STATE SYSTEM OF HIGHER EDUCATION
COMMONWEALTH OF PENNSYLVANIA

CONSTRUCTION CONTRACTOR PERFORMANCE EVALUATION SYSTEM

Introduction

When contracting for construction services to support the facilities projects contract function, the System
seeks to contract with construction contractors that at least meet a satisfactory level of performance. In
order to more easily facilitate doing so, a construction contractor performance evaluation system
(CCPES) will be used.

The purpose of this CCPES is twofold. One is to assist contractors to improve their performance. The
second is to compile a record of contractors’ performance that can be relied upon when making
contractor responsibility determinations in future procurements.

This CCPES document establishes the use of, outlines responsibilities for, and provides procedures for
the preparation and processing of construction contractor performance evaluations.

Construction contractor performance evaluations must be accurate, objective, and timely, and evaluations
must be consistent across all universities, contracts, and contractors.

The CCPES will be used on all university-procured facilities projects contracts meeting the criteria
outlined in the section Required Evaluations below.

Definitions

Construction Contract: A contract for construction services, based on the 2018K110-series documents,
or on a subsequent set of revised documents, and procured by the university for a university-funded
facilities project. A construction contract also includes any Work Order Contract for Construction
(2018K112-series documents, or subsequent).

Construction Contractor: Any business entity which enters into a construction contract with a university.

Responsibilities

The Construction Support Office (CSO) will:

1) Be responsible for the CCPES; the application, use, and enforcement of it; and the development
   of any revisions to it.

2) Maintain information on the CCPES on the CSO public website.

3) Receive performance evaluations submitted by universities, and process them in accordance with
   the procedures in this CCPES.

4) Maintain a database of construction contractor performance evaluations (CCPES database), in
   accordance with the procedures in this CCPES.
5) Spot check eProcurement Exchange, and other sources, to ensure evaluations are being submitted on all construction contracts requiring evaluations, per the section Required Evaluations below.

6) Provide to universities, upon proper request, evaluations in the CCPES database, in accordance with the procedures in this CCPES.

7) Provide to contractors, upon proper request, their own evaluations in the CCPES database, in accordance with the procedures in this CCPES.

8) Perform a review of the CCPES annually, and make revisions, as necessary, and make improvements to enhance efficiency of the CCPES.

Universities will:

1) Ensure that prospective and actual contractors are aware that the CCPES is in place, in accordance with the procedures in this CCPES.

2) Prepare evaluations on construction contractors, and process those evaluations, in accordance with the procedures in this CCPES.

3) Maintain a record of all construction contracts requiring evaluations, per the section Required Evaluations below, throughout each Fiscal Year (July 1 through June 30); and, if requested, submit that record to CSO.

4) Request, from CSO, when needed, evaluations in the CCPES database, in accordance with the procedures in this CCPES.

CSO and universities will:

1) Undertake their roles and responsibilities in this CCPES with the utmost of accuracy, objectivity, fairness, and consistency.

2) Utilize CCPES evaluations and data appropriately, and protect all CCPES evaluations and data from being inappropriately provided outside the System.

Procedures

Required Evaluations:

1) All university-funded construction contracts in excess of $100,000 (at award) shall have an evaluation prepared on the construction contractor. Under this criteria, not all the separate prime contractors on a project will necessarily receive an evaluation. A university-funded construction contract of $100,000 or less (at award) may, at the option of the university, have an evaluation prepared on the construction contractor.

2) University-funded facilities projects shall include auxiliary-function-funded projects.

3) In order to have an evaluation, the contractor must have been engaged via a construction contract, as defined above under Definitions.

4) For Work Order Contracts for Construction, as defined above under Definitions, an evaluation shall be completed at the end of the final contract term, but only if the total dollar value of the work issued under that contract, for the entire life of the contract, exceeds $100,000.
5) Projects and contracts administered by the Department of General Services shall not fall under this CCPES.

6) Any other contracts and/or contractors may be evaluated on an as-needed basis. An evaluation may be prepared on any other contract and/or contractor, and upon submission to CSO, CSO will determine whether to include that evaluation(s) in the CCPES database.

Evaluators, Reviewers, and Approving Officials:

1) Evaluators.
   a) The evaluator shall be the person at the university who is in the best position to evaluate contractor performance. Normally this will be the project manager.
   b) The evaluator should prepare the evaluation. In doing so, the evaluator may need to gather information from other university staff, as necessary, to complete the evaluation. Anyone with direct contact with a contractor, or knowledge of a reason(s) for evaluation, may provide input for an evaluation.

2) Reviewers.
   a) The reviewer shall be a person at least one level above the evaluator. Normally this will be either the Facilities Director (or equivalent title); or the Director, Planning and Construction (or equivalent title); or the Vice President for Administration and Finance (or equivalent title). In any case, the reviewer shall be a different person from the evaluator.
   b) The reviewer should ensure that the evaluation is complete, accurate, objective, and timely. The reviewer should discuss the evaluation with the evaluator, as necessary, to clear up any missing information, discrepancies, or concerns. The reviewer should also ensure that there is consistency across all evaluations being done at the university.

3) Approving Officials.
   a) The approving official shall be either the Director of Construction Management or the Assistant Vice Chancellor for Facilities.
   b) The approving official will ensure that evaluations are complete, and that evaluations do not appear to be arbitrary or capricious. The approving official will also monitor the types and content of evaluations being received from different universities, in order to assess the consistency of evaluations being done across the System.

4) CSO may approve exceptions to the evaluator and reviewer roles in certain cases, such as for very small university staffs, or for departures and/or retirements of individuals.

5) Contracted firms or individuals, such as design professionals and/or construction management firms, may not be evaluators or reviewers. Contracted firms or individuals may, however, provide input for an evaluation.

Processes for Evaluations:

1) At the pre-bid conference, it shall be announced to prospective bidders that the CCPES is in place and that contractors may receive performance evaluations. The minutes of the pre-bid conference shall contain this notification.
2) At the pre-construction conference, as applicable based on dollar values, contractors shall be notified that the CCPES is in place and that they will receive performance evaluations. The minutes of the pre-construction conference shall contain this notification.

3) Preparation of the evaluation shall be not earlier than substantial completion, and not later than 30 days after final payment. The ideal time for preparation of the evaluation should be sometime between 30 days after substantial completion and 120 days after substantial completion.

4) The CCPES Form shall be utilized for evaluations. The Form is at Appendix A. Items for consideration under each individual performance element are listed at Appendix B. The evaluation and rating descriptors are defined at Appendix C.

5) The evaluation form should be prepared by the evaluator and reviewed by the reviewer, and signed by both individuals.

6) The evaluator should include in the Comments block on the evaluation form, as appropriate, comments about: (1) any effect that subcontractor performance had on the overall performance of the contract, and (2) any significant difficulty or risk involved in performance of the contract. Both could be key factors impacting the perceived performance of the construction contractor, but over which the construction contractor may have had limited influence or control.

7) If the overall rating and all individual performance element ratings are Outstanding, Satisfactory, and/or Not Applicable/Not Rated, the university may provide, but does not need to provide, a copy of the evaluation to the contractor.

8) If the overall rating, or if any individual performance element rating, is Less Than Satisfactory, the university shall provide a copy of the evaluation to the contractor, and the university shall inform the contractor of their right to submit rebuttal information to CSO. Such evaluations should follow special procedures described in the section Less Than Satisfactory Ratings below.

9) The university shall submit the evaluation, with any supporting documentation from the university, to CSO by electronic means, directed to the System Contract Specialist.

10) CSO will review each evaluation for completeness, and provide the evaluation to the approving official.

11) The approving official will review and sign the evaluation, and CSO will then enter the evaluation into the CCPES database.

Less Than Satisfactory Ratings:

1) An evaluation will be considered Less Than Satisfactory if either the overall rating is Less Than Satisfactory or any one or more individual performance elements is Less Than Satisfactory.

2) If a contractor is performing at a level that appears that it will lead to a Less Than Satisfactory evaluation, the university should bring this to the attention of the contractor at that time. The university should not wait until the end of the project to bring it to the attention of the contractor. One of the purposes of the CCPES is to assist contractors to improve their performance. If they are informed of their less-than-satisfactory performance immediately, they will be better able to improve their performance during the contract, and as a result, the contract and project have a better chance of being successful.

3) When a university prepares a Less Than Satisfactory evaluation, the evaluation needs to include two things:
a) A description, facts, and/or documents to justify the rating. Supporting documentation should be attached, as necessary.

b) Information, or documentation, showing that the contractor was informed during the contract that their performance was less than satisfactory.

4) A contractor who receives a Less Than Satisfactory evaluation may submit rebuttal information to CSO for consideration by the approving official. Rebuttal information may include an explanation and/or documents. Submissions shall be made to the Construction Support Office, State System of Higher Education, 2986 North Second Street, Harrisburg PA 17110. Rebuttal information may be submitted by email or in hardcopy, and must be received within fourteen (14) calendar days after the contractor received a copy of the evaluation.

5) The approving official will review and consider the rebuttal information submitted by the contractor against the evaluation and information submitted by the university, and make a determination if the Less Than Satisfactory evaluation is justifiable. The approving official will not make an independent assessment of the contractor’s performance, but will assess whether the university’s evaluation is justifiable. The approving official’s independent assessment will be based on the record; there will not be a hearing or similar forum. The approving official will prepare a statement to document their determination as to whether the Less Than Satisfactory evaluation is justifiable or not justifiable.

6) The approving official will sign the evaluation, and CSO will then enter the evaluation into the CCPES database. For a Less Than Satisfactory evaluation, the complete entry into the CCPES database will be: (1) the evaluation, (2) the contractor’s rebuttal, and (3) the approving official determination.

7) The approving official will not sign a Less Than Satisfactory evaluation until the time for submission of rebuttal information has passed.

Availability of Evaluations in the Database:

1) Because evaluations may be used for internal source selection purposes (i.e., contractor responsibility determinations), they are for official use by the System only, and shall not be disseminated outside of the System.

2) CSO will maintain evaluations in the CCPES database for at least five years. Evaluations exceeding six years old will be purged from the database annually, at the close of each Fiscal Year.

3) Although these procedures prohibit providing draft and completed evaluations to entities outside of the System, these procedures do not prohibit universities from providing information on contractors and their performance as part of reference checks being sought by outside entities.

4) Universities may request to see evaluations on a contractor in the CCPES database by contacting CSO by email, directed to the System Contract Specialist. The email should identify the contract for which the contractor is low bidder and being considered for award.

5) Contractors may request to see their own evaluations in the CCPES database by contacting CSO by email, directed to the System Contract Specialist. The email should include and identify contact information which CSO can use for positive identification of the requestor before providing the evaluations.

6) Contractors are prohibited from using or referencing evaluation information in the CCPES database for advertising, promotional, or similar purposes.
Appendix A

State System of Higher Education
Commonwealth of Pennsylvania
Construction Contractor Performance Evaluation Form

**Contractor Administrative Data**

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Firm</td>
<td></td>
</tr>
<tr>
<td>Address of Firm</td>
<td></td>
</tr>
<tr>
<td>POC for Firm</td>
<td></td>
</tr>
<tr>
<td>Name of Project</td>
<td></td>
</tr>
<tr>
<td>Name of Contract</td>
<td></td>
</tr>
<tr>
<td>Prime Contract (GC, HVAC, PC, EC, other)</td>
<td></td>
</tr>
<tr>
<td>Contract Award Date</td>
<td></td>
</tr>
<tr>
<td>Contract Award Value</td>
<td></td>
</tr>
<tr>
<td>Contract Final Value</td>
<td></td>
</tr>
<tr>
<td>Original Contractual Substantial Completion Date</td>
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</tr>
<tr>
<td>Final Contractual Substantial Completion Date</td>
<td></td>
</tr>
<tr>
<td>Actual Substantial Completion Date</td>
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</tbody>
</table>

**University Administrative Data**

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<td>University</td>
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</tr>
<tr>
<td>Evaluation Prepared By</td>
<td></td>
</tr>
<tr>
<td>Date Prepared</td>
<td></td>
</tr>
<tr>
<td>Evaluation Reviewed By</td>
<td></td>
</tr>
<tr>
<td>Date Reviewed</td>
<td></td>
</tr>
<tr>
<td>Date Provided To Contractor</td>
<td></td>
</tr>
<tr>
<td>Evaluation Approved By</td>
<td></td>
</tr>
<tr>
<td>Date Approved</td>
<td></td>
</tr>
</tbody>
</table>
**Overall Performance Rating**

[---Circle one of the following rating descriptors for the Overall Rating.---]

Outstanding  Satisfactory  Less Than Satisfactory

**Individual Performance Element Ratings**

[---Circle one of the following rating descriptors for each Element.---]

**Superintendence and Management**

Outstanding  Satisfactory  Less Than Satisfactory  Not Applicable/Not Rated

**Administrative Management**

Outstanding  Satisfactory  Less Than Satisfactory  Not Applicable/Not Rated

**Labor, Materials, and Equipment**

Outstanding  Satisfactory  Less Than Satisfactory  Not Applicable/Not Rated

**Subcontractors and Subcontractor Management**

Outstanding  Satisfactory  Less Than Satisfactory  Not Applicable/Not Rated

**Schedule Management and Timely Performance**

Outstanding  Satisfactory  Less Than Satisfactory  Not Applicable/Not Rated

**Quality and Quality Control Compliance**

Outstanding  Satisfactory  Less Than Satisfactory  Not Applicable/Not Rated

**Small Diverse Business Utilization and Compliance**

Outstanding  Satisfactory  Less Than Satisfactory  Not Applicable/Not Rated

**Safety and Health Compliance**

Outstanding  Satisfactory  Less Than Satisfactory  Not Applicable/Not Rated

**Labor Standards Compliance**

Outstanding  Satisfactory  Less Than Satisfactory  Not Applicable/Not Rated

**Completion and Close-Out**

Outstanding  Satisfactory  Less Than Satisfactory  Not Applicable/Not Rated
Comments

[--The Comments block should contain, as appropriate, comments about: (1) any effect that subcontractor performance had on the overall performance of the contract, and (2) any significant difficulty or risk involved in performance of the contract.--]

[--For any Individual Performance Element ratings that are Less Than Satisfactory, provide a description, facts, and/or documents to justify the rating. Attach supporting documentation, as necessary. In particular, include information and/or documentation showing that the contractor was informed during the contract that their performance was less than satisfactory.--]

Contractor’s Right to Submit Rebuttal Information

A contractor who disagrees with a Less Than Satisfactory evaluation may submit rebuttal information for consideration by the approving official. Rebuttal information may include an explanation and/or documents. Submissions shall be made to the Construction Support Office, State System of Higher Education, 2986 North Second Street, Harrisburg PA 17110. Rebuttal information may be submitted by email or in hardcopy, and must be received within fourteen (14) calendar days after the contractor received a copy of the evaluation.
Appendix B

Individual Performance Elements for Evaluation

Within each Individual Performance Element, the evaluator should consider the items listed under that Element below, as appropriate, and if required as part of the contract. Other items not listed may also be considered.

Superintendence and Management
- Provided a competent superintendent who met the requirements of the contract
- Provided a competent project manager who met the requirements of the contract
- Provided adequate and proper management of the project
- Provided adequate and proper job-site supervision
- Was cooperative with and responsive to the university staff
- Was cooperative with, and responsive to, the design professional
- Was cooperative with, and responsive to, other separate prime contractors
- Participated in and contributed to periodic progress meetings
- Practiced minimization and avoidance of claims

Administrative Management
- Provided quality, complete, and timely submittals, shop drawings, and coordination drawings
- Submitted a proper and appropriate schedule of values
- Submitted accurate and timely applications for payment
- Submitted accurate and complete daily reports
- Submitted appropriate and clear RFIs in a timely manner
- Submitted complete and supported change order requests in a timely manner
- Submitted fair and reasonable costs and pricing for change orders
- Complied with laws, regulations, permits, policies, etc.

Labor, Materials, and Equipment
- Provided a trained and skilled work force in adequate numbers
- Maintained good order and conduct among the work force
- Provided proper and adequate materials, as specified in the contract
- Provided adequate storage for materials
- Provided adequate equipment to support construction
- Provided labor, materials, and equipment in a timely manner to meet the project schedule
- Provided and maintained adequate temporary facilities
- Maintained adequate housekeeping during the project

Subcontractors and Subcontractor Management
- Obtained and provided competent subcontractors
- Provided adequate control over, and coordination of, subcontractors
- Provided adequate review of subcontractors’ change order requests
- Made proper payments to subcontractors and vendors in a timely manner
- Resolved subcontractors’ issues in an appropriate and timely manner

Schedule Management and Timely Performance
- Developed and coordinated an acceptable project schedule (or contributed to it)
- Prepared and submitted accurate and timely project schedule updates (or contributed to them)
- Adhered to the project schedule
- Performed work in a logical and/or appropriate sequence
- Performed change order work in a timely manner
- Provided notification of conditions impacting the project schedule in a timely manner
Quality and Quality Control Compliance
- Provided an acceptable quality control plan
- Implemented the quality control plan properly and completely
- Held pre-installation meetings, when appropriate
- Ensured all labor, materials, and equipment were approved and in place prior to starting new work
- Provided work that complied with the plans and specifications
- Identified and corrected deficient work in a timely manner
- Provided adequate quality control inspection and testing
- Prepared and maintained accurate and complete quality control documentation
- Coordinated for, and cooperated with, L&I UCC inspections and IBC special inspections

Small Diverse Business Utilization and Compliance
- Fulfilled commitments to SDB made at time of bid
- Resolved small diverse businesses' issues in an appropriate and timely manner

Safety and Health Compliance
- Provided an acceptable safety and health plan
- Provided acceptable specific separate plans that might be required (respiratory, abatement, etc.)
- Provided a competent safety and health person who met the requirements of the contract
- Implemented the safety and health plan, and other plans, properly and completely
- Minimized accidents and incidents
- Provided accurate, complete, and timely accident reports

Labor Standards Compliance
- Complied with the general requirements of the PA Prevailing Wage Law, and other labor laws
- Complied with the wage rates in the Prevailing Wage Determination for the project
- Submitted complete and proper certified payrolls in a timely manner
- Complied with the general requirements of Act 127 of 2012, PA eVerify
- Submitted complete and proper Public Works Employment Verification Forms in a timely manner

Completion and Close-Out
- Prepared the project adequately for the substantial completion inspection
- Compile a punch list of appropriate length for the project
- Completed the punch list items in a timely manner
- Provided the record documents required by the contract in a timely manner
- Provided the operation and maintenance manuals required by the contract in a timely manner
- Provided user training required by the contract in a timely manner
- Provided satisfactory final project and site clean-up in a timely manner
Appendix C

Evaluation and Rating Descriptors

In evaluating and rating each Individual Performance Element on the Construction Contractor Performance Evaluation Form, the evaluator will use the following rating descriptors. The ratings reflect the university’s satisfaction with the Contractor’s ability to perform the requirements of the contract.

Outstanding. A rating of Outstanding should be given if the Contractor provided a level of performance far above the standard, and consistently exceeded the contract requirements.

Satisfactory. A rating of Satisfactory should be given if the Contractor provided an acceptable level of performance, and consistently met the contract requirements.

Less Than Satisfactory. A rating of Less Than Satisfactory should be given if the Contractor provided a level of performance that fell below the standard, and/or failed to meet contract requirements multiple times or on a continuing basis. For any Element rated Less Than Satisfactory, that rating must be justified in the Comments section of the Form.

Not Applicable/Not Rated. A rating of Not Applicable/Not Rated should be given in only three instances: (1) if that Element was not a requirement of the contract, (2) if the Contractor did not perform or utilize the components of that Element; and (3) if the university was not able to evaluate and rate that Element.

There are no formulas governing the number of Individual Performance Element Ratings on an evaluation that must be Less Than Satisfactory for the Overall Performance Rating to be Less Than Satisfactory. If one Individual Performance Element Rating that is Less Than Satisfactory is significant enough and/or the lack of performance in that Element is egregious enough, the Overall Performance Rating could be Less Than Satisfactory. Alternately, multiple Individual Performance Element Ratings could be Less Than Satisfactory, but if they are insignificant to the overall performance of the contract and/or are bordering on being Satisfactory, then the Overall Performance Rating could be Satisfactory, or even Outstanding.