

***CHAPTER 34 – CONTRACTOR PERFORMANCE EVALUATION**

The Agency has implemented a process to evaluate the performance of the Contractor on each Project.

The Project Manager (PM) must complete a Prime Contractor Performance Evaluation at the following times:

1. Annually on the anniversary date of the Notice to Proceed (NTP) for a Project, until the final Second Notification is issued, and
2. Within 60 Calendar Days after the date of the final Second Notification.

The evaluations will be done on the preceding duration of the Work. The final evaluation of a multi-year Project will be for the duration from the last annual evaluation to the completion of the field Work. There will not be an overall evaluation of the entire Project.

As specified in Section 00120.00, the Agency will consider the results of those evaluations, and, if necessary, may require corrective action of affected Contractors or revoke bidding privileges.

There are two separate processes depending on the Award date of the Project. The following sections outline the process for Projects Awarded prior to 1/1/2013 and for Projects Awarded after 1/1/2013.

(a) Projects Awarded Prior to January 1, 2013

For Projects with NTP prior to January 1, 2013, the [Prime Contractor Evaluation form 734-2469B](#) needs to be prepared:

* All marked text updated October 2013

**OREGON DEPARTMENT OF TRANSPORTATION
CONSTRUCTION MANUAL**

		Part B PRIME CONTRACTOR PERFORMANCE EVALUATION					
		OFFICE USE ONLY					
	SENT TO CONTRACTOR ON	DATE RECEIVED	FINAL % SCORE				
PROJECT MANAGER	PROJECT NAME		EVALUATION YEAR				
CONTRACTOR			CONTRACT NO.				
<p><small>INSTRUCTIONS TO PROJECT MANAGER (PM): Answer all questions in Part B determining and entering the appropriate points to be assigned to each question in the box next to the question. For questions that do not apply, enter '0' in the score box. Review the completed evaluation with the Prime Contractor. If the Contractor is unavailable, sign and date the evaluation, and send a copy to the Prime Contractor office for their review and signature. The Contractor will return the completed copy to the PM and the PM will distribute copies.</small></p> <p><small>FOR PURPOSE OF COMPLETING THIS EVALUATION: Verbal notice is defined as a formal notice documented in meeting minutes, speed memo or Project Manager's diary. Written notice is defined as a formal written letter signed by the Project Manager.</small></p>							
SUPERVISION							
1. Was the superintendent on the job at all critical times? (00150.40b) If the superintendent was not available at critical times, the problem was serious enough for the PM to send a written notice to the contractor			<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">SCORE</td> <td style="width: 50%; text-align: center;">POSSIBLE</td> </tr> <tr> <td align="center" style="height: 20px;"> </td> <td align="center" style="text-align: center;">5</td> </tr> </table>	SCORE	POSSIBLE		5
SCORE	POSSIBLE						
	5						
5 - Superintendent was available at all critical times 4 - PM had to give verbal notice regarding unavailability 3 - PM had to send written notice to contractor 2 - PM had to send 2nd written notice to contractor 1 - PM had to send 3 or more written notices							

The PM should try to secure the signature of the designated Contractor representative on the Evaluation. Send the original Evaluation to the Construction and Materials Engineer, care of the Contract Administration Unit (CAU), with a copy to the Region/Bridge Delivery Unit (BDU). If the Contractor does not agree with the evaluation, it may discuss it with the PM. If it still disagrees, it may appeal to the Region/BDU, whose decision is final. If the form is not signed by the Contractor and returned within 15 days, the PM must submit the unsigned form to the CAU.

The Construction and Materials Engineer will evaluate a 12-month rolling average of the percentage scores from the evaluations to determine if the Agency must require the Contractor to implement corrective action or if the Agency will revoke the Contractor's bidding privileges.

If the Agency determines that it must revoke a Contractor's bidding privileges, the Contractor may request to appeal that determination before a Department of Administrative Services hearings officer.

If the evaluation is the final evaluation for the Project, the PM will also send a copy of the [Contractor's Construction Process Feedback, form 734-2469A](#):

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		Part A CONTRACTOR'S CONSTRUCTION PROCESS FEEDBACK					
		OFFICE USE ONLY					
	SENT TO CONTRACTOR ON	DATE RECEIVED	FINAL % SCORE				
PROJECT MANAGER	PROJECT NAME		EVALUATION YEAR				
CONTRACTOR			CONTRACT NO.				
<small>INSTRUCTIONS TO PRIME CONTRACTOR REPRESENTATIVE: Answer all questions in Part A, determining and entering the appropriate points to be assigned to each question in the box next to the question. For questions that do not apply, enter '0' in the score box. Review the completed evaluation with the PM. If the PM is unavailable, sign and date the evaluation, and send a copy to the ODOT PM office for their review. The PM will review and distribute copies.</small>							
QUALITY OF PLANS & SPECIFICATIONS:							
1. Were the details of the Contract Plans adequate to construct the project? Very Good = 5 pts. Satisfactory = 4 pts. Needs Improvement = 3 pts.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">SCORE</td> <td style="width: 50%; text-align: center;">POSSIBLE</td> </tr> <tr> <td style="text-align: center;"><input style="width: 100%;" type="text"/></td> <td style="text-align: center;">5</td> </tr> </table>	SCORE	POSSIBLE	<input style="width: 100%;" type="text"/>	5
SCORE	POSSIBLE						
<input style="width: 100%;" type="text"/>	5						
2. Were the specifications for the project clear on what was required? Very Good = 5 pts. Satisfactory = 4 pts. Needs Improvement = 3 pts.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">SCORE</td> <td style="width: 50%; text-align: center;">POSSIBLE</td> </tr> <tr> <td style="text-align: center;"><input style="width: 100%;" type="text"/></td> <td style="text-align: center;">5</td> </tr> </table>	SCORE	POSSIBLE	<input style="width: 100%;" type="text"/>	5
SCORE	POSSIBLE						
<input style="width: 100%;" type="text"/>	5						

This gives the Contractor an opportunity to provide feedback on the construction process for that Project. The PM will sign the Evaluation and submit the original form to the Construction and Materials Engineer, care of the CAU, with a copy to the Region/BDU.

(b) Projects Awarded After January 1, 2013

For Projects with an Award date after January 1, 2013, the [Prime Contractor Evaluation form 734-2884](#) needs to be prepared. Also, a documentation form must be prepared and submitted with the form. Comprehensive [instructions](#) will help the PM understand how to complete the form.

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 ODOT CONSTRUCTION PROJECT EVALUATION PRIME CONTRACTOR PERFORMANCE EVALUATION		
PROJECT NAME	PROJECT MANAGER	CONTRACT NO.
CONTRACTOR	REPORTING PERIOD	<input type="checkbox"/> Annual <input type="checkbox"/> Final
<p>INSTRUCTIONS: The Project Manager should complete the following evaluation providing one answer for each category. Once completed, the Project Manager should send the evaluation to the Contractor for their review and signature. The Contractor has 14 days to respond, either by requesting a meeting or signing and returning the evaluation. If a meeting is held, the Contractor then has seven (7) days to sign the evaluation either by accepting the score or requesting an appeal meeting with the Contract Administration Engineer. If an appeal meeting is held, the decision of the CAE is final.</p>		
MANAGEMENT		
SUPERVISION		Score
<input type="radio"/> +5 Superintendent is always taking the lead and correcting issues. Superintendent is very hands on and manages/assists all subcontractors on a daily basis.		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">0</div>
<input type="radio"/> +1 Superintendent is very proactive when addressing issues and takes the lead to correct problems without being notified by Agency.		
<input checked="" type="radio"/> 0 Baseline: Superintendent is available when needed and has good control of his subcontractors. Individual is very knowledgeable of the work, while performing quality work throughout the project.		
<input type="radio"/> -1 Superintendent is unavailable and/or slow in addressing quality concerns.		
<input type="radio"/> -2 Superintendent is not addressing poor performance and not willing to address poor workmanship.		
<input type="radio"/> -3 The Agency has to suspend any portion of work, due to lack of supervisor or performance by the prime contractor's superintendent.		

There are two possibilities for the Contractor to appeal the evaluation. Documentation is imperative to support the score that is given to assist in the event there are appeals.

If the evaluation is the final evaluation for the Project, the PM will also send a copy of the [Contractor's Construction Process Feedback, form 734-2469A](#).

If there are questions regarding this process, please contact the Construction Program Analyst at (503) 986-3007.