

Guideline for Professional Services Contractor Performance Reporting

5TP-PR-109/1.0

Procedure – Applicable to:

Transport Projects

Quality Management System

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Document History

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1.0	31 March 2014	3195712_1	First issue



1. Purpose and Scope

TfNSW's Professional Services Contractor Performance Report (CPR) process has been established to:

- Provide management a tool to enhance the management of consultants engaged under a professional services contract (PSC)* or a design only contract (together called "consultant" or "consultants" in this procedure).
- Enhance consultant performance via a continuous improvement process and recognition of good performance.
- Provide records of performance that will contribute to the ROI and tender assessment processes.
- Develop a system that is generally consistent with the NSW Government Guidelines for "Contractor Performance Reporting and Exchange of Reports between Government Agencies".

*Note: Professional services contractors who are engaged to perform site work shall be assessed under the Construction Contractors Performance Reporting Guideline.

The CPR process requires the regular assessment of consultant performance by the Reporting Manager, and the outcomes of those assessments are reviewed by the Reviewing Manager before being provided to the consultant. The consultant has the opportunity to comment on the findings, and those comments and TfNSW's subsequent response both form part of the CPR.

2. Definitions

All terminology in this Procedure is taken to mean the generally accepted or dictionary definition.

3. Accountabilities

The Director Commercial is accountable for this Procedure. Accountability includes authorising the document, monitoring its effectiveness and performing a formal document review.

Program Directors and Branch Directors are accountable for ensuring the requirements of this document are implemented within their area of responsibility.

4. Application

This Professional Services Contractor Performance Report guideline is to be used on all consultant contracts valued at more than \$150,000, however its use is encouraged on contracts of lesser value.

The CPR process applies to a 6 month reporting period ending March and September of the relevant year or the full contract period depending on the CPR. Refer to Section 6.1 for reporting frequency.



5. Assessment

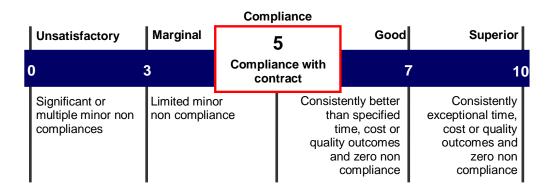
5.1. Assessment of Consultant's Performance

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

Grade	Explanation		
Superior	Standard well above the required standard of performance.		
Good	Standard satisfactory and often exceeds the required standard of performance.		
*Compliance	Meets required standard of performance.		
Marginal	Mostly meets required standard of performance but has some weaknesses.		
Unsatisfactory	Many weaknesses, has not met the required standard of performance.		

*Note: The "required standard of performance" should be considered as the base level that meets the requirements of the project, contract and/or industry standards. Therefore when evaluating the consultant the starting position is for any criterion is a score of Compliance. Taking a cautious approach to assessing consultant performance compromises the effectiveness of the CPR system hence it is essential the grades are followed closely and the consultants are assessed against the assessment criteria.

It is important that the grade assigned to each assessment criteria and the comments provided describing the performance satisfy the definitions in this table.



There should be no unsatisfactory performance rating unless objective evidence exists supporting the non-compliance with the required standard of performance. Similarly no superior performance rating should be given without evidence supporting outstanding outcome with no non-conformance.

Where a consultant's performance is not assessed in relation to a standard performance criterion, the criterion is to be marked as "Not Applicable" and the reason noted in the relevant Comments section or the General Comments section of the CPR.



The pro-forma for reporting is Contractor Performance Report – 5TP-FT-403.

5.2. Standard Performance Criteria and Evaluation

Where applicable the Reporting Manager must gather the thoughts and opinions of all the stakeholders, through consultation with TfNSW functional groups, and enter the collective opinion into the CPR. The Reporting Manager must consider performance in the context of the project as a whole, including the respective roles and obligations of the Principal and consultant under the contract. If certain matters impact upon the satisfactory completion of a project which:

- occurred during a pervious reporting period
- are outside of the consultant's control (e.g. industry wide strikes) or
- are the result of action or omission by the Principal which under the terms of the contract gave rise to a Principal caused delay

then these matters should not be taken into account by the Reporting Manager.

In summary, evaluation against performance criteria must be a measure of the consultant's performance on the contract, after taking into account matters beyond the consultant's control.

5.2.1. Time Management

In assessing the consultant's time management performance, the assessment may include assessment of the following matters:

- 1. progressive monitoring of services and appropriate resource allocation to critical activities
- 2. updating of program to account for unforeseen delays
- 3. ability to meet programmed milestones
- 4. compliance with contract concerning timely submission of drawings, reports or other documentation (if required)
- 5. overall progress of the services
- 6. mitigation of delays by the Principal or other parties outside the consultant's control
- 7. effectiveness of the program as a management tool (where applicable).

Note: Where no consultant program exists the nominated commencement and completion dates may be adequate as a basis for assessment.

5.2.2. Standard of Work

In assessing the consultant's standard of work, the assessment may include assessment of the following matters:

- 1. compliance with works brief
- 2. compliance with relevant standard
- 3. amount of rework required, if any
- 4. quality of work and conformance with specified performance criteria



- 5. achievement of expected value for money
- extent of involvement required from the principal to achieve the desired standard of work.

5.2.3. Personnel

In assessing the consultant's performance relating to personnel, the assessment may include assessment of the following matters:

- appropriateness of skills and experience of personnel assigned to work
- 2. suitability of staff in regard to management, administration, scientific or industry skill levels and overall experience relevant to the tasks undertaken
- 3. adequacy of the number of personnel engaged by the consultant so as to ensure adequate progress in relation to the work
- comparability of the skills and experience of the staff assigned to the project with those nominated in the tender for the work and whether those nominated were supplied
- 5. extent of input of senior personnel
- 6. observance of site rules and guidelines.

5.2.4. Management of Subconsultants and Other Suppliers

In assessing the consultant's performance in relation to the management of off-site and onsite subconsultants the assessment may include assessment of the following matters:

- 1. full compliance with legal and contractual obligations
- coordination of interfaces
- 3. ensuring sub-contractors meet quality requirements
- 4. timely completion of subconsultant services and other subcontracted work
- 5. payment to all subconsultants, subcontractors and suppliers in accordance with the conditions of their engagement or contract.

5.2.5. Cost Management and Contract Administration

In assessing the consultant's performance relating to contract administration, the assessment may include assessment of the following matters:

- 1. adherence to budget (excluding lump sum contracts)
- 2. issue timely and complete invoices
- 3. compliance with contract conditions
- 4. keeps TfNSW informed of cost progress including lump sum contracts.

5.2.6. Co-operative Relations

In assessing the consultant's performance relating to co-operative relations, the assessment may include assessment of the following matters:



- 1. commitment and implementation of a management approach that fosters continuous improvement, self assessment and general industry monitoring
- 2. commitment to resolving issues through open and effective communication with a non adversarial approach
- 3. evidence of a co-operative culture (e.g. adoption and commitment to partnering principles with clients, subcontractors, consultants and suppliers)
- 4. willingness to improve performance based on feedback from meetings or previous Consultant Performance Reports.

5.2.7. Design

In assessing the consultant's design performance, the assessment may include assessment of the following matters:

- 1. timely delivery of design works
- 2. coordination of stakeholders and management of stakeholder inputs
- 3. works designed to be reliable and maintainable
- 4. works designed to take OH&S and Environmental issues into consideration
- 5. clarity and completeness of the specifications, drawings and reports
- 6. number of discrepancies within the design
- 7. design adherence to specified performance criteria
- 8. design process carried out consistent with the contractor's obligations as an AEO
- 9. extent of involvement required by TfNSW to achieve the desired standard of design
- 10. identify and provide early notification to TfNSW of any design issues when the design is provided by another party.

5.3. Overall Performance

Assessment of Overall Performance should reflect the Reporting Manager's opinion on the consultant's performance as a whole after taking into account the individual assessments for the criteria described at Section 5.1.

5.4. Suitability for Further Work

The Reporting Manager shall, after taking into account the performance assessment, make a recommendation as to the consultant's suitability for further works with TfNSW on projects of a similar type. Should this be marked as "Not Suitable", then confirmation of the reasons should be discussed with the relevant Project Director and the Director Commercial before circulation.

5.5. Overall Comments

A brief comment on the rating or qualifying the rating must be made in the comments section of the applicable assessment criteria section and the General Comments section of the CPR and must include actual evidence of performance.

In completing CPRs it is important to report on good and superior performance as well as unsatisfactory performance. As CPRs will be used in ROI processes and tender



assessments, contractors with proven good or superior performance should be recognised above those with average performance.

The Reporting Manager and the Reviewing Manager should ensure that comments are accurate, compliment the grade given, are supported by evidence and not biased, untruthful, malicious or defamatory. Comments should be kept to the facts relating to the contract at hand, however where it is considered necessary to give an opinion, the opinion should be:

- a first-hand opinion
- recorded and signed by the Reporting Manager
- about the consultant, not individuals.

In particular, comments should commence with 'In my opinion', e.g. 'In my opinion the consultant did not provide a suitably experienced project manager' or 'In my opinion, the management of the contract was not satisfactory'. Comments should refer to the failure of the consultant and not to individuals.

In reporting do not use extreme language e.g. 'In my opinion the consultant was totally (or completely) inefficient'. Use of extreme language often indicates bias and 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 you are unable to substantiate the inefficiency.

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

In order to drive continuous improvement it is a requirement that suggestions for improvement are included in the CPR either in the individual assessment criteria comments or in the General Comments section.

5.5.1. Comments on Applicable Assessment Criteria

Comments providing evidence and justification for the grade are mandatory for all assessment criteria. It is expected that these comments can be relied upon to justify CPR results to contractors during any appeal and to form the basis for discussions on performance. It is highly recommended that the Reporting Manager use the language used to define the grade in the table in Section 5.1 when providing the justification for the grade.

5.5.2. General Comments

The General Comments section provides an opportunity for the Reporting Manager to comment on the overall performance of the consultant, potentially taking into consideration things outside of the scope of the assessment criteria for example Rail Safety, WHS or Environmental Management.

It is in the General Comments that the consultant's good effort despite their failures to meet the assessment criteria can be recognised.

5.6. Objective and Accurate Reports

The Reviewing Manager is to ensure the report is objective and accurate and therefore capable of being relied upon for decisions relating to selective tender lists or selection of a tenderer. Grading accuracy is essential for comparison of CPR data to facilitate selection of the best performing consultant.



6. Reporting

6.1. Frequency

CPR reports must be prepared covering the following periods:

- (a) the six month periods ending March and September of each year that is relevant to the contract
- (b) immediately after practical completion of a contract
- (c) when there is a continuing period of unsuitable performance on a contract, in the opinion of the Reviewing Manager
- (d) when a contract is terminated
- (e) upon finalisation of all outstanding claims

Completed CPR reports should be provided to Transport Project's Commercial Group.

Note: A CPR report may only be omitted where the reporting date is within one month of another report (e.g. practical completion CPR occurs within a month of the March or September reporting period then it is only necessary to complete one CPR) or it is less than six weeks since contract acceptance.

The performance criteria and a preliminary assessment should be discussed with the consultant at regular contract control meetings.

6.2. Notification to Commence Consultant Performance Report

Notification will be provided by the Principal Manager Commercial at the close of the March and September reporting periods outlining the time period allowed to complete the required CPRs under Section 6.1 (a). Strict adherence to this time period is a mandatory requirement of this process.

CPRs that occur due to any of the reasons set out in Section 6.1 (b) to (e) are the responsibility of the Reporting Manage and no formal notification will be provided.

6.3. Roles and Responsibilities

The key roles in the CPR process are the Reporting Manager and the Reviewing Manager. Together they perform a rigorous assessment of the consultant's performance involving a thorough review to ensure accuracy of the assessment. Furthermore the Project Director may carry out an additional review of the CPR before issuing it to the consultant.

Contractors may not assume the position of either the Reporting or Reviewing Manager unless extenuating circumstances exist and approval is granted by the Director Commercial.

6.3.1. Reporting Manager

Responsibility for completion of CPRs should be assigned to the person best able to make accurate, factual assessments in accordance with the assessment criteria. The Reporting Manager should be the person who has day-to-day liaison with the consultant and would generally be the Project Manager or Technical Manager, refer to 6.3.4 Typical Appointments.



6.3.2. Reviewing Manager

Review of the Reporting Manager's appraisal is to be made by a Reviewing Manager experienced in contract management at a more senior level and is preferably the Principal's Representative. The Reviewing Manager's task is to ensure the CPR is objective and accurate and that it can be relied upon by TfNSW to make accountable decisions in relation to ROI, selection of a tenderers and tender assessment processes.

The Reviewing Manager must also make sure the CPR is of a high standard and is robust to withstand any appeals by the contractor. To achieve this the Reviewing Manager must ensure that comments are consistent with the rating allocated to each assessment criterion. Where the Reviewing Manager finds the assessment is not suitable the Reviewing Manager must substantiate any differing assessments with supporting facts and return it to the Reporting Manager to amend.

Note: The Reviewing Manager does not have the authority to change the CPR without consulting the Reporting Manager.

6.3.3. Project Director

The Project Director shall review their programs CPRs prior to distribution to the consultant to ensure consistency within the program. Where they find the assessment is not suitable they must substantiate any differing assessments with supporting facts and return it to the Reporting Manager to amend. The Project Director should not have the authority to change the CPR without consulting the Reporting Manager.

6.3.4. Typical Appointments

The Reporting Manager and the Reviewing Manager must be assigned to suitable personnel. These will typically be personnel in the following roles:

Project	Role: Reporting Manager	Role: Reviewing Manager
PSCs	Technical Manager/Environment & Planning Manager	Technical Director Environment and Planning Services
TAP	Project Manager	Senior Project Manager or Project Director
ССРР	Project Manager	Deputy Project Director or Project Director

6.4. Submission of CPR and Consultant's Response

6.4.1. All Reports

The consultant must be given a copy of each CPR by the Principals Representative and the opportunity to comment on the assessment within 10 working days or other period as may be agreed by the parties.

In all cases the Reporting and/or the Reviewing Manager 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 Manager form part of the CPR.



6.4.2. Reports with Unsatisfactory Ratings

Where the CPR concludes that the performance of a consultant is unsatisfactory in any reporting criteria the consultant must be given an opportunity to comment on the report in accordance with the following guidelines:

- (f) (a) where the Overall Assessment is satisfactory (yet performance in a specific criteria is considered unsatisfactory) and the consultant is assessed suitable for further work:
 - i. the consultant is to be advised in writing of the assessment and requested to respond in writing within 10 working days
 - ii. the consultant's response is to be considered by the Reviewing Manager and the consultant advised if the unsatisfactory performance rating(s) against an individual criterion is to be retained.
- (g) (b) where the Overall Assessment is unsatisfactory or the consultant is not recommended for further work:
 - i. a meeting between the consultant, the Reporting Manager and the Reviewing Manager is to be convened
 - ii. the reason(s) for the assessment(s) contained in the CPR is to be discussed and the discussions shall be minuted
 - iii. the consultant shall be given the opportunity to respond in writing within 10 working days of the meeting
 - iv. upon review of the consultant's response the CPR may be adjusted at the discretion of the Reviewing Manager
 - v. if upon completion of steps (a) to (d) 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 Section 5 'Appeal Process' of this guideline (below).

The Reviewing Manager shall send the consultant a further copy of the CPR, whether amended or not, at the end of the above processes.

7. Appeal Process

In the event that, after following the process described at Section 6.5, a CPR rates the consultant's Overall Performance as unsatisfactory, the consultant must be given the opportunity of an independent review as follows.

The consultant is to be given a copy of this Appeal Process and notified it has 20 working days to lodge an appeal against the CPR.

The independent review will be undertaken within 10 working days (or other period as may be agreed by the parties) of receipt of the request for an appeal by the consultant.

The independent review is to be undertaken on the available evidence submitted by all parties and the reviewer may at his/her absolute discretion seek additional information from the consultant, Reporting Manager or Reviewing Manager, either in writing or in person.

The independent review is to be undertaken by either the Director Commercial or a Project Director or a nominee.



The consultant is to be notified of the outcome of the appeal within 10 working days (or other period as may be agreed by the parties) of the review. Where the CPR is changed as a result of a review an adjusted copy of the CPR is to be given to the consultant and the Reporting Manager.

8. Final Consultant Performance Report

The final CPR on each completed contract will be the main source of data for evaluation of the performance of a consultant. For this reason, the final CPR should reflect the performance of the consultant during the whole of the contract. When performance is unsatisfactory, the report must be accompanied by backup evidence and all relevant details of the unsatisfactory performance, including minutes of meetings with the consultant.

The Project Manager/Reporting Manager is responsible for creating and maintaining the report. A copy of the final CPR will be provided to the Principal Manager Procurement.

9. Confidential Information

CPR information is strictly confidential therefore is a requirement of this document that CPR forms are only be saved in the protected files in Desksite managed by the Document Controller. Disciplinary action may be taken against individuals who do not comply with this requirement. Please refer to the Contractor Performance Management Guideline for information on confidentiality and defamation.

10. Related Documents and References

Related Documents and References

<u>Professional Services Contractor Performance Report – 5TP-FT-403</u>

Contractor Performance Management – 5TP-PR-017

Contractor Performance Management Process Chart

Review Unsatisfactory Overall Assessment Sub-Process Chart

Contractor Performance Report – 5TP-FT-057



Appendix 1 - User Guide

Introduction

This document outlines the use of the Consultant Performance Report – PDF Version. From this point onwards, the 'Consultant Performance Report – PDF Version' will be referred to simply as the 'CPR' or 'form'.

Software Requirements

The CPR requires the following programs to be installed on the user's computer:

Adobe Reader version 8.0 (or later). This is installed on your computer by default.

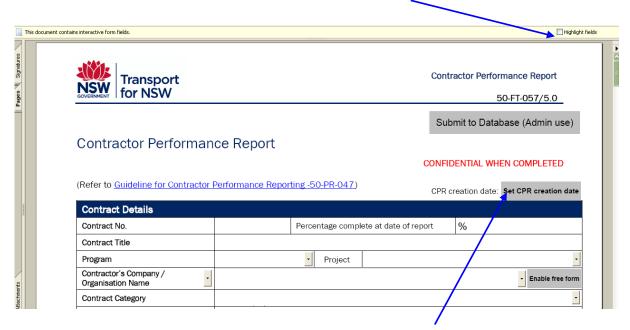
User Guide

1.1. Where to find the CPR form

The CPR form can be located on the QMS. The file name for the form is <u>Professional Services</u> <u>Contractor Performance Report – 5TP-FT-403.</u>

1.2. Starting a New Consultant Performance Report

When the form is first opened, make sure the 'Highlight Fields' button is clicked.



Next, click the 'Set CPR creation date' button.

This date will be set to today's date and cannot be changed.

1.3. Contract Details

As seen in the above image, the first section of the form contains the Contract Details. Proceed to fill out the fields highlighted in blue.

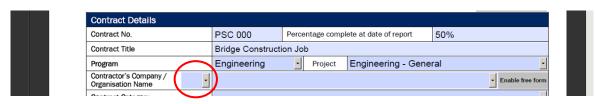


In relation to the **Contract No.**, please double check that this field is the Scenario Contract number (S1234) and that it has been entered correctly. This will be important for running reports on a particular contract number.

There is a chance that the **Program**, **Project**, **Consultant** or **Contract Category** you are reviewing may not be on the list. Please notify the Document Manager (Procurement Governance Manager) and request for the form to be updated. At this stage, you will have to wait for the document manager to update the form before proceeding with the CPR.

The **Program** field will automatically update the **Project** field with projects that belong to the program.

When filling out the **Consultant's Company** field start by using the filter circled in **red** below.



Once a letter is selected the Consultant Company field will be populated with companies that begin with the selected letter. Open the dropdown list by clicking the button circled in **red** below.



If the consultant to be reviewed is not in the dropdown list, click the <u>'Enable free form'</u> button and manually enter the consultant name.

Contract Category

Category	Definition
Major Construction Contracts with Contract Sum > \$5M	
Minor Construction Contracts with Contract Sum < \$5M	
Alliance	This category is only for Alliance Construction Contracts or Alliance Non-Owner participants. Please note that all other consultants working on Alliance to be categorised under other categories.



Cost/Risk	Estimators, Quantity Surveyors, Cost Planners, Cost Advisors, Financial Auditors		
Environmental	Arborists, EMRs, Heritage Assessment Consultants, Ecological Assessments, Environmental Assessment, Planning Approval Contractors, Waste Audits, Sustainability Consultants, Noise Consultants, EMS Review, European Indigeneous Assessment or other P&E services		
Investigation	Site Investigations, Dilapidations Reports, Site Survey		
Project Management	Project Managers, Project Management, Contract Managers, Construction Management, Construction Supervisors, Site Construction Managers, etc		
Safety	Rail Safety Services, Worksite Protection Officers, OHS & R services, Safety Manager, Safety Support		
Supply	Supply of goods and materials e.g. Lifts		
Technical	Signalling, Design Services, Designers, Design Review, Technical Sevices, Engineering Services, Control Services		
Corporate	Independent Audit / Compliance Services, Information Technology (IT), other corporate related services, insurance brokers, Training Services		
Legal	Legal Services, Solicitors		
Probity	Probity Advisors		
Procurement	Procurement Managers, Procurement Officers, Procurement Support		

1.4. Consultant's Performance

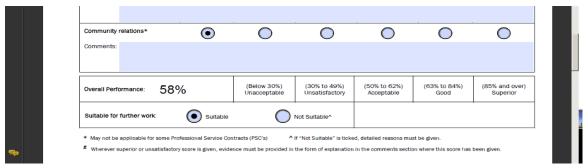
The second section of the form relates to the Consultant's Performance. Scores can be selected for each evaluation criteria (where applicable) and comments can be typed into the blue fields as seen below. Comments must be provided for all scores including actual evidence of performance.

Contractor's Performance Evaluation Criteria:	Not Applicable (PSC's only)	A Unsatisfactory# O Points	B Marginal 3 Points	C Acceptable 5 Points	D Good 7 Points	E Superior# 10 Points
Cost management Comments:	•	0	0	0	0	0
Time management Comments:	0	0	•	0	0	0
Standard of work Comments:	0	0	•	0	0	0

At the end of the Consultant's Performance section, an overall score is shown. This is automatically calculated based on scores entered for each criterion.



In addition, it is up to the user's discretion whether the consultant is suitable for further work on the project. Comments must be provided if the consultant is deemed to be Not Suitable.



1.5. Overall Comments

The final section contains comments details of the Reporting Manager and Reviewing Manager



If you are the Reporting Manager, fill out the relevant fields and pass the document onto your Reviewing Manager.



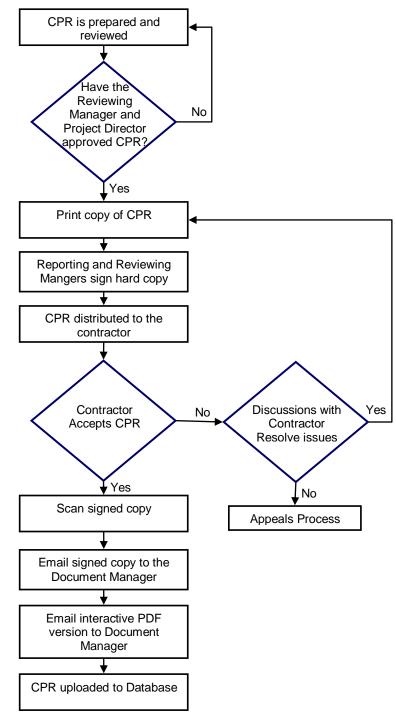


If you are the Reviewing Manager, you will need to deem whether the CPR is acceptable and either pass it onto the consultant (if acceptable) or pass it back to the Reporting Manager to amend. Do not sign the document until you deem it to be acceptable to be passed onto the consultant.

1.6. Completion Process

The form should only be signed if it is deemed acceptable to be sent to the Contractor. Once agreed the following signing process should be followed:





Note: CPRs must not be saved in an unprotected project folder.

1.7. File Naming Convention

The following file naming convention for saving the pdf form is required:

Company Name - Contract/PSC# - Program - Project - Reporting Period (Mar/Sept) - Year

For example "ABC Consultants – PSC 1234 – NSFC – ETTT-Mar-2014"



1.8. Workflow

Refer to the Contractor Performance Management process chart.