

**STATE OF OHIO  
DEPARTMENT OF TRANSPORTATION  
SUPPLEMENT 1131**

**PROCEDURE FOR EVALUATION OF CONTRACTOR PERFORMANCE  
(C-95)**

**January 15, 2016**

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**1131.01 General.**

A Contractor Performance Evaluation (C-95) will be made for each contractor and subcontractor, for every project for which work has been performed. For multi-year projects, in the years in which work is not completed, yearly evaluations will be performed for the work completed in that calendar year. The final evaluation is to represent the contractor's performance over the entire life of the contract.

Districts are permitted to allow auto-evaluations to be generated by SiteManager for subcontractors. Such auto-evaluations will assign a default score of 8 for all non-optional questions on the C-95. Should an evaluator determine a subcontractor is entitled to a score of anything other than 8's for each question, an evaluation must be performed in accordance with this procedure.

Subcontractors are only to be given one evaluation for each project they performed work on during the calendar year. Do not perform multiple evaluations for a subcontractor if the subcontractor is listed more than once in SiteManager for a project. Notify the District Construction Administrator when a subcontractor is listed more than once so that an auto-evaluation will not be generated by SiteManager.

If a contractor or subcontractor has substantially completed its work in a calendar year but must come back to the project for a few days in the next calendar year for minor punch list work, the year in which the work was substantially completed may be considered the final year for evaluation and no evaluation need be performed for the next year. Notify the District Construction Administrator so that an auto-evaluation will not be generated by SiteManager.

**1131.02 Responsibilities.**

At the preconstruction conference, the project engineer/project supervisor will provide a blank copy of the C-95 Contractor Performance Evaluation form and a copy of the rating guidelines to the contractor. The form will be reviewed with the contractor.

Throughout the life of the project, the project engineer/project supervisor will document the contractor's performance. The documentation may include, but is not limited to: SiteManager remarks, progress meeting minutes, letters sent to the contractor and daily work reports.

When the subcontractor has completed the physical work, the project engineer/ project supervisor will enter the subcontractor work complete dates into SiteManager. This is accomplished by double-clicking the Contract Administration tab in SiteManager followed by the Contract Management tab. Double-click the Subcontractor's tab and select the appropriate subcontractor. Enter the last day of work in the Work Complete Dt. field. This date will trigger the timeline for the C-95 evaluation of the subcontractor. When the subcontractor work complete dates have been entered into SiteManager, the project engineer can complete the C-95 evaluation.\*Note – The District Office user is responsible for entering the Work Start Date into SiteManager during the course of the project.

The C-95 evaluations are not located within the SiteManager system. The evaluations must be accessed through the SiteManager portal.

SiteManager portal will notify the District Office when an evaluation is due once the work complete dates have been successfully saved. Upon completion of the C-95 by the project engineer/ project supervisor, the District Office user must approve the evaluation. The Central Office user will be able to edit the evaluation form once the C-95 evaluation has been approved by both levels at the District.

The District Construction Administrator will send an electronic copy of the approved C-95 to the contractor's main office and to the contractor's superintendent for that project.

The Office of Contracts, Qualifications section, will monitor compliance of this policy: measuring completion, timeliness and consistency of contractor evaluations.

A prime contractor or subcontractor evaluation may be amended at any time should additional information be discovered which would affect the evaluation scoring.

### **1131.03 Ratings.**

The raters must use the Rating Guidelines listed in Appendix 1.

A required question can be assigned a rating of 10, 8, 5, or 1. An optional question can be assigned a rating of 10, 8, 5, 1, or N/A. All questions must have a rating. If the evaluation is being approved by a Project Engineer, any question with a rating of 5 or 1 must have a comment in the PE Comment field. If the C-95 is being approved by a District Office user, any question with a rating of 5 or 1 must have a comment in the PE Comment field or District Office Comment field.

A score of five must be justified by notations in SiteManager, daily work reports, progress meetings, etc.

A rating of one shall not be given for any question unless written notice of deficiencies was presented to the contractor during the life of the project.

### **1131.04 Timeliness.**

In order to maximize the usefulness of performance evaluations, feedback from ODOT to the contractor must be given in a timely manner. For this reason, ODOT has adopted the position which considers contractor evaluations which have not been approved and delivered to the contractor or subcontractor within 90 days of completion of work or December 31, whichever comes first, to be late. Unless good cause can be shown for tardiness, SiteManager will assign a

default score of 8 for all non-optional questions on the C-95.

An evaluation must be given to the contractor even if the time required exceeds 90 days. Ninety (90) days is the maximum time frame for performance of evaluations. When possible, evaluations should not be delayed until the maximum time limit is approached. Evaluators should strive to complete evaluations within 30 days from the completion of work.

The District Construction Administrator will have the authority to delete auto-evaluation when good cause is presented for tardiness.

**1131.05 Confidentiality.**

Contractor evaluations are confidential. Information contained in the evaluations shall not be disclosed to unauthorized persons within or external to the Department. Evaluations of subcontractors shall not be furnished to the prime contractor of a project.

Project Engineers/Project Supervisors shall have access (PEuser) to evaluations on projects to which they are assigned.

District Construction Administrators (District Office user), or their designee, shall have access to evaluations on projects within their district.

Authorized Central Office, Qualification section personnel (Central Office user) shall have access to monitor but not edit evaluations statewide.

**1131.06 Bidding Capacity:**

A contractor's dollar bidding capacity will be determined by multiplying their net assets as defined in OAC 5501:2-3-01 by a multiplying factor. The multiplying factor the contractor receives will be determined by averaging the total scores received in the previous calendar year from its evaluations. A contractor who receives an average rating of five or less for two consecutive years may be debarred. The following scale will be used.

<b>Average Rating</b>	<b>Prequalification Factor</b>
≥75%	10
70% - 74%	9
65% - 69%	8
60% - 64%	7
55% - 59%	6
50% - 54%	5
Below 50%	1

**1131.07 Contractor Evaluation Appeals Process.**

The contractor must follow the ODOT supervisory chain in seeking clarification and explanation of performance evaluation scores. District personnel shall make themselves reasonably available to contractors to discuss contractor evaluations at a mutually agreed upon

time and place.

Should a contractor dispute the overall rating, then they shall preserve their appellate rights and notify the Prequalification Coordinator in writing within 10 days upon receipt of an evaluation. Send correspondence to:

Prequalification Coordinator, Office of Contract Sales  
Ohio Department of Transportation Mail Stop #4110  
1980 West Broad Street  
Columbus, Ohio 43323

Step 1: The Contractor shall contact the project personnel and seek clarification of scores and attempt to resolve the disputed area(s).

Step 2: Should the disputed evaluation not be resolved, the contractor shall meet with the District Construction Administrator and attempt to resolve the disputed scores.

Step 3: Should these discussions not satisfy the contractor, they may appeal to the Department's Prequalification Review Board by notifying the Prequalification Coordinator.

Step 4: The contractor may appeal the decision of the Board to the Court of Common Pleas in Franklin County within ten days upon receipt of the Board's decision.

#### **1131.08 Prequalification Review Board.**

Pursuant to the authority granted the Director in OAC 5501:2-3-09, the Director has created a Prequalification Review Board. The Board consists of a minimum of three senior employees whom are familiar with the prequalification process, but are not directly related to the matter at hand and may hear appeals from contractors for disputed performance evaluations and disputed qualification application decisions, among other jurisdictional issues.

When requesting a reconsideration of the performance evaluation by the Prequalification Review Board, the contractor shall submit additional evidence bearing on the performance of work and request a hearing or a review of the submitted documents. The contractor may waive their right to a hearing and present information, data and or evidence for the Prequalification Review Board to evaluate and render a decision.

In the hearing, the contractor and the Department (District personnel) will each be permitted one half-hour to present its position. Each party will be permitted an additional five minutes to rebut evidence presented by the other party. The formal rules of evidence do not apply; the hearing shall be informal in nature. The Department may record the proceedings by stenographic or other acceptable means.

The Prequalification Review Board shall review submitted documents or schedule a hearing in a timely manner. The Board's decision shall be issued within 15 days of the hearing.

## APPENDIX 1

### C95 Questions and Rating Guidelines

#### A. ORGANIZATION and MANAGEMENT

##### **1) To what degree was the Department's chain of authority respected by the Contractor?**

###### Rating Guidelines

- 10) The Contractor followed the chain of authority by initiating all requests and communications at the proper level within the Department.
- 08) The Contractor initiated requests and communications at the proper level, with few exceptions.
- 05) The Contractor frequently initiated requests at a higher level without communicating with the Engineer.
- 01) The Contractor on nearly all occasions initiated requests at a level above the Engineer.

##### **2) To what degree did the Contractor furnish the required documentation and reports in a timely manner (i.e. Certification of materials, delivery tickets, invoices, shop drawings, material sampling, force account records, C&MS 501.05 construction plans, etc.)?**

###### Rating Guidelines

- 10) The Contractor always furnished timely submittals of all required paperwork, documentation, material reports, C&MS 501.05 construction plans, etc. as required with minimal requests.
- 08) The Contractor with few exceptions furnished timely submittals of all required paperwork, documentation, material reports, C&MS 501.05 construction plans, etc. as required with minimal requests.
- 05) The Contractor had to be asked numerous times to furnish the required paperwork, documentation, material reports, C&MS 501.05 construction plans, etc.
- 01) The Contractor did not furnish the required paperwork, documentation, material reports, C&MS 501.05 construction plans, etc.

##### **3) To what degree is the Contractor competent and effective in conforming to the requirements of PN 105 or PN 107 Critical Path Method Progress Schedule and also utilizing the progress schedule to construct the project (i.e. timely accurate submissions including updates, meeting milestones, starting and completing critical activities as scheduled)?**

###### Rating Guidelines

- 10) The Contractor is always competent and effective in conforming to all requirements of the progress schedule and utilizing the progress schedule to construct the project.
- 08) The Contractor is competent and effective in conforming to the requirements of the progress schedule with few delays or problems on submittals and also utilizes the progress schedule to construct the project.
- 05) The Contractor conforms to the requirements of the progress schedule with occasional

delays or problems on submittals or sometimes does not utilize the progress schedule to construct the project.

- 01) The Contractor only conforms to the requirements of the progress schedule upon written notification from the Engineer or seldom utilizes the progress schedule to construct the project.

**4) To what degree did the Contractor exercise its contractual authority over its subcontractors and provide notice of subcontractor work schedule?**

Rating Guidelines

- 10) The Contractor exercised its contractual authority over its subcontractors by monitoring their necessary submissions, material approvals, and quality of work and provided prior notice of work schedules at all times.
- 08) The Contractor exercised its contractual authority over its subcontractors and provided prior notice of subcontractor schedule at all times.
- 05) The Contractor exercised its contractual authority over its subcontractors and provided notice of subcontractor schedule only upon notification from the engineer.
- 01) The Contractor did not exercise any authority over its subcontractors and/or did not provide notice of its subcontractors' work schedule.

**5) To what degree is the Superintendent available with full authority to execute the directions of the Engineer?**

Rating Guidelines

- 10) The Superintendent is always available and promptly executes the directions of the Engineer.
- 08) The Superintendent is routinely available and promptly executes the directions of the Engineer.
- 05) The Superintendent is available only part of the time or sometimes offers resistance to the directions of the Engineer prior to compliance.
- 01) The Superintendent is rarely available or routinely disagrees or disregards the directions of the Engineer.

**6) To what degree did the Superintendent and foremen demonstrate the necessary knowledge regarding specifications, plans and special provisions?**

Rating Guidelines

- 10) The Contractor always has Superintendent and foremen available who are thoroughly experienced and knowledgeable in the type of work being performed and have a thorough understanding of the specifications, plans and special contract provisions with no instruction needed from the Engineer.
- 08) The Contractor has Superintendent and foremen available who are experienced in the type of work being performed and are familiar with the specifications, plans and contract special provisions with little instruction from the Engineer.
- 05) The Contractor has Superintendent and foremen available who are familiar with some of the types of work being performed and have some knowledge of the specifications, plans and special contract provisions and require frequent instruction from the Engineer.

- 01) The Contractor has Superintendent and foremen available who have limited knowledge of the type of work being performed and require constant instructions from the Engineer in interpreting the specifications, plans and special contract provisions.

**7) To what degree did the Contractor conform to and effectively manage the requirements of C&MS 108.02G Dispute Resolution and Administrative Claim Process or PN 108 Dispute Review Board Process (i.e. early notice, timely accurate submissions, etc.)? Optional**

Rating Guidelines

- 10) The Contractor conformed to all notice and submission requirements and provided evidence of mitigating the costs and/or delays.
- 08) The Contractor conformed to the notice requirements and submission deadlines.
- 05) The Contractor conformed to the notice requirements, however did not conform to submission deadlines.
- 01) The Contractor did not conform to the requirements.

**B. WORK PERFORMANCE**

**8) To what degree did the Contractor meet contract requirements including specifications, supplemental specifications, special provisions, plans, etc.?**

Rating Guidelines

- 10) The Contractor always complied with the contract requirements.
- 08) The Contractor routinely complied with the contract requirements. Any non-compliance was immediately corrected upon notification from the Engineer.
- 05) Non-compliances were corrected only upon repeated notification from the Engineer.
- 01) The Contractor complied with contract requirements only upon written order of suspension of work from the Engineer.

**9) To what degree did the Contractor provide attention to the quality of work performed eliminating the need to remedy or remove defective work?**

Rating Guidelines

- 10) The Contractor did not have to remedy or remove any defective work.
- 08) It was necessary for the Contractor to make minor repairs and corrections to the work.
- 05) It was necessary for the Contractor to make numerous repairs to or redesign of the work.
- 01) It was necessary for the Contractor to remove or make extensive corrections to the work.

**10) To what degree did the Contractor maintain adequate lights, and properly trained flag-persons in accordance with Ohio Manual of Uniform Traffic Control Devices, traffic control plan and approved revisions?**

Rating Guidelines

- 10) The Contractor maintained the traffic zone daily, complied with all requirements, and corrected any job site conditions (including storm events) which affected the traveling

- public immediately (even after hours) with no direction from the Engineer.
- 08) The Contractor maintained traffic zone daily, complied with all requirements and corrected job site conditions which affected the traveling public (including storm events) with minimal direction from the Engineer.
  - 05) The Contractor maintained the traffic zone when needed, complied with all requirements and corrected job site conditions (including storm events) which affected the traveling public only after direction from the Engineer.
  - 01) The Contractor maintained the traffic zone only after repeated notification from the Engineer.

**11) To what degree is the Superintendent competent and effective in managing and executing daily construction operations?**

Rating Guidelines

- 10) The Superintendent is always competent and effective in managing and executing daily construction operations.
- 08) The Superintendent is competent and effective in managing and executing daily construction operations with few changes to those operations.
- 05) The Superintendent manages and executes the daily construction operations with frequent changes to those operations.
- 01) The Superintendent manages and executes daily construction operations with constant changes to those operations.

**12) To what degree did the Superintendent inform the Engineer in advance of scheduled day to day operations?**

Rating Guidelines

- 10) The Superintendent always provided the Engineer prompt, accurate information concerning his schedule of day to day operations.
- 08) The Superintendent kept the Engineer well informed of his scheduled day to day operations.
- 05) The Superintendent frequently surprised the Engineer with same day notice on changed or added daily operations.
- 01) The Superintendent informed the Engineer of his scheduled day to day operations only after written notification.

**13) To what degree was the work site maintained in a safe and clean condition?**

Rating Guidelines

- 10) The Contractor always maintained the work site in a safe and clean condition.
- 08) The Contractor maintained the work site in a safe and clean condition with a few complaints or incidents which were immediately corrected.
- 05) The Contractor maintained the work site in a safe and clean condition with many complaints or incidents which were only corrected after notification from the Engineer.
- 01) The Contractor did not maintain the work site in a safe and clean condition.



**14) To what degree did the Contractor perform final clean up and punch list items?**

Rating Guidelines

- 10) The Contractor performed final clean-up on or before the completion date and had no punch list.
- 08) The Contractor performed final clean-up on its own and once given the Final Inspection punch list, completed the work on or before the specified date.
- 05) The Contractor completed the Final Inspection punch list after the specified date.
- 01) The Contractor completed the Final Inspection punch list after the specified date and after notification from the Engineer.

**15) To what degree is the Contractor competent and effective in conforming to the requirements of the Worksite Traffic Supervisor 642-44 plan note? (i.e. timely accurate submissions of daily inspection reports, daily evaluations of traffic operations, response time to traffic emergencies, etc.) Optional**

Rating Guidelines

- 10) The Contractor always conformed to all the requirements of the plan note.
- 08) The Contractor conformed to the requirements of the plan note with few exceptions.
- 05) The Contractor conformed to the requirements of the plan note, however required frequent prompting from the Engineer.
- 01) The Contractor was not competent or effective in conforming to the requirements of the plan note.

**16) To what degree did the Contractor properly notify and coordinate work with utility owners in protection of existing utilities? Optional**

Rating Guidelines

- 10) The Contractor proactively identified utility issues minimizing potential conflicts and delays.
- 08) The Contractor provided advance notifications to all potentially affected utilities prior to commencing work and did whatever was necessary to coordinate and cooperate with the utility and protect their existing facility.
- 05) The Contractor routinely provided proper notification and cooperated with each effected utility owner. Documented problems existed but were immediately corrected by the Contractor.
- 01) The Contractor did not provide the proper notification to the effected utilities and/or after notification did not make an effort to cooperate with the utility owner nor protect the existing facility.

**17) To what degree is the Contractor competent and effective in complying with the requirements of Supplemental Specification 832 - Temporary Sediment and Erosion Control? (i.e., timely accurate submissions of the initial design and updates of the SWPPP, timely accurate inspections, inspection reports and repairs and maintenance of BMP's, etc.) Optional**

Rating Guidelines

- 10) The Contractor always complied with all the requirements of SS 832.

- 08) The Contractor complied with the requirements of SS 832 with few exceptions.
- 05) The Contractor complied with the requirements of the SS 832, however required frequent prompting from the Engineer.
- 01) The Contractor was not competent or effective in complying with the requirements of SS 832.

**18) To what degree did the Contractor cooperate with other Contractors performing work on adjacent projects? Optional**

Rating Guidelines

- 10) The Contractor demonstrated exceptional effort in communicating and coordinating with adjacent projects.
- 08) The Contractor communicated and coordinated with adjacent projects requiring little involvement by the Engineer.
- 05) The Engineer had to assume the leading role in communicating and coordinating with adjacent projects.
- 01) The Contractor neglected his responsibility to communicate and coordinate with adjacent projects, causing conflicts or delays.