

Contractor Past Performance Rating (CPPR)



2022

Why CPPR System



- ▶ More objective process
- ▶ Communicate performance issues proactively
- ▶ Tied to outcomes that are important to Customers
- ▶ “Raise the bar” on Contractor’s performance
- ▶ Factor in past performance as part of Low-Bid system

Impacts of Past Performance Grades

- ▶ Derived: Rule 14-22 Florida Administrative Code
- ▶ Impacts to pre-qualification and bidding capacity.
- ▶ The higher the average score, the higher the bidding capacity.

Impacts of Past Performance Grades

- ▶ Contractor past performance score is used to determine bidding capacity.
 - ▶ Typically, previous year's scores are averaged but under certain circumstances, up to the last five years of scores can be averaged. Year starts from the date of the Contractor's pre-qualification (typically April).
- ▶ TAKE IT SERIOUSLY! WE NEED TO BE FAIR, BUT STILL, A "GOOD" IS A "GOOD" AND A "BAD" IS A "BAD"

Bidding Capacity Impacts

$$\text{MCR} = \text{AF} \times \text{CRF} \times \text{ANW}$$

Where,

MCR = Maximum Capacity Rating

AF = Ability Factor (ranges from 1 to 15)

CRF = Current Ratio Factor (ratio of adjusted current assets and adjusted current liabilities)

ANW = Adjusted Net Worth

(as described in FAC)

Ability Factor

(revised as part of the new grading system)

Ability Score (avg. of the grades)	Ability Factor
64 or less	1
65 – 69	2
70 – 73	3
74 – 76	4
77 – 79	5
80 – 84	8
85 – 89	10
90 – 93	12
94 – 97	14
98 – 100	15

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Ability Factor

- ▶ If a Contractor receives an ability score of 76 or less on two or more past performance reports for projects completed during the 12-month period, the AF will be limited to a maximum of 4 and the use of Surety Letter prohibited, unless
 - ▶ The applicant's average ability score (inclusive of all score received during the period) is 87 or greater.

100

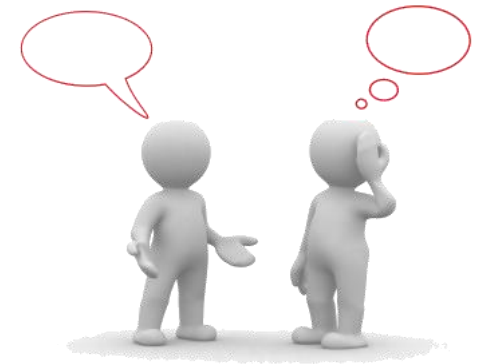
Average Past Performance Scores	Ability Factor	x	CRF	x	ANW (in millions)	=	MCR (in millions)
<i>Large Company – ANW of \$100 million or more: (2*)</i>							
98 to 100	15		1.3		\$334.10		\$6,515
74 to 76	4		1.3		\$334.10		\$1,737
64 or less	1		1.3		\$334.10		\$434
<i>Medium Company – ANW between \$20 million and \$99.9 million: (9*):</i>							
98 to 100	15		1.3		\$52.70		\$1,028
74 to 76	4		1.3		\$52.70		\$274
64 or less	1		1.3		\$52.70		\$69
<i>Small Company – ANW less than \$20 million: (128*)</i>							
98 to 100	15		1.3		\$1.50		\$29
74 to 76	4		1.3		\$1.50		\$8
64 or less	1		1.3		\$1.50		\$2
*Represents the number of contractors awarded contracts by the Department during the period July 2000 through December 2001.							
Source: Department records.							

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Communication is the Key

(from CEI Standpoint)

- ▶ Be Reasonable and Fair ... we are not expecting perfection, nevertheless we should not rationalize mediocrity.
- ▶ “No-surprises” but that does not mean there are 100 warnings before action!
- ▶ Clear Documentation
 - Daily diaries
 - Weekly/Monthly progress meetings
 - Weather letter
- ▶ Deal with the issues ... proactively .. Don't hide



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Communication is the Key

- ▶ At the Pre-Con, establish who with the Contractor needs to be notified w/project performance issues.
- ▶ Contractor's upper management needs to keep tabs on what is being said and written.
- ▶ Deal with the issues ... proactively .. Don't hide

Outcomes

- ▶ Scores that truly depict Performance
- ▶ Clearer divisions between Contractors based on performance rather than perception.



POP
QUIZ!

Quiz/Refresher

1. A Key Element for CPPR to work effectively is **Communication**.
2. When issues arise, they must be dealt with **Proactively**.
3. Clear **Documentation** is necessary to effectively support CPPR process.
4. Be reasonable and **fair**.

The Nine Categories (weighted)

- ▶ Pursuit of the work (12)
- ▶ Proper MOT and minimize impacts to traveling public (12)
- ▶ Timely and complete submittal of documents (8)
- ▶ Timely completion of project (14/20)
- ▶ Cooperation/ Coordination (10)
- ▶ Mitigate cost and time overruns (12)
- ▶ Environmental compliance (10/12)
- ▶ Conformance w/contract documents (20)
- ▶ DBE Utilization (4)

The Ground Rules

1. Standard rules of rounding apply
2. Documentation = Daily Report of Construction, Stop Work Orders, electronic mail, other such notes or communication in the project files or to the contractor from the CEI
3. Contractor = Prime, Subs, Suppliers
4. Bonus points (Cat # 4, 7 and 9)
5. Deficiency Letter (Cat #2, 3, 5, 6, 7)
6. Warning DL / Verbal Warnings

The Ground Rules

7. Deficiency Letter Factor (DLF) is influenced by contract duration
8. Appeals Process
9. Contractor's responsibilities
 - Do the right thing- Proactive and React
 - Keep up with performance
 - Keep up with the Subs, Suppliers, etc.
 - Progress meetings

The Appeals Process

- ▶ Procedure provides for appeal (CPAM 13.1.7 and 13.1.9)
 - ▶ Contractor can appeal a Deficiency Letter to DCE ... Timely notice required (10 days from receipt of letter)
 - ▶ Contractor can appeal the Final Score to DCE.
 - ▶ Contractor has Administrative Hearing rights if all else fails.

The Appeals Process

- ▶ Deficiency letters issued by Operations Center Engineer/Resident Engineer can be rescinded with concurrence from DCE
- ▶ Appeal should be based on facts
- ▶ Verbal Warning and DWL cannot be appealed.
- ▶ DRBs are not authorized to review CPPR issues. It is an Administrative issue not a Contract issue.

Category 1: Pursuit of the Work

- ▶ Based on the Contractor diligently and systematically pursuing the work each day *Critical Path
- ▶ Based on how contract time was established
- ▶ Pursuit is based on workdays. Workdays will always be less than Present Contract Time.
- ▶ Cannot be greater than 100 %
- ▶ No Deficiency Letter used
- ▶ Daily Report of Construction tracks this.



Category 1: Pursuit of the Work

- ▶ Pursuit of Work cannot be greater than 100 %.
- ▶ Percent is based on allowable contract time (minus weather days) on a five-day work week unless otherwise stated in the Contract.
- ▶ On some contracts, the contract time is based on a six-day or a seven-day (rare) workweek.

Category 1: Pursuit of the Work- Examples

- ▶ Pursuit of Work cannot be greater than 100 %.
- ▶ If the Contract Time is based on a five-day workweek but the Contractor has been working six or seven days, Pursuit of Work will be based on the five-day workweek and whether Contractor pursued work on that many number of days. Make a notation in the remarks section.
- ▶ This will prevent from “banking” the extra days so as to prevent potential abandoning the projects later on and not have negative grade implications.

Category 1: Pursuit of the Work- Examples

- ▶ Contract Time was based on a six-day work week
- ▶ For the total month, Contractor worked 20 days of 24 days (20 days divided by 24 days = 83%).

Category 1: Pursuit of the Work- Examples

- ▶ Contractors need to show non-work period in their schedule if the intent is to not start work once time starts. Signs do not need to be placed.
- ▶ The intent is not to penalize the Contractor for not starting work when contract time begins (provided schedule shows that) but once the Contractor starts work, it is intended to “count against” the Contractor if he abandons the project, regardless of the schedule.

Category 1: Pursuit of the Work- Examples

- ▶ A Contractor has been working five days a week regularly but during a particular week, it rains one of the days.

CATEGORY 1 - Pursuit of the Work	Score (max. of 12):	12.0
	Pursuit of Work	94%

Period	Work Days	Pursued Days	Remarks
Jan '2001	12	12	
Feb '2001	20	18	
Mar '2001	17	17	Rained 3/4, 3/7, and 3/15
Apr '2001	20	20	

–Count this as 100 % pursued (make notation in the system)

Category 1: Pursuit of the Work- Examples

► LDs for Category 1

CATEGORY 1 - Pursuit of the Work	Score (max. of 12):	5.0
	Pursuit of Work	66%

Period	Work Days	Pursued Days	Remarks
Jan 2001	12	12	
Feb 2001	20	16	
Mar 2001	17	17	Rained 3/4, 3/7, and 3/15
Apr 2001	20	20	
May 2001	20	0	contractor in LD's, counted work days
Jun 2001	10	0	after allowable time ran out

Refer to [“Additional CPPR Guidelines”](#)

Questions?



Category 2: MOT & Public Impacts

- ▶ Based on Contractor's initiative to identify and correct MOT problems in a timely manner
- ▶ Includes proper MOT, business access, pedestrian issues, and traffic flow
- ▶ Deficiency Letter process used



Category 2: MOT & Public Impacts- Examples

- ▶ Does the Contractor have to be reminded that barricades are lying on ground?
- ▶ Does the Contractor have to be reminded of lane closure restrictions?
- ▶ Blatant violations, such as violating lane closures restrictions, warrant a DL unless it is an unforeseen situation, and the Engineer has been advised and has given concurrence.



Category 2: MOT & Public Impacts- Examples

- ▶ It is not the intent to remind the Contractor on every requirement of the Contract prior to issuance of a DWL.
- ▶ We need to recognize that “things” happens and give the Contractor the benefit of doubt, *BUT* at the same time, we should not tolerate the Contractor's inability to mitigate the “things” from happening.

Category 2: MOT & Public Impacts- Examples

- For temporary crash cushions and temporary barriers:

When improperly installed or maintained devices are found the contractor will be given a verbal warning and required to make corrections to critical safety issues immediately and to minor issues within 24 hours.



POP
QUIZ!

Quiz/Refresher

1. There are **Nine** categories in the Contractors Past Performance Report.
2. T or **F** A DRB can review CPPR issues.
3. The pursuit of work **cannot** be greater than 100%.
4. Are DLs used for Category 2 (MOT)? **Yes**

Category 3: Submittal of Documents

- ▶ Timely submittal
- ▶ Complete submittals
- ▶ FDOT does not have to hold the Contractor's hand
- ▶ Can impact Category 8
(Conformance w/Contract Documents)
- ▶ Deficiency Letter process used



Category 3: Submittal of Documents- Examples

- ▶ Monthly Certification-had to remind the Contractor of the monthly certification.
- ▶ Weekly MOT reports.
- ▶ Quality Control plans.
- ▶ Environmental Reports
- ▶ Initial Schedule not submitted.
- ▶ Schedule updates not submitted.
- ▶ Engineering Analysis Reports not submitted.

Category 3: Submittal of Documents- Examples

- ▶ EEO/DBE, trainee, certified payroll issues come into play only when monthly estimate is withheld
 - Notice Letter advising of missing documentation requesting remittance
 - Letter notifying possible withholding of monthly estimate – automatic DWL
 - Letter notifying withholding of monthly estimate – automatic DL

Category 3: Submittal of Documents- Examples

- ▶ If we had to issue letters, month after month, notifying possible withholding of monthly estimate – issue DWL in Category 3 and DL in Category 5, and give a Non-Conformance day in Category 8.
- ▶ Issue DL in Category 3 only if the monthly estimate was withheld.

Category 3: Submittal of Documents- Examples

- ▶ Required Documentation (Shop Drawings, etc.)
 - ▶ If Contractor fails to deliver required documentation, issue DWL (or DL) in Category 3, DL in Category 5, and give a Non-Conformance day in Category 8.

Category 3: Submittal of Documents- Examples

- ▶ Engineering Analysis Reports (EAR)
 - ▶ Once it is determined that an EAR is needed, mutually agree on a timetable of when this submittal is made.
 - ▶ If the Contractor fails to acknowledge, then establish a reasonable timeframe (ie,10 working days) to submit
 - ▶ If no submittal is made, then issue a DWL and provide for another 5 working days.
 - ▶ If still no submittal, then issue a DL

Questions?



Category 4: Project Completion

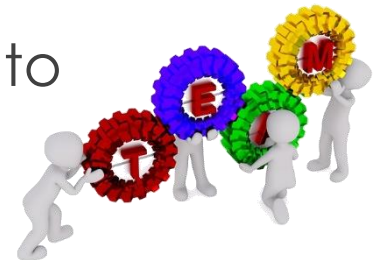
- ▶ 14 points for finishing within Allowable Contract Time.
- ▶ Bonus points for early completion or within Original Contract Time.
- ▶ Significant scoring reduction for finishing late
- ▶ No Deficiency Letters used

Questions?



Category 5: Cooperation/Coordination

- ▶ Includes CEI personnel as well as property owners, utilities, and third parties
- ▶ Based on Contractor's initiative
- ▶ Deficiency Letter process used
- ▶ Blatant violations are when CEI tells the Contractor not to do something, but the Contractor proceeds anyway. Contractors need to escalate disagreements or misinterpretations prior to proceeding with the work.



Category 5: Cooperation/ Coordination- Examples

- ▶ Contractor was advised to stop work and did not.
- ▶ Contractor was advised to stop paving and get out of the road due to lane closure time requirement in the Contract. This could result in multiple negative implications (DL in this category, non conformance day in Category 8)
- ▶ Lack of good coordination, everything seems to be last minute. **PLANNING IS KEY.**

Questions?



Category 6: Mitigate Cost and Time Overruns

- ▶ Contractor's initiative to avoid or minimize cost and time increases
- ▶ Deficiency Letter process used

Category 6: Mitigate Cost and Time Overruns- Examples

- ▶ Contractor worked diligently to supply all information on the cost and time increases on claims submitted by them.
- ▶ The requests for additional money and time are well documented, fair and submitted timely.
- ▶ Contractor showed good-faith by relocating resources in order to mitigate cost and time increases.



Category 7: Environmental Compliance

- ▶ Based on Contractor's initiative to identify and correct problems
- ▶ FDOT does not have to hold Contractor's hand
- ▶ Bonus points for jobs with 300 or more days of allowable contract time
- ▶ Deficiency Letter process used



Category 7: Environmental Compliance- Examples

- ▶ Contractor complied with all the environmental regulation requirements for Federal, State and local.
- ▶ Contractor complied with the contract erosion control plan, permits, and specifications and corrected deficiencies as necessary.
- ▶ Proactive in maintenance of erosion control features.
- ▶ Had foresight on extended weather forecast and put necessary features in place.



Category 7: Environmental Compliance- Examples

- ▶ Washout into streams, rivers, and waterways result in automatic DL.
- ▶ Completed the SWPPP inspection reports as required by permit in a timely, meaningful manner with full compliance in all areas of the project.



POP
QUIZ!

Quiz/Refresher

1. You can only issue a DL for a Monthly Estimate related issue in Category 3 when the estimate is **Withheld**.
2. Bonus points are issued within Category 4 (Project Completion) for early completion or within **Original** contract time.
3. Cat 6: The contractor's request for additional time and/or money should be well documented, **Fair**, and submitted timely.
4. Cat 5: Cooperation includes **CEI**, utilities, property owners and other third parties.

Questions?





Category 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.
- ▶ Includes Prime, Subs, Suppliers, etc.

Category 8: Conformance with Contract Documents

- ▶ Relies on documentation in Daily Reports/other project records
- ▶ No Deficiency Letters used
- ▶ Based on chargeable workdays. It should always total to Contract Time used.



Category 8: Conformance with Contract Documents

Refer to “Contractor’s Past Performance
Rating (CPPR) Guidelines”

Category 8: Conformance with Contract Documents- Examples

EXAMPLE

- ▶ Contractor did not lay pipe true to the lines and grades. Non-conformance day just for the day it happens provided the Contractor acknowledges the deficiency and has a plan of corrective action.
(If the Contractor is non-responsive to the issue, it could result in multiple non-conformance days)
- ▶ Contractor has closed a lane of traffic without the lane closure signs. This could result in multiple negative implications *(Conformance to Contract Documents, DL in Category #2)*

Category 8: Conformance with Contract Documents- Examples

► Contractor did not deliver Documentation as required.

Non-Conformance day for missing deadline. If Contractor provides a firm commitment to furnish documents on a specified date (and we agree), only count the initial day and do not count subsequent days. If the Contractor fails to meet the specified date, non conformance days will resume until the documents are delivered.

Any day a DWL or DL is issued will be a non-conformance day. However, a VW will not be considered a non-conformance day.

Category 8: Conformance with Contract Documents- Examples

Reminder:

Category 1 deals with how the Contractor pursued work.

Category 8 handles the conformance of the work to contract requirements.



Questions?





Category 9: DBE Utilization

- ▶ 4 bonus points
- ▶ Based on (1) achieving availability percentage or (2) eight percent, depending upon language of Bid Proposal
- ▶ No Deficiency Letter used



- ▶ Can a Contractor's rating be affected in more than one category for the same infraction?

Yes

- ▶ Is it a non-conformance day if a Contractor constructs an item, recognizes the error and corrects the error without having to have been directed by the CEI?

NO This Contractor is GOOD!



- What happens when there is an issue pending with the DRB after Final Acceptance?

The Project Administrator issues a Final Grade within 45 calendar days of Final Acceptance.

If the DRB ruling affects the score, the Project Administrator adjusts the score and re-issues the final score.

****Note:** (If DRB ruling occurs after final grade issued, PA will need to contact Zach Wiginton (850-414-4186) to have CPPR opened so updates can be made.



The following are EXCLUDED from the CPPR process

- ▶ Emergency Contracts
- ▶ Fast Response Contracts
- ▶ Pushbutton Contracts
- ▶ Traffic Operations contracts



► How to show Non-Quality days in Category 8 when a project is in Liquidated Damages (LDs)?

Show Zero (0) in Allowable Days and negative (-) days in Quality Days only for noncompliant days. Add Remarks to spreadsheet describing noncompliant days.

(See Example in Spreadsheet page 12)



- ▶ Are there any perfect construction jobs out there?

NO.

- ▶ Does that mean you cannot get a 100?

NO. You can have less than a perfect job and still get a perfect score.



- ▶ What does the State Construction Office look for when they see a grade?
 - ▶ The score (obviously)
 - ▶ Pursuit of work
 - ▶ Conformance with Contract Document days – if it is 100%, there is something fishy.
 - ▶ No VW, DWL and DL depending on the complexity of the project and general “street-talk” on how the project is going.
 - ▶ A lot of VW but no DWL or DL.
 - ▶ Known facts communicated through formal channels but no VW, DWL, or DL.



- ▶ Provide copy of the CPPR criteria at Pre-Construction Conference and explain this is the criteria used for rating the Contractor's performance.
- ▶ Interim Performance Ratings shall be originated by the Project Administrator. These may be completed at the discretion of the PA at anytime. (CPAM 13.1.7 Revised March 10, 2021)
- ▶ Interim grades are based on certain assumptions, such as Contractor finished within the allowable contract time and did not achieve or exceed DBE utilization



If PA is incorrect in Site Manager, then it will be incorrect in CIM. Correct in Site Manager.

Periods entered in category 1 & 8 must be completed on a monthly timeframe.

Partial months can be entered to reflect accurate start/end dates. Entering periods that span several months will not be permitted.



CPPR for Defaulted Contractor: For a Contractor that has been defaulted on a Contract, provide a final CPPR for the defaulted Contractor; provide date in the notes for Category # 1, Pursuit of Work, that the Contractor was defaulted. Do not enter the score in Site-Manager. Provide the State Construction Office with the current CPPR information from CIM. The State Construction Office will ensure that the defaulted contract will not show up on the District CPPR overdue lists.

Note: When a Contractor has been defaulted by the Department, the Surety Company for that Contractor takes over the Contract to complete the Contract. We can not do a final CPPR on the Surety Company due to the Surety will hire a completion Contractor to complete the remaining contract work. Therefore, the completion Contractor becomes a subcontractor to the Surety Company.

Entry Into CIM

- ▶ CPAM 13.1.9 Preparing the Report (A)(1) (B) provides link and description to CIM

Current location: <https://cim.fdot.gov/>

- ▶ “Contract Information and Monitoring System (CIMS) User’s Manual”

FDOT

Help

User Manual

Search

Construction

Value Added

Features

Contract Information & Monitoring

Data Load Completed
Passed: 1/26/2022 6:55:31 AM

Search Criteria View Results

Note: Use the * symbol for wildcard searches. For example: 'E2L*' for starts with, *E2L* for contains.

Contract Number Subcontractor Name County

Financial Project ID Subcontractor ID District

Clear All Search

Entry Into CIM



- Help >
- Search >
- Construction >

- Contract Status
- Associated Finproj
- Dates
- Cost & Time
- Change Orders
- Estimates
- CEI/CCEI
- Vendors/Subcontractors
- Contacts
- External Links
- Notes
- Reports
- CPPR

- + Value Added >
- Features >



Data Load Completed
Passed: 1/26/2022 6:55:31 AM

Contract Information & Monitoring KNJACWJ

Contract #	T1429	Letting Date	10-27-2010	Roadway Section	16090000
Const. Status	10 - Paid Off	Spec. Year	2010	SiteManager Contract Type	CSL Construction Streamline
Cost Center	108	County	POLK	Flair Contract Type	CRS CONTRACTS
Lead Finproj	427287-1-52-01	District	01 FIRST	Contract Location	SR 17 E OF 6TH STREET E OF 4TH STREET

< Header Category 1 Category 2 Category 3 **Category 4** Category 5 Category 6 Category >

Timely Completion of Project

Final	YES
Original Contract Days	55
Days Used	64
Allowable Contract Days	60
Score	7 of 20

Note: A bonus of up to 6 points may be applied to this category after the grade has been marked as Final

Category 4 is automatically calculated:

Note: The system does not calculate both bonuses and reductions (based on liquidated damages) until the Contract is marked final.

Questions?



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