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CONTRACTOR PERFORMANCE EVALUATION SYSTEM

Introduction

The evaluation is prepared by the Project Manager approved by a Senior Director to communicate the Contractor's (all service providers) performance to the District Chief Operations Officer, Superintendent and the contractor. The Purchasing Director reviews the evaluation to assess the contractor's capabilities before issuing or renewing a contract. Attention should be given to completing an evaluation within the time specified. This will assure timely review by the appropriate Director.

An understanding of the ratings is important. A rating below zero means the contractor is not meeting minimum standards. A score below two in any section or a score of 1 on any single question may be cause for referral to the Purchasing Director. A comment is required for any question in which a rating of 1 or a 3 is given. The Senior Director also provides a general remark section to allow additional comments.

Joint Evaluation

Prior to completing Performance Evaluations for any specific contract, the PM should initiate a discussion with the Senior Director to ensure all facts, which will help justify scores, are included in the evaluations as well as to lend a sense of consistency from contract to contract with respect to scoring. Problem areas should also be discussed with the contractor's Superintendent or designated representative. These discussions should take place before the contract reaches Material Completion and prior to sending the Performance Evaluations to the Senior Director for approval. Further discussion of problem areas may take place at the pre-final inspection whether or not the Performance Evaluations have been approved and forwarded to the contractor. If problems with either the prime contractor or any subcontractor persist during the course of a contract, an interim report should be prepared. The goal of any discussion or submission of an interim Performance Evaluation is to give the contractor ample time to correct errors or improve processes that will benefit a substantial amount of the remainder of the project.

Senior Directors can use the evaluation process as a teaching tool to help the PM focus on the matters of greatest importance. For example, a Senior Director may decide that the PM has been overly influenced by a personality conflict with a member of the contractor's team. In other instances, the Senior Director may feel that the PM may be overlooking serious problems in an effort to be a good partner. The Senior Director must assure the ratings are objective and accurately reflect the contractor's performance from the start of the contract through completion.

If the Senior Director and the PM have drastically different perspectives on how to score a contractor in one or more areas that cannot be reconciled through discussions between the two, they should meet with the Deputy Superintendent who will determine an appropriate score after considering the points of view of the Senior Director and the PM. In all cases, only a single evaluation for each contractor is generated and signed by the PM and approved by the Senior Director. The Senior Director should consult with the Deputy Superintendent any time an evaluation submitted by the PM contains a negative score on any question. The consultation should occur prior to the Senior Director's approval of the evaluation.

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Guidelines for Contractor Performance Evaluation

Evaluation Frequency

1. For contracts substantially complete within one year, a Final Evaluation shall be completed on or around the Material Completion Date.
2. For contracts planned for a duration of more than one calendar year, a Year End evaluation shall be prepared at the end of each construction cycle. In addition, a Final Evaluation shall be prepared on or around the Material Completion Date. In the year of Material Completion, a Year End Evaluation is not required.
3. Interim evaluations may be made at the PM's discretion or upon request of the Senior Director or the Purchasing Director. An interim evaluation should be considered on projects if significant problems arise during start-up or early schedule implementation.
4. If significant time has elapsed between Material Completion and Final Acceptance, or when significant work has taken place during this time, the PM may submit a second Final Evaluation pertaining to the contractor's performance between these two dates. A good use of this type of evaluation would be to rate a contractor's performance when attempting to obtain a Notice of Termination or on a contract in which significant work was added at the pre-final inspection. A note should be placed in the General Comments stating the period this second Final Evaluation covers as well as why the evaluation was necessary.
5. The district reserves the right to conduct subcontractor's evaluations upon completion of that subcontractor's work items. For subcontractors that work on a contract for more than one construction season on a multi-year contract, the PM should determine the need for a Year End Evaluation.

As with prime contractors, the PM has the option of preparing an interim evaluation for any subcontractor. PM should use reasonable judgment in determining whether a subcontractor has done sufficient work to make an evaluation meaningful. While the general guideline is to complete an evaluation for any subcontractor performing at least \$30,000 of work on a project, an evaluation is not required when there is insufficient opportunity to observe a subcontractor's performance. The PM always has the option of completing an evaluation even when the amount of work performed is small.

Evaluation Considerations

The evaluation should provide an objective and complete evaluation of contractor performance. The evaluation process is designed to meet two goals. One goal is to help contractors identify areas in which they need to improve their performance. The second goal is to provide objective information on contractor performance for making prequalification decisions and to impose sanctions on contractors that are unwilling or unable to meet SCCPSS guidelines.

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The basic assumption is that most contractors want to improve and perform acceptable work for SCCPSS. The PM should discuss performance issues with the contractor as soon as problems are apparent. These discussions should be documented in the daily reports. On-going problems warrant written communications. This written information can be attached to the evaluation to justify scores and provide the background necessary should disputes arise on the contract. Thus, low evaluation scores should not be a surprise to the contractor.

For this process to be effective, the PM must set aside any preconceived ideas-both pro and con- that he/she has about the contractor and quality of its work. The evaluation must focus on experiences specific to that contract. The PM should examine the relationship with the contractor and its performance on the entire project rather than overly focusing on isolated incidents. At the same time, a continuing pattern of problems may warrant low scores. While some disagreements may occur on any project, it is important to look beyond these moments to keep the report as objective as possible.

The evaluation process should begin at the Preconstruction Conference with a discussion to ensure the contractor is familiar with the evaluation process. This is an opportunity to communicate the importance of the evaluation to the contractor and to share the PM's expectations on what is considered acceptable performance. At this time, the prime contractor should designate the person in its organization who should receive the evaluation reports. The preconstruction conference should also be used to discuss events that would trigger an interim report. SCCPSS and the contractor should determine if there might be a point in the construction process where an interim report would be of value to both parties and would allow the contractor maximum opportunity to upgrade its performance.

An interim report can be generated at any time during construction and does not necessarily need to be triggered by poor performance. Experience has shown projects that will experience severe problems generally exhibit these problems very early in the process. For this reason, if unreasonable delays in start-up or serious quality or process problems occur within the first 15-45 days, an interim report may be prepared to bring these concerns to the attention of the contractor and if necessary, SCCPSS management.

Subcontractor Considerations

While the evaluation of a subcontractor remains a joint effort of the PM and Program Manager, the PM's assessment may carry more weight in evaluating a subcontractor who is only on the job for a short time. The PM may also need to confer with inspectors who actually observed the subcontractor's work.

Even though a separate evaluation is prepared for each subcontractor, each subcontractor's performance - good and bad - is also a reflection on the prime contractor and should be considered in determining the appropriate rating for the prime.

Deficiencies noted with respect to a subcontractor's work shall be discussed prior to the completion of their work. It is understood that, often, subcontractors might only be present for a short duration, and that discussion of deficiencies might not be possible prior to the completion of a Final Performance Evaluation. In these instances, the PM should make phone or e-mail contact with the subcontractor's project representative to discuss problem areas prior to submitting their Performance Evaluation for approval.

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Grading Scale

The following are intended to be a general guide on when a particular score should be given:

The 3 score (exemplary) should be given when a contractor has virtually always fulfilled its obligations and has done so completely and without prompting. This rating may be used when the contractor has exceeded requirements to build a good product and may have exercised ingenuity to improve the product and/or lower the cost. This rating is for exceptional performance.

The 2 score (proficient) should be given when performance is satisfactory. The contractor has generally performed its obligations satisfactorily. The problems experienced and PM directed corrective actions are average for an operation of the type being performed. The product meets the required criteria. This rating is for average or at-standard performance.

The 1 score (ineffective) should be given for generally unsatisfactory performance. This rating indicates the contractor failed to perform obligations correctly even when reminded and directed to do so. Poor performance, work consistently failed to meet expectations, improper attitude to direction, and failure to timely prosecute the work may prompt this rating. This rating is for excessively poor performance.

Quality of Materials and Workmanship

This section relates to the overall quality of the service or product. Included are component items such as quality of subcontractor work and materials, as well as the completion of punch list items and final clean up. This includes the overall quality of construction practices, and quantity of items that required replacement or were of marginal quality. In addition, the quality of the finished product and the smoothness, if applicable, compared to other projects of a similar nature.

PM Responsibility

Once the PM submits a Contractor Performance Evaluation, the Senior Director will receive notification by e-mail stating such.

The Senior Director c o m m e n t s can be done in the “General Comments” section. The Senior Director for any specific question cannot enter score Comments.

Upon completion of review, the Senior Director may choose one of the following options:

1. **Save and Send Back to Reviewer:** This might be done in the following types of situations:
 - The Senior Director perceives the scores to either not accurately reflect the work or were not consistent with scores from other contracts for similar type and quality of work.
 - PM provided insufficient comments to specific questions.
 - Incorrect information.
 - Evaluation lacks appropriate attachments to justify comments.

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- A comment as to why the evaluation is being returned unapproved must be made in the Evaluation Log.
2. **Save and Approve:** In this situation, the Senior Director agrees with the evaluation. Once this option is selected, the evaluation is approved, an e-mail is then sent to the contractor's representative (Contractor Responsible Person) for review.
 3. **Appeal:** After evaluation approval, if the contractor appeals the evaluation, the Senior Director is responsible for placing it into Appeal status and following the Contractor Appeal section below.

Note: The Senior Director may attach documents to an evaluation using the same process, described above, as the PM.

Contractor Score

Scores from each of the sections are summarized and totaled near the bottom of the evaluation. A score of less than two in any section, or a score of 1 (ineffective) on any rating question may result in referral to the Purchasing Director.

Score Comments and General Comments

Score Comments are summarized and General Comments may be made in these sections, which appear near the bottom of the evaluation. Use of these sections has been discussed previously.

Contractor Performance Evaluation Log

As an evaluation progresses through the system, a comment can be added to the log Comments that go to the Evaluation Log in Acorn will not be visible on the evaluation that is sent to the contractor.

Contractor Appeal

The evaluation does not require the signature of the contractor's project designated representative (Contractor Responsible Person). A contractor that disagrees with an evaluation may make an appeal by contacting the Senior Director in writing within 10 days of receiving the evaluation. Upon receiving this notice, the evaluation should be revisited and the Contractor Performance Evaluation shall be placed into Appeal status. The contractor should be afforded an opportunity to discuss the evaluation and make a case for an adjustment to any of the ratings. This opportunity may take the form of a phone conversation or a face-to-face meeting. After considering the contractor's position, the Senior Director may choose to have the PM adjust the ratings or leave them as submitted. In either case, the PM will have to resubmit the evaluation. Correspondence regarding the appeal as well as minutes taken at any meeting regarding the appeal should be included in the attachments to the evaluation.

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Timeliness of Submitting Evaluations

Upon entering the Material Completion Date for a contract, the PM will receive an e-mail for each evaluation that has not been performed as of that date. A second set of e-mails will be sent for evaluations that have not been completed within 30 days of Material Completion. These reminders will also request that the PM submit any outstanding evaluation within 5 days. In addition, the Senior Director will receive the 30-day e-mails. A list of evaluations in this category will appear on the Overdue Report.

No further reminders will be sent. Once the contract is 180 days past Final Acceptance, any evaluation that has not been submitted will be removed from the PM overdue Report. Although an evaluation can still be performed, the following comment will be noted “Contract are no longer current” in the comment section, it is assumed the accuracy of a report submitted this far past Material Completion would be compromised.