



Florida Department of Transportation

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GOVERNOR

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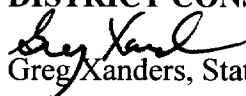
THOMAS F. BARRY, JR.
SECRETARY

June 25, 2001

THIS MEMO HAS EXPIRED

MEMORANDUM NO. 13-01

TO: DISTRICT CONSTRUCTION ENGINEERS

FROM: 
Greg Sanders, State Construction Engineer

COPIES: Bill Albaugh, Bruce Conroy, Juanita Moore, Lewis Harper

SUBJECT: CONTRACTOR PAST PERFORMANCE REPORT

We will start using the new Contractor's Past Performance Report (Form Number 700-010-250, available on the Organizations, Forms, and Procedures website) on all construction projects, greater than \$250,000, beginning with the projects in the May 2001 letting. On older projects, continue to use the Contractor's Past Performance Report, included in CARS.

The form itself includes detailed instructions.

Please inform your employees and consultants as early as practicable so that they will present the correct forms at the Pre-construction meetings.

We have also revised Rule 14-22, F.A.C. to make the grades given to contractors more meaningful. You will receive a copy of the revised rule when it is official, probably in the middle of July.

If you have any questions about the new form, or the revision being made to the rule, please contact Lewis Harper (Suncom 994-4143).

GX/js

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
CONTRACTOR'S PAST PERFORMANCE REPORT

(Contractor Name)	(FIN Project No.)	
(Address)	(County)	(Route)
(Final Contract Amount)	(Type Of Work)	
(Proj. Engineer/Firm or Residency)	(Date Final Accepted)	

ANSWER ALL QUESTIONS

<u>Performance</u>	<u>Maximum Value</u>	<u>Rated Value</u>
1. Pursuit of the Work.	12	_____
2. Proper MOT and Minimize Impacts to Traveling Public	12	_____
3. Timely and Complete Submittal of Documents.	8	_____
4. Timely Completion of Project.	16/20 <small>note # 4</small>	_____
5. Coordination / Cooperation with CEI Personnel, Property Owners and Utilities Company.	10	_____
6. Mitigate Cost and Time Overruns	12	_____
7. Environmental Compliance	10/12 <small>note # 4</small>	_____
8. Conformance With Contract Documents.	20	_____
9. DBE Utilization	2 <small>note # 4</small>	_____
Total Score	100/108	_____

Project Engineer (signature)

 Date

Resident Engineer (signature)

 Date

Notes:

1. Where percentages are used, the standard rules of rounding are to apply to calculate the nearest whole number.
2. Documentation (or document) unless otherwise noted is defined as Daily Report of Construction, Stop Work Orders, Speed Memos, or other such notes or communication in the project files or to the contractor from the CEI. Proper documentation on a daily basis is essential in providing an accurate, well established grade.
3. The term contractor includes the prime and all subcontractors and suppliers. The prime contractor is responsible for the quality of material, workmanship and timeliness for all work on the project.
4. Bonus points are available on categories 4, 7 and 9. Category 4 bonus points (4 points) and Category 9 bonus points (2 points) apply to all projects. Category 7 bonus points (2 points) apply only to projects over 300 days of allowable contract time.
5. Warning Performance Deficiency Letter – under normal circumstances, project personnel will notify the contractor of shortcomings/non-compliances with the contract prior to issuing a performance deficiency letter. However, blatant violations or noncompliances may result in a Performance Deficiency letter being issued without a warning. Prior to issuing a warning letter, the project engineer should discuss the performance concerns with the resident engineer. A single warning letter can be used to address concerns in more than one performance category.
6. Performance Deficiency letter – letters from the Resident Engineer to the contractor for the sole purpose of addressing specific performance concerns or issues. This does not include those items previously covered under the definition of Documentation. Performance Deficiency letters shall be sign by the Resident Engineer and sent out via certified mail, return receipt requested. A single performance deficiency letter can be used to address concerns in more than one performance category. It is recommended that the project engineer keep a file for each project for all warning and deficiency letters.
7. The Performance Deficiency letter factor will apply for all jobs over one (1) year. The factor will be based on 365 days/year divided by the allowable contract time. This factor will then be multiplied by the number of performance deficiency letters in each grading category to obtain a “pro-rated” (annualized) number of performance deficiency letters. The standard rules of rounding will apply. For projects with contract time less than 365 days, the performance deficiency letter frequency and the corresponding grades shown in this document will apply.

365 days/year

allowable contract days = Deficiency Letter Factor (DLF)

$$\frac{\# \text{ Deficiency letters}}{(\text{DLF}) \times \text{in a particular grading category}} = \frac{\text{“pro-rated” \# deficiency letters for}}{\text{the particular grading category}}$$

The Performance Deficiency letter factor example

<u>365</u> days/year	DLF	# deficiency letters	pro-rated # letters	grade
500 allowable days =	0.7	x category 2 total 6 letters	= total 4.2 DL	= 4.0

8. Appeals process – if a contractor receives a performance deficiency letter and feels that it was not warranted, the contractor may appeal the issue at the District Construction Engineer (DCE) level within 10 days of receiving the letter. If an appeal is successful, the DCE will issue a letter rescinding the particular deficiency letter. In addition, for those performance categories that do not include the use of Performance Deficiency Letters, the contractor may use the appeals process (for categories # 1,4,and 8) when issued ten (10) days of the receipt of the letter to appeal performance issues/concerns for that month. The Department's standard weather letter should be used to document/communicate performance progress in categories # 1, 4, and 8 on a monthly basis.
9. Contractor Responsibility – the contractor is responsible to keep abreast of performance issues. This can be done by discussing performance with the project engineer on a daily basis, reviewing the Department's daily diaries as well as discussing contractor performance at the weekly progress meetings.

CONTRACTOR PAST PERFORMANCE RATING

1. **Pursuit of The Work** - Contractor diligently and systematically pursues the work with sufficient labor, materials and equipment at all times. Active progress is made on critical path items each day in accordance with the approved schedule. The contractor schedules the subcontractors so that they are pursuing their work as well. Contractor worked five (5) days a week unless the contract states otherwise, excluding weather days. Percent is based on allowable contract time (minus weather days) and on a five (5) workday week unless otherwise stated in the contract. At the discretion of the engineer there may be instances where the engineer may waive charging of time for grading purposes.
- 12 The contractor aggressively pursued the work 90% of the days. Documentation in the project files by the CEI reveals that the progress of the work was unsatisfactory no more than 10%.
 - 9 The contractor aggressively pursued the work 80% of the days. Documentation in the project files by the CEI reveals that the progress of the work was unsatisfactory no more than 20%.
 - 6 The contractor aggressively pursued the work on at least 70% of the days. Documentation in the project files by the CEI reveals that progress of the work was unsatisfactory no more than 30%.
 - 3 The contractor aggressively pursued the work on at least 60% of the days. Documentation in the project files by the CEI reveals that progress of the work was unsatisfactory no more than 40%.
 - 0 The contractor did not aggressively pursue the work on at least 50% of the days. Documentation in the project files by the CEI reveals that progress of the work was unsatisfactory no more than 50%.

Note: Grades between those shown will be based on an extrapolation of the actual % of the days the contractor aggressively pursued the work. i.e. 86% of the days would equate to a grade of 11. The status of performance in this category should be shared with the Contractor on a monthly basis.

2. **Proper MOT and Minimize Impacts to Traveling Public** - Provide maintenance of traffic (MOT) in accordance with all applicable standards. Coordinate construction operations that directly affect the traveling public so as to minimize impacts to the public. Effectively used the worksite Traffic Supervisor to monitor and correct deficiencies. The contractor takes the initiative to identify and fix MOT concerns in a timely
- 12 The contractor met all project requirements in all areas considered. The contractor corrected deficiencies promptly (maximum of 24 hours) based on timely internal reviews as well as external feedback. Contractor took immediate action, as appropriate, to minimize impacts to the public and businesses, including adjusting operations as necessary. No deficiency letter to the contractor by the CEI noting MOT deficiencies.
 - 10 No more than one (1) deficiency letter to the contractor by the CEI noting MOT deficiencies.
 - 8 No more than two (2) deficiency letters to the contractor by the CEI noting MOT deficiencies.
 - 6 No more than three (3) deficiency letters to the contractor by the CEI noting MOT deficiencies.
 - 4 No more than four (4) deficiency letters to the contractor by the CEI noting MOT deficiencies.
 - 2 No more than five (5) deficiency letters to the contractor by the CEI noting MOT deficiencies.
 - 0 Six (6) or more deficiency letters to the contractor by the CEI noting MOT deficiencies.

3. **Timely and Complete Submittal of Documents** - Contractor submits all required documents in a timely and accurate manner and with all the required information and detail. Documents include sublet requests, rental agreements, certification of materials, shop drawings, responses to correspondence, monthly certification, time extension requests, project schedules and schedule updates, claims for delay or extra work, quality control plans, test results, work plans, weekly MOT, NPDES reviews, etc. For EEO/DBE submittals, trainee submittals, certified payrolls, statewide DBE utilization reporting, a deficiency letter will only be issued on these documents when a monthly estimate is actually withheld.

- 8 The contractor submitted documents in a complete and accurate manner and in a time frame required in the contract.
- 6 No more than one (1) deficiency letter to the contractor by the CEI documenting late or insufficient submittal documentation.
- 4 No more than two (2) deficiency letters to the contractor by the CEI documenting late or insufficient submittal documentation.
- 2 No more than three (3) deficiency letters to the contractor by the CEI documenting late or insufficient submittal documentation.
- 0 Four (4) or more deficiency letters to the contractor by the CEI documenting late or insufficient submittal documentation.

4. **Timely Completion of Project** - The contractor completes the project in a timely manner.

- 20 * The contractor finished the project within the original contract time.
(no adjustments for weather)
- 18 * The contractor finished the project within 90% of allowable contract time.
- 16 * The contractor finished the project within 95% of allowable contract time.
- 14 * The contractor finished the project within the allowable contract time.
- 7 The contractor did not complete the project within the allowable contract time, but did finish the project in less than 10% over the allowable contract time.
- 0 The contractor completed the project more than 10% over the allowable contract time.
- * 14 is the normal, expected standard because the vast majority of the projects finish within the allowable time. A score of up to 20 is a bonus, which recognizes that a contractor may have to work thru weather, utilities, added work or other unforeseen conditions or delays.

5. **Coordination / Cooperation with Construction Engineering Inspection Personnel, Property Owners and Utilities Companies** - The contractor coordinates/cooperates with CEI personnel responsible for administration of the contract requirements and inspection of the work. The contractor coordinates/cooperates well with property owners, utilities companies and adjacent projects throughout the contract. The contractor responds to 3rd party damages in a timely manner.

- 10 The contractor was cooperative and communicated well with the CEI, Utility Companies and Property Owners, with very little direction from the engineer. The contractor always gave advance notices to the CEI and utility companies (when work was in the vicinity of a utility), of work activities that required inspection. The contractor worked with the property owners to eliminate access problems for businesses and private property. No deficiency letter in the files by the CEI noting contractor's failure to cooperate/coordinate with the CEI, Utility Companies and Property Owners. Contractor identified conflicts in advance, to allow timely resolution.

- 8 No more than one (1) deficiency letter by the CEI noting contractor's failure to coordinate/cooperate with the CEI, Utility Companies or Property Owners.
- 6 No more than two (2) deficiency letters by the CEI noting contractor's failure to coordinate/cooperate with the CEI, Utility Companies or Property Owners.
- 4 No more than three (3) deficiency letters by the CEI noting contractor's failure to coordinate/cooperate with the CEI, Utility Companies or Property Owners
- 2 No more than four (4) deficiency letters by the CEI noting contractor's failure to coordinate/cooperate with the CEI, Utility Companies or Property Owners
- 0 Five (5) or more deficiency letters by the CEI noting contractor's failure to coordinate/cooperate with the CEI, Utility Companies or Property Owners

6. Mitigate Cost and Time Overruns - The contractor organization takes the initiative and works diligently to avoid cost or time increases and to mitigate the effects of changed conditions whenever they do occur. Requests for additional money or time are well documented (complete and accurate), fair and submitted timely.

- 12 The contractor worked diligently to avoid cost and time increases or to mitigate the effects of changed conditions. All requests for additional money or time were in good faith, accurate, timely and well documented. If additional documentation is requested, it was promptly provided. No more than one (1) deficiency letter by the CEI noting contractor's failure to mitigate cost and time impacts.
- 9 No more than two (2) deficiency letters by the CEI noting contractor's failure to mitigate cost and time impacts.
- 6 No more than three (3) deficiency letters by the CEI noting contractor's failure to mitigate cost and time impacts.
- 4 No more than four (4) deficiency letters by the CEI noting contractor's failure to mitigate cost and time impacts.
- 0 Five (5) or more deficiency letters by the CEI noting contractor's failure to mitigate cost and time impacts.

7. Environmental Compliance - The contractor complied with all Federal, State, and local environmental regulations, including permit requirements, National Pollutant Discharge Elimination System (NPDES), and the contract erosion control plan. Contractor takes the initiative to review environmental compliance and corrects deficiencies as necessary to minimize the affects on the environment. (*) Note: On projects over 300 days of allowable contract time, a bonus of 2 points will be given if the contractor did not receive any deficiency letters in this category.

10/12 * The contractor met all contract requirements in all areas considered. The contractor promptly (within 24 hours) identified and corrected all deficiencies. These areas were promptly and appropriately addressed to minimize adverse affects on the environment. No deficiency letter to the contractor by the CEI.

- 8 No more than one (1) deficiency letter to the contractor by the CEI.
- 6 No more than two (2) deficiency letters to the contractor by the CEI.
- 4 No more than three (3) deficiency letters to the contractor by the CEI.
- 2 No more than four (4) deficiency letters to the contractor by the CEI.
- 0 Five (5) or more deficiency letters to the contractor by the CEI.

8. **Conformance With Contract Documents** - The contractor ensured conformance to all contract requirements including quality of materials and workmanship of temporary as well as final products and services. Contractor provided sufficient supervision, management and oversight to ensure quality control at all times. Contractor's efforts are such that the Department's CEI efforts are not essential to ensure quality.
- 20 Contractor worked diligently throughout the life of the project to provide quality products and services in accordance with the contract documents. Contractor personnel performed all quality controls, management and oversight necessary to ensure quality. CEI personnel had documented quality control or contract performance concerns on (5% or less) of the chargeable workdays.
- 16 The CEI personnel had documented quality control or contract performance concerns on 10% of the chargeable workdays.
- 12 The CEI personnel had documented quality control or contract performance concerns on 15% of the chargeable workdays.
- 8 The CEI personnel had documented quality control or contract performance concerns on 20% of the chargeable workdays.
- 4 The CEI personnel had documented quality control or contract performance concerns on 25% of the chargeable workdays.
- 0 The CEI personnel had documented quality control or contract performance concerns on more than 25% of the chargeable workdays.

NOTES: A) Grades between those shown will be based on an extrapolation of the actual percentage of the days the contractor conformed with contract documents, i.e. 93% of the days would equate to a grade of 18.4 rounded to 18.0.

B) In order to track "conformance with the contracts documents", project personnel should document all deficiencies on the daily diary so as to have one location to find all the information. For instances, if the Department sends a letter to the contractor outlining a number of shortcoming with shop drawing submitted, the daily should include a note that this letter was sent with documented concerns (i.e. the daily dairy entry could simply state: "Letter date 07/10/01 documents shop drawing deficiencies").

9. **Disadvantaged Business Enterprises (DBE) Utilization** – The contractor will receive 2 bonus points for achieving or exceeding the DBE availability percentage shown in the bid proposal. If no DBE availability percentage is shown in the bid proposal, the contractor will receive 2 bonus points for achieving 8% or more DBE utilization. In order to get credit for DBE utilization, the contractor must put it in the Department's Equal Opportunity Reporting tracking system.




Bruce Conroy

06/21/01 08:43 AM

To: Carolyn Runyan/CO/FDOT@FDOT

cc: James C Myers/CO/FDOT@FDOT, John Shriner/CO/FDOT@FDOT,
Juanita Moore/CO/FDOT@FDOT, Tana E Ashbaker/CO/FDOT@FDOT

Subject: Re: Rule 14-22 

I think so.

Bruce R. Conroy
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Carolyn Runyan

Carolyn Runyan

06/20/01 08:15 AM

To: Bruce Conroy/CO/FDOT@FDOT

cc: James C Myers/CO/FDOT@FDOT, John Shriner/CO/FDOT@FDOT,
Tana E Ashbaker/CO/FDOT@FDOT, Juanita Moore/CO/FDOT@FDOT

Subject: Rule 14-22

Since the rule will become effective July 8, is it OK for us to release Form No. 700-010-25,
Contractor Past Performance Report? Construction would like to start handing the form out at their
Preconstruction Meetings.

Carolyn Runyan
Organization, Forms and Procedures
414-4436 / SC 994-4436