

October 2010

**PROPERTY CONTROL DIVISION
CONTRACTOR PERFORMANCE
EVALUATION PROGRAM**

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ATTACHMENT A	PCD CUSTOMER SATISFACTION SURVEY FORM
ATTACHMENT B	CONTRACTOR PERFORMANCE EVALUATION FORMS

Definitions

“Contractor” means any business having a contract with PCD, and may include architects, engineers, landscape architects, surveyors, consultants, and general contractors.

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I. Introduction

The Director of the Property Control Division (PCD) has developed a procedure to evaluate and compile a record of Contractor performance for work that architects and engineers, construction contractors, and consultants perform in the process of building, repairing and renovating state buildings and facilities. The major stakeholders in the program are PCD staff and management; user agencies; the private design community (architects, engineers, and consultants who contract with PCD), and the public works construction community (construction contractors who contract with PCD to perform public works projects). The major benefits expected from this evaluation are: 1) the development of a database of performance history by consultants, designers, and builders who contract with PCD; 2) a feedback system to judge the effectiveness of PCD staff in completing projects; and 3) feedback from users as to how a project does or does not meet the needs of the user agency.

II. Users of Evaluation Information

The key users of evaluation information are: 1) the Staff Architect can use this information to substantiate the choice of design professionals awarded small contracts under \$50,000 outside the request for proposal process; 2) the PCD Director and Architect/Engineer or Contractor selection committee members can use this data to influence decisions in the selection process that results from requests for proposals; 3) externally, this data can be used to assess user agency satisfaction with the finished projects.

III. Purposes of the Evaluation

The major purposes of the evaluation are: 1) to determine in a measurable, concrete way if PCD is benefitting from the services provided, 2) to rate designers and builders by a set of consistent performance criteria, and 3) to determine the level of client satisfaction with PCD administered projects.

IV. Key Elements for Contractor Evaluation Process

- A. Consistency and Fairness.** The intent of the evaluation is to measure contractor performance fairly and consistently based on factual information. The evaluation may contain both objective and subjective judgments that must be in written form and to the extent possible documented by facts. Evaluations will be used in the contractor selection process and to help improve contractor performance.
- B. Measurement.** The contractor's performance will be measured considering requirements of the Contract, PCD Policy and, when applicable, the Capital Projects Design Procedures. These requirement documents will provide a firm basis for measurement and will make evaluation less subjective.
- C. Ratings.** PCD Project Managers and User Agency representatives will evaluate contractors for their overall project development performance and their management and coordination of their project team (Sub consultants, Sub contractors, and "in-house" specialists).
- D. Projects to be Evaluated.** Contractors will be evaluated on projects over \$250,000, where they are working on a state project for the first time, and on selected smaller projects. Contractors may also be evaluated based on request from the contractors themselves or as determined by PCD.
- E. Time Limitation.** PCD will retain Contractor Performance Evaluations for a period of five years after substantial completion of the project.

V. Procedure

- A. Providing Forms.** PCD prepares the Contractor Performance Evaluation Form for each project meeting the necessary criteria. The Project Manager oversees form distribution and solicitation of comments from User Agency and other PCD staff for evaluating contractors.
- B. Collection and Disposition of Information.** The Project Manager will accomplish a Contractor Performance Evaluation upon completion of each phase as appropriate, within 2 weeks of the completion of that stage of the project. Additionally, an evaluation will be accomplished when the Project Manger assigned to the project changes. See attached forms.

PCD's Project Manager will complete the Contractor Performance Evaluation. Evaluations will be placed in the Contractor Performance Evaluation Record File. A copy will be given to the contractor when completed, if so requested.

If any of the performance elements are rated Unacceptable, the Staff Architect, the PM Team Leader, and the Division Director, will review these performance evaluations for further action.

C. Action taken on Unacceptable Evaluations. After review of the Unacceptable Performance Evaluations, PCD will determine which one of the following actions will be taken:

- (1) Allow future contract award(s) without conditions.
- (2) Allow future contract award(s) with conditions to be attached to contract.
- (3) Disallow award of future contracts for a period of up to two years.
- (4) Other.

PCD will immediately inform the contractor in writing of the action.

D. RESPONSE. A contractor may respond to results of the Contractor Performance Evaluation by submitting a request for performance review to the PCD Staff Architect. Any such request must include the reasons for the request, and documentation necessary to substantiate the contractor's claim that the initial performance evaluation was inappropriate or otherwise in error. The Staff Architect shall notify the contractor of the results of this review as soon as practicable.

E. Options. PCD reserves the right to waive the results of Unacceptable Performance Evaluation(s) if, in the opinion of PCD, corrective action has been taken to remediate substandard performance, events beyond the control of the contractor resulted in substandard performance, or the best interests of the state will be served.

VI. Criteria for Evaluation of Contractors

To help the individual in completing the evaluation form, descriptions for each performance element have been developed. The performance elements are based upon language contained in PCD's Contract, PCD Policy, and if applicable, the Capital Projects Design Procedures. A contractor demonstrating achievement of all of the elements described would thus comply with PCD's Contract, PCD Policy, and if applicable, Capital Projects Design Procedures, and therefore receive an Acceptable score. A description of the key elements to be considered by the Project Manager when evaluating contractor performance is attached.

VII. PCD Evaluation by Contractor and User Agency

This evaluation is intended to judge the effectiveness of PCD staff in completing projects and to improve the quality of project management. The Customer Satisfaction Survey form is provided to the contractor as a project close-out document at the project close-out phase or at the completion of the project.

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VIII. Description of Performance Elements

A. Programming Phase

Understands/Evaluates/Defines Expectations: Demonstrated understanding of design program expectations. Exchanged ideas, reviewed lessons learned, and articulated and/or captured concerns.

Development of Project Scope and Goals: Refined and clarified project scope. Developed narrative of scope of design problem and graphic statement of specific needs and relationships. Identified general site organization factors. Identified energy considerations. Identified important environmental, sociological, political, and cultural factors affecting the project. Described building type, height, restrictions of scale or style. Calculated space utilization. Identified expansion potential, parking, service, and access requirements. Identified inconsistencies between original scope and obvious needs of the Owner, User, MACC, etc.

Completeness & Coordination of Documents: All required documents were properly prepared and submitted in a timely fashion in accordance with the Contract, Policy, and Capital Projects Design Procedures. Prepared drawings, details, analyses, and narrative to describe the general planning concepts, systems, materials, and criteria for the project. All required documents clearly defined the program as the basis for all future work.

Timeliness/Responsiveness to Reviews & Schedule: Provided written response to all comments. Incorporated "agreed-to" changes. Was timely in undertaking required tasks to keep project on schedule. Evaluated any time restraints that could impact the project. Updated the schedule with the Project Manager as necessary.

Budget Analysis/Cost Estimate: Analyzed budget with regard to Square Foot/Building Type cost estimate. Demonstrated cost consciousness. Recommended appropriate alternatives to keep project within authorized budget, with least programmatic impact.

B. Schematic Design Phase

Study & Analysis of Design Options: Conducted site inspections and became familiar with existing conditions. Explored multiple options to meet program needs. Investigated alternative design solutions and developed pros & cons list for all options. For new construction, submitted three or more distinctly different architectural design schemes presented in sketch format to allow comparison and selection of a design direction for preparation of a final design concept. Verified that each design scheme or option presented can be constructed within the project budget. Provided statement defining the integration of NM Art in Public Places—at a minimum identify location(s) for the

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proposed art concept. Studied MEP systems and options, documented justification for recommendations. Developed accurate cost estimates related to options. Briefed PCD and the User Representative on the rationale for the selection of the major mechanical and electrical systems to be specified in the Contract Documents, together with their probable life-cycle costs. Analyzed alternative energy sources and provided recommendations on glazing systems, shading systems, and Green Building Design features. Provided systems evaluation backed up by life cycle costing where appropriate. Considered civil engineering implications and available utilities with project requirements. Led Green Building Charrette and provided written report. Presented design options to PCD for evaluation.

Completeness & Coordination of Documents: All required documents were properly prepared and submitted in a timely fashion in accordance with the Contract, Policy, and Capital Projects Design Procedures. Prepared drawings, details, analyses, and narrative to describe the general planning concepts, systems, material, and options for the project as defined by the Programming Document. Described probable civil, structural, mechanical, electrical, and plumbing systems and material usage. All such preliminary documents supported the Programming Report and were well coordinated. The Schematic Design Report conformed to preparation instructions, provided sufficient detail and included appropriate appendix items.

Timeliness/Responsiveness to Reviews & Schedule: Provided written response to all comments. Incorporated "agreed-to" changes. Further studied options as requested. Was timely in undertaking required tasks to keep project on schedule. Evaluated any time restraints that could impact the project. Updated the schedule with the Project Manager as necessary, due to factors outside their control. Provided appropriate time estimate for completion of design, bidding and construction.

Budget Analysis/Cost Estimate: Analyzed budget with regard to program. Demonstrated cost consciousness. Prepared cost estimate of recommended design options. Provided detailed estimate by system or specification division as needed. Recommended appropriate alternatives to keep project within authorized budget, with least programmatic impact.

Design Merit:

Architectural Projects: Sensitivity to functional and aesthetic qualities, internal circulation, space relationships, flexibility, materials used and site development. Context and scale of project were appropriate. Design provided for adequately working around existing facilities/conditions.

Engineering Projects: Developed the mechanical and integrated with the architectural concept. Provided for expansion capability. Provided flexibility of systems. Design provided for adequately working around existing facilities/conditions.

Technical Design. Designer generally demonstrates technical knowledge and expertise appropriate to that necessary for the project. Design conforms to program requirements and provides solutions that are thorough, cost-effective, functional and appropriate to the intended life of the facility. The designer has identified any Code variances necessary.

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There is evidence that the designer has sought or employed innovative or original design solutions to better meet the project needs.

Communications: Maintained cooperation and team spirit. Kept Project Team informed at all times of design related issues and need for input. Contractor staff communications skills were strong. They communicated in a non-technical way with user agency personnel, who may not be familiar with design jargon. Presented solutions to issues. Promptly responded to questions or comments and complete in responses. Apprised Project Manager of any potential extra costs for Contractor services and received written approval before performing such work. Used best available Communications technologies.

C. Design Development Phase

Understands/Evaluates/Conforms to Schematic Design: Developed clear understanding of program, thorough investigation of technical aspects, program quantity and quality as compared to budget. Identified key issues and major schedule compliance. Avoided scope creep. Identified inconsistencies, errors or omissions. Identified asbestos and hazardous waste concerns. Identified compliance with Executive Orders, LEED, and ADA concerns.

Development & Analysis of Design Options: Analyzed all building systems and features in preparation for final selection. Conducted site inspections and became familiar with existing conditions. Compared conditions and made appropriate use of as-built documents. Scale and relationship of project components was appropriate. Accounted for special conditions such as occupancy during construction or phasing of work. Considered civil engineering implications and available utilities with project requirements. Provided systems evaluation backed up by life cycle costing where appropriate. Incorporated flexibility and adaptability. Presented design options to PCD for evaluation. Developed accurate cost estimates related to options. Briefed PCD and the User Representative on the rationale for the selection of the major mechanical and electrical systems to be specified in the Contract Documents, together with their probable life-cycle costs. Led Green Building Charrette and provided written report.

Completeness & Coordination of Documents: All required documents were properly prepared and submitted in a timely fashion in accordance with the Contract, Policy, and Capital Projects Design Procedures. Prepared drawings, details, analysis and outline specifications to describe the size and character of the entire project as defined by the Programming Report. Developed civil, structural, mechanical, electrical, and plumbing systems and material usage. All such preliminary documents supported the Schematic Design Report and were well coordinated. The Design Development Report conformed to preparation instructions, provided sufficient detail, and included appropriate appendix items.

Document Quality and Coordination Drawings, specifications and Design Development Report are generally neat, clear, and accurate. Design documents are generally coordinated to eliminate overlap and/or conflict between trades and conflict with architectural features. Design documents generally do not overlap and/or conflict between the drawings and the specifications.

Document Completeness All required or necessary design documents are submitted. All design documents contain required project identification information. Drawings and specifications generally convey the design intent without excessive clutter, white space, or repetition. The design documents identify details that will be necessary in the Working Drawings to convey design complexities. There are minimal gross, serious, or potentially costly errors or omissions.

Design Solution proposed reflected the intended purpose of the project, and was within the legislated scope of work.

Design Maintain-ability Design generally provides sufficient space and access for required maintenance operations. Design utilizes materials and equipment that generally provide for long life with minimum maintenance needs. Design utilizes materials and equipment that generally demonstrate knowledge of maintenance techniques.

Use of Guidelines, Standards, Specifications Drawings and specifications demonstrate a knowledge of, and use of, appropriate PCD Design Guidelines, Master Specifications, and industry standards.

Timeliness/Responsiveness to Reviews & Schedule: Provided written response to all comments. Incorporated "agreed-to" changes. Further studied options as requested. Was timely in undertaking required tasks to keep project on schedule. Evaluated any time restraints that could impact the project. Maintained the design schedule agreed to by contract. Updated the schedule with the Project Manager as necessary, due to factors outside their control. Provided appropriate time estimate for completion of design, bidding and construction.

Budget Analysis/Cost Estimate: Analyzed budget with regard to program. Demonstrated cost consciousness. Prepared cost estimate of recommended design options. Provided detailed estimate by system or specification division as needed. Considered availability of trades involved and potential bid climate. Recommended appropriate alternate bids to keep project within authorized budget, with least programmatic impact.

Design Merit:

Architectural Projects: Sensitivity to functional and aesthetic qualities, internal circulation, space relationships, flexibility, materials used and site development. Context and scale of project were appropriate. Design provided for adequately working around existing facilities/conditions.

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Engineering Projects: Developed the mechanical and integrated with the architectural concept. Provided for expansion capability. Provided flexibility of systems. Design provided for adequately working around existing facilities/conditions.

Technical Design. Designer generally demonstrates technical knowledge and expertise appropriate to that necessary for the project. Design conforms to program requirements and provides solutions that are thorough, cost-effective, functional and appropriate to the intended life of the facility. The designer has identified any Code variances necessary. There is evidence that the designer has sought or employed innovative or original design solutions to better meet the project needs.

Communications: Maintained cooperation and team spirit. Kept Project Team informed at all times of design related issues and need for input. Contractor staff communications skills were strong. Presented solutions to issues. Promptly responded to questions or comments and complete in responses. Kept Project Manager informed of potential completeness and coordination of design document changes to schedule. Apprised Project Manager of any potential extra costs for Contractor services and received written approval before performing such work. Used best available Communications technologies.

D. Construction Documents Phase

Quality & Completeness of Documents: Documents are clear and legible and include all required materials and information. Documents incorporate revisions from the preliminary document review. Documents convey full and complete understanding of the construction, well cross-referenced, good coordination between specifications and drawings. Documents complied with all applicable Statutes, Codes and PCD standards and guides as well as administrative requirements. Complete drawings and specifications were provided. Contractor had in place quality control procedures to detect and eliminate errors.

Document Quality and Coordination Drawings and specifications are neat, clear, and accurate. Design documents are coordinated to eliminate overlap and/or conflict between trades and conflict with architectural features. Design documents have no overlap and/or conflict between the drawings and the specifications.

Document Completeness All required or necessary design documents are submitted. All design documents contain required project identification information. Drawings and specifications clearly convey the design intent without excessive clutter, white space, or repetition. There are sufficient details to clearly convey design complexities. There are no gross, serious, or potentially costly errors or omissions.

Design Bid-ability Drawings and specifications clearly designate the respective work of various trades in the Base and any Alternate Bids. Drawings and

specifications clearly distinguish between the proposed work of all trades involved without overlap or conflict. Drawings and specifications facilitate the bidding practices of individual trades expected to be involved with the work proposed.

Design Construct-ability Drawings and specifications facilitate the use of locally available construction practices applicable to the proposed work. Drawings and specifications facilitate the use of locally available construction materials.

Design Maintain-ability Design provides sufficient space and access for required maintenance operations. Design utilizes materials and equipment that provide for long life with minimum maintenance needs. Design utilizes materials and equipment that facilitate industry maintenance techniques.

Overall Coordination of Disciplines: Qualified design team was kept intact. Coordination between various consultants was evident in plans and specifications. Documents were well integrated between architectural, civil, structural, mechanical, electrical, plumbing and other trades. Sub consultants used the same base sheets for their design drawings. Reflected ceiling plans were provided. Work by different trades was complete, clearly designated on appropriate discipline's design and did not overlap or conflict on the drawings, in the specifications or between them.

Estimate Update/Detail: Cost established in the Design Development Phase was confirmed. Updated cost estimates were provided at time of plan submittal for review and again just prior to bidding.

Meets Schedules: Schedule established in the Design Development Phase was confirmed. Participated in productive review meetings. Contractor's meeting notes and responses were of top quality, made in a timely manner, and met established deadlines. Contractor's efforts met the project schedule for review, printing, and bidding dates. Any proposed revisions to the project schedule were not due to Contractor's lack of timely response.

Design Merit: Sensitive to functional and aesthetic qualities, site development, internal circulation, space relationships, and use of materials. Detailing, scale, proportions, and context were appropriate to facility. Obtained (DOH, DoIT, etc. as applicable) approvals without special petitions. The exterior envelope was designed to keep out the elements using simple details. Energy efficiency and environmental goals were accomplished. The facility was designed to be easily maintainable.

Technical Design Merit Designer clearly demonstrated sound technical knowledge and expertise for the project. Design conforms to program requirements and provides solutions that are thorough, cost-effective, functional and appropriate to the intended life of the facility. The designer has obtained any Code variances necessary.

Response to Design Issues and Review Comments: Provided written response to all (Design Development) review comments in a timely fashion. Where review comments

conflicted with design, program, or budget, issues were resolved in a professional manner with the individual reviewer. Incorporated "agreed-to" changes. Resolved design issues were communicated to the Project Manager. Briefed PCD and the User Representative on the rationale for the selection of the major mechanical and electrical systems to be specified in the Contract Documents, together with their probable life-cycle costs.

Communications: Maintained cooperative spirit and was readily available for consultation. Kept Project Team informed at all times of design related issues. Kept Project Manager informed of potential changes to schedule. Used best available communications technologies. Worked with User Agency and local governmental units to reasonably satisfy major concerns. Resolved design issues were communicated to the Project Manager. Apprised Project Manager of any potential extra costs for Contractor services before performing such work. Returned to the Owner all documents and drawings provided by the Owner.

E. Bidding Phase

Pre- & Post Bid/Proposal Services: Attended pre-bid site visits. Answered pre-bid questions from potential bidders in a timely, courteous, and professional manner. Prepared all necessary addenda for PCD issuance. Addenda were timely, accurate, properly prepared and used to make corrections or clarifications, but not used to finish the project documents. Assisted in or evaluated bids received, and the qualifications of low bidders. Prepared a recommendation to award contracts, based on the bids or proposals received and the bidder's qualifications. Offered recommendations on development of probable construction costs for project.

Estimate Update/Detail: Final cost estimate for each prime contractor was accurate to within + or - 5 percent. Good competitive bidding was achieved and no negotiated deducts from base bids nor redesign and rebidding were necessary. A reasonable contingency was maintained.

F. Construction Phase

Participation in Meetings & Keeping Minutes: Attended and adequately led all construction meetings, described goals and identified key issues, noted construction concerns, discussed schedule, and timely provided proper meeting minutes.

Communications: Cooperative spirit, available to PCD staff, kept User Representative and Project Manager informed, good working relationship with contractors.

Response to Submittals: Responded in a timely manner to requests for information, provided adequate interpretations to questions, and provided adequate back-up data.

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Properly handled value enhancement proposals, request for subcontractor approval, request for transmittal approval, shop drawings, RFIs, construction change orders, contractor guarantees, punch lists, manuals, as-builts, and related items. Provided thorough analysis and explanations for the reason for change orders.

Observation & Reporting: Provided a list of critical inspection points based on the construction schedule as required by contract. Contractor and Subconsultants/Subcontractors visited site as required by contract. Duration of visits was adequate for Contractor to become familiar with progress and quality. Answered questions and provided supplementary drawings in field. Produced timely and well-written field reports. Advised PCD of construction non-conformance as it occurred. Made site observations, after complete review (checking math, percentage completion) issued Certificates and recommendations for payment, and provided substantial completion recommendations in a timely manner.

Quality of Construction Documents: Design errors and omissions were typical of similar size and type projects. Minimal constructability issues developed during the course of construction. Construction change orders attributable to design oversight were also minimal. Completed project appears to be readily maintainable.

Error & Omission Follow-up: Provided reasonable solutions to design oversight without claims for extra cost and assumed responsibility, including reimbursement to PCD where appropriate.

*Overall Coordination of Construction: Same project manager assigned to the project for the entire duration of the project. Coordination between various consultants, sub contractors, disciplines, and trades was evident. Provided clean and safe site working conditions. Site safety record met or exceeded expectations. Minimal numbers and types of punch list items at substantial completion.

*Meets Schedules: Construction contractor met the time requirements of the contract, including timely startup and substantial completion. Maintained current and updated schedule of the project.

*Construction Quality: Quality of workmanship on the project met specified requirements. Work conformed to plans and specifications.

Record Drawings: Provided record drawings and documents documenting all as-built conditions as required by contract. Provided operations and maintenance manuals as required by contract.

*Project Documents: Documentation of change order requests and schedule extensions was adequate. Gave timely notice of identified problems (RFIs). Submittals were timely, and did not produce project delays. Pay requests were realistic and adequately reflected the project's progress. Did not perform work outside contract without permission. Handled user agency scope change requests properly.

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(* applicable to Construction Contractors)

G. Project Closeout and 11-Month Warranty Inspection Phase

Participation in Meetings & Document Quality: Scheduled meeting with PCD and User Representative, evaluated the building and its operations; inspected architectural systems; and documented discovered defects in materials, equipment, and workmanship. Timely submitted report and meeting minutes to PCD. Attended design process analysis meeting, discussed implementation of the sustainable design and constructions elements of the project, reviewed lessons learned and timely provided proper meeting minutes.

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