



**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.

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".

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.

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

Consultants Review Committee

Terms of Reference

A. Consultants' performance reports for consultancies approved by AACSB/EACSB/DCSC¹

(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.

CONSULTANT'S PERFORMANCE REPORT (for Consultancies other than those approved by AACSB/EACSB/DCSC¹)

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/Others (please specify) _____ *	
Consultant's name: _____	
B. Agreement Duration and Stage	Stage of work (for Interim Report):
Commencement date: _____	<u>Engineering</u>
Original completion date: _____ (for the whole assignment)	<input type="checkbox"/> Feasibility / Investigation
Anticipated/Actual * completion date: _____	<input type="checkbox"/> Design and Contract
Reason for variation in time (for Final Report): _____	<input type="checkbox"/> Construction
C. Fee	Reason for variation in fee (for Final Report):
Fee basis: Lump sum/Time-charge/Percentage/ Others (please specify) _____ *	_____
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: <input type="checkbox"/> G : Good or above	A "Very Poor" grading in any critical assessment item in Part II will render the overall performance "Unacceptable". If no such item is rated "Very Poor", the overall performance will be rated according to the performance score (PS): G: PS ≥ 70, Ac: 40 ≤ PS < 70, U: PS < 40.
<input type="checkbox"/> Ac : Acceptable	
<input type="checkbox"/> U : Unacceptable	
<input type="checkbox"/> NA : Not Applicable	
This Report is NOT ADVERSE / ADVERSE * (The report shall be "adverse" if the overall performance is "Unacceptable")	
* This Report is a CONSECUTIVE ADVERSE INTERIM REPORT under the Assignment	
* This Report is the _____ ADVERSE REPORT (BOTH INTERIM and SPECIAL) under the Assignment (the numbering of this adverse report)	

* Delete as inapplicable

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

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 in any respect "Poor" or "Very Poor", please indicate what actions have been taken to draw the consultant's attention to their shortcomings and the consultant's responses, if any:

Report by:

(_____)
Title: _____
Date: _____

G. Countersigning by Director's Representative:

Supplementary comments, if any:

(_____)
Director's Representative
Title: _____
Date: _____

H. Endorsement by Departmental Consultants Review Committee:#

Supplementary comments, if any:

(_____)
Chairman, Consultants Review Committee
Title: _____
Date: _____

* Delete as inapplicable

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.

Performance Scores Summary for Consultancies other than those approved by AACSB/EACSB/DCSC¹

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	Performance Score / Overall Grading	Adverse Report
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”.

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