

## Goal Compliance Questions & Answers

### **Revision dated 3-14-2011**

**There is now a cut-off date for agreements to report goal compliance. Only agreements executed July 1, 1999 (FY2000) and after require a goal compliance form with monthly invoices. Agreements executed before July 1, 1999 do not require a goal compliance form.**

(1) Question:

We believe monthly reporting is going to prove extremely cumbersome for consultants, NJDOT Project Managers and Procurement/Civil Rights, especially on Term Agreements or other Agreements that require multiple invoices on a monthly basis. We are not trying to de-emphasize the importance of this initiative, but we recommend quarterly reporting of DBE/ESBE/SBE goals (Jan., April, July and October). Even on jobs with multiple sub-consultants during certain time frames of the project there maybe minimal sub-consultant activity.

Answer:

The Department has taken this suggestion under consideration and many discussions occurred. It has been decided that all agreement reporting will occur monthly, regardless of the type of agreement.

For term agreements, rather than include a form with every monthly invoice for every task order, provide one summary report which includes a cumulative total of the term agreement. This can be e-mailed to [cr.contcompl@dot.state.nj.us](mailto:cr.contcompl@dot.state.nj.us). Come to a consensus with your term agreement Project Manager on the method to submit monthly forms. Regardless of the method chosen, all forms must still be submitted monthly.

For project specific agreements that may involve several monthly invoices, this same method may be used; a summary report for all active mods within the agreement, rather than a report attached to each invoice. Once again, come to an agreement with your PM on the preferred reporting method.

As long as goal compliance for all active agreements is being reported monthly, the method to submit the monthly forms can vary with the PM's approval. Any form e-mailed to the PM, must also copy [cr.contcompl@dot.state.nj.us](mailto:cr.contcompl@dot.state.nj.us) .

(2) Question:

"Rating question is proposed to apply to the final project rating only.": My understanding of the current "Consultant Evaluation System Procedure" is that for Design projects, the final project rating is the "Overall Quality" rating completed subsequent to the 70-90% complete meeting, and is currently solely a function of documented negative impacts to construction cost and schedule attributable to the designer. How the Goal Compliance rating would be weighted in relation to the current criteria appears to be undetermined at this time. Perhaps the Goal Compliance rating should be applied to the last design evaluation period prior to the beginning of construction.

Answer:

The goal compliance rating for a design project will be at the time design is complete, and before construction, not when "overall quality" is rated. The time when the CE addendum is being processed, is a good indicator that the goal compliance must be rated.

Term agreements should be rated at the end of the agreement (2 or 3 years), or when the last task order is complete. In addition, if the term agreement runs out of money first, and no other task orders can be written, then goal compliance should be rated at that time.

The final form of the CES question will clearly explain when to rate a consultant on goal compliance for each type of agreement.

(3) Question:

Rating system: The proposed Goal Compliance criteria: 5, 3, 1, & N/A should as a minimum include a possible score of 4. A score of 4 would be warranted if the Goal is met or exceeded by up to 2%. A prime consultant who was able to exceed the goal by 2%, under the proposed scoring system, would receive a score of 3. Considering that the average industry CES rating for design is over 4, the prime would be penalized for in fact exceeding the established goal. This would be unfair.

The ratings will delineated as follows:

- (5) Outstanding - 3% and over of the established goal
- (4) Above Average - between 1.1% and 2.9% above
- (3) Satisfactory - within a 1% deviation of the established project goal
- (2) Below Satisfactory - between 1.1% and 2.9% below established goal
- (1) Unacceptable - below 3% of the established goal

(4) Question

Based on Wednesday's meeting, we would have to gather goal compliance information from all task orders, even the ones that we finished years ago. This is not a small task. You are asking for information that, at the time we signed the agreement, we were not aware we would need to track, and to go back and gather the information you are requesting will take time.

While we have no problem with following the goal compliance regulations going forward, we request that the Department reconsider the need for consultants to gather the information for older agreements.

Answer:

One of the goals of this initiative is to track how all active agreements are performing. The "age" of the agreement does not matter. If an agreement was invoiced, subs should have been broken out on every invoice, with running totals of the entire agreement. We will not be granting any exceptions on the goal reporting because of the age of the agreement.

The goal compliance form must be filled out, however, as long as you let your PM know that you are working on gathering the numbers, it does not have to be included with a July 2007 invoice. Come to an agreement with the PM on a submission date. When you complete the form, please also copy [cr.contcompl@dot.state.nj.us](mailto:cr.contcompl@dot.state.nj.us) .

All active agreements should have a report on file by October 2007.

