

**Example B**  
**Performance Deficiency Warning Letter for Contract Noncompliance**

Date MM/DD/YY

Delivery via Certified Mail # xxx; Return Receipt Requested  
Or Delivery Via Email to (specify email address) with Electronic Return Receipt

Contractor's Superintendent  
Prime Contractor Company Name  
Local Mailing Address

Financial Project ID:  
FAP No:  
Contract No.:  
County:

RE: PERFORMANCE DEFICIENCY WARNING LETTER FOR CONTRACT NONCOMPLIANCE;  
NOTICE OF INTENT TO WITHHOLD MONTHLY PROGRESS ESTIMATE

This is to advise that a Performance Deficiency Warning is hereby issued on this project for the following category(s):  
(List all pertinent performance categories)

Category No.	Performance Category Name
--------------	---------------------------

A Notice of Noncompliance was issued mm/dd/yy and the following noncompliance conditions have not been resolved as directed therein.

(List all unresolved Noncompliance conditions)

<u>CONTRACTOR'S NAME:</u>	NAME OF CONTRACTOR IN NONCOMPLIANCE
<u>AREA OF NONCOMPLIANCE:</u>	DBE, EEO/AA, OJT, or WAGES
<u>DOCUMENT OR REQUIREMENT:</u>	DOCUMENT & FORM or REQUIREMENT
<u>REPORTING TIMEFRAME:</u>	SPECIFIC STATEMENT

This performance deficiency warning is to let you know that your company is out of compliance on the above Performance Category(s). If your company continues to work out of compliance a Performance Deficiency Letter will be issued, the Monthly Progress Estimate for mm/yy will be withheld, and your Contractor's Past Performance Rating will be adversely impacted. Your company needs to make all necessary corrections to ensure that all work is being performed in accordance with the contract.

This noncompliance is to be resolved by the close of business on mm/dd/yy.

Resolution may be accomplished by mailing, faxing, or emailing the completed document(s) to the project's RCS at the addresses shown. Failure to comply may result in the withholding of the mm/yy Progress Estimate and issuance of a Performance Deficiency Letter. Please call me at xxx-xxx-xxxx or email me at (address) if I can provide additional information or assistance. Thank you for your cooperation

Sincerely,  
Project Administrator

Cc: Resident Engineer  
Prime's corporate official  
Prime's EEO Officer  
Project RCS  
District Contract Compliance Manager  
District Construction Engineer