



STANDARD CONTRACTOR EVALUATION FORM for PUBLIC BUILDING PROJECTS

(Revised: 10/16/2013)

INSTRUCTIONS for PUBLIC AWARDING AUTHORITIES:

This Evaluation form is for use *only* by Public Awarding Authorities and their representatives in evaluating the performance of both prime/general contractors and filed sub-bid contractors on Massachusetts Public Building Projects bid under M.G.L. c. 149A and c. 149, Sections 44A and 44F.

Completion, Signing and Submission of this Form for FINAL Evaluations

(1) WHO COMPLETES THE FORM?

- (a) For contracts estimated to cost \$1,500,000 or more (requiring an Owner's Project Manager – "OPM"), the OPM must complete this form. See M.G.L. c. 149, Sec. 44A 1/2; M.G.L. c. 149, Sec. 44D(7); 810 CMR 8.02(3)(a); 810 CMR 8.09(2)(a).
- (b) For contracts estimated to cost less than \$1,500,000 (not requiring an Owner's Project Manager – "OPM"), an official from the Awarding Authority, architect/designer representing the Awarding Authority or any other party responsible for oversight of the project must complete this form. See M.G.L. c. 149, Sec. 44D(7); 810 CMR 8.02(3)(b); 810 CMR 8.09(2)(b).

NOTE: Per 810 CMR 8.09(2)(b), "An Awarding Authority or Owner's Project Manager may seek input from the general contractor in evaluating a *sub-bidder's* performance of a Building Project, however, the Awarding Authority or their representative must complete and sign the Standard Contractor Evaluation Form."

(2) WHEN MUST IT BE COMPLETED and SUBMITTED?

- (a) For Prime/General Contractors: This form must be completed and submitted within 70 calendar days from completion of the project, or from the earlier termination of a contractor. See 810 CMR 8.02(1).
- (b) For Sub-bidders: This form must be completed and submitted within 90 calendar days from completion of the project, or from the earlier termination of the Sub-bidder. See 810 CMR 8.09(1).

NOTE: A project is deemed "complete" upon use and/or occupancy, or upon issuance of a certificate of use and/or occupancy, or termination of a Building Project, whichever is earlier. See 810 CMR 4.01.

(3) WHO MUST SIGN IT?

All Evaluations Require Two Signatures, as follows:

- (a) For contracts estimated to cost \$1,500,000 or more (requiring an Owner's Project Manager – "OPM"): (i) the OPM must sign as required under M.G.L. Ch. 149, Sec. 44D(7); 810 CMR 8.02(3)(a); and 810 CMR 8.09(2)(a); *and* the Awarding Authority must sign as required under M.G.L. Ch. 149, Sec. 44D(7), 810 CMR 8.02(4) and 810 CMR 8.09(3).
- (b) For contracts estimated to cost less than \$1,500,000 (not requiring an Owner's Project Manager – "OPM"): (i) an official from the Awarding Authority, architect/designer representing the Awarding Authority, or any other party responsible for the oversight of the project must sign as required under M.G.L. Ch. 149, Sec. 44D(7); 810 CMR 8.02(3)(b); and 810 CMR 8.09(2)(b); *and* (ii) the Awarding Authority must sign as required under M.G.L. Ch. 149, Sec. 44D(7), 810 CMR 8.02 (4) and 810 CMR 8.09(3).

NOTE: In accordance with M.G.L. c. 149, Sec. 44D (7), "No person shall be liable for any injury or loss to a contractor as a result of the completion of a contractor evaluation form as required by this section unless the individual completing the form has been found by a court of competent jurisdiction to have acted in a willful, wanton or reckless manner."

(4) WHERE MUST THE FORM BE SUBMITTED?

- (a) This completed form must be submitted by mail to Commonwealth of Massachusetts, DCAMM – 15th Floor, ATTN.: Contractor Certification Office, One Ashburton Place, Boston, MA 02108; *or* by fax to (617) 727-8284; *or* by email to certeval.dcammm@state.ma.us
- (b) Pursuant to M.G.L. c. 149, Sec. 44D (7), a copy of this form must be sent by the Awarding Authority to the contractor. The contractor shall, within 30 days of receipt of same, be entitled (but not obligated) to submit a written response to DCAMM disputing any information contained in the evaluation and setting forth any additional information concerning the building project or the oversight of the contract by the public agency that may be relevant to the evaluation of the contractor's performance.

Final Evaluations as Public Records:

Final Evaluations and any written contractor responses are included in a contractor’s certification file as a “public record” as defined in M.G.L. c. 149, Sec. 7, and are part of the record that Awarding Authorities are required to review in determining the lowest eligible and responsible bidder.

Amendments to Final Evaluations/Prohibition Against Negotiations:

Per 810 CMR 8.02(4), “An Awarding Authority must certify in all evaluation forms as to the accuracy of its contents and shall not negotiate the contents of the Standard Contractor Evaluation Form or the Project Rating with the Contractor or its representatives for any reason.” Awarding Authorities finding it necessary for good cause to revise an evaluation may do so *provided they include a written explanation for the revision acceptable to DCAMM.*

Using This Form for PRELIMINARY Evaluations:

This form may also be used to satisfy the requirement under M.G.L. c. 149, Sec. 44D(7), that, at approximately the 50% completion stage, the Awarding Authority shall, for informational purposes, advise the contractor in writing of its preliminary evaluation of the contractor’s performance. You are encouraged, but are not obligated, to send a copy of a Preliminary Evaluation to DCAMM.

EVALUATION and RATING of CONTRACTOR PERFORMANCE

GENERAL INFORMATION

REFERENCE: Name - _____ Title - _____

Agency/Firm - _____ Tele. # - _____

Contractor Being Evaluated: _____ DCAMM ID # _____
(if known)

This is a _____ Preliminary Evaluation; _____ Final Evaluation

For a _____ Prime/General Contractor _____ Sub-Bid Contractor

Awarding Authority: _____

Project Name and Location: _____

Scope of Work:

Contract Start Date: ____/____/____ Contract End Date: ____/____/____

Actual Completion Date: ____/____/____

Contract Cost for Contractor Evaluated [Including Change Orders]: \$ _____
(If change order amount unknown for subcontractor, estimate as 5% of subcontract amount)

Did the contractor execute this project using their own employees? _____ Yes _____ No

() Check if estimated total project cost was \$1,500,000 or greater, requiring an Owner's Project Manager.

NOTICE TO CONTRACTORS: A contractor shall, within 30 days, submit a written response to DCAMM disputing any information contained in this Evaluation and setting forth any additional information concerning the building project or the oversight of the contract by the public agency that may be relevant to the evaluation of the contractor’s performance.[See M.G.L. c. 149, Sec. 44D(7)]

EVALUATION QUESTIONS

Please rate this contractor’s performance in each of the following categories by indicating whether performance was “unacceptable,” “poor,” “satisfactory,” “very good” or “excellent,” and enter the applicable point score for each category in the right-hand margin.

After completing the final question in this section, please total the points in order to calculate an overall Project Rating. **PLEASE NOTE THAT A TOTAL PROJECT RATING OF AT LEAST 80 IS REQUIRED TO “PASS,”** and that a record of two or more Project Ratings below 80 may constitute cause for denial of certification or for decertification of a contractor.

Written comments to explain the ratings you assign in any category are extremely helpful, **and if you rate performance below “satisfactory” in any category, a detailed written explanation (with examples) must be provided.**

If additional space is necessary for any written comments, please feel free to attach additional sheets.

1. Quality of Workmanship

Rate the quality of this contractor’s workmanship. Were there quality-related or workmanship problems on the contract? Was the contractor responsive to remedial work required? If so or if not, provide specific examples.

<input type="checkbox"/> Unacceptable 0 Points	<input type="checkbox"/> Poor 14 Points	<input type="checkbox"/> Satisfactory 24 Points	<input type="checkbox"/> Very Good 26 Points	<input type="checkbox"/> Excellent 28 Points
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Sub Total: _____

Comments:

2. Project Management: Scheduling

Rate this contractor’s performance with regard to adhering to contract schedules. Did this contractor meet the contract schedule or the schedule as revised by approved change orders? If not, was the delay attributable to this contractor? If so, provide specific examples.

<input type="checkbox"/> Unacceptable 0 Points	<input type="checkbox"/> Poor 7 Points	<input type="checkbox"/> Satisfactory 11 Points	<input type="checkbox"/> Very Good 12 Points	<input type="checkbox"/> Excellent 13 Points
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Sub Total: _____

Comments:

3. Subcontractor Management

Rate this contractor's ability, effort and success in managing and coordinating subcontractors (if no subcontractors, rate this contractor's overall project management). Was this contractor able to effectively resolve problems? If not, provide specific examples.

Unacceptable Poor Satisfactory Very Good Excellent
0 Points 6 Points 11 Points 12 Points 13 Points

Sub Total: _____

Comments:

4. Safety and Housekeeping Procedures

Rate this contractor's safety and housekeeping procedures on this project. Were there any OSHA violations or serious safety accidents? If so, provide specific examples.

Unacceptable Poor Satisfactory Very Good Excellent
0 Points 3 Points 7 Points 8 Points 9 Points

Sub Total: _____

Comments:

5. Change Orders

Did this contractor unreasonably claim change orders or extras? Were this contractor's prices on change orders and extras reasonable? If not, provide specific examples.

___ Unacceptable ___ Poor ___ Satisfactory ___ Very Good ___ Excellent
0 Points 3Points 7 Points 8 Points 9 Points

Sub Total: _____

Comments:

6. Working Relationships

Rate this contractor's working relationships with other parties (i.e. Awarding Authority, designer, subcontractors, etc.) Did this contractor relate to other parties in a professional manner? If not, give specific examples.

___ Unacceptable ___ Poor ___ Satisfactory ___ Very Good ___ Excellent
0 Points 2 Points 5 Points 6 Points 7 Points

Sub Total: _____

Comments:

7. Paperwork Processing

Rate this contractor's performance in completing and submitting required project paperwork (i.e. change orders, submittals, drawings, requisitions, payrolls, workforce reports, etc.) Did the contractor submit the required paperwork promptly and in proper form? If not, provide specific examples.

___ Unacceptable ___ Poor ___ Satisfactory ___ Very Good ___ Excellent
0 Points 2 Points 5 Points 6 Points 7 Points

Sub Total: _____

Comments:

8. On-Site Supervisory Personnel

Rate the general performance of this contractor's on-site supervisory personnel. Did the superintendent(s) have the knowledge, management skills and experience to run a project of this size and scope? If not, provide specific examples.

___ Unacceptable ___ Poor ___ Satisfactory ___ Very Good ___ Excellent
0 Points 3 Points 10 Points 12 Points 14 Points

Sub Total: _____

Comments:

**NOTE: A TOTAL POINTS SCORE OF LESS THAN 80
IS A FAILING SCORE**

Total Points

LEGAL AND ADMINISTRATIVE PROCEEDINGS:

Are you aware of any legal or administrative proceedings, invoked bonds, assessed damages, demands for direct payment, payment bond claims, contract failures, contract terminations, or penalties involving this contractor on this contract? What is the status of any pending litigation? What was the final outcome of any completed litigation? What are the dollar amounts of assessed damages or penalties?

Comments:

ADDITIONAL COMMENTS (Optional):

SIGNATURES and CERTIFICATIONS

NOTE: Complete both sections of Part One or both sections of Part Two

PART ONE: For Contracts Estimated to Cost \$1,500,000 or More

Section A: *Required Signature by Owner's Project Manager:*

Pursuant to M.G.L. C. 149, Sec 44D(7), I, the undersigned Owner's Project Manager, as owner's representative, hereby certify that the information contained in this evaluation represents, to the best of my knowledge, a true and accurate analysis of the contractor's performance record on the contract.

Owner's Project Manager:

Signature

Date

Printed Name

Contact Telephone No.

Title: Owner's Project Manager

Email Address

Section B: *Required Certifications by Awarding Authority:*

Pursuant to M.G.L. c. 149, Sec. 44D(7) and 810 CMR 8.02(4) or 810 CMR 8.09(3), I, the undersigned official from the public agency, hereby certify as follows:

- a) The information contained on this evaluation form represents, to the best of my knowledge, a true and accurate analysis of the contractor's performance record on the contract;
- b) The contents of the evaluation form or the Project Rating were not negotiated with the contractor or its representative for any reason; and,
- c) Pursuant to M.G.L. c. 149, Sec. 44D(7), on the date set forth below, a copy of this evaluation was sent to the contractor.

Awarding Authority:

By:_____
Signature

Date

Printed Name

Contact Telephone No.

Title:

Email Address

PART TWO: For Contracts Estimated to Cost Less Than \$1,500,000

Section A: *Required Signature by an Official from the Awarding Authority, an architect/designer representing the Awarding Authority, or any other party responsible for the oversight of the project:*

Pursuant to M.G.L. C. 149, Sec 44D(7), I, the undersigned, official from the Awarding Authority, architect/designer representing the Awarding Authority, or other party responsible for the oversight of the project, hereby certify that the information contained in this evaluation represents, to the best of my knowledge, a true and accurate analysis of the contractor's performance record on the contract.

X _____
Signature

Date

Printed Name

Contact Telephone No.

Title:

Email Address

Section B: *Required Certifications by Awarding Authority:*

Pursuant to M.G.L. c. 149, Sec. 44D(7) and 810 CMR 8.02(4) or 810 CMR 8.09(3), I, the undersigned official from the public agency, hereby certify as follows:

- a) The information contained on this evaluation form represents, to the best of my knowledge, a true and accurate analysis of the contractor's performance record on the contract;
- b) The contents of the evaluation form or the Project Rating were not negotiated with the contractor or its representative for any reason; and,
- c) Pursuant to M.G.L. c. 149, Sec. 44D(7), on the date set forth below, a copy of this evaluation was sent to the contractor.

Awarding Authority:

By: _____
Signature

Date

Printed Name

Contact Telephone No.

Title:

Email Address