



Consultant & Contractor Performance Evaluation (CPE) Program

Presented by:

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August 6, 2019

Agenda

- Consultant & Contractor Performance Evaluation(CPE) Program Purpose
- Evaluation Process Summary
- Performance Evaluation Criteria and Guidelines
- Use of Performance Evaluation Scores
- Conversion of Previous Scoring System

Consultant & Contractor Performance Evaluation Why?

COA's CPE Program defines a uniform method to evaluate, report, and track the evaluation of services provided by Consultants and Contractors for establishment of historical record and use in future solicitations – subsequent contract award decisions.



Performance Evaluation Process Summary

PM managing the City CIP secures relevant input from City Team, completes performance evaluation, and submits to CCO

CCO reviews the evaluation, inputs scores in database, and sends copy of evaluation to vendor*

Evaluations for work performed during the past 5 years is taken into consideration in award of future contracts

1. *The performance evaluation includes the Consultant/Contractor staff, suppliers or anyone else for whom the Prime vendor is responsible associated with the contract and project.*
2. *City Team includes the Managing Dept., Sponsor/User Dept., SMBR, CCO Wage Team, Inspectors, and other relevant parties (i.e. QMD, if vendor is providing services under the Testing RLs contracts)*
3. **Vendor can request an In-Person Review/Rebuttal Meeting, and a subsequent Appeal Hearing (See Admin. Rule R161-13.37 for details)*

When to Conduct Evaluations



Consultants/Professional Services:

- **Stand-Alone Contracts (PSAs)**
 - End of Design Phase
 - End of Construction (Substantial Completion)
 - Project completion if no Construction Phase (*i.e. planning studies*)
- **Rotation Lists (RL)**
 - By Project
 - End of Design Phase
 - End of Construction (Substantial Completion)
 - Project completion if no Construction Phase (*i.e. planning studies*)
- **Testing RLs** (*QMD leads the evaluation*)
 - Materials Testing RLs - Each firm will be evaluated at least twice a year.
 - Geotechnical RL - End of each Project
 - Forensic Engineering RL - Project Assignment(s) completion

Contractors/Construction:

- **IFB (Traditional Low-Bid)**
 - End of Construction (Substantial Completion)
- **ID/IQ**
 - At time of option/contract term renewal(s),
 - End of Contract
- **Competitive Sealed Proposals (CSP)**
 - End of Construction (Substantial Completion)
- **Job Order Contracts (JOC)**
 - By Project
 - End of Construction (Substantial Completion)
- **Construction Manager at Risk (CM@R)**
 - End of Construction (Substantial Completion)

Other:

- **Design-Build (DB)** (*Teams with both Contractor and Design Consultants*)
 - End of Design, and
 - End of Construction (Substantial Completion)

Performance Evaluation Criteria

<http://www.austintexas.gov/department/consultant-performance-evaluation>

Consultants

1. Timeliness of Performance
2. Budget/Cost Control
3. Quality of Work Performed
4. Invoicing and Payments
5. Compliance with MBE/WBE Procurement Program
6. Deliverables
7. Regulatory Compliance and Permitting
8. Adequacy and Availability of Workforce
9. Project and Contract Management
10. Communications, Cooperation, and Business Relations

30 Points Maximum

Contractors

1. Quality
2. Schedule
3. Wage Compliance and Required Job Postings
4. Compliance with MBE/WBE/DBE Procurement Program(s)
5. Invoicing and Payments
6. Regulatory Compliance and Permitting
7. Safety and Protection
8. Adequacy and Availability of Workforce
9. Project and Contract Management
10. Communications, Cooperation, and Business Relations

30 Points Maximum



Scoring Method

- **Needs Improvement (1 Point)** *(Does not meet contractual, technical &/or professional requirements. Indicates a need for improvement and characterize performance levels that result in detriment to the project)*
- **Successful Performance (2.5 Points)** *(General success. Performance meets contractual requirements)*
- **Exceptional Performance (3 Points)** *(Exceptional performance beyond expectations and characterize performance levels that result in substantial positive contributions to the project)*



Performance Evaluation Guidelines

Overall Evaluation / Rating Definitions

Needs Improvement (1 Point)	Successful Performance (2.5 Points)	Exceptional Performance (3 Points)
<ul style="list-style-type: none"> • Performance does not meet contractual requirements and recovery did not occur in a timely or cost effective manner. • Serious problems existed and corrective actions have been ineffective. • Major errors, extensive minor errors, and/or recurring problems. • Performance indicates very little or no effort extended to satisfy the minimum contract requirements. <p><i>(To justify a Needs Improvement rating, identify significant events in each category that the Consultant had trouble overcoming and state how it impacted the City. A singular problem, however, could be of such serious magnitude that it alone constitutes an unsatisfactory rating. A Needs Improvement rating should be supported by referencing the management tool that notified the consultant of the contractual deficiency (e.g. management, quality, safety, or environmental deficiency reports or communications))</i></p>	<ul style="list-style-type: none"> • Performance meets contractual requirements. • May have had some minor problems; however, satisfactory corrective actions taken by the consultant were highly effective • Problems were not repetitive. <p><i>(To justify a Successful rating, there should have been NO significant weaknesses identified. A fundamental principle of assigning ratings is that the consultant will not be evaluated with a rating lower than Successful solely for not performing beyond the requirements of the contract.)</i></p>	<ul style="list-style-type: none"> • Performance exceeds contract requirements to the City's benefit. • Exceptional performance may reflect some of the following achievements: <ul style="list-style-type: none"> ○ Identified cost-savings, ○ Innovative options or efficiencies; ○ Demonstrated excellence in quality of work and service delivery; ○ Added value; and/or ○ Consistently exceeded City expectations and always provided exceptional results. <p><i>(To justify an Exceptional rating, Rater should identify significant events and state how they were of benefit to the City. A singular benefit, could be of such magnitude that it alone constitutes an Exceptional rating. Also, there should have been NO significant weaknesses identified.)</i></p>

Performance Evaluation Guidelines



- **Consultants and Contractors are evaluated utilizing:**
 - The specific service and quality levels laid down in their contract with the City; and
 - Ratings and corresponding scores according to the Performance Evaluation Guidelines.
- **Performance Evaluation Guidelines (*general guidelines for scoring*)**
 - Intended to provide evaluators a general framework to assist in the completion of the evaluation.
 - Are not designed to be inclusive of all situations.
 - Evaluators must include supporting narrative which supports score.
 - Consultant/Contractor will not be evaluated with a rating lower than “Successful” solely for not performing or refusing to perform beyond the requirements of the contract.
 - A “Needs Improvement” rating should also be supported by referencing the management tool that notified the Consultant/Contractor of the deficiency.



Performance Evaluation Guidelines

Example – Compliance with MBE/WBE Program

• Needs Improvement (1 Point)	• Successful (2.5 Points)	Exceptional 3
<ul style="list-style-type: none"> • The Consultant did not utilize the subconsultants identified in the approved Compliance Plan, as amended and the City has determined this to be unjustified. • Did not fulfill the contracted Goals or Sub-goals. • Reduced or untimely payments made to MBE/WBE/DBE, determined by the City to be unjustified. • Did not submit reports in an accurate or timely manner. • Consultant was unresponsive or late in responding to MBE/WBE/DBE program related requests by SMBR, PM or other City staff. Showed little interest in bringing performance to a satisfactory level or is generally uncooperative. (Examples: Work progress was delayed due to the Consultant's untimely submittal of Request For Change (RFC) to SMBR, or Consultant's unresponsiveness to SMBR's requests for supporting documentation.) • Did not secure the City's written approval prior to terminating, adding, or substituting Subconsultants. • Required notice of violation(s). • Provided false or misleading information in Good Faith Efforts documentation, post award compliance or other program operations. 	<ul style="list-style-type: none"> • As required by the City's MBE/WBE Ordinance, Consultant presented a written schedule of when the MBE/WBE subconsultants shall be utilized in the project prior to the execution of the contract. • Consultant utilized the subconsultants identified in the approved Compliance Plan, and authorized amendments at the approved participation levels. • Complied with the City's MBE/WBE/DBE Procurement Program requirements, including but not limited to the requirements associated with post-award changes. • Consultant secured SMBR Director written approval prior to making changes and/or substitutions to the Compliance Plan. • Made Good Faith Efforts to obtain MBE/WBE/DBE participation for additional scopes of work. • Provided MBE/WBE/DBE payment information with each request for payment submitted to the City. • Timely paid each MBE/WBE/DBE subconsultant its appropriate share of payments in accordance to statutory requirements and the contract. • Fulfilled the contracted Goals or Sub-goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. • Completed and submitted interim and closeout reports in an accurate and timely manner. 	<ul style="list-style-type: none"> • Exceeded all contracted goals. • Provided maximum practicable opportunity for MBE/WBE/DBE to participate in contract performance. • Had exceptional success with initiatives to assist, promote, and utilize MBE/WBE/DBE. • Went above and beyond the required elements approved Compliance Plan and other MBE/WBE/DBE requirements of the contract. • Exceeded any other participation requirements incorporated in the contract, including the use of MBE/WBE/DBE in mission critical aspects of the program.

Using the Performance Evaluation Scores...

Qualification Based Selection (QBS/RFQs)

	Item 1	Item 2	Item 3a	Item 3b	Item 4	Item 5	Item 6	Item 7	Item 8		Item 9	
Points:	[Yes or No]	[Yes or No]	[10]	[20]	[20]	[15]	[15]	[10]	[10]	[100]	[15]	[115]
Firm (or Joint Venture)	MBE/WBE Procurement Program	Turned in all Required Documents	Team's Structure	Team's Project Approach	Experience of Project Manager Project Professional & Project Principal PM [15]	Prime Firm's Comparable Project Experience [5]	Major Scopes of Work Comparable Project Experience	Team's Experience with Austin Issues	COA Experience with Prime	SUB TOTAL	Optional Interview	TOTAL POINTS

QBS Evaluation Matrix Example

If a Consultant has no previous work with COA...

1. Use Industry Average Score
2. For Engineering Projects, use Discipline Average Score

Industry

- Engineering
- Architecture
- Surveying
- Planning
- Landscape Architecture



Engineering Disciplines

- MEP
- Geotechnical
- SUE Services
- Structural
- Environmental
- Tunneling
- Transportation
- Drainage
- W & WW Pipelines
- W&WW Facilities
- General Civil

Using Contractor Performance Evaluations:

- 1) A construction contractor's past performance will be used when evaluating a contractor for award of a contract where factors other than price are being considered. *(i.e. Competitive Sealed Proposals (CSP))*

1) Low-Bid Construction Solicitations (IFB)

- Contractors' scores are not included in the Bid Tab.
- However, Contractor Performance Evaluations for previous work with the City will be included in the assessment of the bidder's experience.
- Contractor's scores are kept for historical record of performance, and can be used in determination of bidder's responsibility and responsiveness.
- The City may reject future bids of Contractors based upon sustained poor performance.

Example of Scores Conversion for New Solicitations / Subsequent Contract Awards after July 3, 2017

	Evaluation Score		
Evaluations Completed <u>prior to</u> July 3, 2017:	Old	New	
• Project 1	10.00	8.33	$=(25/30) \times \text{old score}$
• Project 2	10.00	8.33	
• Project 3	10.00	8.33	
Consultant Average for Projects 1-3 <u>prior to</u> July 3, 2017	10.00	8.33	
• Project 4	9.00	7.50	
• Project 5	8.00	6.67	
Consultant Average for Projects 1-5 <u>prior to</u> July 3, 2017	9.40	7.83	
Evaluations Completed <u>after</u> July 3, 2017:			
• Project 6	25.00	8.33	$=(\text{New score}/30) \times 10$
• Project 7	30.00	10.00	
• Project 8	22.50	7.50	
• Project 9	20.00	6.67	
• Project 10	25.00	8.33	
Consultant Average for Projects 1-10 <u>after</u> July 3, 2017	N/A	7.999	

Questions?

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Additional information, including guidelines and forms, can be found at **AustinTexas.gov website:**

<http://www.austintexas.gov/departments/consultant-performance-evaluation>

