

**EASTERN MICHIGAN
U N I V E R S I T Y™**

**PHYSICAL PLANT
FACILITIES, PLANNING, & CONSTRUCTION
DEPARTMENTAL PROCEDURES**

Section:	Administration	Effective date:	July 1, 2014
Subject:	Contractors & Professionals Performance	Procedure Number:	FPC -04

Purpose

To describe the procedures for defining a Vendors performance in the capacity of their work on behalf of Eastern Michigan University on Design, Construction, and/or Maintenance and Operations projects. This shall also include mitigation of poor performance and corrective actions required of Vendors prior to future work.

Responsibility

For Design and/or Construction projects, the Project Manager for the subject project is generally responsible to implement and enforce this procedure. Any performance deemed as sub-par performance shall be brought to the attention of the Manager; Planning and Design and the Director; Facilities Planning and Construction. When applicable, the Director; Facilities Planning and Construction will notify the Vice President of Facilities and Operations .

For Maintenance projects, a similar process shall be utilized with personnel titles and authorities parallel to those listed in this procedure.

Procedure

1. Evaluation

1.1. Work Progress Evaluations

- 1.1.1. General: The Project Manager shall monitor the progress of the Vendor to ensure that the work scope and quality are being provided as required according to the contracted scope of work. If evidence of poor performance or failure to perform is encountered, the Project

Manager shall undertake efforts to encourage the Vendor to mitigate the sub-par condition and correct activities.

1.1.1.1. The EMU Project Manager may use the means of telephone call, meetings, emails, or formal letters to notify the Vendor of performance issues.

1.1.1.2. The EMU Project Manager may require a Corrective Action Plan or formal response by the Vendor identifying their means, methods, and actions pursued to correct or mitigate their poor performance.

1.2. Project Closeout Evaluations

1.2.1. At the completion of each applicable project, the Project Manager shall determine if any of the Vendors require a Contractor Performance Evaluation sheet to be completed based on their performance (See Section 4 - Applicability).

1.2.1.1. The Project Manager shall notify the Manager; Planning and Design of any poor performance reviews.

1.2.1.1.1. The Manager and Project Manager collectively determine if satisfactory mitigation has occurred by the Vendor.

1.2.1.1.2. If the mitigation is unsatisfactory, the Manager and Project Manager shall notify the Director; Facilities Planning and Construction.

1.2.1.2. When notified, the Director; Facilities Planning and Construction shall review the evaluation with the Project Manager and/or Manager; Planning and Design.

1.2.1.2.1. The Director; Facilities Planning and Construction shall determine an appropriate course of mitigation.

1.2.1.2.1.1. When deemed appropriate, the Director; Facilities Planning and Construction shall notify and/or review with the Vice President of Facilities and Operations.

1.2.1.3. Copies of all evaluation sheets shall be placed in the project file.

1.2.1.3.1. When deemed appropriate by the Director; Facilities Planning and Construction, the Project Manager shall provide copies of performance evaluations to the Purchasing Agent for their records.

1.2.1.4. For overall evaluations less than a satisfactory performance, the Project Manager shall notify the Vendor in writing of the deficiencies encountered. Copies of this notification shall be placed in the project file.

1.3.Evaluation Criteria

1.3.1. The University's procedures for evaluating Vendors based on their performance on projects which shall include, but is not limited to the following:

- Safety;
- Quality of Work;
- Cost Control;
- Timeliness of Performance;
- Application of Requirements;
- Quality of Supervision;
- Planning;
- Staffing;
- Communications;
- Teamwork, Cooperation, and Business Relations;
- Substantial Completion and Closeout.

1.3.2. Evaluations shall be conducted based on the following scoring:

- Unsatisfactory
- Below Satisfactory
- Satisfactory
- Above Satisfactory
- Outstanding

2. Mitigation and Corrective Action

2.1. Work Progress

2.1.1. If the Project Manager requests a Corrective Action Plan or formal letter of response, then the Project Manager shall also determine if a “Stop Work” order is required until the Plan/letter is accepted by the University.

- 2.1.1.1. If so determined, the Project Manager shall issue, in writing, the Stop Work order and identify that this must be resolved prior to additional work.
- 2.1.1.2. Once the issues have been resolved, the Project Manager shall issue in writing the authorization to proceed with work.
- 2.1.1.3. If the issues cannot be resolved, then the Project Manager shall discuss mitigation options with the Manager; Planning and Design and/or the Director; Facilities Planning and Construction. Options shall include those contractually allowed, including termination.

2.1.2. Project Closeout

- 2.1.2.1. If at the point of closeout evaluation evidence is found of poor performance not previously identified during work progress then the Project Manager shall undertake efforts to encourage the Vendor to mitigate the sub-par condition and correct activities prior to future work.

3. Vendor Accountability

3.1. Vendor Accountability: Vendors shall generally be accountable for their management and performance of design and construction activities. Part of this accountability shall include corrective actions, and potential disqualifications as outlined below:

3.1.1. If during a project, or after work activities are complete, the University becomes aware of unacceptable performance/conduct by the Vendor, the University may elect to pursue corrective action.

3.1.1.1. A “Zero Tolerance” stance will be held by the University resulting in possible contract termination for activities including, but not limited to:

3.1.1.1.1. Illegal activities whether directly related to the University or not;

3.1.1.1.2. Falsification of documents including time sheets, billing rates, or similar;

3.1.1.1.3. Gross negligence in the performance or work, and/or failure to perform the work;

3.1.1.1.4. Violations of University Policies

3.1.2. Vendors may be disqualified from work based on poor performance outlined in this procedure. Disqualifications may include:

3.1.2.1. Removal of “Pre-Qualification Status”

3.1.2.2. Suspension of opportunities for work by the disqualified Vendor. Time period for this suspension shall be appropriate to the cause for disqualification. Project Manager may make a recommendation for the duration of suspension for review by the Director; Facilities Planning and Construction. The Director; Facilities Planning and Construction shall determine suspension period and notify the Vendor, Director; Maintenance and Operations, Director; Buildings and Grounds, Vice President of Facilities and Operations; and Purchasing.

3.1.2.2.1. Guidelines for Suspension of Future Work shall be based on the Type of offense and severity of offense, subject to review and modification on a case-by-case basis:

Recommended Duration of Suspension from Work

Type of Issue / Severity of Issue	Safety / Gross Negligence	Falsification / Negligence	Other / Management & Work Quality
Minor Offense	0 to 1 year	0 to 1 year	0 to 6 months
Moderate Offense	1 to 3+ years	1 to 3+ years	6 to 12 months
Significant Offense	Termination or 3 to 5+ years	Termination or 3 to 5+ years	1 to 3 years
Severe Offense	Termination (5+ years)	Termination (5+ years)	3+ years

3.1.2.2.2. Repeat offenses may be considered as a “higher” severity.

3.1.2.3. Other corrections deemed appropriate by the University prior to future work being allowed.

3.1.2.4. In the case a Vendor disputes the disqualification the Vice President of Facilities and Operations shall have final authority to determine the type and duration of the disqualification(s).

4. Applicability

4.1. General Applicability:

- 4.1.1. For all projects meeting the following criteria the Project Manager shall conduct Contractor Performance Evaluations as outlined in this Procedure:
 - 4.1.1.1. Contractor Performance Evaluations shall be documented when a Vendor performs services deemed to be either “Superior” / “Good” or “Deficient” / “Inadequate”.
 - 4.1.1.1.1. Services found to be “Satisfactory” are the general expectation of service and therefore do not require documentation.
 - 4.1.1.2. In addition, Contractor Performance Evaluations shall be documented for any Vendor for the following :
 - 4.1.1.2.1. All projects wherein the Work Progress evaluation required a Corrective Action Plan or formal written response of mitigation by the Contractor.
 - 4.1.1.2.2. All projects wherein a Vendor was terminated prior to work completion.
- 4.1.2. The University may periodically select to conduct Contractor Performance Evaluations on any Design and/or Construction project regardless of value or type.