



CHAPTER 34

CONTRACTOR PERFORMANCE EVALUATION

Pursuant to Administrative Rule 734-010-0285, the Agency is responsible for performing Contractor Evaluations on each construction project at the following intervals:

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 Resident Engineer (RE) is ultimately responsible for tracking and submitting evaluations to the Contractor meeting the criteria established above.

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 (2nd Note) and there will not be an overall evaluation of the entire Project.

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

Once the evaluation is completed, the RE should sign the evaluation and then send to the Contractor for review and comment. The RE Office should copy the ODOT Contract Services mailbox on the email sent to the Contractor. The evaluation must be sent to the Contractor within 30 days of the Notice to Proceed anniversary date (for multi-year contracts) or within 60 days of 2nd Note. The evaluation is considered late if you do not send the evaluation to the Contractor within the specified times. If the evaluation is late, the evaluation cannot be used to affect pre-qualifications.

Sending the evaluation to the Contractor provides an opportunity for the Contractor to disagree or to appeal the evaluation. The Contractor should return the evaluation within 15 days of receiving the evaluation. If they do not sign the form within the 15-day period the evaluation is considered final. If the document was emailed to ODOT Contract Services at the same time it was sent to the Contractor, the document will be processed automatically from that email after the 15-day review period if a signed copy has not been received.

Comprehensive instructions are available to the RE to assist with completing the form. Ensure that the date the evaluation was sent to the Contractor is entered on the Documentation Sheet.

The Contractor can appeal the evaluation. Documentation is imperative to support the score that is given to assist in the event there are appeals.

Forms for this process can be found at: <https://www.oregon.gov/ODOT/Construction/Pages/Forms.aspx>

Forms involved are:

- 734-2884 – ODOT Construction Prime Contractor Performance Evaluation Documentation (ODOT's Evaluation of Contractor)
- 734-2469a – Contractor's Construction Process Feedback – Part A (Contractor's evaluation of ODOT process)

If there are questions regarding this process, please send an email to the [Contract Services Mailbox](#).