



New South Wales
Government

Consultant Performance Reporting and Exchange of Reports between Government Agencies Guidelines

2nd edition October 2000

**Consultant Performance Reporting and
Exchange of Reports between Government Agencies**
Guidelines

Establishes common consultant performance reporting format and process for exchange of reports between government agencies.

The Consultant Performance Reporting and Exchange of Reports between Government Agencies Guidelines were developed by the Construction Policy Steering Committee (CPSC).

The CPSC membership includes representation of:

- Cabinet Office
- Department of Housing
- Department of Industrial Relations
- Department of Public Works and Services (Chair)
- Olympic Co-ordination Authority
- Pacific Power
- Premier's Department
- Rail Access Corporation
- Rail Services Australia
- Roads and Traffic Authority
- State Rail Authority of NSW
- Sydney Catchment Authority
- Sydney Water Corporation
- Treasury

October 2000
DPWS report number 00079

© 2000. This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Construction Policy Steering Committee.

Requests and inquiries concerning reproduction and rights should be addressed to:

Executive Director
Construction Policy Steering Committee
Level 23, McKell Building
2–24 Rawson Place
SYDNEY NSW 2000

phone (02) 9372 8852
fax (02) 9372 8851
website <http://www.cpsc.nsw.gov.au>
email cpssc@dpws.nsw.gov.au

NSW Department of Public Works and Services
Cataloguing-in-Publication data

**New South Wales. Construction Policy
Steering Committee.**

Consultant performance reporting and exchange of reports between government agencies guidelines.
– 2nd ed.

ISBN 0 7347 4053 0 (printed)
ISBN 0 7347 4059 X (electronic)
ISBN 0 7347 4071 9 <Set> (electronic)

1. Construction industry—New South Wales.
I. Title. II. Series (Capital Project Procurement Manual).

352.5380944

Information design by
Montague Leong Design Pty Ltd.

Cover printed on 100% oxygen-bleached (totally chlorine free) paper. Paper for the inside pages is 70% recycled and Australian-made.

Printed using vegetable-based mineral-oil-free inks.

**Consultant
Performance
Reporting
and
Exchange of
Reports between
Government
Agencies**
Guidelines

2nd edition
October 2000

Contents

1	What is consultant performance management?	3
2	Reporting	4
	Objective	4
	Application	4
	Frequency	5
	Preparation of performance reports	5
	Consultant's response	6
	Recommendation for further work	6
	Access to reports	6
3	Preparation of a consultant performance report	7
	Basic engagement information	7
	Identification of reports	8
	Context of the performance assessment	8
	Standard performance criteria and evaluation	8
	Assessment of consultant's performance	12
	Overall performance	12
4	Unsatisfactory performance report	14
	Review of performance ratings of 'unsatisfactory'	14
	Revised performance report	15
	Appeal process	15
5	Final performance report	16
6	Exchange of report information between government agencies	17
	Management of information exchange	17
	Advising consultants about information exchange	17
	Exchange of information about performance	18
	Use of performance information prepared by another agency	18
	Appendices	
	A Model clauses for inclusion in consultant briefs	19
	B Consultant performance report	20
	C Optional consultant performance rating system	22

Definitions

The definitions have been drawn from the *NSW Government Code of Practice for the Construction Industry* and the *Capital Project Procurement Manual*. The definitions of 'construction industry' and 'consultant' have been expanded to provide additional clarification.

'Construction Industry' includes all organised activities concerned with demolition, building, landscaping, maintenance, civil engineering, process engineering, mining and heavy engineering.

This includes projects involving private sector participation in the provision of the State's assets, for example, by way of Build/Own/Operate schemes and similar arrangements.

'Consultant': professional or organisation providing design, management, cost or other services for a principal, contractor, subcontractor, consultant, client or supplier.

This includes architects, engineers, project managers and others who are sometimes referred to collectively as 'professional services contractors' and also people or organisations providing recommendations and advisory services that aid management decision-making. It does not include contract staff working as though they were employees of a principal, contractor, subcontractor, consultant, client or supplier.

'Client(s)': parties receiving tenders.

'Contractor': individual or organisation responsible for the performance of the work specified under a contract.

'Principal': the person, entity or organisation responsible for contracting with a contractor or consultant for the carrying out of the work.

'Project': an undertaking with a defined beginning and objectives by which completion is identified. A project may be completed using one contract or a number of contracts.

'Subcontractor': party that provides a service and/or product to a contractor and/or subcontractor or client.

'Supplier': party that provides a product or a service to a client.

1 What is consultant performance management?

To facilitate continuous improvement by consultants and to monitor performance, government agencies need to acquire, maintain and exchange information about the performance of consultants on projects. A rigorous consultant reporting system is also an important tool to provide feedback to a consultant on its performance on each project.

A consultant performance management system needs relevant, up-to-date information. This information can be available if each agency prepares objective reports on the performance of each of its consultants using the standard criteria set out in these guidelines to assess performance. Agencies may add more criteria to meet their specific needs or to standardise reporting across different types of consultancies.

Consultants wishing to do business with government agencies need to be aware of the requirements on:

- appraisal of consultant performance on public and private sector projects
- performance reporting
- the use of consultant performance reports when evaluating consultants for future engagements (registration, pre-qualification, expressions of interest or approving a consultant engagement), and
- exchange between NSW government agencies of information about consultants and their performance.

Purpose and structure of these guidelines

These guidelines will assist both consultants and government agencies to continuously improve performance and outcomes within enterprises and on projects. This edition of the guidelines replaces in full the edition in the *Capital Project Procurement Manual*, October 1993. The guidelines are presented as follows:

- **This section** provides the background to the Government's policy on consultant performance reporting.
- **Section 2** outlines the requirements for consultant performance reporting.
- **Section 3** describes the standard performance criteria of a consultant performance report. It includes procedures for assessment and review.
- **Section 4** provides a method for dealing with unsatisfactory performance and outlines an appeal process that is available to the consultant should it disagree with the agency's decision.
- **Section 5** describes the requirements of a final consultant performance report.
- **Section 6** sets out the procedures for agencies to manage the exchange of information between government agencies.
- **Appendix A** outlines suggested clauses for agencies to include in their consultant briefs.
- **Appendix B** is a proforma for consultant performance reporting.
- **Appendix C** is a numerical method of measuring the performance of a consultant. Its use is optional.

2 Reporting

Objective

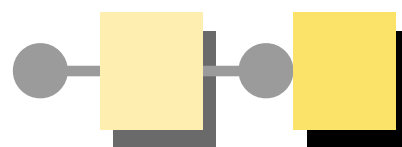
The objective of performance reporting is to obtain a measure of the consultant's performance under the terms of its agreement with an agency. Performance reporting aims to assess the performance of the consulting organisation in delivering the services not the performance of individual staff.

Performance assessments during the course of a consultancy engagement help both the agency and the consultant to reach a common understanding of the expectations of both parties about the work. They help to identify areas where the consultant is excelling and any areas that need improvement. Performance reports are used in the assessment of a consultant for future engagements (registration, pre-qualification, expressions of interest or approving a consultant engagement). Reports indicating unsatisfactory performance may also support the termination of a consultancy engagement.

Application

Performance reporting on consultants is required for substantial consultant engagements. The scope and fee range of consultant agreements entered into by government agencies varies greatly so there is no single definition of 'substantial' engagements. However, as a general guide, all consultancies with an estimated cost of \$20,000 or more (the threshold for requiring more than one proposal) should be regarded as 'significant' for the purpose of performance reporting. Agencies may choose to prepare reports for other consultancies.

The reporting requirement applies to direct consultancy agreements between a government agency and a consultant. It does not apply to consultants engaged by contractors to government agencies under procurement methods such as design and construct; design development and construct; build/own/operate; or build/own/operate and transfer.



Frequency

As a minimum, a consultant performance report should be prepared:

- midway through the engagement, for engagements lasting from four to seven months
- every six months from the date of acceptance of the consultancy agreement, for engagements exceeding seven months
- immediately after completion of the engagement, and
- when a consultant engagement is terminated.

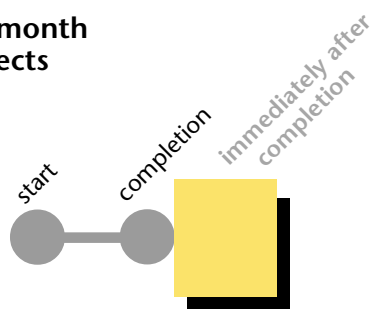
Additional reports should also be obtained when there is a continuing period of unsatisfactory performance under a consultancy agreement.

Preparation of performance reports

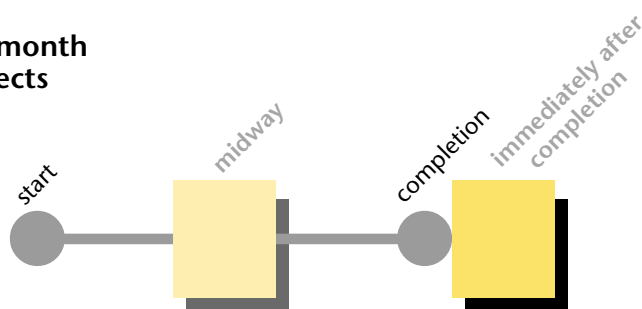
Responsibility for completion of performance reports should be assigned to the person with delegated authority for the management of the consultant who, for the purpose of these guidelines, is referred to as the Reporting Officer. To be in the position to make factual assessments against evaluation criteria on the consultant's performance, the Reporting Officer must have frequent and direct liaison with the consultant. The assessment criteria and processes to be used by reporting officers are outlined in more detail in *Section 3* and supported by *Appendix B*.

A person experienced in management of consultant engagements (the Reviewing Officer) must review the Reporting Officer's assessment. The Reviewing Officer's task is to ensure that the report is objective and accurate so that it can be relied upon by an agency making accountable decisions about future pre-qualification or engagement of the consultant, or termination of a current engagement.

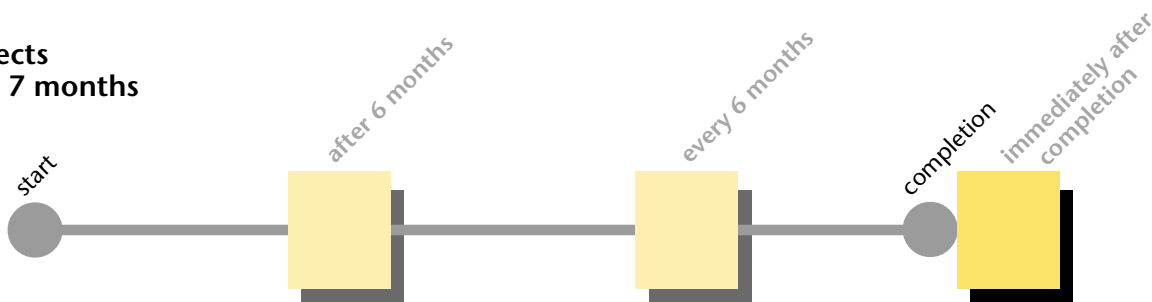
1–3 month projects



4–7 month projects



projects over 7 months



2 Reporting (continued)

Consultant's response

The consultant must be given a copy of each performance report. The report must be discussed with the consultant who must be given the opportunity to comment on the assessment within a specified time. A response time of 10 working days is suggested.

The Reporting and/or the Reviewing Officer must address any issues raised by the consultant and respond in writing. The consultant's comments and the written response by the Reporting and/or Reviewing Officer form part of the performance report.

Recommendation for further work

An important reason for assessing the performance of consultants is to determine whether the consultant is suitable for further work of a similar type for the reporting agency.

All performance reports include the option of recommending whether a consultant is suitable or unsuitable for further work. The final performance report on each consultant engagement must include a recommendation on whether a consultant is suitable or unsuitable for further work. The option to make a recommendation should also be considered in any progress report where the consultant's performance is assessed as unsatisfactory.

At any time when a consultant is considered unsuitable for future engagements, a performance report should be prepared. This includes consultant engagements below the threshold value for normal reporting.

Access to reports

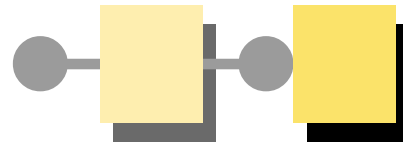
Performance reports must be treated as sensitive documents and the information in them must only be used in accordance with these guidelines. Their data needs to be recorded and stored in a way that facilitates efficient handling and easy retrieval and provides confidence that the information is complete and up-to-date unless specifically stated otherwise, eg. an assessment is being reviewed. As far as practical, consultant performance reports should be held by a central office within each agency, preferably the office responsible for other coordinated consultant management functions such as registration or pre-qualification.

Within the agency, information on a consultant's performance report may be released on a need-to-know basis to persons with authority, eg to the convenor of a consultant evaluation committee or consultant selection committee.

Access to reports prepared by other agencies is addressed in *Section 6 – Exchange of report information between government agencies*.

In some consultancies, particularly ones involving very small firms, it may be possible to identify individuals from the performance report. If personal information can reasonably be ascertained from a performance report, it must be handled in accordance with the personal protection principles set out in the Privacy and Personal Information Protection Act. Compliance with the agency's Privacy Management Plan will achieve this.

3 Preparation of a consultant performance report



This section will assist agencies in the preparation of consultant performance reports and should be read in conjunction with *Appendix B – Consultant Performance Report*.

Basic engagement information

Each consultant performance report must contain the following:

- Consultancy agreement details set at the date of acceptance of the proposal:
 - name of agency
 - name of consultant organisation, including the Australian Business Number (ABN)
 - name of consultant’s representative
 - consultancy description and engagement number
 - fee accepted
 - date of commencement of engagement, and
 - originally agreed completion date.
- Changes to the time and cost of the consultancy:
 - actual date of completion, and
 - final fee.

3 Preparation of a consultant performance report (continued)

Identification of reports

The performance report must clearly show the reason for, or circumstances of, the report: eg. progress report after 'x' months, final report, or report due to unsatisfactory performance.

The dates on which various parts of the report are prepared must be clearly shown. This helps people using the report at a future date to make their own assessment of the relevance of the information to their decision making.

Context of the performance assessment

A consultant's performance must be assessed in the context of the project as a whole, including the respective roles and obligations of the Principal and consultant under the engagement.

Persons preparing or reviewing the performance of a consultant must consider whether satisfactory progress or completion of a project has been affected by any matters that are:

- outside the consultant's control, or
- the result of some action by the Principal.

That is, evaluation against performance criteria must measure the consultant's performance, after taking into account matters beyond the consultant's control.

Standard performance criteria and evaluation

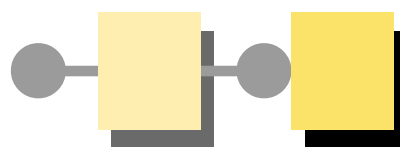
The standard criteria against which consultants are to be assessed include:

- time management
- management and suitability of project personnel
- management of subconsultants and other suppliers
- standard of service
- quality management and systems
- occupational health, safety and rehabilitation management
- environmental management
- cooperative relationships.

For some consultant engagements, an agency may determine that there is no need to assess the consultant's performance against all of the standard criteria listed above.

In some consultant engagements, other performance criteria may be added to meet an agency's specific requirements or any specific performance requirements set out in the consultancy agreement. Performance against these criteria should be assessed similarly to the standard criteria and *Assessment of consultant's performance* (page 12).

The areas that should be considered when assessing the consultant's performance on each of the standard criteria are set out in the following sections.



Time management

Most consultant engagements that are sufficiently significant for a performance report to be prepared should have an agreed work plan with milestones for intermediate phases of the work as well as a finishing time for the overall engagement. The work plan forms the basis for assessing the consultant's ability to manage time.

For some consultancies, the only available measure of time management is completion of the work by the nominated finishing date.

In assessing the consultant's time management performance the following should be considered:

- ability to meet programmed milestones
- timely allocation of appropriate resources to critical activities
- updating of the work program to account for unforeseen delays
- overall progress of the work
- timely submission of progress reports, and
- delays by the Principal or other parties, outside the consultant's control.

Management and suitability of project personnel

The consultant's ability to assign appropriate staff to the project and then to ensure cooperative and effective performance including:

- appropriateness of skills and experience of personnel assigned to the work
- adequacy of the number of personnel assigned to the work
- comparability of the skills and experience of the staff assigned to the project with those nominated in the bid for the work
- suitability of staff, ie. compliance with the requirements set out in the NSW

Government Code of Practice for the Construction Industry and attendant Code of Tendering including management, administrative, design, scientific or industry skills and overall experience relevant to the tasks undertaken.

Management of subconsultants and other suppliers

The consultant's ability to coordinate and manage in-house and external subconsultants and other suppliers to ensure effective performance including:

- compliance with contractual obligations affecting selection of subconsultants and other suppliers
- timely completion of subconsultant services and other subcontracted work
- coordination of interfaces
- observance of equitable terms of payment for all parties down the payment chain, and
- making payments to all subconsultants, subcontractors and suppliers in accordance with the conditions of their engagement or contract.

Standard of service

Standard of work will generally be measured against the technical, financial and reporting requirements set out in the conditions of engagement. In particular, the following should be considered:

- compliance with brief
- quality of work including conformance with specified performance criteria, if applicable
- adherence to budget
- achievement of expected value for money
- reviews and reports delivered in accordance with the brief
- amount of rework required from the consultant

... continues

3 Preparation of a consultant performance report (continued)

Standard performance criteria and evaluation (continued)

- need to engage another consultant to undertake additional or remedial work, and
- extent of involvement required from the Principal to achieve the desired standard of work.

Quality management and systems

Assessment of quality management, including the use of formal quality systems, should generally include:

- extent of the consultant's compliance with a specified quality systems standard and, where there is a requirement to have one, with the project quality plan
- results of quality audits for the project
- the number of any repetitions of the same non-conformance, and
- ability of the quality system to identify and deal with non-conformances and conditions adverse to quality.

Occupational health, safety, and rehabilitation (OHS&R) management

The requirements for occupational health, safety and rehabilitation on government projects are set out in the *NSW Government's OHS&R Management Systems Guidelines*.

General assessment items include:

- compliance with OHS&R obligations
- compliance with occupational health and safety issues specifically nominated in the consultant engagement and/or the consultant's corporate OHS&R Management System.

For consultant engagements that include project management or site management, the assessment needs to consider the consultant's processes to ensure that the contractor:

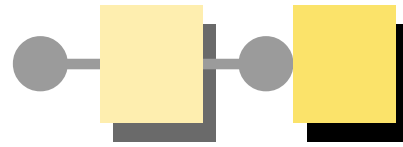
- complies with the Project OHS&R Management Plan or Site-specific Safety Management Plan, as appropriate
- complies with Safe Work Method Statements, and
- fulfils obligations for subcontractor OHS&R management.

For consultant engagements leading to the design of a built facility, the assessment needs to address management of the design process to include consideration, evaluation and control of OH&S requirements and risks for:

- use and maintenance of the facility, especially risks arising out of the design itself
- the construction method and, if removal is likely in the foreseeable future, the demolition method
- the site, such as existing services below ground and geotechnical issues, and
- compliance with, or dispensation from, statutory regulations and codes of practice.

For consultant engagements that do not include on-site activities or design of a built facility, the assessment needs to cover:

- the review, from an OH&S perspective, of the project documentation or other output arising from the consultancy, and
- methods for resolving issues raised in the review.



Environmental management

The requirements for environmental management on government projects are set out in the *NSW Government Environmental Management Systems Guidelines*.

Assessment items include:

- recognition of and compliance with any environmental impact assessment undertakings, consent conditions and pollution control approvals, and
- results of audits of the project Environmental Management Plan implemented, if applicable.

For consultant engagements that include project management or site management, the assessment needs to consider the consultant's processes to ensure that the contractor:

- complies with the project Environmental Management Plan, and
- implements the contractor's Environmental Management System, where required, (ie. on major projects as defined in the *Environmental Management Systems Guidelines*).

For consultant engagements leading to the design of a built facility, the assessment needs to address management of the design process to include consideration, evaluation and control of environmental requirements and consequences for:

- use and maintenance of the facility, especially issues arising out of the design itself like energy consumption, water use, consumption of non-renewable resources, and
- the construction method and, if removal is likely in the foreseeable future, the demolition method.

For consultant engagements that do not include on-site activities or design of a built facility, the assessment needs to address:

- review from an environmental perspective of the project documentation or other output arising from the consultancy, and
- methods for resolution of issues raised in the review.

Cooperative relationships

Assessment items include:

- commitment and implementation of a management approach that fosters continuous improvement, self-assessment and general industry monitoring
- adoption and commitment to partnering principles with clients, subconsultants, contractors and suppliers, and
- commitment to resolving issues through open and effective communication with a non-adversarial approach.

... continues

3 Preparation of a consultant performance report (continued)

Assessment of consultant's performance

The consultant's performance is to be assessed against the performance criteria and graded in accordance with the following definitions:

superior	standard well above the required standard of performance
good	standard satisfactory and often exceeds the required standard of performance
acceptable	mostly meets required standard of performance but has some weaknesses
unsatisfactory	many weaknesses—has not met the required standard of performance.

The use of a four-point scale encourages a conscious choice about whether the consultant's performance on each criterion was better or worse than the expected standard. It is rare for performance to exactly match the specified standard.

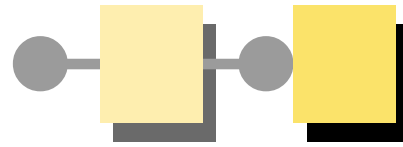
Section 4 deals with unsatisfactory performance reports in more detail.

Where a consultant's performance is not assessed against a standard performance criterion using the grades above, the criterion is to be struck out and the reason noted in the overall comments section of the report.

Overall performance

Assessment of overall performance should reflect the consultant's performance against the criteria outlined in *Standard performance criteria and evaluation* (pages 8–11) and also whether the consultant demonstrated a planned and committed approach to achieving successful project outcomes.

A numerical expression of overall performance can be made using the rating system detailed in *Appendix C*. This numerical expression of the overall performance is optional.



Review and recommendations

The Reporting Officer and the Reviewing Officer must make every effort to ensure that comments are objective and accurate, can be substantiated and are supported by facts.

The Reporting Officer is responsible for making a recommendation on the consultant's suitability for further work of the same nature for the same agency.

The Reviewing Officer is to ensure that the report is objective and accurate so that it can be used reliably for making accountable decisions concerning future engagements (registration, pre-qualification, expressions of interest or approving a consultant engagement).

Overall comment

In completing reports it is important to report on good and superior performance as well as unsatisfactory performance. As reports will be used when consultants are being chosen for future work, consultants with proven good or excellent performance should be recognised above those with average performance.

Comments should be kept to the facts relating to the engagement at hand. Where it is considered necessary to give an opinion, the opinion should be:

- a first-hand opinion;
- recorded and signed by the Reporting Officer; and
- about the consulting organisation, not individuals.

In particular, comments should commence with 'In my opinion'.

For example

- ✓ 'In my opinion, the consultant did not provide a suitably experienced leader of the design team', or
- ✓ 'In my opinion, the management of the subconsultants was not satisfactory'.

Comments should refer to the weakness/failure of the consultant and not to individuals.

In reporting, do not use extreme language.

For example

- ✗ 'In my opinion, the consultant was totally (or completely) inefficient'.

It is easy to challenge such opinions, as there may be some area, no matter how small, where the consultant was not inefficient and/or the Reporting Officer is unable to substantiate the inefficiency.

Reasons for any opinion should be stated and should refer to the relevant evidence that underpins such opinion.

4 Unsatisfactory performance report

A consultant's performance may be rated as unsatisfactory in one or more of the assessment criteria or in the overall assessment.

In most cases, an unsatisfactory overall rating will lead to a recommendation that the consultant is unsuitable for further work of a similar nature for the agency preparing the performance report.

Review of performance ratings of 'unsatisfactory'

Rated unsatisfactory in one or more assessment criteria (but overall assessment satisfactory)

The consultant must be made aware if its performance is rated as unsatisfactory in any assessment criterion and given an opportunity to comment on the report in accordance with the following steps:

- 1 The consultant is to be advised in writing of the assessment and requested to respond in writing within a reasonable time, say 10 working days.
- 2 The Reviewing Officer considers the consultant's response and the consultant is advised if the unsatisfactory rating(s) is to be retained.

Overall assessment unsatisfactory

Where the overall assessment is unsatisfactory or the consultant is not recommended for further work of a similar nature for the reporting agency, the following steps are to be taken:

- 1 A meeting between the consultant, the Reporting Officer and the Reviewing Officer is convened.
- 2 At the meeting, the reason(s) for the assessment(s) contained in the performance report is discussed and the discussions minuted.
- 3 The consultant is given the opportunity to respond in writing within a reasonable time, say 10 working days after the meeting.
- 4 The Reviewing Officer considers the consultant's response and may amend the performance report.
- 5 If upon completion of steps 1 to 4 the consultant's overall assessment is considered unsatisfactory, then the consultant must be informed and given the option of seeking a review which will be undertaken in accordance with the appeal process.



Revised performance report

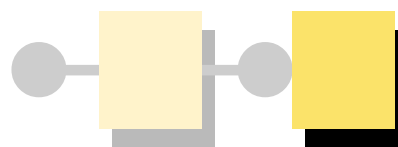
Where the performance report is changed as a result of a review, an adjusted copy of the report is to be given to the consultant.

Appeal process

If after following the review process described in *Review of performance ratings of 'unsatisfactory'*, a performance report rates the consultant's overall performance as unsatisfactory or the consultant is not recommended for further work of a similar nature the consultant must be given the opportunity to have an independent review as follows:

- 1 The review will be undertaken within a reasonable time, say 10 working days of receipt of an appeal by the consultant.
- 2 The person(s) conducting the review must be from senior management, and not associated with the project concerned. For large engagements, say fees more than \$100,000, the review should be carried out by a Review Committee, which should include an independent representative, for example from another government agency.
- 3 The review is to be undertaken on the available evidence submitted by all parties and the reviewer or committee may at its absolute discretion seek additional information from the consultant, Reporting Officer or Reviewing Officer, either in writing or in person.
- 4 The consultant is to be notified of the outcome of the appeal within a reasonable time, say 10 working days of the review. Where the performance report is changed as a result of a review, an adjusted copy of the report is to be given to the consultant.

5 Final performance report



The final performance report on each consultant engagement will be the main source of data for evaluation of the performance of a consultant. For this reason, the final report should reflect the performance of the consultant throughout the engagement.

Documentary evidence supporting reports, including minutes of meetings with the consultant, must be retained within the agency responsible for the report. Care should be taken not to destroy supporting documentation whilst it is still relevant to a performance report.

When performance is unsatisfactory, concise backup evidence and all relevant details of the unsatisfactory performance must accompany the report.

6 Exchange of report information between government agencies

Management of information exchange

All agencies should nominate a person with authority, who will be responsible for the receipt of requests for, and the subsequent supply of, information on consultant performance reports.

Information should only be supplied as a result of a request by an authorised inquirer who must be from a NSW government agency. For additional security, agencies should nominate specific positions with the authority to seek information, and to place restrictions on the purposes for which the information can be sought.

All requests for information should be recorded and all responses to requests should be in writing, although this can be waived if there are no adverse assessments. All comments made or received should be minuted on file even if a performance report is not provided to the requesting agency.

Any information exchanged between agencies must be treated confidentially.

Advising consultants about information exchange

Consultants must be made aware that, in tendering for or entering into consultant agreements with any agency, the agency may exchange information about their performance with other NSW government agencies. They also must be made aware that substantiated reports of superior performance may lead to increased opportunities for work with NSW government agencies and that substantiated reports of unsatisfactory performance may result in future opportunities for NSW government work being restricted or lost.

Agencies will need to include clauses, similar to those in *Appendix A*, in their consultant briefs and conditions of engagement to make consultants aware that, by entering into a consultancy agreement, they are accepting that their performance will be monitored and that information about their performance may be exchanged between NSW government agencies.

... continues

6 Exchange of report information between government agencies (continued)

Exchange of information about performance

The performance information for exchange between agencies is restricted to that contained in a consultant performance report and any notes from associated discussions and reviews. If the performance report shows an acceptable or better assessment, the information can be provided to the requesting agency without sending a copy of the report itself.

If the reporting agency agrees to exchange information that includes adverse assessments, the performance report must be forwarded in its entirety and be accompanied by concise backup evidence and all relevant details of the unsatisfactory performance. This material would include:

- minutes of any relevant meeting with the consultant where the adverse performance was discussed
- any written response by the consultant to the adverse assessment
- outcome of any agency review(s) of the consultant's performance, and
- status of any review being undertaken.

Use of performance information prepared by another agency

NSW government agencies may use consultant performance reports prepared by other agencies to evaluate consultants for future engagements (registration, pre-qualification, expressions of interest or approving a consultant engagement).

The date of the performance report and the description of the type of work undertaken would help the receiving agency to judge the usefulness of the performance report to the agency's evaluation process.

The assessment of a consultant's capabilities should be based on the most up-to-date information about a consultant's performance. Unless otherwise specified, an agency should supply the information contained in the most recent report for any current, or just completed, engagement.

Earlier performance reports on the engagement or reports for other engagements may also be supplied, if needed, to give a clearer indication of the general performance of the consultant.

If action is pending concerning a performance report, for example a review is still in progress, the receiving agency needs to be advised so that appropriate care can be taken by that agency when considering the information supplied.

Agencies should only use information contained in the performance report for the purpose of evaluating consultants for future engagements (registration, pre-qualification, expressions of interest or approving a consultant engagement). Information for exchange must therefore be treated confidentially with due regard for privacy.

Appendix A

Model clauses for inclusion in consultant briefs

To ensure that consultants are clear about an agency's policy on the recording and reporting of consultant performance and the exchange of performance information with other NSW government agencies, clauses in the following terms should be included in the consultant brief and consultancy agreement.

Conditions of submitting proposals (conditions of tendering)

Consultant performance

During the course of a consultancy engagement, the consultant's performance will be monitored and assessed. Substantiated reports of superior performance may lead to increased opportunities for work with NSW government agencies. Substantiated reports of unsatisfactory performance may result in future opportunities for NSW government work being restricted or lost.

Exchange of information between NSW government agencies

By submitting a proposal for this engagement, the consultant authorises the Principal to collect information about the consultant and to make information available to other NSW government agencies. This includes information about the consultant's performance under current or previous engagements and related information.

The consultant acknowledges that information about the consultant from any source, including substantiated reports of superior or unsatisfactory performance, may be taken into account by NSW government agencies considering whether to offer the consultant future opportunities for NSW government work.

The Principal regards the provision of information about the consultant to any NSW government agency as privileged under Section 22 of the *Defamation Act 1974* (NSW). The Principal or the State of New South Wales will reject claims in respect of any matter arising out of the provision or receipt of such information, including any claim for loss to the consultant arising out of the communication.

Conditions of engagement

Exchange of information between NSW government agencies

The consultant authorises the Principal to make information concerning the consultant available to other NSW government agencies. This includes, but is not limited to, any information about the consultant's performance under the engagement.

The consultant acknowledges that any information about the consultant from any source, including substantiated reports of level of performance on previous engagements, may be taken into account by NSW government agencies considering whether to offer the consultant future opportunities for NSW government work.

The consultant acknowledges that the Principal regards the provision of information about the consultant to any NSW government agency as privileged under Section 22 of the *Defamation Act 1974* (NSW). The consultant acknowledges that the Principal or the State of New South Wales will reject claims in respect of any matter arising out of the provision or receipt of such information, including any claim for loss to the consultant arising out of the communication.

Appendix B

Reporting Agency

Consultant Performance Report

General information

consultant's name

ABN

engagement no.

consultancy description / scope of engagement

engagement period (weeks)

original completion date

commencement date

original engagement sum (fee)

Reason for report

midway through
4-7 month
engagement

six-monthly
report

report on
completion

termination
of engagement

continuing
unsatisfactory
performance

other (*give details*)

Completion information

actual completion date

final fee

Consultant's performance

(✓) tick appropriate box

	unsatisfactory	acceptable	good	superior
time management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
mgt & suitability of project personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
management of subconsultants, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
standard of service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
quality management and systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OHS&R management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
environmental management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
cooperative relationships	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
overall performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Suitability for further work *

Not Suitable †

Suitable

* Optional to (✓) during course of engagement. Must (✓) as appropriate on completion of engagement.

† If 'Not Suitable' is ticked, detailed reasons must be given.

Appendix C

Optional consultant performance rating system

Performance criteria

Consultant performance ratings are to be allocated points against the performance criteria (eg. time management, standard of work, etc) based on the rating scale below:

superior	10 points
good	7 points
acceptable	5 points
unsatisfactory	0 points

Performance rating formula

The Reporting Officer determines the performance rating as a percentage using the formula:

$$A = \frac{\text{consultant's point score}}{\text{total maximum points}} \times 100$$

The consultant's point score is the total of the points scored against the performance criteria.

The total maximum points applicable is the number of criteria graded against x 10.

The total maximum points may vary from report to report, depending on the number of performance criteria the consultant is graded against.

Consultant's overall performance

The assessment percentage (A) is then graded as follows:

superior	over 85%
good	over 63%
acceptable	over 50%
unsatisfactory	under 50%

This method may be used when assessing a consultant's performance on a single engagement, several engagements, over a period of time, or on a particular type of engagement.

**Consultant
Performance
Reporting**
and
**Exchange of
Reports
between
Government
Agencies**
Guidelines

ISBN 0 7347 4053 0