

Approved:

Effective: November 15, 2017
Review: October 29, 2017
Office: Maintenance
Topic No. 850-070-002-c



Department of Transportation

CONTRACTOR FIELD PERFORMANCE RATING ON MAINTENANCE CONTRACTS

PURPOSE

To provide guidance for preparing and processing ***Contractor Field Performance Ratings***.

AUTHORITY

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

REFERENCES

Sections 337.16 F.S.
Rules 14-22.0011 and 14-22.0141 F.A.C.

SCOPE

This procedure is intended to be used by all Department personnel involved in the administration of maintenance contracts.

1. GENERAL

The Florida Department of Transportation (Department) considers contractor performance on maintenance contracts to be a critical issue. Contractors are presumed to be responsible contractors and allowed to bid if they comply with the bid requirements in the proposal package. Contractors who demonstrate an inability or unwillingness to comply with contract requirements in a timely and proficient manner may be declared non-responsible and their bidding privileges suspended. If a Contractor is deemed deficient in performance, that Contractor may be suspended from bidding on all Department contracts for a period of time determined by the Director, Office of Maintenance.

2. PRE-WORK CONFERENCE

The Department's Project Manager shall provide the contractor a copy of **Form Number 375-020-43, Contractor Field Performance Rating (CFPR)** at the pre-work conference and explain how the Contractor's performance in completing the contract will be rated using the criteria contained in the **CFPR**. The Department retains full authority to rate the Contractor whether or not the **CFPR** is provided at the pre-work conference.

3. RATING THE CONTRACTOR

The Department shall use the **CFPR** to rate Contractor performance for all types of maintenance contracts and agreements, including:

- Work Directed contracts
 - Site Specific
 - Work Document Driven
 - Pre-Event
- Memorandum of Agreement (MOAs)
 - Performance MOAs
 - Work Directed MOAs
- Accelerated contracts
 - Fast Response
 - Emergency
 - Interim
- Bid-Factor contracts

Performance ratings for Performance Based Contracts shall comply with **Procedure Number 375-000-005, Performance Based Maintenance Contracting**. To determine a contractor's performance rating, the Project Manager shall solicit input from Department and consultant personnel who actively participated in the inspection of the work or in the administration of the contract. The **CFPR** shall be used for two types of reviews: **Periodic** and **Final CFPRs**. The review type shall be indicated on the **CFPR** by marking the appropriate field on the first page of the **CFPR**. **Final CFPR** scores shall be recorded in Site Manager by the Project Manager.

3.1 PERIODIC CFPRs

3.1.1 Required **Periodic CFPRs**.

For multi-year contracts, the Project Manager shall complete a **Periodic CFPR** annually on or near the anniversary of the contract's execution date. The process for completing required **Periodic CFPRs** on multi-year contracts, including signature requirements, are equivalent to the process and signature requirements of the **Final CFPR**.

3.1.2 Optional Periodic CFPRs. *Periodic CFPRs* are helpful in communicating the Department's assessment of Contractor performance over time in preparation for the **Final CFPR**. Optional **Periodic CFPRs** may be performed as frequently as desired and only require signature of the Project Manager.

3.2 FINAL CFPRs

At the end of each contract term, the Project Manager shall prepare the **Final CFPR** and mandatory transmittal letter. The **Final CFPR** shall be signed by the Project Manager, Cost Center Manager, and District Maintenance Engineer (DME) or delegate prior to sending the **CFPR** to the Contractor.

- For a contract being renewed, the completed **Final CFPR** and letter shall be sent to the Contractor via mail (delivery receipt requested), or by verifiable email or fax, no later than twenty (20) business days after the end of the previous contract term.
- For a contract not being renewed, the completed **Final CFPR** and letter shall be sent to the Contractor via mail (delivery receipt requested), or by verifiable email or fax, no later than twenty (20) business days after all required closeout documents have been received from the Contractor.

The transmittal letter shall explain the options available to the contractor and subsequent actions by the Department (see attached **Sample Letter**). The transmittal letter shall state that:

3.2.1 The Department requests that the Contractor sign and return the **Final CFPR** within ten (10) business days of receipt. If the Contractor elects not to sign or return the **Final CFPR**, the Project Manager shall note this in the Contractor's signature space.

3.2.2 If the Contractor desires a meeting to discuss the results of the **Final CFPR**, the request shall be made in writing and received by the Project Manager within ten (10) business days from the Contractor's receipt of the **Final CFPR**.

3.2.3 If a meeting is timely requested, the Department's Project Manager shall schedule the meeting based on a mutually agreed upon time and date at a location selected by the Department. If the Contractor fails to attend the scheduled meeting, or no meeting is requested within ten (10) business days, the Contractor is deemed to have accepted the results of the **Final CFPR**.

3.2.4 In the event that the Department finds a Contractor to be in default, the Department shall use the **CFPR** to rate the Contractor's performance for work that was completed prior to the default. The Project Manager shall record the defaulted Contractor's **CFPR** in Site Manager prior to the date the Office of Maintenance records the default in Site Manager.

3.2.5 For work completed by a surety following the default of a contract, the Department shall use the **CFPR** to rate the performance of the work as completed by the surety. The Project Manager shall record the surety's **CFPR** in Site Manager.

3.3 DISPUTE RESOLUTION OF FINAL CFPR SCORE

If the Contractor contests or disputes the **Final CFPR** at the scheduled meeting, the Project Manager shall consider all facts presented by the Contractor regarding the **CFPR**, and attempt to equitably resolve the disputed **CFPR** before the end of the meeting. If results of the **Final CFPR** cannot be agreed upon in the meeting, the Project Manager shall initiate the Dispute Resolution process outlined below.

3.3.1 The Project Manager shall direct the contractor to prepare a "Request for Resolution" (RFR) letter, including any relevant information and supporting data associated with the dispute. The RFR letter shall be addressed to the Cost Center Manager, and sent to the Project Manager via mail (delivery receipt requested), verifiable email or fax within five (5) business days of the meeting. Upon receipt of the RFR letter, the Project Manager shall compile all relevant documentation and submit to the Cost Center Manager within five (5) business days of receipt.

3.3.2 The Cost Center Manager shall review and summarize all supporting documentation from both parties and prepare a recommendation for resolution. The Cost Center Manager shall provide the recommendation to the DME within five (5) business days of receipt of the letter and supporting documentation.

3.3.3 The DME shall determine whether the **Final CFPR** accurately represents the Contractor's performance. If the DME determines the **Final CFPR** does not accurately represent performance, the DME shall adjust the **Final CFPR** accordingly. The DME shall send the final determination to the Contractor via mail (delivery receipt requested), verifiable email or fax within five (5) business days of receipt of the Cost Center Manager's recommendation. The documentation shall inform the Contractor of the final determination and shall include a statement that gives the Contractor an option to obtain a copy of all related findings that led to the decision. Copies of the letter shall be sent to all parties involved in the dispute.

3.3.4 The Project Manager shall document any changes to the **Final CFPR** as determined by the review, and, if changed, send the amended **Final CFPR** to the Contractor. All correspondence regarding the disputed **CFPR** shall be maintained with the contract records.

3.4 SUBSTANDARD FINAL CFPRS

A **Final CFPR** score less than 70 is evidence of poor or unsatisfactory performance, deficient management resulting in project delay, or poor quality workmanship.

Depending on the contract circumstances and documentation, the Department may declare the Contractor Non-Responsible. Please refer to **Procedure Number 850-070-001, Contractor Non-Responsibility for Maintenance Contracts**, for information and guidance.

4. QUALITY ASSURANCE

The Office of Maintenance shall perform Quality Assurance Reviews (QARs) of the District's **CFPR** process to ensure compliance with this procedure. The QAR review will include verification of the following requirements:

- A **CFPR** was provided to the contractor according to procedure;
- The required **Final CFPR** is in the contract files, with the appropriate rating type selected;
- The **Final CFPR** includes appropriate signatures, has been properly completed, and the **CFPR** score is reasonable and consistent with Department practices;
- The required transmittal letter was included with the **Final CFPR** when sent to the Contractor;
- The dispute resolution process was followed if applicable;
- The **Final CFPR** score was properly recorded in Site Manager.
- Required **Periodic CFPRs** were completed in accordance with procedure.

5. TRAINING

There is no mandatory training required.

6. FORMS

The following form is available from the Department's Forms Library:

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

SAMPLE LETTER

Date:

RETURN RECEIPT REQUESTED

Contractor Name
Contractor Address
City State Zip

RE: Contract _____

Attached is the **Final Contractor Field Performance Rating** (CFPR) for **contract _____**. Please sign the CFPR and return to this office within 10 business days. If you desire a meeting to discuss the results of the *CFPR*, please submit your written request to **(address, email address and/or FAX number)**

_____. The written request for a meeting must be received by this office within ten (10) business days from your receipt of this letter. If requested, the Project Manager will schedule the meeting based on a mutually agreed upon time and date at a location selected by the Department. If a meeting is not requested, or you fail to attend the meeting that is scheduled to discuss the CFPR, you will be deemed to have accepted the **Final CFPR** and forfeit your dispute rights.

Sincerely,

(Project Manager), (Title)