NO. 52  CONSTRUCTION CONTRACTOR PERFORMANCE EVALUATION

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NO. 52 CONSTRUCTION CONTRACTOR PERFORMANCE EVALUATION

52-1.0 Scope.
This regulation provides guidance on the policies and procedures pertaining to construction contractor performance evaluations. This regulation does not encompass other types of contractor performance evaluations, only construction.

52-2.0 Purpose.
This regulation is intended to serve as an authoritative source for coordinating the activities of the Department of Procurement Services (DPS) and Using Agencies with regard to the completion, distribution, and storage of Construction Contractor Performance Evaluations.

52-3.0 References.
(a) Chapter 74 of the Code of the City of Richmond (2004), as amended.

52-4.0 Definitions.
For purposes of this regulation, the terms defined in this section have meanings ascribed to them in this section unless the context clearly indicated that another meaning is intended.

52-4.1 “Construction”
Building, altering repairing, improving or demolishing any structure, building, road, street or highway, and any draining, dredging, excavation, grading or similar work upon real property.

52-4.2 “Construction Contract”
A contract awarded by the City for construction as defined in City Code §74-4, as opposed to a contract for goods and services.

52-4.3 “Construction Contractor Performance Evaluation”
A process by which the City formally evaluates the overall construction contract performance by the Contractor and his subcontractors/suppliers.

52-4.4 “Contractor”
Any person, company, corporation, or partnership having a contract with the City or a Using Agency thereof.

52-4.5 “Contract Specialist”
The Department of Procurement Services’ employee assigned responsibility for a particular solicitation, procurement, and contract.

52-4.6 “Project Manager”
The Using Agency’s employee assigned responsibility for a particular construction contract.

52-4.7 “Using Agency”
Any department, agency, bureau, board, commission, court, city jail or jail forum or other unit in the city government requiring goods, services, insurance or construction as provided for in this chapter (City Code §74-4).
52-4.8 "Responsible Bidder"
A person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will ensure good faith performance, and who has been prequalified, if required.

52-5.0 Discussion.

52-5.1 Performance Evaluation and Denial of Prequalification.
Section 74-52(g) of reference (a) authorizes the City to deny prequalification of a contractor if “[t]he contractor has been in substantial noncompliance with the terms and conditions of prior construction contracts with the city without good cause…. [t]he City may not utilize this subsection…to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior construction project file and such information relating thereto was given to the contractor at that time, with the opportunity to respond” (§74-52(g)(4). The Construction Contractor Performance Evaluation will satisfy the City’s responsibility to effectively and accurately document construction contractor compliance and noncompliance with the terms and conditions of a construction contract.

52-5.2 Performance Evaluation and Responsible Bidder.
Section 74-4 of reference (a) defines a Responsible Bidder as “… a person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will ensure good faith performance...” The Construction Contractor Performance Evaluation will document a Contractor’s past performance on City contracts and their ability to fully perform the contract.

52-6.0 Policy.

52-6.1 Construction Contractor Performance Evaluation Form.
The Construction Contractor Performance Evaluation Form, as shown on Exhibit A, shall be the only performance evaluation form used for documenting the performance of a construction contractor at the close of a construction contract or for annual construction service contracts, the form shall be used at the end of each contract term.

52-6.2 Bid Document Inclusion.
The Construction Contractor Performance Form should be included in all published construction bid documents as part of the front-end project book composed by the Department of Procurement Services.

52-6.3 Completion of Construction Contractor Performance Evaluation Form.
The Construction Contractor Performance Evaluation Form shall be completed at the close of each construction contract. Completion should be done prior to issuance of final payment to the Contractor.

52-6.4 Distribution of Completed Construction Contractor Performance Evaluation Form.
The completed Construction Contractor Performance Evaluation Form will be distributed by the Using Agency’s Project Manager to the Department of Procurement Services and the Contractor upon completion.

52-6.5 Presentation of Construction Contractor Performance Evaluation to Contractor.
Upon completion of the Construction Contractor Performance Evaluation, the Contractor shall be notified and a meeting shall be setup between the Using Agency’s Project Manager and the Contractor. During this meeting the Project Manager shall review the completed Construction Contractor Performance Evaluation Form with the Contractor and discuss the performance of the project. Upon the completion of this meeting, the Contractor shall sign the Construction Contractor Performance Evaluation Form verifying that the Project Manager’s opinion of the performance of the construction contract by the Contractor has been discussed. Refusal of a Contractor to sign the Construction Contractor Performance Evaluation Form shall be noted by the Project Manager.

52-6.6 Electronic Storage and Accessibility of Construction Contractor Performance Evaluations. All completed Construction Contractor Performance Evaluations shall be posted and maintained on the City’s Intranet under the Department of Procurement Services site. All City personnel shall have access to all past completed Construction Contractor Performance Evaluations.

52-6.7 Storage of the Construction Contractor Performance Evaluations. All completed Construction Contractor Performance Evaluations shall be stored with the official construction contract file maintained by the Department of Procurement Services. As well, the Using Agency shall maintain a copy of the completed evaluation in their official project file as part of the contract close-out procedures.

52-7.0 Procedures.

52-7.1 Project Manager Procedures. The Using Agency shall assign a Project Manager to each construction contract. The Project Manager shall perform all duties involved in project management with a construction contract. At the close of the construction contract (prior to final payment being made to the Contractor), the Project Manager shall complete the required Construction Contractor Performance Evaluation Form to document the Contractor’s performance, compliance and non-compliance with the construction contract’s terms and conditions. Upon completion of the Construction Contractor Performance Evaluation Form, the Project Manager shall contact the Contractor and schedule a date and time for a meeting at which the Project Manager will discuss with the Contractor the Project Manager’s opinion on the performance of the construction contract. This meeting shall be conducted prior to final payment being made to the Contractor. The Project Manager shall have the Contractor sign and date the completed evaluation and provide the Contractor with a copy for their records. The Project Manager shall provide the Department of Procurement Services’ assigned Contract Specialist a, completed and signed by both parties, copy of the Construction Contractor Evaluation Form. The Project Manager shall maintain a copy of the completed evaluation form in their official project file as part of the contract close-out procedures. If the Contractor refuses to sign the evaluation form, the Project Manager will document the reasoning for the refusal and forward to the Department of Procurement Services for the contract file.

52-7.2 Contract Specialist Procedures. The Contract Specialist shall receive a copy of the completed Construction Contractor Performance Evaluation Form from the Project Manager. The Contract Specialist shall review the evaluation to verify that the Project Manager has met with the Contractor and discussed the Construction Contractor Performance Evaluation. The Contract Specialist shall store a copy of the completed Construction Contractor Performance Evaluation Form.
in the official construction contract file. The Contract Specialist shall prepare and post the completed Construction Contractor Performance Evaluation on the Department of Procurement Services’ intranet site.
52-8.0  Responsibilities.

52-8.1  Project Manager.
The Project Manager is responsible for:

(a) Completion of the Construction Contractor Performance Evaluation Form;

(b) Meeting with the Contractor to discuss the Construction Contractor Performance Evaluation;

(c) Obtaining the Contractor's signature on the Construction Contractor Performance Evaluation Form;

(d) Providing a copy of the completed and signed Construction Contractor Performance Evaluation Form to the Contractor and the Contract Specialist; and

(e) Maintaining a copy of the completed and signed Construction Contractor Performance Evaluation Form for their official project file as part of the contract close-out procedures.

(f) Documenting any reason(s) that a Contractor refuses to sign the Construction Contractor Performance Evaluation form and submit to the Department of Procurement Services.

52-8.2  Contract Specialist.
The Contract Specialist is responsible for:

(a) Receiving a copy of the completed Construction Contractor Performance Evaluation Form from the Project Manager;

(b) Review the evaluation to verify that the Project Manager has met with the Contractor and discussed the Construction Contractor Performance Evaluation;

(c) Store a copy of the completed Construction Contractor Performance Evaluation Form in the official construction contract file; and

(d) Prepare and post the completed Construction Contractor Performance Evaluation on the Department of Procurement Services’ intranet site.