

Example C
Performance Deficiency 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

Contractor's Superintendent
Prime Contractor Company Name
Local Mailing Address

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

RE PERFORMANCE DEFICIENCY LETTER FOR CONTRACT NONCOMPLIANCE;
WITHHOLDING OF MONTHLY PROGRESS ESTIMATE

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

Category No. Performance Category Name

Previous notification on noncompliance conditions have been issued as follows:

mm/dd/yy –Notice of Noncompliance
mm/dd/yy –Performance Deficiency Warning Letter & Notice of Intent of Withhold Monthly Progress
Estimate

This Performance Deficiency is issued due to the following unresolved Noncompliance Conditions
(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 NAME & FORM NO. OR DESCRIPTION OF REQUIREMENT
<u>REPORTING TIMEFRAME:</u>	SPECIFIC STATEMENT

This performance deficiency has impacted your final grade on your Contractor's Past Performance Rating. That rating will remain regardless of subsequent receipt and verification of the cited documentation.

The Monthly Progress Estimate for mm/yy has been withheld It will be released upon receipt and verification of data specified for each of the noncompliance conditions cited.

Resolution may be accomplished by mailing, faxing, or emailing the completed document(s) the project's RCS at the addresses shown.

Should you wish to contest the Department's action in issuing this Performance Deficiency, you may request a meeting with me within ten (10) calendar days of receipt of this letter. Please be advised that failure to resolve these conditions may result in the issuance of additional Performance Warnings and the withholding of subsequent Monthly Progress Estimates.

Sincerely,
Resident Engineer

Cc: District Construction Engineer, Project Administrator, DCCM, RCS
District Monthly Estimates Office
Prime's Corporate Officer, EEO Officer