

Ref. : WP(PS)106/11
Group : 6

25 September 2001

Works Bureau Technical Circular No. 22/2001

**Approval of Major Revisions to Approved Documents and
Referral and Reporting by Consultants of
Variations, Claims and Delay in Works Contracts**

Scope

This Circular requires consultants for a design and construction assignment to obtain Director's Representative's written approval for major revisions to the already approved tender and contract documents. It also requires consultants to refer and report in writing to the Director's Representative details of all variations to contract works, claims for additional payment made by contractors, and delays to the progress of the contract works.

2. Examples of major revisions are changes in design that may affect the performance, operation or maintenance of a plant or installation, or alternative designs especially those aspects involving deviation from the industry standard engineering practice.

Effective Date

3. This Circular shall take immediate effect.

Effects on Existing Circulars

4. This Circular shall be read in conjunction with WBTC No. 8/98.

Policy

5. According to Clause 15 of the General Conditions of Employment for a Design and Construction Assignment (1997 Edition), documents prepared by the consultant shall not be used for tendering purpose unless they have been approved by the Director's Representative. It is decided that after the approval, the consultant shall also obtain the Director's Representative's written approval for any major revisions to these documents.

6. Separately, Clause 25 of the General Condition of Employment requires consultants to refer and report to the Director's Representative, details of variations to the contract works and claims for additional payment made by the contractor. To enhance effectiveness, it is decided that such referral and reporting shall be made in writing.

Implementation

7. With immediate effect, the Special Conditions of Employment given in Annex shall be incorporated in consultancy documents of all consultancy agreements of which the consultant selection board has not yet approved a shortlist before the date of this Circular.

(W S CHAN)
Deputy Secretary (Works Policy)

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Annex

Special Conditions of Employment

Approval of Major Revisions to Approved Documents and Referral and Reporting by Consultants of Variations, Claims and Delay in Works Contracts

Approval of documents

S.C.E.1 Clause 15 of the General Conditions of Employment is deleted and replaced by the following:

15. (A) All drawings, designs, plans, specifications, bills of quantities or other documents, matters or things prepared by the Consultants for or in connection with any invitation for tenders shall not be used for such purpose unless they shall first have been approved by the Director's Representative in writing.

(B) Any major revisions to such approved drawings, designs, plans, specifications, bills of quantities or other documents, matters or things shall not be used for any purposes unless they have been approved by the Director's Representative in writing.

(C) The Consultants shall, when so requested by the Director's Representative, submit in writing to him for his approval such drawings, designs, plans, specifications, bills of quantities or other documents, matters or things prepared by them as a direct requirement of the Assignment as he may specify or require.

(D) No such approval shall affect the responsibility of the Consultants in connection with the Services.

Referral of variations and claims

S.C.E.2 Clause 25 of the General Conditions of Employment is deleted and replaced by the following:

25. (A) Notwithstanding the requirements of Clause 24 the Consultants when acting as Engineer to any works contract shall:

- (i) refer the details of every variation to the contract works, including the reasons for it and its estimated value, to the Director's Representative for information as soon as the variation is ordered;
- (ii) as soon as the value of a variation to the contract works has been determined, refer the details of the evaluation to the Director's Representative for information;
- (iii) report to the Director's Representative all claims for additional payment made by the contractor and, except for those solely in respect of agreement of rates, refer

the principles underlying their assessment of each claim, to enable the Employer to provide his view of the matter before the Consultants reach a decision; and

- (iv) report to the Director's Representative all delays to the progress of the contract works and, except for those delays solely in respect of inclement weather conditions or the hoisting of storm signals, refer their assessment of grant of extension of time for completion, if any, to enable the Employer to provide his view of the matter before the Consultants reach a decision.

(B) The foregoing referrals and reporting to the Director's Representative shall be in writing.

Subsumed