



Consultant & Contractor Performance Evaluation (CPE) 2017 Program Enhancements

Presented by:

Capital Contracting Office (CCO)

Rolando Fernandez, Interim Capital Contracting Officer

Cynthia Gonzales, Interim Assistant Director

Marisol Claudio-Ehalt, Program Consultant

Public Works

Jorge Morales, PE, Assistant Director

Roxanne Cook, PE, Division Manager,

Project Management Division (PMD)

June 7 & 12, 2017

Consultant & Contractor Performance Evaluation

Why?

Under Administrative Rule No. R161-13.37 effective January 31, 2014, the City of Austin (COA) adopted procedures to:

- Administer a city-wide vendor performance evaluation program, and
- How the City gathers and maintains vendors' performance assessments for establishment of historical record and use in future solicitations – subsequent contract award decisions.

The Capital Contracting Office (CCO) manages COA's performance evaluation program for Construction Related Professional Services/Consultants and Contractors.

COA's CPE Program defines a uniform method to evaluate, report, and track the evaluation of services provided by Consultants and Contractors **to ensure that a high quality of services and performance is maintained.**



CPE - 2017 Program Enhancements

Since the 2014 Adoption of COA's Administrative Rule No. R161-13.37:

- The Capital Contracting Office (CCO) presented CPE Program updates to the Construction Advisory Committee (CAC) and others.
- CAC and Project Managers provided feedback.
- Research was conducted to assess other public agency programs.
- A team with members from Public Works and CCO was formed in order to evaluate the process.



Collaborations & Contributions

Financial Services Dept. - CCO

- *Rolando Fernandez, Interim Capital Contracting Officer*
- *Cynthia Gonzales, Interim Assistant Director*
- *Marisol Claudio-Ehalt, Program Consultant*
- *Rick Wilson, Program Consultant (Wage Team)*

Public Works

- *Jorge Morales, PE, Assistant Director*
- *Roxanne Cook, PE, Division Manager, PMD*
- *Meagan Norris, PE, Supervising Engineer, QMD*
- *Trish Wadsack, PE, Division Manager, CSD*
- *Supervisors and staff*

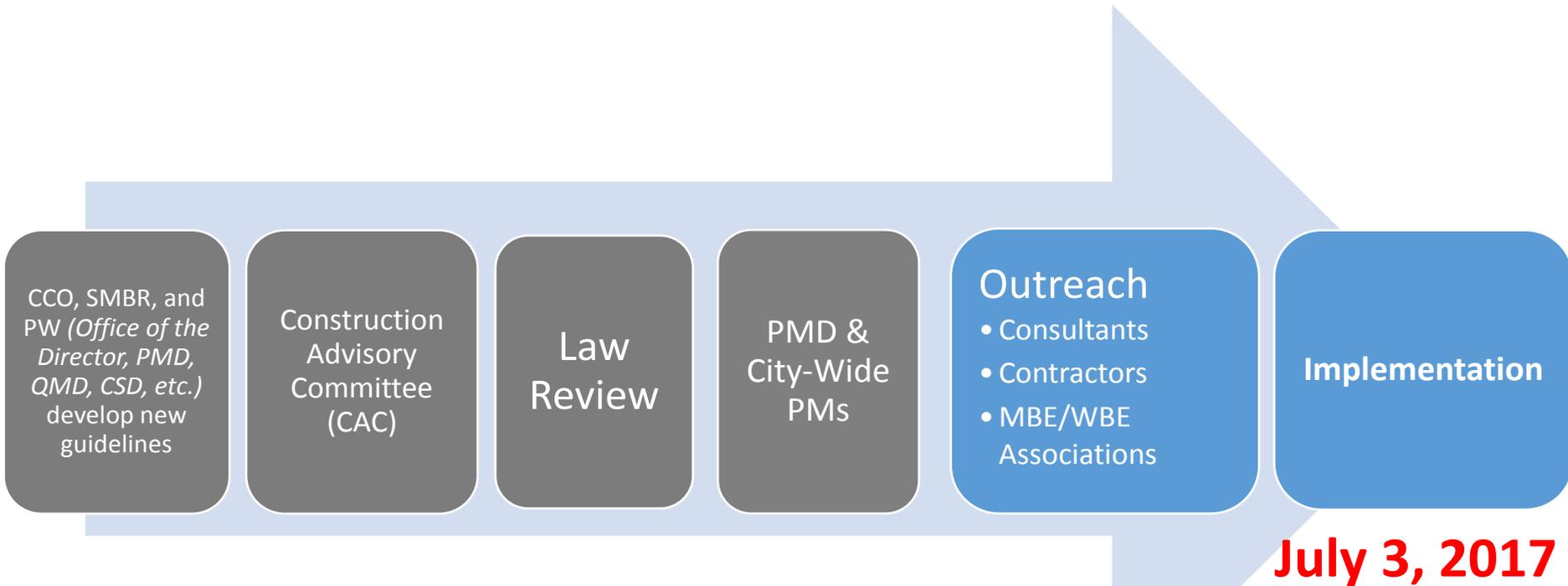
Small & Minority Business Resources (SMBR)

- *Edward Campos, Assistant Director*
- *Tamela Saldana, Division Manager*

Construction Advisory Committee (CAC)

Thank You!

CPE - 2017 Program Enhancements Implementation Plan



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 for completeness, 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

Notes:

- 1. The performance evaluation includes the Consultant/Contractor staff, subs, 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)*

Agenda

1. CPE Program - 2017 Enhancements
 - a. When to Conduct Evaluations
 - b. New Scoring Method
 - c. New Guidelines
 - d. Simplified Forms
2. Using Performance Evaluations in future awards
3. Next Steps
4. Q&A



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)

Interim evaluations can be prepared at other times, as appropriate, at the Dept. or PM's discretion. I.e. Warranty Phase



Scoring Method

- **Current:**

- Contractor/Consultant either Meets or Does Not Meet Contractual Requirements (1 or 0 Point)

- **Proposed:**

- **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*)

Scoring Scenarios - Consultant

	Evaluation Criteria	Current	Proposed 30 Points Max.	Scenario #1 All Needs Improvement	Scenario #2 Fully Successful	Scenario #3 All Exceeds	Scenario #4 Mixed Scores
1	Schedule (Timeliness of Performance)	1	3	1	2.5	3	1
2	Budget/Cost Control	1	3	1	2.5	3	1
3	Quality (Quality of Work Performed)	2	3	1	2.5	3	2.5
4	Invoicing and Payments	1	3	1	2.5	3	2.5
5	MBE/WBE Procurement Program	2	3	1	2.5	3	2.5
6	Deliverables	2	3	1	2.5	3	2.5
7	Regulatory Compliance and Permitting	1	3	1	2.5	3	1
8	Adequacy & Availability of Workforce <i>(New)</i>	N/A	3	1	2.5	3	2.5
9	Project & Contract Management <i>(New)</i>	N/A	3	1	2.5	3	1
10	Communications, Cooperation & Business Relations <i>(New)</i>	N/A	3	1	2.5	3	2.5
	Total Points =	10	30	10	25	30	19
				33%	83%	100%	63 %



Performance Evaluation Guidelines

<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 (New)
9. Project and Contract Management (New)
10. Communications, Cooperation, and Business Relations (New)

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 (New)
9. Project and Contract Management (New)
10. Communications, Cooperation, and Business Relations (New)

30 Points Maximum

New Performance Evaluation Guidelines



- **Consultants and Contractors will be evaluated utilizing:**
 - The specific service and quality levels laid down in their contract with the City; and
 - Ratings and corresponding scores according to the new 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

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

Example – Schedule/Timeliness of Performance

	Needs Improvement (1 Point)	Successful Performance (2.5 Points)	Exceptional Performance (3 Points)
<p>Schedule / Timeliness of Performance</p> <p><i>(This is a rating of the Consultant's ability to submit complete deliverables within the established project schedule, and complete the project within the contract time. Including, but not limited to:</i></p> <p><i>Quality and timeliness of initial baseline schedule submission;</i></p> <p><i>Adherence to the approved schedule, communication and submittal of schedule revisions; and</i></p> <p><i>Corrective action taken by the Consultant when schedule has slipped through fault of Consultant (including fault of Consultant's subs).</i></p>	<ul style="list-style-type: none"> • Consultant did not provide schedules as required in the contract. • Failed to make adequate progress and endangered timely and successful completion of the contract. • Usually or consistently late. • Missed deadlines that significantly affected City project development schedule. • Deadlines missed without advance notice/coordination with the City. • Work progress was delayed due to the Consultant's untimely submittals. • Failed to provide proposals and/or supporting documents for contract amendments in a timely manner. • Additional time was required as a result of the Consultant's late submittals, including but not limited to late submittal of proposals and/or backup for contract amendments. • Subconsultants were not informed of changes in scope, lack of information, or decisions by the City or other agencies that adversely affected the schedule or did not permit the work to progress in a logical manner. 	<ul style="list-style-type: none"> • Consultant provided a project schedule confirming all work will be completed within the contract time. • Adhered to the approved schedule and met established milestones and completion dates. Minor problems did not affect delivery schedule. • Phases of the project were completed on time per the contract and authorized amendments. • Communicated with City PM in a timely manner with regard to the progress of the work. • Adjusted resources in response to demands of the project delivery schedule. • Timely completed tasks, including reviews, revisions, intermediate and final deliveries. • Consultant obtained approvals and decisions from the City in a timely manner, thereby permitting the project to flow smoothly and quickly. • Consultant identified changes as they were needed, not at the end of the phase or project. • Timely submittal of both proposals and backup documents for contract amendments. • Additional work was performed within the time period established in the contract. • Applied knowledge of project management to control project schedule. • Adjusted resources in response to demands of the project delivery schedule. • If the schedule slipped through the consultant's fault or negligence, took appropriate corrective actions of their own volition. • Furnished updated project schedules on a timely basis. 	<ul style="list-style-type: none"> • Innovative, proactive, and creative approach implemented that saved the City time. • On time, and sometimes early to the City's benefit. • Proactive in addressing issues potentially affecting schedule. • Performed and successfully completed work on a Compressed / Expedited schedule.



CONSULTANT PERFORMANCE EVALUATION

Capital Contracting Office

Solicitation #: _____

Project Name: _____

CIP ID Number: _____

Phase: () Design (through Bid & Award Phase); () Construction; () Other: _____

Contract Number: CT / MA #: _____ DO #: _____

Rotation List Name, if applicable _____

Consultant: (Name of Firm) _____

Consultant's Project Manager:
(Name & email address) _____

Consultant's Principal:
(Name & email address) _____

Industry (Select one):
 Engineering, Architecture,
 Surveying, Planning,
 Landscape Architecture

Engineering Discipline (Select all that apply): MEP, Geotechnical, SUE Services, Structural,
 Environmental, Tunneling, Transportation, Drainage, W & WW Pipeline, W & WW Facilities,
 General Civil

Consultant Performance Evaluation Form

EVALUATION CRITERIA

- Needs Improvement (1 Point) = Does not meet contractual, technical or professional requirements.
- Successful Performance (2.5 Points) = Meets contractual requirements.
- Exceptional Performance (3 Points) = Exceeds contract requirements to the City's benefit.

Detailed Performance Evaluation Guidelines can be found at:

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

	Needs Improvement (1 point)	Successful Performance (2.5 Points)	Exceptional Performance (3 Points)
1. Schedule / Timeliness of Performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Budget / Cost Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Quality of Work Performed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Invoicing and Payments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Deliverables	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Compliance with MBE/WBE/DBE Procurement Program(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Regulatory Compliance and Permitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Adequacy and Availability of Workforce	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Project and Contract Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Communications, Cooperation, and Business Relations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Score (30 Points Maximum):			

Comments / Facts concerning specific events or actions to justify the evaluation:

Signature / Print / Date

Project Manager (PM) : _____

Sponsor Dept.: _____

Inspector (Construction Phase only): _____



CONTRACTOR PERFORMANCE EVALUATION

Capital Contracting Office

Solicitation #: _____

Project Name:

CIP ID Number:

Contract Number:

CT / MA #: _____ DO #: _____

Contractor: (Name of Firm)

Contractor's Primary Contact:
(Name & email address)

EVALUATION CRITERIA

- Needs Improvement (1 Point) = Does not meet contractual, technical or professional requirements.

- Successful Performance (2.5 Points) = Meets contractual requirements.

- Exceptional Performance (3 Points) = Exceeds contract requirements to the City's benefit.

Detailed Performance Evaluation Guidelines can be found at:

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

	Needs Improvement (1 point)	Successful Performance (2.5 Points)	Exceptional Performance (3 Points)
1. Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Schedule	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Wage Compliance and Required Job Postings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Compliance with MBE/WBE/DBE Procurement Program(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Invoicing and Payments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Regulatory Compliance and Permitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Safety and Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Adequacy and Availability of Workforce	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Project and Contract Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Communications, Cooperation, and Business Relations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Total Score (30 Points Maximum):

Comments / Facts concerning specific events or actions to justify the evaluation:

Signature / Print / Date

Project Manager (PM) :

Sponsor Dept.:

Inspector:

Please email completed evaluation(s) to the Capital Contracting Office at:

PerformanceEvaluations@austintexas.gov

Contractor Performance Evaluation Form

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 P Prin	Prime Firm's Comparable Project Experience	Major Scopes of Work Comparable Project Experience	Team's Experience with Austin Issues	COA Experience with Prime	SUB TOTAL	Optional Interview	TOTAL POINTS
					[15]	[5]						

QBS Evaluation Matrix Example

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

	Evaluation Score		
	Old	New	
Evaluations Completed <u>prior to</u> July 3, 2017:			
• 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	

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))

2) 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:
 - The Statement of Bidders Experience (Section 00400) - for projects with an estimated construction cost equal or greater than \$2 Millions, for all buildings, and if special conditions exist that warrant the use of the 00400.
 - Determination of bidder's responsibility and responsiveness.
- The City may reject future bids of Contractors based upon sustained poor performance.

NEXT STEPS

- Presentations to Consultants and Contractors June 7 & 12, and
- Implementation: Beginning Monday July 3, 2017, evaluations will be conducted using the new forms, scores and guidelines.

Additional information, including guidelines and forms, can be found at:

- **CCO SharePoint (COA staff only):**

<https://cityofaustin.sharepoint.com/sites/CCO/SitePages/CEProgram.aspx>

- **AustinTexas.gov website:**

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

