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Department of Transportation

PROFESSIONAL SERVICES CONSULTANT WORK PERFORMANCE EVALUATION

AUTHORITY:

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

REFERENCES:

Rule 14-75.003, Florida Administrative Code (F.A.C.)

Rule 14-75.0051, F.A.C.

Rule 14-75.0052, F.A.C.

Section 287.017, F.S.

Section 287.055(3)(d), F.S.

Section 337.105, F.S.

Section 337.1075, F.S.

STATEMENT OF POLICY:

It is the policy of the Florida Department of Transportation (Department) to establish a method for evaluating and reporting the work performance of professional services consultants under contract.

PURPOSE:

The Department contracts with professional services consultants to provide a variety of services to the Department. This procedure provides the Department with a means of evaluating the work performance of those consultants. For all professional services contracts, the consultant's work performance for each advertised major type of work must be evaluated by the PM. Consultants may also be evaluated on minor types of work if that work is considered significant by the PM. Contracts which do not exceed Category Two thresholds, as established by **Section 287.017, F.S.**, are exempt and do not require evaluation.

SCOPE:

This procedure will apply to all professional services contracts and Design-Build contracts.

Principal users of this procedure will be project managers.

DEFINITIONS:

Central Office: The Department's headquarters offices, located in Tallahassee.

Consultant Evaluation (CE) System: Department's enterprise application consultant evaluation system.

Construction Engineering and Inspection (CEI): Personnel, whether consultant or Department employee, providing construction engineering and inspection services.

Construction Project Manager (CPM): The Department employee whose duties include managing CEI consultant contracts.

Design Project Manager (DPM): The Department employee whose duties include managing design consultant contracts.

District Construction Consultant Manager: The Department representative working for the District Construction Engineer, who administers the Consultant CEI work program.

District Construction Engineer (DCE): The engineer appointed by the District Secretary to hold the title of District Construction Engineer and who serves to manage all District functions pertaining to construction of Department projects.

District Design Engineer (DDE): The engineer appointed by the District Secretary to hold the title of District Design Engineer and who serves to manage all District functions pertaining to design of Department projects.

Notice to Proceed (NTP): Notification given by the Department's Project Manager to the consultant to begin work on the contract Scope of Services, or part thereof, on which date the timing of periodic evaluations of the consultant begins.

Project Manager (PM): A Department employee whose duties include managing professional service contracts between consultants and the Department.

Technical Reviewer: A designated technical expert for a specific type of work who has reviewed the consultant's work product.

Type of Work: The Department has categorized the types of professional services it generally requires into a Type of Work listing in **Rule 14-75.003, F.A.C.** These types of work are the basis for qualification of consultants.

1. ALL PERFORMANCE EVALUATIONS

1.1 Processing of Evaluation

For each major type of work advertised, evaluations on contracts shall be entered by the PM into CE. Upon completion of all prescribed Department approvals, CE automatically emails evaluations to recipients designated in CE.

To assure all parties' understanding, the Department's PM shall discuss the evaluation rating criteria with consultant PM before the consultant begins work.

The Department's PM is responsible for completing interim and final performance evaluations. The PM shall discuss the evaluations with consultant before entry into CE to provide an opportunity for communication and feedback on the level of performance.

1.2 Evaluation Scale

The consultant evaluation rating scale shall be as follows:

- 5 = Outstanding performance
- 4 = Above Satisfactory performance
- 3 = Satisfactory performance
- 2 = Below Satisfactory performance
- 1 = Unacceptable performance

Comments are encouraged for every assigned rating, but must be entered in the comment section for a rating of 5 or 1.

2. PERFORMANCE EVALUATIONS FOR CEI CONSULTANTS

- 2.1** The evaluation of a CEI consultant shall be performed by the CPM, and shall be provided on the following schedule:

- (A) The CPM shall complete the initial interim evaluation at the end of the first full quarter of contract performance. Quarters are defined as follows:

1st Quarter: January – March
2nd Quarter: April – June
3rd Quarter: July – September
4th Quarter: October – December

- (1) Interim performance evaluations shall be completed within 30 days after the end of the quarter.
- (2) The final evaluation shall cover the period from the previous evaluation to the end of the contract.
- (3) The evaluation of the overall performance for the entire contract period shall be the average of all evaluations (interim and final) for the contract, and is automatically calculated in CE.

- (B) The CPM shall distribute the evaluation and any follow up correspondence as follows:

- (1) Evaluation is 3.0 or greater: Consultant and District Construction Consultant Manager receive a copy for information.
- (2) Evaluation is less than 3.0:

DCE: Receives a copy for disposition. The DCE may direct that the evaluation be changed to 3.0 or greater, upon which step (1) above shall apply. The DCE may agree with the evaluation, upon which the following shall apply:

- a. The **Consultant** receives a copy. The transmittal letter shall indicate what corrective action is necessary and the related time frame and request a response to this action.
- b. The **District Construction Consultant Manager** receives a copy.
- c. The **Director of the Office of Construction** receives a copy from the DCE.

- (C) Commendatory or critical comments shall be included in the evaluation to fully explain the intent of the evaluation. The CPM shall provide as much documentation as deemed necessary to fully explain the conditions

encountered in the field. Input provided by appropriate Department and construction contractor personnel should be considered.

- 2.2 CEI consultant evaluations shall be completed using either the project-specific CEI evaluation criteria or the CEI Hybrid criteria, applicable.
- 2.3 If a particular performance test item does not apply to a project, it should not be used in the calculation of the weighted average for the performance test area.
- 2.4 The consultant CEI performance evaluation is a summary record of the CPM's in-depth reports of the CEI Consultant, the Quality Assurance Reviews prepared by the Specialty Engineer from the Office of Construction, and the Federal Highway Administration (FHWA) Monthly Field Reports. These source documents should be used as the basis for preparation of this performance evaluation and shall serve as the in-depth, back-up data needed to substantiate the numerical evaluation given.
- 2.5 The Department's PM may offer the consultant CEI the opportunity to request a meeting to discuss a grade with the DCE **within ten calendar days of receipt of the evaluation**. The DCE shall consider any information submitted by the consultant and decide whether the performance evaluation will be revised. The DCE's decision is final.

3. **PERFORMANCE EVALUATIONS FOR NON-CEI TYPES OF WORK**

The PM for the consultant contract shall complete an evaluation of the prime consultant's performance in the following areas:

- Schedule
- Management
- Quality
- Constructability (for contracts that produce construction plans)

3.1 **Evaluation Areas**

- (A) **Schedule:** Prepared by the PM for the contract, this evaluation reflects the consultant's performance in meeting the contract schedule. Criteria for the schedule evaluation can be found in CE.

(B) Management: Prepared by the PM for the contract, this evaluation reflects the consultant's performance in managing the contract. The following areas shall be considered when performing this evaluation:

- Administration of Contract
- Management of Issues and Resources
- Communication, Documentation and Coordination
- Execution of Work
- Post Design Services (completed with constructability evaluation)

Criteria for each area of the Management Evaluation can be found in CE.

(C) Quality: Prepared by the PM or the technical reviewer for each major type of work included in the advertisement for the services, this evaluation reflects the consultant's attention and concern to the established quality assurance plan and delivering a quality service and product.

Quality evaluation criteria for individual work types can be found in CE. This includes any specific criteria regarding the evaluation responsibility of the PM, the technical reviewer and any additional concurrence requirements for the specific quality evaluation.

For advertised types of work other than those pre-qualified by the Department, Category 99 shall be used, with appropriate criteria added by the PM.

Sub-consultant: A quality evaluation shall be assigned to any pre-qualified sub-consultant named in the contract who performs a major type of work, or who signs and seals design plans. At the option of the PM, the prime consultant may receive a quality evaluation in the same types of work performed by the sub-consultant.

(D) Constructability (Post Construction): The **Constructability Evaluation** reflects the design consultant's ability to develop constructible (practical, accurate, complete, and cost effective) construction plans. For all professional services contracts resulting in construction plans, the CPM shall prepare an evaluation of the constructability of the design consultant's plans and a management evaluation on the performance of post design services. In preparing these evaluations, the CPM shall solicit input from the construction contractor and the consultant's project

administrator. After review of the comments received from the construction contractor, appropriate comments shall be entered on the evaluation by the CPM. The evaluation shall be reviewed by the DPM for concurrence prior to entry into CE and prior to distribution to the design consultant. Specific criteria for the **Constructability Evaluation** and the **Post-Design Services Management Evaluation** can be found in CE.

3.2 When to Evaluate

For professional services contracts resulting in the production of construction plans, an evaluation is required according to the matrix below, but not to exceed 12 months since the last evaluation or **Notice to Proceed**.

| | Schedule | Management | Quality | Constructability |
|----------------------|----------|------------|---------|------------------|
| Phase 2 plans review | √ | √ | √ | |
| Final Design | √ | √ | √ | |
| Final Construction | | √ | | √ |

A constructability evaluation and a management evaluation for post design services shall be performed within 30 days after final acceptance of the construction contract.

For contracts that do not produce construction plans, an evaluation is required for each 12 months of contract period from the **NTP**. A final evaluation shall be made within 30 days after completion and acceptance of basic services.

The evaluation of the overall performance for the entire contract period shall be the average of all evaluations (interim and final) for the contract. It is automatically calculated in CE.

For all professional services contracts, additional evaluations may be submitted upon completion of critical phases of work, such as preliminary design, submittal of draft environmental documents, phase submittals, reports and completion of **Task Works Orders (TWO)**. Reasons to be considered for submitting additional evaluations include:

- Recognition of outstanding performance
- Notification of unacceptable performance
- Requests from the consultant based on possible improved performance

3.3 Composite Evaluation

A composite evaluation shall be available at any point during the contract. The composite evaluation shall be calculated automatically by CE and shall include all evaluations completed up to that point in time. All evaluations associated with the contract shall be part of the calculation to determine the Final Composite Evaluation for the contract. The composite evaluation shall be calculated as follows:

(A) Contracts that Produce Construction Plans:

- (1) **Design:** A composite evaluation calculated during the design phase of the project shall be calculated as follows:

Schedule (S): Average of all schedule evaluations. This average shall be 25% of the composite evaluation calculated during the design phase.

Management (M): Average of all management evaluations. This average shall be 25% of the composite evaluation calculated during the design phase.

Quality (Q): Average of all quality evaluations. This average shall be 50% of the composite evaluation calculated during the design phase.

$$\text{Composite Evaluation} = (0.25 \times S) + (0.25 \times M) + (0.50 \times Q)$$

- (2) **Construction:** A composite evaluation calculated during the construction phase of the project shall be calculated as follows:

Schedule (S): Average of all schedule evaluations. This average shall be 25% of the composite evaluation calculated during the construction phase.

Management (M): A weighted average of all the management evaluations completed during the design and construction phase. The management evaluations made during design shall be 70% of the weighted average, while the management evaluations completed during construction shall be 30% of the weighted average. This weighted average shall be 25% of the composite evaluation calculated during the construction phase.

$$M = 0.70 \times (\text{average of management evaluations during design}) +$$

0.30 x (average of management evaluations during construction).

Quality (Q): Average of all quality evaluations. This average shall be 25% of the composite evaluation calculated during the construction phase.

Constructability (C): The Constructability evaluation shall be conducted once at completion of construction. This average shall be 25% of the composite evaluation calculated during the construction phase.

End of Construction Composite Evaluation shall be calculated as follows:

$$\text{Composite Evaluation} = (0.25 \times S) + (0.25 \times M) + (0.25 \times Q) + (0.25 \times C)$$

(B) All other Contracts:

Schedule (S) = Average of all schedule evaluations. This average shall be 25% of the composite evaluation.

Management (M) = Average of all management evaluations. This average shall be 25% of the composite evaluation.

Quality (Q) = Average of all quality evaluations. This average shall be 50% of the composite evaluation.

$$\text{Composite Evaluation} = (0.25 \times S) + (0.25 \times M) + (0.50 \times Q)$$

- 3.4** The Department PM may offer the consultant the opportunity to request a meeting to discuss a grade with the office head to whom the PM reports **within ten calendar days of receipt of the evaluation**. The office head shall consider any information submitted by the consultant and decide whether the grade will be revised. The Office head's decision is final.

4. PERFORMANCE EVALUATIONS FOR DESIGN-BUILD CONSULTANTS

Design-Build performance evaluations shall be entered into CE.

CPM for the Design-Build contract shall coordinate with the DPM and complete an evaluation of the Design-Build consultant's performance in the following areas:

- Quality
- Constructability

4.1 Evaluation Areas

Design-Build Consultant Performance Evaluations include specific criteria regarding the evaluation responsibility of the PM and the technical reviewer and additional concurrence requirements for specific quality and constructability evaluations. Evaluations shall be entered in CE.

(A) Quality (Q): For each Professional Services Work Type included in the advertisement for the services, the CPM and DPM shall conduct a quality evaluation. This evaluation reflects the consultant’s attention and concern to the established quality assurance plan and delivering a quality service and product.

Subconsultant: A quality evaluation shall be assigned to any pre-qualified sub-consultant named in the contract who performs a major work type, or who signs and seals design plans. At the option of the PM, the design consultant may receive a quality evaluation in the same types of work performed by the sub-consultant.

(B) Constructability (C): The constructability evaluation reflects the design consultant's ability to develop constructible (practical, accurate, and complete) construction plans. For all contracts resulting in construction plans, the CPM shall prepare a constructability evaluation of the design consultant's plans. Appropriate comments shall be entered on the evaluation by the CPM and DPM. The evaluation shall be reviewed and signed by the DDE and DCE for concurrence prior to distribution to the design consultant. Specific criteria is in CE.

4.2 When to Evaluate

Evaluation is required according to the matrix below.

| | Quality | Constructability |
|------------------|---------|------------------|
| Final Acceptance | √ | √ |

Quality evaluations: Additional (interim) evaluations may be conducted. Reasons to be considered for submitting additional evaluations include:

- Recognition of outstanding performance
- Notification of unacceptable performance
- Requests from the consultant based on possible improved performance

The constructability evaluation shall be performed within 30 days after final acceptance of the construction contract.

4.3 Composite Evaluation

A composite quality evaluation shall be the average of all interim quality evaluations, including the final quality evaluation.

A composite overall evaluation shall be calculated as follows:

$$\text{Composite overall evaluation} = (0.50 \times Q) + (0.50 \times C)$$

- 4.4** The Department's PM may offer the Design-Build consultant the opportunity to request a meeting to discuss a grade with the DDE and DCE **within ten calendar days of receipt of the evaluation**. The DDE and DCE shall consider any information submitted by the consultant and decide whether the performance evaluation will be revised. The decision of the DDE and DCE is final.

5. TRAINING

The Production Support Office will develop and deliver training in the use of this procedure on an as-needed basis.

6. FORMS

Not applicable.