



GUIDELINE FOR TECHNICAL REVIEW OF WORK BY OTHER MEMBERS

APEGM Practice Standards Committee

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1.0 DEFINITIONS

1.1 Client

A person, firm or corporation that contracts for service that falls within *The Engineering and Geoscience Professions Act of Manitoba (The Act)*.

1.2 Principal Practitioner

A licensed individual that provides a service that falls within the scope of *The Act* of Manitoba. The *Principal Practitioner* may or may not be directly linked to the *Client* by a contract (i.e. - the individual may be an employee of the firm or corporation that has been contracted to provide the service).

1.3 Review

A *review*, for the purpose of this guideline, is defined as an examination of work in progress, or completed work. It is initiated by the *Client* and is undertaken by a *Reviewer* selected by the *Client*. A *review* is objective and factual, and is based on technical principles. It must be conducted in a manner consistent with the intent and scope of work covered by the existing agreement between the *Client* and *Principal Practitioner*. It must serve the interests of both the *Client* and the public. However, the public interest is paramount.

1.4 Reviewer

A licensed individual that *reviews* the service of the *Principal Practitioner*. The *Reviewer* may or may not be directly linked to the *Client* by a contract (i.e. - the individual may be an employee of a firm or corporation that has been contracted to provide the service).

2.0 BACKGROUND

Reviews are normally triggered by a *Client* wanting a second opinion, or seeking confirmation of work undertaken by the *Principal Practitioner*. Regardless of the circumstances under which a *review* is initiated, it can have a significant impact on the reputation of the *Principal Practitioner*. Because a review typically introduces a second practitioner who is new to the project, there is a potential for misunderstandings, differing points of view, and/or a commercial conflict of interest. Practitioners undertaking a review must be aware of the potential for such issues, and take every reasonable precaution to avoid them while maintaining the integrity of the profession.

To this end, the APEGM *Code of Ethics of the Practice of Professional Engineering & Professional Geoscience (The Code)* requires that a practitioner shall:

- (a) not issue statements on engineering or geoscientific matters, or provide criticism or argument, or allow any publication of his or her reports, or any part of them, in a manner which might mislead;
- (b) ensure that the extent of his or her professional engineering or professional geoscientific responsibility is understood by each *Client* or employer before accepting an assignment"; and
- (c) notify the *Principal Practitioner* "as soon as practicable, when giving an opinion on that practitioner's work".

3.0 SCOPE

This guideline is intended to apply to formal reviews conducted in the context of Clause 5.6 of the Code of Ethics (i.e. "Each practitioner shall be fair to colleagues and shall support their professional development ... [and] shall notify a practitioner, as soon as practicable, when giving an opinion on that practitioner's work"). It is intended for use where the *review* assignment's primary characteristic might put the professional reputation of the *Principal Practitioner* at risk. An appropriate example would be a *review* initiated by a *Client* dissatisfied with a technical aspect of the project, or an interested third party, such as a tenant.

This guideline is not intended to cover:

- reviews that are carried out in the normal course of completing a project such as *reviews* conducted by the authority having jurisdiction, value engineering assignments, commissioning consulting, the technical aspects of bridging advice on design build projects, and the review of shop drawings; or
- reviews that are initiated as a normal course of business, and to which existing guidelines and procedures apply, such as evaluation of plant and equipment, mineral reserves, or processes, or
- reports to the Investigation Committee of the Association, expert witness reports, and similar assignments.

Some *reviews* may begin with an engineering or geoscience focus, and, therefore, fall within this guideline, but shift during conduct of the *review* to a legal focus. Formal notification of the shift to a legal focus would normally be shared with all three parties, and would release all parties from further compliance with this Guideline. Information gathered up to the dissemination of formal notification of the shift to a legal focus would be subject to the normal rules of evidence on admissibility.

4.0 ROLES AND RESPONSIBILITIES

4.1 Reviewer's Responsibilities

The role of the *Reviewer* is to:

- obtain the *Client's* agreement to conform to this Guideline;
- notify the *Principal Practitioner* of the intent to *review* the work;
- coordinate the entry and exit meetings (see sample entry meeting agenda);
- document observations;
- report *review* results;
- verify, if necessary, the effectiveness of corrective actions taken as a result of the *review* (if requested by the *Client*), and
- retain and safeguard documents pertaining to the *review*, submit such documents as required, respecting any requests for privacy and confidentiality, and treat privileged information with discretion.

4.2 Independence of the Reviewer

- The *Reviewer* should minimize both the actual and the perceived conflict of interest inherent in reviewing the work of a peer.
- Any potential conflict should be identified and documented as part of the review agreement.
- The *Reviewer* should act in a professional and ethical manner and must not seek to supplant the *Principal Practitioner*.
- A prospective *Reviewer* who is aware that a potential for conflict of interest would exist if he/she undertook the review assignment, may suggest that the *Client* seek review services from a practitioner that is not in a similar position. If the *Client* prefers to proceed, all reasonable measures should be taken to ensure that the potential conflict of interest has the minimum possible affect on the Review.

4.3 Reviewer's Activities

The *Reviewer* should:

- communicate with the *Client* to ensure that the scope and requirements of the *review* are understood;
- plan the *review* and prepare working documents, remaining within the *review* scope (e.g. alternate designs in or out) and complying with the applicable *review* requirements;
- carry out assigned responsibilities effectively and efficiently;
- exercise and maintain objectivity;
- collect and analyze information that is relevant and sufficient to permit the drawing of conclusions regarding the system or service being reviewed;
- remain alert to any indications of information that might compromise the *review* results and possibly require a more extensive *review*;

- immediately report critical non-conformances, such as those which could affect the safety of the general public, to the *Principal Practitioner* in order to provide him or her with the opportunity to comment prior to taking further action;
- report the *review* results to the *Client* clearly, conclusively, and without undue delay; and
- report any major obstacles encountered in performing the *review*.

4.4 Principal Practitioner's Roles

The *Principal Practitioner's* role is to:

- provide the *Reviewer* with all information pertinent to the scope of the review as requested in writing by the *Client*; and
- attend the entrance and exit meetings.

It should be noted that, the *Principal Practitioner* may incur costs related to the *review* (e.g. attendance at meetings). Reimbursement, if any, would normally not come from or through the *Reviewer*.

5.0 PROCEDURE

The following procedure should be followed in initiating and conducting a *review*.

5.1 Selection of the Reviewer

The *Client* is encouraged to use "The Qualifications Based Selection System" available from the Association of Consulting Engineers of Canada to select the *Reviewer*.

5.2 Development of Review Plan

As a first step in the process, the *Reviewer* should assemble all the original instructions, basic data, amendments, clarifying instructions, specific design assumptions and information on the performance. It is incumbent upon the *Reviewer* to understand the mandate and the conditions under which the *review* is to be carried out. At this stage, the review plan is developed.

Judgement should be applied to ensure that that scale of review effort reflects the scale of the project. For example, a conference call may substitute for an opening meeting for small projects.

5.3 Execution of the Review

5.3.1 Review Plan

The *Reviewer* should develop and distribute a document setting out the review plan to the *Client* and *Principal Practitioner*. The document should include:

- *review* scope and objectives (e.g. alternate designs in or out);
- identification of individuals having significant direct responsibilities regarding the scope and objectives;
- identification of reference documents;
- identification of the *Reviewer*;
- date and time the *review* is to take place;
- identification of the *Principal Practitioner*;
- schedule of meetings to be held with the *Principal Practitioner*;
- expected time and duration for each major *review* activity;
- any confidentiality requirements, and
- *review* report distribution and the expected date of issue.

If the *Principal Practitioner* objects to any provisions in the *review* plan, such objections should immediately be made known to the *Reviewer*. They should be resolved between the *Reviewer* and the *Principal Practitioner* and, if necessary, the *Client*, before executing the *review*.

5.3.2 Opening Meeting

The purpose of an opening meeting is to

- introduce the *Reviewer* to the *Principal Practitioner*;
- review the scope and the objectives of the *review*;
- provide a short summary of the methods and procedures to be used to conduct the *review*;
- establish the official communication links between the *Reviewer* and the *Principal Practitioner*;
- confirm that the resources and facilities needed by the *Reviewer* are available;
- confirm the time and date for the closing meeting and any interim meetings of the *Reviewer* and the *Principal Practitioner*, and
- clarify any ambiguous details of the *review* plan.

A sample agenda complete with suggested attendees is attached for reference purposes.

5.3.3 Implementation

5.3.3.1 Procedures

All reasonable attempts will be made to collect information, including activities such as interviews, examination of documents, and observation of activities and conditions in the areas of concern. Information gathered through interviews should often be tested by acquiring the same information from independent sources, such as physical observation, measurements and records.

Where the *Principal Practitioner's* design assumptions are at issue, the *Reviewer* should clearly indicate which of the comments in the *review* report are as a result of the differences between the two sets of assumptions.

All changes in scope should be communicated to the *Principal Practitioner*. The *Client* shall be copied on all communications and kept informed of the status of the review.

5.3.3.2 Record Retention

Review documents should only be retained by the *Client* as provided for in the agreement between the *Client* and the *Reviewer* and in accordance with applicable regulatory requirements such as the Act.

5.4 Review Completion

The *review* is completed upon submission of the *review* report to the *Client*. There is no obligation for the *Reviewer* to disclose any or all of the findings to the *Principal Practitioner*. In most cases, the *Client* will not permit disclosure of the findings. However, the *Reviewer* should seek the *Client's* approval for an Exit Meeting to inform the *Principal Practitioner* of the general nature of the findings, and if appropriate, try to resolve any differences on technical issues.

PROJECT ABC

AGENDA FOR ENTRY MEETING

Attendees: **Client** (at *Client's* Option)
Principal Practitioner
Reviewer
Other Interested Parties (if necessary)

Where & When: **Coordinated by Reviewer; accommodated by P.P.**

Copies to: **Attendees**

Description	Led By
1 Introductions	R
2 Confidentiality Issues	All
3 <i>Reviewer's</i> Role & Responsibility	R
3.1 Confirmation of Impartiality of <i>Reviewer</i>	All
3.2 Confirmation of Conformance with Guideline (or otherwise)	R
4 <i>Principal Practitioner's</i> Role & Responsibility	P.P.
4.1 Confirmation of Conformance with Guideline (or otherwise)	P.P.
5 Scope of <i>Review</i>	R
5.1 Deliverables produced by <i>Principal Practitioner</i> that are to be reviewed.	R
a) Technical assumptions on which the <i>Principal Practitioner's</i> advice is based	P.P.
b) <i>Principal Practitioner's</i> technical advice	R
5.2 Pertinent information not included in Scope (e.g.- a Soils Report)	All
5.3 Whether or not alternative solutions are to be suggested.	C
6 Set Time and Place for Exit Meeting	All
7 Adjournment	All