



FINANCIAL SERVICES  
DEPARTMENT

CAPITAL CONTRACTING

# CIP PARTNERS ACADEMY

2023

# Consultant /Contractor Performance Evaluation (CPE) Program

Welcome



**Rosy Arenas**

Program Compliance  
Coordinator

# MEET OUR TEAM



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# AGENDA

- ☑ Program History
- ☑ CPE Program Overview
- ☑ Evaluation Criteria
- ☑ When CPEs are Due
- ☑ CPE Scores in Vendor Selection
- ☑ Inquires, Rebuttals, and Appeals
- ☑ Improving Your Scores
- ☑ Questions & Answers

# PROGRAM HISTORY

**Purpose: To provide a uniform method of evaluating, tracking, and reporting vendor performance to support high quality City projects.**



**2003 Council Resolution 20030109-032**

**2014 Administrative Rule R161-13.37**

- Outlines requirements for a Citywide vendor performance evaluation program.
- Established that vendor performance is maintained for historical record.
- This information will be used in future solicitation award decisions.

# CPE Program Overview

- The City's Consultant/Contractor Performance Evaluation (CPE) Program provides a uniform method to evaluate, report, and track the evaluation of services provided by Vendors.
- Through program administration, the City gathers and maintains performance evaluations for establishment of historical record and for use in future contract award decisions. Scores received are averaged over a rolling five-year period and once the five years have surpassed, those scores will no longer factor into the average.
- Vendors without a score will be assessed with a “Successful Performance” rating of 8.33.
- The City may reject future bids of Contractors based upon sustained poor performance.

# Consultant Performance Evaluation Criteria

## 9 Criteria are Evaluated with a Maximum Score of 30 Points

- Schedule/Timeliness of Performance
- Budget/Cost Control
- Invoicing and Payments
- MBE/WBE/DBE Procurement Programs
- Regulatory Compliance and Permitting
- Adequacy and Availability of Workforce
- Project and Contract Management
- Communications, Cooperation, and Business Relations
- Quality (double-weighted)

# Sample Consultant Performance Evaluation Form

<b>EVALUATION CRITERIA</b> - Needs Improvement (1 Point) = Does not meet contractual, technical or professional requirements. - Successful Performance (2.5 Points) = Meets contractual requirements. - Exceptional Performance (3 Points) = Exceeds contract requirements to the City's benefit. Detailed Performance Evaluation Guidelines can be found at: <a href="http://www.austintexas.gov/department/consultant-performance-evaluation">http://www.austintexas.gov/department/consultant-performance-evaluation</a>	<b>Needs Improvement (1 Point)</b>	<b>Successful Performance (2.5 Points)</b>	<b>Exceptional Performance (3 Points)</b>
<b>1. Schedule / Timeliness of Performance</b> - The Consultant submitted a baseline schedule and met milestones. Deliverables were submitted to the Owner in accordance with the agreed upon schedule(s). Consultant alerted the City to possible schedule problems well in advance of delays. The Consultant provided responses to RFI's/emails/request for proposals, etc., in a timely manner.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2. Budget / Cost Control</b> - The Consultant provided timely, complete, and accurate Opinion of Probable Cost or interim construction estimates per contract. Consultant suggested solutions there were cost effective, appropriate, and were provided in a timely manner.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3. Invoicing and Payments</b> - Consultant paid subconsultants timely in accordance with statutory requirements and the contract. Billing was made to correct contracts. Supporting documentation for charges were provided and questions were answered in a timely manner.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>4. MBE/WBE/DBE Procurement Program(s)</b> - The Consultant complied with approved MBE/WBE/DBE compliance goals, Request for Changes, and MBE/WBE close-out requirements (SMBR rating).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>5. Regulatory Compliance and Permitting</b> - The Consultant determined appropriate permitting path and met all applicable regulatory and permitting requirements associated with the contract.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>6. Adequacy and Availability of Workforce</b> - The Consultant possessed and maintained adequate resources and equipment throughout the project(s) to meet the demands of the contract, including sufficient number of qualified staff, properly equipped and available for the required tasks. Key personnel were available throughout the project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>7. Project and Contract Management</b> - The Consultant understood and effectively managed the project and met all contractual requirements. The Consultant reviewed and analyzed Subconsultant Deliverables and oversaw their work in an effective manner. Consultant successfully established project scope, schedule, budget, and provided regular updates on deliverable status and timely performed construction administration tasks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>8. Communications, Cooperation, and Business Relations</b> - Consultant provided effective, professional, verbal and written communications to City staff, Contractor, and project stakeholders.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Note: The quality performance criterion is weighted more heavily due to its importance to performance overall.	<b>Needs Improvement (2 Point)</b>	<b>Successful Performance (5 Points)</b>	<b>Exceptional Performance (6 Points)</b>
<b>9. Quality</b> - The Consultant worked in accordance with the established Quality Control Plan (QCP). The drawings/plans reflected existing conditions accurately. Deliverables submitted were complete in all respects. All comments and review requests were adequately incorporated into Deliverables. The Deliverables were properly formatted and well-coordinated. The Consultant provided adequate support for As-Built drawings. Change orders due to design deficiencies were minimal.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Total Score (30 Points Maximum):</b>	<b>25</b>		



# Contractor Performance Evaluation Criteria

## 10 Criteria Evaluated with a Maximum Score of 30 Points

- Quality
- Schedule
- Wage Compliance and Required Job Postings
- MBE/WBE/DBE Procurement Programs
- Invoicing and Payments
- Regulatory Compliance and Permitting
- Safety and Protection
- Construction Training Program
- Project and Contract Management
- Communications, Cooperation, and Business Relations

# Sample Contractor Performance Evaluation Form

<b>EVALUATION CRITERIA</b> - Needs Improvement (1 Point) = Does not meet contractual, technical or professional requirements. - Successful Performance (2.5 Points) = Meets contractual requirements. - Exceptional Performance (3 Points) = Exceeds contract requirements to the City's benefit. Detailed Performance Evaluation Guidelines can be found at: <a href="http://www.austintexas.gov/department/consultant-performance-evaluation">http://www.austintexas.gov/department/consultant-performance-evaluation</a>	<b>Needs Improvement (1 Point)</b>	<b>Successful Performance (2.5 Points)</b>	<b>Exceptional Performance (3 Points)</b>
<b>1. Quality</b> - The Contractor performed and completed work in accordance with the contract and project manual. The Contractor proactively checked to ensure Contractor's and Subcontractor's Work met plans and specifications. The Contractor took responsibility for ensuring the quality of Work of the subcontractors, and adequately coordinated the different trades' Work. Contractor promptly corrected defective work.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2. Schedule</b> - The Contractor established a baseline schedule and completed the project within established timeframes, including any City approved schedule changes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3. Wage Compliance and Required Job Postings</b> - The Contractor met contractual and regulatory requirements associated with Wage compliance and required job postings.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>4. MBE/WBE/DBE Procurement Program(s)</b> - The Contractor complied with approved MBE/WBE/DBE compliance goals, Request for Changes, and MBE/WBE close-out requirements (SMBR rating).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>5. Invoicing and Payments</b> - Invoices were accurate and complete, inclusive of all required attachments and backup data, and submitted on a timely basis reflective of the contract requirements. Monthly reports and pay requests were of expected quality and submitted on time. Subcontractors were paid timely.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>6. Regulatory Compliance and Permitting</b> - The Contractor met all applicable regulatory and permitting requirements associated with the contract.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>7. Safety and Protection</b> - The Contractor initiated, maintained, and supervised all safety precautions and complied with OSHA and any safety-related programs in connection with the work performed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>8. Construction Training Program</b> - Construction Training Program (CTP) – The Contractor was in compliance with the requirements outlined in Section 00840 of the contract. If compliance was not met, the Contractor made Reasonable Efforts to meet compliance and provided the CTP Administrator with the steps taken to demonstrate their efforts. If a Contractor did not have Section 00840 requirements in their contract, a rating of Successful Performance will be given.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>9. Project and Contract Management</b> - The Contractor supervised, inspected, and directed the Work competently and efficiently, applying skills and expertise as necessary to perform the work in accordance with the Contract. The Contractor maintained adequate resources to meet the demands of the contract and was always available for the required tasks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>10. Communications, Cooperation and Business Relations</b> - Contractor provided effective verbal and written communications to City staff, Consultant, subconsultants, and project stakeholders.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Total Score (30 Points Maximum):</b>	<b>25</b>		

# Criteria for Evaluation

## Needs Improvement

- Does not meet contractual, technical, or professional requirements.
- Serious problems exist and corrective actions have been ineffective.
- Major errors, extensive minor errors, and/or reoccurring problems occurred.
- Performance indicates little or no effort extended to satisfy the minimum contract requirements.

## Successful Performance

- Meets contractual requirements.
- May have had minor problems; however, satisfactory corrective action was taken.
- Problems were not repetitive.

## Exceptional Performance

- Performance exceeds contract requirements to the City's benefit.
- May have identified cost savings, provided innovative options/efficiencies, or added value.
- Consistently exceeded City expectations and always provided exceptional results.

# When to Conduct Evaluations

## Consultants/Professional Services ▼

### Stand-Alone Contracts (PSAs)

- End of Design Phase
- End of Construction
- Project completion if no Construction Phase (*i.e. planning studies*)

### Rotation Lists (RLs)

- By Project
- End of Design Phase
- End of Construction
- Project completion if no Construction Phase (*i.e. planning studies*)

### Testing RLs (*QMD leads the evaluation*)

- Materials Testing RLs - Each firm will be evaluated at least twice a year.
- Geotechnical RL- End of each Project
- Forensic Engineering RL - Project Assignment(s) completion

## Contractors/Construction ▼

### Invitation for Bid (IFB)

- End of Construction

### Indefinite Delivery/Indefinite Quantity (IDIQ)

- Contract Option
- End of Contract

### Competitive Sealed Proposals (CSP)

- End of Construction

### Job Order Contracts (JOC)

- By Project
- End of Construction

### Construction Manager at Risk (CM@R)

- End of Construction

## Other ▼

### Design-Build(DB) (*Teams with Both Contractor and Design Consultant*)

- End of Design
- End of Construction

*Additional evaluations can be prepared at other times, as appropriate, at the Dept. of PM's discretion. (i.e. Warranty Phase)*

# Use of Performance Evaluations in Vendor Selection Process

## Evaluated Procurements

A Vendor's CPE Average Score is reflected on the Evaluation Matrix for a highest possible score of 10 points. This score is factored into the total points assessed on the Evaluation Matrix and counts toward the Vendor's overall ranking.

Vendors without a CPE score on file with the City will be assessed with a rating of "Successful Performance" equivalent to 8.33 on the Evaluation Matrix.

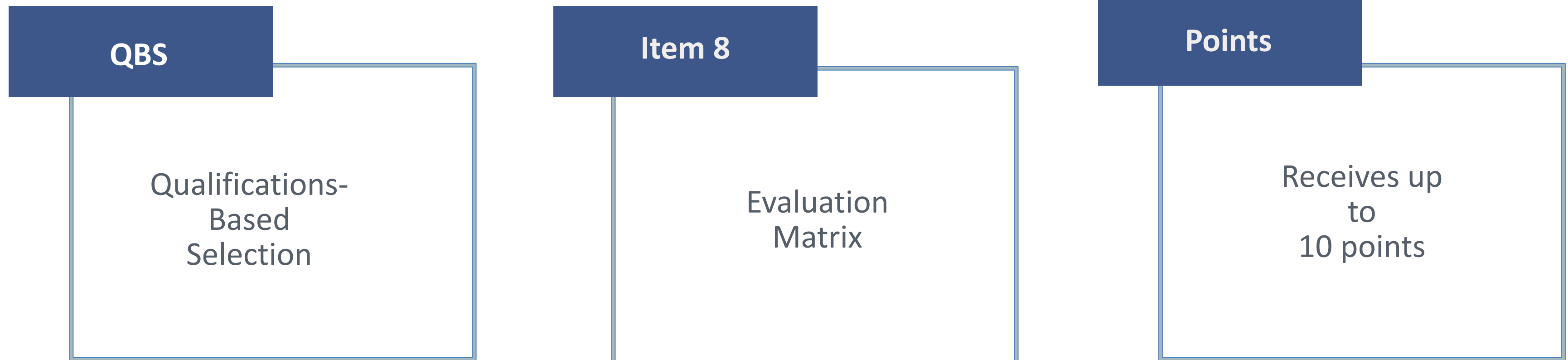
**NOTE:** The standard "Successful Performance" score of 8.33 will also be applied for Vendors who are partnered as a Joint Venture if no work has been completed with the City as the Joint Venture Firm.

## Non-Evaluated Procurements

Vendor scores are not incorporated into the bid tab; however, the City reviews the CPEs scores and the Bidder's Experience in determining if the Vendor is responsible and responsive.

The City may reject future bids of Vendors based upon sustained poor performance.

# Use of CPE in Evaluated Procurements



**NOTE:** Vendors with no previous City contracts, will receive a score of 8.33

# Using Performance Evaluation Scores (QBS Evaluation Matrix Example)

	Item 1	Item 2	Item 3a	Item 3b	Item 4	Item 5	Item 6	Item 7	Item 8		Item 9	
Points:	[Yes or No]	[Yes or No]	[10]	[20]	[20]	[15]	[15]	[10]	[10]	[100]	[15]	[115]
Firm (or Joint Venture)	MBE/WBE Procurement Program	Turned in all Required Documents	Team's Structure	Team's Project Approach	Experience of Project Manager Project Professional & Project Principal	Prime Firm's Comparable Project Experience	Major Scopes of Work Comparable Project Experience	Team's Experience with Austin Issues	<b>COA Experience with Prime</b>	SUB TOTAL	Optional Interview	TOTAL POINTS
					PM [15]	P Prin [5]						

# Inquiries, Rebuttals, & Appeals

## Inquiry Process

- Informal process initiated by Vendor inquiry to discuss any concerns regarding their evaluation.
- Direct communication between the PM and the CPE Program Compliance Coordinator (PCC) to determine if the score given was accurate, or simply an oversight.
- Option to hold an informal meeting that includes the CPE PPC, PM and Vendor.
- The decision to make changes to the CPE score originally given resides fully with the PM.

## Rebuttal Process

- Informal process initiated by Vendor request if desired decision was not rendered after the Inquiry Process.
- Vendor must notify CPE PCC of request in writing to rebut the score within 10 business days of receipt.
- Meeting attendees include the Vendor, PM, PM's Supervisor, PPD Staff as applicable, CPE PCC, Sponsor Department, and Law Department.
- Deputy Officer maintains decision-making authority.
- PPD issues a decision letter to the Vendor within 5 business days.

## Appeal Process

- Formal process initiated by Vendor request if desired decision was not rendered after Rebuttal Meeting.
- Vendor must notify CPE PCC of intent to Appeal within 4 business days and complete written Appeal must be submitted within 10 business days of rendered decision from the Rebuttal Meeting.
- The same attendees are required to attend the Appeal Meeting as with the Rebuttal Meeting.
- Officer maintains decision-making authority and no other Appeals are authorized.
- PPD issues a decision letter to the Vendor within 10 business days.



# Improving Your Score

## Communication Is Critical

- Establish a line of communication with the City's Project Manager (PM)
- Communicate clearly, effectively, and often
- The PM will be the primary point on contact
- Interim Progress Form

## Exceptional Ratings

- Innovation that resulted in cost saving measures and/or added value
- Project was completed ahead of scheduled timeframe
- Providing deliverables without prompting
- Mitigating risk(s)
- Exceeded CTP minimum requirements
- Be cooperative, especially when adapting to changes
- Provide exceptional quality
- Be accurate and on time with Invoicing and Payments

## Minimize

- Change Orders, Amendments, Additional Costs
- Errors, Delays
- Missing Meetings, Deadlines
- Issues with SMBR or Wage Compliance
- Permitting Issues

# Questions and Answers

## Additional information:

### CPE Program Main Website:

<https://www.austintexas.gov/department/cpe-program>



Scan the QR Code to go  
directly to the CPE website

# CONTACT INFORMATON



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