

New Jersey Department of Transportation
1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600



Baseline Document Change Announcement

ANNOUNCEMENT: BDC15S-08

DATE: February 08, 2016

SUBJECT: Contractor Performance Evaluation
- Addition of new Subpart 105.01.03 to the 2007 Standard Specifications for Road and Bridge Construction.

A new Subpart has been added to introduce Specifications for Contractor Performance Evaluation to the 2007 Standard Specifications. This change establishes a process for the contractors to dispute their ratings without going through the pre-qualification committee.

The following revision has been incorporated into the Standard Input SI2007 as of February 08, 2016.

105.01 AUTHORITY OF THE DEPARTMENT
THE FOLLOWING NEW SUBPART IS ADDED:

105.01.03 Contractor Performance Evaluation

Pursuant to N.J.A.C. 16:44-1 et seq., the Department will assign Performance Evaluation ratings to determine the Contractor's Work Classification Limit.

The RE will perform a Contractor Performance Evaluation using the Department's form DC-83 that is current at the time of bid. The Department's form DC-83 is available at <http://www.state.nj.us/transportation/eng/forms/>. The RE will perform the Contractor Performance Evaluation at the end of the annual rating period, which extends from January 1 through December 31, if the value of work performed is at least 25% of the Total Adjusted Contract Price or has a value of more than \$1 million. If a Project is completed prior to the end of the regular annual rating period, the RE will perform the Contractor Performance Evaluation when the Department initiates a Certificate of Completion. The Department may extend the rating period or decide to not perform a Contractor Performance Evaluation Rating at its sole discretion, and will provide the Contractor with written notification of a decision to extend a rating period or to not perform a Contractor Performance Evaluation Rating. The RE will provide the Contractor with the breakdown and weighting of the Quality/Contract Compliance subcategories at the preconstruction conference. The Contractor Performance Evaluation process is not an administrative process and is contractual in nature.

Meet with the RE to review the Contractor Performance Evaluation rating when requested by the RE. A protest regarding the Performance Evaluation rating will be resolved through the Rating Review meeting process specified in this Subpart and not through the Contractual Claim Resolution Process specified in Subsection 107.12.

The Contractor may only protest a Contractor Performance Evaluation rating of less than 70. If the Contractor receives a Contractor Performance Evaluation rating of less than 70, the Contractor may protest the assigned rating by submitting a request for a Rating Review meeting with the Department Manager as specified in Subsection 101.04 (2) of the Special Provisions, responsible for the administration of the construction. Submit a written request for a Rating Review meeting to the Department Manager within 15 days of receiving the Contractor Performance Evaluation Rating from the RE. Provide with the request for a Rating Review Meeting a specific and detailed statement of the reasons for the protest and

provide a copy of any documents that the Contractor wants the Department to consider. The Contractor waives its right to protest a Contractor Performance Evaluation Rating if it does not submit a written request for a Rating Review meeting within 15 days of the Contractor's receipt of the Contractor Performance Evaluation Rating.

The Department Manager will schedule and hold a meeting to review the Contractor's Performance Evaluation with the Contractor and hear the Contractor's protest within 30 days of receiving the Contractor's request for a Rating Review meeting. The Department Manager will issue a written decision upholding or adjusting the Performance Evaluation rating within 10 days of conducting the Rating Review meeting.

Implementation Code S (SPECIAL)

Changes must be implemented in all applicable Department projects scheduled for advertisement at least one week after the date of the BDC announcement.

If necessary, addenda must be issued to incorporate the changes. The changes should NOT be incorporated if issuance of addenda will require a postponement of the receipt of bids.

Recommended By:

Approved By:

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