opening and editing the respective spreadsheet.
- 3. The Bulletin Page is located on the bulletin board of the Planning Unit of CEDD HQ, under the Category "Consultants Review Committee" and Subject "Performance scores registry for consultancies other than those approved by AACSB/EACSB/DCSC¹".

 $^{^{\}rm I}$ For consultancies approved by DCSC with a value above the Quotation Limit following AACSB or EACSB procedures