

**DEPARTMENT OF ADMINISTRATION
REAL ESTATE AND CONSTRUCTION SERVICES**

**CONSULTANT PERFORMANCE EVALUATION POLICY and PROCEDURE
RECS – CT - 03
8/23/2008**

A. PURPOSE

1. To recognize and document Consultant Performance (To identify excellent, as well as poor performance). It is incumbent upon staff to monitor and report on performance.
2. To comply with Minnesota Statutes Section 16C.08, subdivision 4 (c), for reporting on Professional/Technical (P/T) Service Contracts.

B. DEFINITIONS

1. For purposes of this policy, the following definitions apply:
 - a. Consultant: An Architect, Engineer, or other vendor that has been contracted to provide services to the State of Minnesota.
 - b. Contract: The State's standard Professional/Technical (P/T) Service Contract and derivatives of that standard contract such as the Basic Services Agreement.

C. REFERENCES

1. Consultant Performance Evaluation Form - Attachment A
2. Report Form on Professional/Technical (P/T) Service Contracts over \$50,000 -Attachment B.
3. Example Cover Letters- Attachments C & D.
4. RECS Vendor Performance Reporting Policy (referenced)
5. Procedure for "*Exercising Owners Rights under the General Conditions of the Contract for Construction- A-201*" (referenced).
6. MN Statute 13.03: Performance Evaluations are public data and as such are available for inspection.

D. REQUIREMENT

1. Completion and submittal of a Consultant Performance Evaluation form is required for all Consultant Contracts.
2. Completion and submittal of an intermediate Consultant Performance Evaluation form along with a Vendor Performance Report is required for all contracts when performance is unsatisfactory. This report attempts to improve performance when other means (phone calls, conversations, written instructions) have not been successful.

E. EVALUATION TIMING

1. An Evaluation is to be done at the following times:
 - a. An Intermediate Performance Evaluation is required when a consultant's performance in any area is considered poor or unsatisfactory, after steps that have

been taken to improve the firm's performance. This Evaluation informs a consultant that performance is inadequate and seeks to encourage improvement. Interim Evaluations are encouraged at any time when additional feedback to the A/E is warranted.

- b. A Final Performance Evaluation is required after making final payment but not later than 30 calendar days following the completion of a contract.

F. PROCEDURE

1. At the time the Contract is executed, the RECS Project Manager provides the Consultant with a blank Consultant Performance Evaluation Form (Attachment A) and informs the Consultant that their performance will be evaluated. And if the State Designer Selection Board (SDSB) selected the consultant, a copy of the future evaluation will be forwarded to the SDSB following a response from the Consultant.
2. During the course of the consultant's contract work, the RECS Project Manager (in collaboration with the customer if needed), or the staff person managing the contract / agreement, evaluates and identifies the performance issues using Attachment A- Consultant Performance Evaluation Form.
3. The RECS Project Manager makes a determination as to whether a Vendor Performance Report is required. (See RECS Policy on Vendor Performance Reporting). If a Vendor Performance Report is to be filed, the Consultant Evaluation is to be used as supporting documentation.
4. The RECS Project Manager completes the evaluation form and supporting documentation and delivers to the RECS Assistant Director of Project Operations for review.
5. Upon acceptance/agreement with the evaluation and signature by the Assistant Director, the RECS Project Manager will copy and forward the evaluation to the following:
 - a. Consultant (with cover letter Attachment B or C)
 - b. Project File
 - c. State Designer Selection Board - if the final evaluation is favorable. If the evaluation was unsatisfactory, it is forwarded to the Board after the Consultant's response comments are received.
 - d. If the evaluation is used as backup documentation for a Vendor Performance Report, The Report and Evaluation are sent to Customer & Vendor Services (MMD).

G. FOLLOWING THE CONSULTANT RESPONSE PERIOD OF 30 DAYS

7. If no response or rebuttal is received after 30 days, the RECS Project Manager forwards a copy of the evaluation (and Vendor Performance Report if applicable) to the Designer Selection Board.
8. A copy of the evaluation and all supporting documentation, along with the consultant's responses are filed in the Vendor Performance File and the Project File.
9. A copy is attached to a Vendor Performance Report as supporting documentation and sent to Customer & Vendor Services (MMD).

H. REPORTING on PROFESSIONAL/TECHNICAL SERVICE CONTRACTS (P/TS Contracts) with a value over \$50,000 (including the Basic Services Agreements with Consultants).

1. In addition to any Consultant Evaluations that the RECS Project Manager initiates during the duration of a contract with a consultant, RECS Project Managers are required to file a report on

P/T Service Contracts with a value of \$50,000 or more in accordance with Minnesota Statutes Section 16C.08, subdivision 4 (c).

2. Fill out Attachment D Example (this form is also available on the MMD website).
3. Attach all Vendor Performance Reports and completed Consultant Evaluation Forms.
4. Obtain the signatures indicated on the form.
4. Make 2 copies of the report and send the original to MMD P/T Section, a copy to the RECS Vendor Performance File, and one to the RECS Project File.
5. This is an internal report used by MMD for statewide reporting on P/T Service Contracts.

I. GENERAL INFORMATION

1. Vendor Performance Reporting and follow-up should be coordinated with MMD.
2. Should negative performance continue, file an additional vendor performance report for each infraction (using this procedure).
3. If there is a major breach of contract or legal violation, coordinate with MMD for immediate debarment.

END



ATTACHMENT A

**Department of Administration
Real Estate and Construction Services**

CONSULTANT PERFORMANCE EVALUATION

EVALUATION (Check one) Intermediate Final

NAME AND ADDRESS OF CONSULTANT	PROJECT NO. Project TITLE AND LOCATION
DESCRIPTION OF PROJECT	

CONTRACT DATA									
1. WORK SCOPE (Predesign, Study, Design, etc.)	2a. ORIGINAL FEE \$	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left; padding: 5px;">2b. CONTRACT CHANGES</th> </tr> <tr> <td style="width:50%; padding: 5px;"># OF CHANGES</td> <td style="width:50%; padding: 5px;">CHANGES</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">\$</td> </tr> </table>	2b. CONTRACT CHANGES		# OF CHANGES	CHANGES		\$	2c. FINAL FEE AMT \$
2b. CONTRACT CHANGES									
# OF CHANGES	CHANGES								
	\$								
3a. CONTRACT AWARD DATE	3b. ORIGINAL COMPLETION DATE	3c. ACTUAL COMPLETION DATE							

CONSTRUCTION COST DATA			
\$4a. CONSTRUCTION (CD) ESTIMATE \$	4b. CONSTRUCTION AWARD AMOUNT \$	4c. CONST'N CHANGES AMT \$	5d. TOTAL CONST'N AMOUNT \$

EVALUATION OF SERVICES – See attached Rating Guide			
<u>SCOPE/Work</u>	<u>EVALUATION RATING:</u> Rate all items below. E = Excellent; S = Satisfactory; U = Unsatisfactory; N/A = Not Applicable. See attached Rating Guide for explanation of Ratings		<u>RATING</u>
Predesign Or Study	1.	Predesign submittal addressed the project requirements	
	2.	Quality and completeness of documents	
	3.	Adherence to schedule	
	4.	Sufficient cost planning and estimating	
	5.	Is the user agency satisfied?	
	6.	When funding is available, can the State rely on the information for delivering the project?	
Design	7.	The Contract Documents met the specific requirements of the project scope	
	8.	The Contract Documents complied with the State's <i>Design Guidelines</i>	
	9.	Consultant maintained the design schedule	
	10.	Quality and completeness of design documents & coordination of all design disciplines	
	11.	Design meeting minutes were accurate, timely and complete	
	12.	Consultant response to user agency input and inquiries	

EVALUATION OF SERVICES – See attached Rating Guide

SCOPE/Work		EVALUATION RATING: Rate all items below. E = Excellent; S = Satisfactory; U = Unsatisfactory; N/A = Not Applicable. See attached Rating Guide for explanation of Ratings	RATING
Bidding	13.	The number of Addenda to the bidding documents, and changes within were at what level?	
	14.	Consultant's construction cost estimate compared to the awarded construction cost	
Construction	15.	Consultant utilized the personnel and consultants as submitted for support during the Construction Phase?	
	16.	Site observation with timely and accurate observation reports	
	17.	Shop drawings, RFI's, PR's and CO's prepared, responded to, researched, evaluated and promptly processed?	
	18.	Response time on issues during construction	
	19.	Response time in reviewing and certifying Contractor's pay requests	
	20.	Level of errors and omissions in the Contract Documents	
	21.	Overall coordination, cooperation and communication during the Construction Phase?	
	22.	Consultant's knowledge and actions for responding to claims, issuing notices in accordance with the General Conditions of the Contract.	
	23.	Level of command the consultant exhibited in interpreting the contract documents in responding	
	Post Construction & Close out	24.	Timely submittal of close-out and Record Documents in an accurate
25.		Timely response to and resolution of punchlist and closeout items	
26.		Timely response to, and resolution of, final warranty and claims items	

Additional Comments / Notes to expand on Ratings:
(Reference the item number above or add an additional number)

Project Manager or staff person responsible for contract		Assistant Director – Project Operations	
SIGNATURE	DATE	SIGNATURE	DATE

RATING GUIDE

CONSULTANT Evaluation Ratings and Additional Comments:

Excellent – The Consultant performed in a better than average manner that demonstrating a good understanding of the owner’s requirements and contract requirements. The consultant’s overall performance outweighs any negative performance. The Consultant contributed a great deal to the success of the project.

Satisfactory – The Consultant performed in an average manner that demonstrated an acceptable understanding of the owner’s requirements and contract requirements. The consultant’s overall performance is equal to any negative performance. The Consultant has contributed to the success of the project.

Unsatisfactory – The Consultant performed in an unacceptable manner in regards to the owner’s requirements and contract requirements. The Consultant’s overall unsatisfactory performance outweighs any positive performance. The Consultant has made significant errors or omissions or has otherwise failed to contribute to the success of the project.

Not Applicable – This service or work was not required of the Consultant.

Additional Comments – This portion of the form should be used to further support the ratings. The RECS Project Manager shall include any factual information supported by documents or other evidence. Other supportive materials to substantiate the evaluation may be attached or referenced as additional documentation.



REAL ESTATE AND CONSTRUCTION SERVICES
309 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Voice: (651) 201.2550
TTY: (800) 627.3529
FAX: (651) 215-6245
www.admin.state.mn.us/recs

ATTACHMENT B - COVER LETTER FOR INTERMEDIATE CONSULTANT PERFORMANCE REPORT

DATE

Consultant/Vendor Name
Address
City, State, Zip Code

RE: Consultant Evaluation
Project Name (from Contract), Contract Number
Project Number

Dear

Enclosed is an intermediate evaluation of your performance on the above referenced project contract.

This intermediate evaluation is being provided for the purpose of informing you of your performance. A final evaluation following completion of your contract is also required. The intent of this evaluation is to assist you in improving your performance prior to receiving the final evaluation.

NOTE to RECS PM: If performance is beyond repair or if other attempts have been made to improve the performance and the consultant has failed to respond, improve or recognize their obligations: Also included is a copy of a Vendor Performance Report that is being filed with Materials Management Division (MMD) for consideration of taking action to suspend [or debar] you from contracting with the State. [RECS PM is to insert any statements on stipulations of work that you expect – i.e. ask for an action plan and schedule to complete their contract obligation]

If you wish to respond to refute this evaluation, you have 15 days (until [insert date]) to do so.

If you have any questions or concerns, please contact me.

Sincerely,

Project Manager Name
Project Manager
Real Estate and Construction Services

c: Customer and Vendor Services (MMD)
Vendor Performance File
Project File



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ATTACHMENT C - COVER LETTER FOR THE FINAL PERFORMANCE EVALUATION

DATE

Consultant/Vendor Name
Address
City, State, Zip Code

RE: Final Consultant Evaluation
Project Name (from Contract), Contract Number
Project Number

Dear

Enclosed is a Final Consultant Evaluation of your performance on the above referenced project contract.

This evaluation is being provided for the purpose of informing you of your performance for the services provided.

Note to RECS PM: If a previous intermediate evaluation was done for the purpose of improving performance, state whether the performance improved, and insert any statements on future work or expectations.

If the performance was good, state such along with a thank you.

If you have any questions or concerns, please contact me.

Sincerely,

Project Manager Name
Project Manager
Real Estate and Construction Services

c: Customer and Vendor Services (MMD)
Vendor Performance File
Project File

ATTACHMENT D - Report on Professional/Technical Contracts Over \$50,000

Minnesota Statutes Section 16C.08, subdivision 4 (c), requires the head of an agency submit a one-page report to the commissioner of Administration upon completion of a professional/technical services contract over \$50,000.00.

Instructions: Submit this form to Materials Management Division, 112 Administration Building, St. Paul, MN 55155, within 30 days of contract completion.

Agency:		
Contractor Name:		CFMS Contract Number:
Project Name (if applicable):	Project Number (if applicable):	Project Duration (Dates):
Summarize the purpose of the contract, including why it was necessary to enter into a contract:		
Billable Hours (if applicable):	Total Contract Amount:	Source of Funding:
Explain why this amount was a cost effective way for the agency to provide its services or products better or more efficiently:		
If this was a single source contract, explain why the agency determined there was only a single source for the services:		
Evaluate the performance of the work including an appraisal of the contractor=s timeliness, quality, cost, and overall performance in meeting the terms and objectives of the contract:		
Agency Head Signature:	Title:	Date: