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Department of Transportation

PERFORMANCE BASED MAINTENANCE CONTRACTING

PURPOSE:

To establish the Florida Department of Transportation's (Department) process for the development, administration, and implementation of Performance Based (PB) maintenance contracts.

AUTHORITY:

Sections 20.23(3)(a) and 334.048(3), Florida Statutes (F.S.)

REFERENCES:

Sections 337.11, 337.168, 337.18, and 339.135, F.S.

DEPARTMENT PROCEDURES:

Road and Bridge Contract Procurement, Topic No. 375-000-001

Maintenance Contract Administration, Inspection and Reporting, Topic No. 375-020-002

Contractor Field Performance Rating on Maintenance Contracts, Topic No. 850-070-002

Rest Area, Welcome Center and Truck Comfort Station Management, Topic No. 850-045-003

Maintenance Rating Program, Topic No. 850-065-002

Construction Project Administration Manual (CPAM), Topic No. 700-000-000

SCOPE:

This procedure applies to all offices responsible for developing, processing and administering PB maintenance contracts. All sections of this procedure apply to the three types of PB contracts (as defined in Section 2) unless otherwise indicated.

1.0 STATEWIDE MAINTENANCE PROGRAM GOALS

The Department maintains state roadways using three primary Maintenance programs: PB contracts, Work-Directed contracts, and In-House Forces. The Department has established statewide goals for achieving a balance between these programs. Each district will contribute to meeting these statewide program goals by appropriately

balancing their Maintenance programs at the district level. The Office of Maintenance (OOM) will track current and future PB contracts to ensure that districts are working toward achieving and maintaining the statewide program goals.

2.0 PERFORMANCE BASED (PB) CONTRACT TYPES

2.1 ASSET MAINTENANCE (AM) CONTRACTS

AM is a contracting method whereby the Department contracts with private entities for the total management and performance of the operation and maintenance of transportation facility components of specific roadway corridors or entire geographical areas. Some AM contracts cover all maintenance activities, while other AM contracts omit certain activities. AM contracts are long-term (at least 7 years but no more than 14 years, including renewals) and are dynamic. The term dynamic means that the contract requires compliance with the most current specifications, procedures, manuals, and guidelines as modified throughout the term of the contract. AM contracts take advantage of the best-value concept by utilizing a Request for Proposals (RFP). The RFP furnishes sufficient information (insurance requirements, bonding requirements, proposal requirements, proposal evaluation criteria, etc.) to allow proposers to prepare Technical Proposals to accompany their bids. AM contracts feature a standard Scope of Services that is customized by districts to include or exclude specific maintenance activities or responsibilities.

There are three types of AM contracts:

- Corridor contracts focused on a core roadway.
- Geographic contracts with multiple transportation facility types covering entire counties, districts, or defined regional boundaries.
- Limited Focus contracts geared exclusively toward facilities (rest areas, weigh stations, welcome centers) or structures (fixed bridges, movable bridges).

2.2 BEST-VALUE PERFORMANCE (BVP) CONTRACTS

BVP contracts are similar to AM contracts, but usually with shorter terms (at least 3 years but no more than 10 years, including renewals), smaller budgets, and smaller physical limits. BVP contracts are less comprehensive and are more focused on specific activities or types of activities. BVP contracts feature district-produced performance specifications and use the RFP process. BVP contracts may or may not be dynamic depending on how the performance specifications are written.

2.3 LOW BID PERFORMANCE (LBP) CONTRACTS

LBP contracts are similar to BVP contracts but do not include the RFP process. LBP contracts are usually shorter term than BVP contracts (at least 2 years but no more than 5 years, including renewals). Contractors are selected using the traditional low-bid process whereby the contract award is based on the lowest responsive bid. Refer to

Road and Bridge Contract Procurement, Topic No. 375-000-001, and Maintenance Contract Administration, Inspection and Reporting, Topic No. 375-020-002, for the method and process to follow. LBP contracts may or may not be dynamic depending on how the performance specifications are written.

3.0 CONTRACT DEVELOPMENT

3.1 DEVELOPMENT OF SCOPE OF SERVICES

3.1.1 Standardized Scope of Services (AM Contracts Only)

The AM Scope of Services will clearly and completely identify all AM performance requirements and services and will feature effective performance evaluation measures. To ensure clarity and consistency statewide, OOM has developed a web-based AM Scope Customization System to allow districts to develop a standardized AM Scope of Services that can also accommodate specific district needs. The web-based Scope Customization System provides the districts with a variety of options to include or not include in their AM Scope of Services. After a district user enters appropriate contract information, selects desired options to be included in their AM Scope of Services and uploads any district-specific contract language, the System will automatically generate the district-customized standard AM Scope of Services. Districts will use the web-based AM Scope Customization System in the development of all AM contracts.

3.1.2 Performance Specifications (BVP & LBP Contracts Only)

BVP and LBP contracts consist of a collection of performance specifications that combine to serve as the Scope of Services. The Performance Specifications for these contracts will clearly and completely identify all requirements and services and will feature effective performance measures.

3.2 DEVELOPMENT OF REQUEST FOR PROPOSAL (RFP)

3.2.1 Standard RFP (AM & BVP Contracts Only)

All AM and BVP contracts will include an RFP package that clearly and completely identifies the requirements and expectations of proposers' Technical Proposals. OOM has developed a standard RFP for both AM contracts and BVP contracts to ensure clarity and statewide language consistency. Districts will use the Standard RFPs, and any revisions to the standard RFPs must be approved by OOM and reviewed by the district's Office of the General Counsel. The District Contract Manager or designee (DCM) will manually enter project specific information in all editable fields shown in the standard RFP. The RFP is incorporated into the Contract.

Preparation of technical evaluation criteria is one of the most important aspects of the RFP formulation and development. The care with which the RFP and associated technical evaluation criteria are developed will have a direct bearing on the quality of the services eventually received by the Department. Since each acquisition is unique, each RFP must identify project-specific technical evaluation criteria and allocate points based

on the relative importance of each criterion so that Proposers are aware of the basis for the evaluation of proposals. Criteria should be qualitative and readily understood by both Proposers and technical evaluation committee members.

3.3 OFFICIAL COST ESTIMATE

The DCM will be responsible for developing the official cost estimate prior to opening the price proposals for each PB contract. The preferred method of developing the official cost estimate is the process used to develop the Department's Maintenance Budget. Other estimating methods can be used to develop the official cost estimate, such as: the development of costs per lane mile by applying the Department's unit prices to the workload associated with the typical inventory of features located within the contract defined limits, and/or the historical costs of significant features located within the contract limits such as rest areas and bridges. The official cost estimate will accurately and specifically quantify Department costs and/or budgeted amounts for all of the work included within the proposed PB contract. The official cost estimate will be retained in the contract files.

The DCM will create the project and proposal, recording the estimated cost amounts in AASHTOWare Project Preconstruction (PrP). AASHTOWare is the American Association of State Highway Officials (AASHTO) suite of contract administering systems approved for use by the Department.

3.4 APPROVAL TO ADVERTISE PERFORMANCE CONTRACTS

3.4.1 Submittal Requirements for AM Contracts

Prior to advertisement and release to prospective proposers, the DCM will notify OOM by e-mail that a completed RFP, along with the Scope of Services generated by the web-based AM Scope Customization System, is ready for review and approval. The DCM will electronically submit the RFP to OOM for review and approval. The customized AM Scope of Services, Project Description, Other Contractual Requirements, and summary of Selected Options, will be reviewed by OOM via the Scope Customization System.

3.4.2 Submittal Requirements for BVP & LBP Contracts

Prior to advertisement and release to prospective Proposers, the DCM will electronically submit a complete Specifications / Scope of Services package to OOM and the Specifications Office for review and approval. This package will also include an RFP for all BVP Contracts; however, an RFP is not required for LBP Contracts.

3.4.3 Office of Maintenance Review Process

For all types of PB contracts, OOM will review the initial contract package submittal and provide a written electronic response to the District Maintenance Engineer (DME) in writing/electronically within fifteen (15) business days of receipt of official review

request. The response will identify any area(s) of concern along with recommended solutions. OOM and the district will work together to finalize the contract language. In the event an issue is unable to be resolved, the Director of OOM (Director) will have final authority.

For AM Contracts, once the final AM Scope language is determined, OOM will “lock down for permanent archive” the Scope language in the Scope Customization System so that it can no longer be edited. This ensures the language to which both parties agree is the same language used for advertisement.

Note that for challenging and innovative ideas, e-mails are rarely enough to clearly express one’s position. Throughout the correspondence process, meetings and phone conversations are encouraged to help each party understand the goals, obstacles, and strategies of the other.

3.5 CONTRACTOR SELECTION (AM & BVP Contracts Only)

3.5.1 Technical Evaluation Committee (TEC)

All TEC members must complete the Department's online training for the evaluation of Asset Maintenance technical proposals before reviewing any proposals.

All AM and BVP contracts will use the TEC process to evaluate Technical Proposals; LBP contracts will not use the TEC process. The DME will be responsible for selecting qualified TEC members, consisting of at least three but not more than five members which will be established before advertising any AM or BVP contract. The DME must consider selecting one person from OOM as a member of the TEC. After receiving Technical Proposals, the District Contracts Administration Office will deliver the proposals to the TEC members and retain the sealed price proposals until the Technical Proposal scores are provided by the TEC.

Due to the diversity of work requirements in AM and BVP contracts, it is not reasonable to expect each member of the TEC to be familiar with all disciplines involved. Therefore, TEC members may call upon technical experts to provide information in areas where additional expertise is needed. The technical experts are to provide factual information and share their expertise. They will not provide evaluations of the technical proposal or otherwise assist in scoring.

Technical Proposals will be evaluated according to the scoring criteria set forth in the RFP, based on contract requirements established in the AM Scope of Services or BVP Performance Specifications. Each TEC member will use identical score sheets to evaluate each Technical Proposal. TEC members will evaluate each proposal individually and have no communication related to the proposals with any other TEC member. TEC members will provide a clear and concise narrative explaining the decisions made in each evaluation and will sign all related scoring documentation.

3.5.2 Total Proposal Score Calculation

TEC members will individually submit their Technical Proposal scores and any related notes to the District Contracts Administration Office. The District Contracts Administration Office will review the scores and supporting documentation from each TEC member and correct any calculation errors that may have been made in scoring. The District Contracts Administration Office will calculate an Average Technical Proposal Score for each proposal by averaging the individual scores provided from each TEC member. If a proposer's Average Technical Proposal Score is less than 70 (on a scale of 100), that proposer will be declared non-responsive and the proposal price will not be opened or considered. For responsive proposals, the District Contracts Administration Office will publicly open the sealed price proposals at a meeting of the TEC. The District Contracts Administration Office will then calculate the Total Proposal Score as provided in RFP.

3.5.3 Final Selection Process

The District Contracts Administration Office uses the Letting and Award System (LAS) to manage the electronic record of Advertisement, Award/Execution and passing the contract to Site Manager.

The District Contracts Administrator will award the contract to the proposer determined by the District Contracts Administration Office to have the highest Total Proposal Score; however, the District Contracts Administrator is not obligated to award the contract and may decide to reject all proposals.

The Department will post the results of the award of the contract or rejection of proposals. If the contract is awarded, the Department will enter into a contract with the winning proposer for the price proposed. The winning proposer's Technical Proposal is incorporated into the contract.

When the contract has been awarded, the district will coordinate with OOM to convert single lump sum items into multiple periodic payments of lump sum items consistent with payment schedule in the contract scope. This will be accomplished prior to the transfer of the contract from PrP to SiteManager.

4.0 CONTRACT ADMINISTRATION

All Performance Based Maintenance Contracts will be administered using the AASHTOWare system applications.

4.1 PRE-WORK CONFERENCE

A pre-work conference will be required on all PB maintenance contracts. Information on pre-work conferences can be found in ***Standard Asset Maintenance Specifications General Requirements and Covenants (Attachment II of the Standard AM Scope), Sub-article 8-3.5; Road and Bridge Contract Procurement, Topic No. 375-000-001; Maintenance Contract Administration, Inspection and Reporting, Topic No. 375-020-002;*** and the ***RFP***.

4.2 MAINTENANCE RATING PROGRAM (MRP)

4.2.1 MRP Administration

For MRP evaluation of each of the district's Performance Based (PB) contracts that include MRP as a performance measure, the DCM will generate random sample points using the MRP Scorecard Tool located on the SharePoint website (MRP Scorecard). The number of generated sample points per facility type will normally be 30 as set forth in the ***Maintenance Rating Program, Topic No. 850-065-002***. With justification and approval from OOM, the number of sample points may be increased or decreased depending on the length of each facility type. Older existing AM contracts may have been written so that either the Department or Contractor MRP Team is responsible for conducting MRP evaluations; newer/future contracts must be written so that the Department evaluates MRP. The appropriate MRP Team will evaluate the SharePoint-generated MRP sample points. For each AM Contract, the DME must approve in writing any personnel who will be given access to the MRP Scorecard system. The DCM will enter the results of all evaluated sample points into the MRP Scorecard website. The MRP Scorecard system will calculate the Contractor's MRP score.

The SharePoint MRP Generation & Reporting Tool allows the DCM to record the evaluation results of each sample point by entering "Y" and "N" as indicated by the MRP field coding sheets. A "Y" rating indicates "Yes", the sample point meets MRP criteria. An "N" rating indicates "No", the sample point does not meet MRP criteria. MRP points marked with an "MF" indicate that the point is shared with the Mainframe MRP system; these points can be automatically downloaded from the Mainframe into the MRP SharePoint system. Points without "MF" are exclusive to the SharePoint system and must be manually entered.

4.2.2 Interim MRP Rating

At any time, the DCM may perform interim MRP ratings for one or more specific characteristics as quality assurance checks and to ensure that the Contractor is uniformly and consistently maintaining the required components of the State Highway System as defined in the Scope of Services. An interim MRP may include any number of characteristics for different facility types. The DCM will generate a set of randomly generated points from the Sharepoint MRP Scorecard Tool to conduct an interim MRP rating. For each facility type reviewed, the number of sample points must be approximately the same as would be generated for a normal MRP cycle. The DCM will consider these interim rating scores when determining the Contractor's semi-annual grades for the AMPER and when making decisions concerning contract renewal and default. It is not required to give notice or invite the Contractor to participate in interim MRP evaluations, nor is an interim MRP evaluator required to be MRP qualified. Interim grades are not considered when assessing retainage or deductions.

4.2.3 MRP Disputes and Re-Evaluation

4.2.3.1 Department Disputes of Contractor MRP Self-Evaluation

For AM contracts requiring the Contractor to perform MRP self-evaluations, the DCM has the authority to perform a re-evaluation of the MRP, using a qualified MRP Team, to verify the accuracy of the self-evaluation. The DCM will invite the Contractor to observe the re-evaluation in order to improve the overall consistency and coordination between the DCM and the Contractor's MRP teams. If any changes in "Yes/No" evaluations are deemed necessary, the Department's re-evaluation rating is final. After all "Yes/No" disputes are resolved, the DCM will recalculate MRP scores accordingly.

4.2.3.2 Contractor Disputes of Department MRP Evaluations

For AM contracts requiring the Department to perform MRP evaluations, if the Contractor's MRP Team disagrees with a specific MRP "Yes/No" evaluation, an attempt to resolve the dispute in the field with the Contractor MRP team will be made. If no resolution can be reached in the field, the Department's MRP Team will document the dispute with photographs and notes as necessary. It is then the Contractor's responsibility to send the issue, if desired, to the DCM within two (2) business days of the field dispute.

If the Contractor is not satisfied with the DCM ruling, the Contractor may elect to elevate the dispute and submit it to the DME, and finally to the Director, OOM, whose decision is final. For each level, the Contractor will present their dispute within two business days of receiving the previous level's ruling.

If the Contractor fails to comply with any of these deadlines and processes, the matter will be denied. Beginning at the time the dispute is presented to the DCM, a total of 10 business days will be allowed to resolve the dispute, not including the time the Contractor takes to escalate the dispute to the next appropriate level. After all "Yes/No" disputes are resolved; the DCM will update the data in the MRP Scorecard Tool, in order to recalculate MRP scores accordingly.

4.2.4 Insufficient Number of Characteristic Evaluations

If during any MRP evaluation period, one or more individual characteristics are evaluated less than 10 times at the "All Facilities" level, the resulting MRP score for that characteristic(s) may not be statistically significant and/or may not accurately portray Contractor performance. If an insufficient number of characteristic evaluations are determined to exist, the DCM will rectify the situation by using one of the two options detailed below. It is important to note that for an individual MRP evaluation period it is not required that the same option be used for each characteristic under evaluation. Furthermore, a different option may be used for any characteristic during each MRP evaluation period.

Option 1: Using the recommended language found in the appendix to this procedure, notify the Contractor via e-mail or other correspondence that one or more characteristics with fewer than 10 evaluations exists within the current MRP evaluation period. If the Contractor agrees to use this option for one or more characteristics, or does not respond to the notification, the Department and the Contractor will accept the MRP score for the agreed characteristic(s) as calculated, without performing additional characteristic

evaluations. For any characteristics resolved using option (1), the Department will waive retainage resulting from substandard characteristic scores for that MRP evaluation rating period, but will fully assess all resulting annual deductions. The Department will not waive resulting retainage or deductions from substandard element and overall MRP scores. If contractor does not agree to use Option 1 for one or more characteristics, then the Department must use Option 2 for those characteristics.

Or

Option 2: Randomly select additional MRP sample points containing the characteristic in order to increase the total number of evaluated points to exactly 10. Random sampling will occur across all roadways included on the contract, and the random selection process must be shared with the Contractor if requested. If there are fewer than 10 evaluation points that feature the characteristic throughout the entire project, then evaluate all of those points. For each additional point selected, only review the characteristic(s) having less than 10 evaluations. Once the additional points are evaluated, full resulting deductions and retainage will be assessed.

4.2.5 Discretionary Consideration

Since MRP deductions are calculated based upon the point deficiency of an individual characteristic, element, or overall MRP rating, an item having a small number of samples can result in an excessive deduction. The DCM is authorized, and responsible for ensuring that any deduction assessed is fair and reasonable. The rationale of any retainage adjustment or payment reduction will be reviewed by the DCM and discussed with the Contractor. The DCM will document such actions, and retain all documentation within the contract file.

4.2.6 Process to Give Discretionary Consideration to a “No” Rating

The DCM has the authority to change any of the “N” ratings to an “X” rating if warranted. An “X” rating indicates that the sample point **does not meet MRP criteria** because of a deficiency that:

- the Department does not want to be corrected (e.g. historic oak in the tree trimming zone), or
- is not the contractual responsibility of the Contractor to correct (e.g. a design anomaly or a feature not included in contract), or
- warrants discretionary consideration for some defensible reason (e.g. damage caused by hurricanes with insufficient time to correct)

To receive the “X”, the point must otherwise be in good maintenance status and if not, the point remains an “N”. The DME, will review all “X” ratings to ensure they warrant being recorded as “X”, or if the “X” should be changed back to an “N”. An “X” is credited as a “Y” when MRP SharePoint calculates the Contractor’s MRP score.

For a rating of an “X”, the DCM must enter a comment concerning the situation into the “Notes” field of the MRP point collection sheet on the MRP Scorecard system. Any characteristics expressly excluded from contract language should not be rated/reported in the MRP Scorecard system. In this case, “X” should not be used and the characteristic should be left blank.

4.2.7 MRP Cycle Adjustments for 1st & Last Years of Contract

If a new AM Contract begins too late to perform all three MRP cycles for the first Fiscal Year (FY), complete all remaining MRP cycles for that first FY as normal but do not assess any retainage or deductions for failure to meet MRP Performance Criteria.

If an AM Contract will end before all three MRP cycles for the FY are complete, the Annual MRP Report will be based solely on the one or two MRP periods completed in that last FY. The margin of reporting error for this abbreviated Annual MRP Report may be higher since it will have fewer total evaluations than normal. The district should recommend to the Contractor to expend extra effort during the final year of the contract to bring characteristics to a slightly better condition in order to negate this increased margin of error. Regardless of small data size or adjusted Contractor effort, full retainage and deductions will be assessed for substandard MRP scores reflected on this final Annual MRP Report.

4.3 CONTRACT INSPECTION

Unlike Work-Directed Contracts, PB contracts are intended to require very little administration or inspection work from the Department. The primary indicator of PB contract success is the quality of maintenance of the roadways under contract at any given point in time and the responsiveness of the Contractor to the needs of the Department and the traveling public. Therefore, the Department should generally be able to spend minimal effort concerning materials, methods, and volume of work. The Department’s goal will be to minimize oversight and inspection while ensuring the Contractor performs in accordance with the contract. In some cases, a Contractor may require almost no oversight or inspection; in other cases, more oversight may be necessary. The Department’s ***Asset Maintenance Contractor Performance Evaluation Report*** (AMPER) provides standardized guidance regarding what will be reviewed to evaluate the Contractor’s work performance.

The Department will not perform work-needs surveys or provide deficiency lists for the Contractor; it is the Contractor’s job to determine work needs. The Department will not direct the Contractor to perform any job or task, unless otherwise specified in the AM Scope (e.g. Traffic Ops and Structures Work Orders); it is the Contractor’s job to determine what activities need to be performed now and which of those can be postponed. Although occasional quality assurance reviews and field reviews related to completing an AMPER are appropriate, the Department should not be required to oversee or inspect the Contractor’s work as a normal course of business. Unlike Work-Directed Contracts, PB Contracts are designed so that some maintenance activities may not always be completed and some maintenance standards may not always be met.

4.4 CONTRACTOR EVALUATION

4.4.1 Performance Requirements

The Contractor is expected to meet performance requirements consistently throughout the contract period. The DCM will evaluate the Contractor performance in two ways: 1) by comparing actual work performance to the performance measures and procedural requirements established within the Scope of Services / Performance Specifications and other contract documents, and 2) by periodically grading the Contractor with the AMPER or other appropriate rating device.

4.4.2 Rating Contractors for AM Contracts

OOM has developed the AMPER as a standard tool to grade, rate, and evaluate Contractor performance. The DCM will use the AMPER to evaluate the performance of each AM Contractor every six months. The AMPER will be sent to the Contractor and circulated internally for signatures and approval in the same manner as Final Ratings are circulated according to the ***Contractor Field Performance Rating on Maintenance Contracts, Topic No.850-070-002***. After the AMPER has been signed by all parties, the DCM will upload the completed AMPER in Excel format to the OOM SharePoint website within 3 months of the end of the period evaluated. A completed hard copy of the AMPER with confirmation signatures will be kept on file in the district.

Unlike MRP Periods, AMPER Periods normally have a six month duration. The first period will start at the beginning of the contract date. Periods are adjustable.

AMPER Project-Specific Compliance Indicators and Weighting Adjustment for Low-Volume Asset developed by the districts will be reviewed by the OOM for approval.

At the end of a contract term, a Final Contractor Performance Score will be recorded in SiteManager by the DCM. This Final Score is calculated by averaging all semi-annual AMPER scores after dropping the highest score and the lowest score. Refer to the ***AMPER User's Guide*** for additional guidance.

4.4.3 Rating Contractors for BVP Contracts

DCM will evaluate the performance of BVP Contractors every six months using one of the following options:

- Use the AMPER – this will be appropriate on large BVP contracts structured much like an AM contract
- Use a district-customized version of the AMPER
- Use ***Contractor Field Performance Report, Form No. 375-020-43***

4.4.4 Rating Contractors for LBP Contracts

Districts will evaluate the performance of LBP contractors every 12 months using ***Contractor Field Performance Report, Form No. 375-020-43.***

4.4.5 Substandard AMPER or Contractor Field Performance Report (CFPR) Scores

An AMPER or CFPR score less than 70 is evidence of poor performance, deficient management resulting in project delay, or poor quality workmanship. Depending on the contract circumstances and documentation, the Department may declare the Contractor to be in default on the contract, declare the Contractor Non-Responsible, or both. Refer to Section 8.6 of the CPAM, ***Topic No. 700-000-000***, and ***Topic No. Contractor Non-Responsibility for Maintenance Contracts, Topic No. 850-070-001***, for information and guidance.

5.0 TRAINING

All users of the AMPER should be trained on how to properly complete it. Although no formal training exists for use of the AMPER, Districts should provide informal training to new AMPER users. There is a published ***AMPER User's Guide*** that all AMPER users should self-study.

Asset Maintenance Contract Technical Proposal Evaluation Training is available as Computer Based Training in the Department's Learning Management System. OOM can provide informal training to groups or individuals upon request.

6.0 FORMS

Proposal Blank Asset Maintenance, Form No. 375-020-56

Asset Maintenance Contract, Form No. 375-020-58

Performance Based Bond, Form No. 375-020-59

Quality Assessment Review/Rest Area Inspection, Form No. 850-045-06

DBE Bid Package Information, Form No. 275-030-11

Contractor Field Performance Report, Form No. 375-020-43

APPENDIX:

Dear (Contractor's Contract Manager):

The results from the ____ MRP Rating Period for Fiscal Year (FY) ____ reveal that ____ characteristics featured less than ten (10) evaluations at the “All Facilities Level”. The Department will resolve the low number of evaluations for each characteristic for this MRP Period in one of two ways:

Option (1): Request from the Contractor to agree to leave the evaluation results as is

Or

Option (2): Return to the field to perform more evaluations.

The purpose of this notification is to inform you of the Department’s desire to use Option (1) as a solution for all of these characteristics. If you desire to use Option (2) for any of these characteristics, please respond to this notification within three business days of its receipt indicating which characteristics you wish to have resolved using Option (2). If you do not respond within this timeframe, this is construed as your agreement to use Option (1) for all characteristics for this MRP Period.

Please note that using Option (1) for a characteristic results in two key things: 1) Retainage will be waived for this MRP period if the characteristic falls below required MRP score, and 2) Deduction will not be waived if the characteristic falls below required MRP score on the resulting Annual MRP Report.

For additional guidance to this process, please refer to the ***Performance Based Maintenance Contracting Procedure, 375-000-005***. You may also contact _____ (District AM Contract Manager) in the District, or the OOM in Tallahassee.

Sincerely,