

# Appendix 11

- **Procedures for Maintenance Contract Performance Measures**

# **Government of Alberta ■** **Transportation**

## **Procedures for Maintenance Contract Performance Measures**

Commencing 2010 / 2011 Appraisal Year

<b>INTRODUCTION</b> .....	<b>1</b>
<b>TIMELINESS</b> .....	<b>3</b>
<b>SAFETY</b> .....	<b>7</b>
Development of Safe Work Procedures System .....	7
Accident Reporting and Investigation Process .....	9
Conducting Health & Safety Work Site Meetings .....	10
Safety Pre-Commencement Meetings for Subcontractors .....	10
Traffic Accommodation for Work Zones.....	12
Emergency Communications .....	13
Winter Preparedness Operator Training .....	14
<b>SPECIFICATION COMPLIANCE</b> .....	<b>15</b>
Punitive Damages .....	16
Warranty and Specification Compliance .....	19
Highway Maintenance Work .....	20
Quality Assurance Plan.....	22
Universal “Quality Assurance Audit” Form.....	22
Snow Removal & Ice Control .....	23
Mix & Stockpile Salt Treated Sand .....	23
Supply & Stockpile Sand .....	24
Supply Sodium Chloride .....	24
Cracksealing .....	24
Crack, Rout & Seal .....	25
Selective Surface Seals.....	25
Transverse Crack Repair – Spray Patch.....	26
Pothole Patching.....	26
Asphalt Pavement – Surface, Patching & Deep Patching .....	27
Roadway & Raised Median Cleaning .....	27
Painted Roadway Lines .....	28
Pavement Messages .....	28
Grading Gravel Surfaces .....	29
Regravelling .....	29
Supply & Apply Dust Abatement.....	30
Emergency Sign Package, Supply, Flag Person, Signs, Vehicle Supply/Arrow Boards..	30
Highway Maintenance Work .....	31
Mowing.....	32
Vegetation Control .....	33
Supply of Signs & Supply / Install Posts .....	34
Work on Sign Structures & Signs on Sign Structures.....	34
Supply & Install W-Beam Guardrail & Posts.....	35
Bridge Structure Cleaning.....	35
Environmental Management Plan (EMP) for Highway Maintenance Yards.....	36
<b>Summary of Maximum Scoring for Maintenance Contract Performance Measures</b> .....	<b>38</b>
<b>Summary of Maximum Scoring for Maintenance Contract Performance Measures for Partial Years</b> .....	<b>39</b>
<b>Bonus and Penalty System</b> .....	<b>40</b>
<b>When to Issue an Incident</b> .....	<b>40</b>
<b>How to Issue an Incident</b> .....	<b>41</b>
<b>Incomplete Work</b> .....	<b>41</b>

## Introduction

In 1998, a task group including members of Alberta Roadbuilders and Heavy Construction Association (ARHCA) and Alberta Infrastructure and Transportation (Trans) completed the initial “Maintenance Contractor Performance Measures” (CPM). Modifications have been made to CPM to update and improve the initial procedures. The updated procedures will come into effect commencing April 1, 2009.

This document attempts to clarify the processes and reduce any inconsistencies that exist in the practice of CPM. It is not intended to change either the “Spirit or Intent” of the original document.

CPM has three components. This document clarifies procedures for all three components.

### Partial Years

Highway maintenance contracts do not normally change on April 1<sup>st</sup>. During a contract change year, AT has seen that outgoing and incoming contractors have difficulty to deliver all work ordered. In order for the calculation of CPMs to be fair to all parties during change years, this modified process shall be followed.

- Where the contract changes but the contractor remains the same, the normal process shall be used for the full fiscal year.
- Any contract with four months or less in a fiscal year will not be given a CPM score calculated for that fiscal year.

The guiding principal for the calculation of a partial year CPM is the use of a raw score, where points awarded in the standard CPM process may not be included.

- The highest possible scorer for a partial year CPM may be much less than 100 points, as categories in the standard CPM are removed from the calculation.
- Once the raw score for the partial year CPM is calculated, it is converted to a percentage score, to one decimal point. The percentage score will be the final CPM score for the partial year

Example:

Raw score for partial year CPM:	78.5 out of 93 points
Percentage (final) CPM score:	84.4 points out of a possible 100

Examples of partial years work are:

- 1) The outgoing contractor works more than four months, starting from April 1 until after August 1. The bulk of this contractor’s work will be in planned and reactionary summer activities. Once this contractor completes the contract, it may not be possible to determine a score for some warranty repair issues, winter training or all of the quality assurance plan items.

- 2) The incoming contractor works more than six months, starting before October 1<sup>st</sup>. This contractor will deliver part of the summer work plan and all of the winter work. It may not be possible to score all quality assurance plan items.
- 3) The incoming contractor works less than six month, starting on or after October 1<sup>st</sup>. This contractor will only deliver a small portion of the summer work plan and all of the winter work. It may not be possible to score CPM items associated with sub-contractors, traffic accommodation in work zones, flag person training, warranty compliance, or all quality assurance plan items.

DRAFT

## Timeliness

The intent of “timeliness” is to measure the Contractor’s performance of “keeping up with the work” and completing work on a timely basis. Timeliness will cover 40% of the Contractor’s overall score for performance measurement.

A computer report generated by Trans staff will calculate the number of days a work item is reported to be completed late, that is days beyond it’s “due” or “completion” date.

The total number of “Work Item Days Late” will be tracked throughout the year and reviewed with the Contractor on a regular basis (normally at each Operations Meeting), to determine if the Contractor is “keeping up” to the work ordered.

One standard report format will be adopted provincially, to measure timeliness, incorporating the following features:

- Indirect Operating Costs will not be considered.
- Highway Maintenance Work will not be considered.
- Winter Response time for snowplow trucks (as described in specification 52.1.5) will not be considered.
- Winter or snow and ice control activities will not be considered, except for Ice Control Materials –Mix and Stockpile
- Emergency work will not be considered.
- No hourly work will be counted other than if the Contractor provides a proposal with a time frame.
- The Contract Administration Manual will be updated to ensure consistent procedure for recording of dates.
- When the work is completed, the completion date is the date the work order line item is reported “complete”, not the default date or due date generated when the work order was issued.
- Critical work orders will not be closed until they are completed or the end of the fiscal year, whichever comes first.
- Non Critical work orders that are not completed on time but are greater than or equal to 80% complete may be requested by the contractor to be closed at the end of the season. The Operation Manager’s decision to close a non-completed work order is final.
- Late Non Critical work order less than 80% complete will not be closed until the end of the fiscal year.
- To encourage prompt completion, Critical Work Activities Items Days Late will be multiplied by a factor of five or ten (depending on activity) prior to being added to the total Work Order Item Days Late variable in calculating the Contractor’s Work Order Timeliness score. The list of critical activities and their weighted factors are shown in “Table of Weighted Highway Maintenance Activities”.

At the end of the year, the total number of 'work item days' will be placed into an index calculation. The formula for calculation of the Contractor's Timeliness Score out of 40 is shown below:

$$\text{Contractor's W.O. Timeliness Score} = 40 \times \frac{\text{Total Number of "Work Order Item Days" in Contract} - \text{Work Order Item Days Late}}{\text{Total Number of "Work Order Item Days" in Contract}}$$

It is appropriate for the Maintenance Contract Inspector to determine if work is planned or reactionary in nature. The following definitions apply:

**Planned Work:** Work that is ordered in advance of its need, to meet the operational demands of the Department and scheduling is mutually agreed upon by both parties. Planned work may have permissible longer due dates agreed upon at the time the work order is issued. Typically the Contractor will have a "work plan" or "work schedule" and the planned work requirements are usually accommodated within the plan.

**Reactionary Work:** Work that is ordered in a "reactive situation" that occurs and is not foreseen or planned. This type of work is required to maintain overall service for the motoring public.

When the completion of the Work is delayed through no fault of the Contractor, the Contractor shall provide the Operations Manager written notice prior to the due date of the existence of circumstances over which he has no control and which affects the completion of the work. The Operations Manager may, at his discretion, extend the completion date specified in the Work Order. Refer to Contract Administrative Manual for further guidelines to extending work orders.

If the amount of work has varied appreciably from the original plan (+ 20 %), then an additional Work Order for the supplemental work will be issued. Completion dates may be adjusted when the contractor can verify that the increased work has impacted the completion dates of other work.

This procedure stresses the need for the Contractor and Maintenance Contract Inspector to work together co-operatively for identification and planning of the work, prior to issuance of the work order.

Issuance of work orders on Friday afternoon for reactionary work should be for emergency situations only.

Early in the mob/demob year, a meeting will be held between the existing contractor, new contractor and the department to coordinate a work plan for the transitional year.

Partial Years

During a partial year, each contractor will have fewer Total Number of “Work Order Item Days”. However, the importance of timely completion of both critical and non-critical work activities does not change, and no adjustment is required for the lower Total Number of “Work Order Item Days”.

Calculate Timeliness Score as per the standard CPM

Note that PMA produces the timeliness report and timeliness score by choosing the contract and the fiscal year, so reports for partial years will automatically use fewer Total Number of “Work Order Item Days”.

DRAFT



**Table of Weighted Highway Maintenance Activities**

<b>X 1 Factor (Non-Critical Activities)</b>	<b>X 5 Factor (Critical Activities)</b>	<b>X 10 Factor (Critical Activities)</b>
1500 – Subgrade Excavation	1800 – Pothole Patching by Hand	1400 - Supply Winter Sand/Salt Mixture/Ice Control Materials
1600 – Crack Sealing	1900 – Surface Patching	2300 – Line Painting
1700 – Apply Surface Seals	2600 – Re-gravelling	
2000 – Asphalt Surface Treatment	2700 – Dust Abatement	
2100 – Deep Patching		
2200 – Sweeping (Roadway & Raised Median Cleaning)		
2400 – Pavement Markings		
3100 – Milled Rumble Strips		
3200 – Mowing		
3300 – Chemical Vegetation Control		
3500 – Culvert Installation/Rehab/Replace		
3600 – Maintain Signs		
3800 – Maintain Delineators		
3900 – Maintain Guardrail		
4000 – Line Fence		
4100 – Wash Bridge Decks		

## **Safety**

Safety performance will form 20% of the Contractor's overall annual score for CPM. There will be 20 points assessed, on the following criteria for safety performance:

### **Development of Safe Work Procedures System**

- a). By April 1<sup>st</sup> of each year the Operations Manager shall identify two activities for review of the contractor's written safe work procedures. The Contractor shall provide in writing, each year, those two safe work procedures, within a month of the Operations Manager's request.

The Operations Manager shall award one point, for this category. If the Contractor complies with this requirement fully, there shall be no deductions made.

#### Partial Years

For an outgoing contractor at the end of his contract, there is not much value in asking for a safe work procedure that will not be used. The contractor gets 0 points for this item, and remove 1 point from the partial year CPM (in other words, this item is not included in the final CPM score).

For an incoming contractor working more than six months, there is enough work that two of the eighteen maintenance activities listed will have been done since the start of the contract. The District(s) shall choose two Maintenance Activities that the contractor performed during his partial year.

For an incoming contractor working less than six months, most of his work will be in winter operations. As the CPM for the partial year is not done until after fiscal year end, the contractor will need to have safe work procedures for the upcoming summer work plan. The District(s) shall choose two Maintenance Activities that the contractor will perform early in the new fiscal year.

For incoming contractors, calculate Development of Safe Work Procedures System as per the standard CPM

A listing of activities for safe work procedures is shown below:

<b>MAINTENANCE ACTIVITIES SAFE WORK PROCEDURES</b>
Snow removal, plow truck
Snow removal by grader
Snowblowing & removal by loader & truck haul
Crack sealing & transverse crack repair
Surface seal (seal & for coating)
Pothole Patching
Sweeping (intersections, bridge deck, etc.)
Line Painting
Pavement Patching & Pavement Markings
Grading gravel surfaces (summer work) & re-gravelling and dust control
Maintaining guardrails, signs & delineator (includes washing)
Washing bridge decks
Bridge wood deck repair
Emergency road closures (dangerous good spills, road hazard, 3 <sup>rd</sup> party accident response, fire calls, etc.)
Ferries
Mowing & brushing
Chemical vegetation control
Excavation or culvert repairs that involve lane closures.

- b). A copy of the internal or peer safety audit or letter from ACSA with ACSA Audit Summary Sheet is to be provided to the Operations Manager by the Contractor each year, for each Contract. The audit or letter is to be received by March 31, for the previous year.

Every Contractor that complies with this requirement fully shall be awarded two points.

Partial Years

It shouldn't matter whether the contractor is working a partial year or not, AT requires that the contractor be part of a recognised safety plan which includes regular audits

Calculate safety audits as per the standard CPM

### **Accident Reporting and Investigation Process**

- a) The contractor shall provide notification of all serious injury or other accidents, involving employees of the contractor or his sub-contractors, engaged in provincial highway maintenance work, within the execution of the maintenance contract.

The definition of serious injury is any injury or accident that is reportable by Section 18 of the Occupational Health and Safety Act.

An award of one point will be made by the Operations Manager, for this category if there are no failures in reporting accidents within 72 hours of the occurrence. During the performance evaluation appraisal period, the Operations Manager shall monitor the reporting situation. If, during the performance evaluation period, a report is missed or not reported after an ample opportunity to do so has occurred, then a deduction of one point will be made against the Contractor's safety score, for this item. Should the Contractor have more than one non-reporting deduction in this category, the Contractor's score for this item will be zero, regardless of the number of subsequent deductions.

#### Partial Years

There may be less opportunity for serious injury or accidents, but working a partial year does not make this any less important.

Calculate Accident Reporting and Investigation Process as per the standard CPM.

- b) The contractor should notify the Operations Manager, or designate, of all 3rd party accidents involving serious personal injury, fatalities, or property damage in excess of \$1000 that involves the Contractor's staff or equipment, if the work has been ordered under the terms and conditions of the Maintenance Contract. Reporting to the Operations Manager or designate, would be done usually within seventy two hours of an occurrence.

The Operations Manager shall award initially two points, for this category. During the appraisal period, the Operations Manager shall monitor the reporting situation and shall deduct one point for every time when the Contractor missed reporting. Notice of the missed reports shall be provided in writing, by the Operations Manager.

#### Partial Years

There may be less opportunity for 3<sup>rd</sup> party accidents, but working a partial year does not make this any less important. Calculate Accident Reporting and Investigation Process as per the standard CPM.

### **Conducting Health & Safety Work Site Meetings**

The Contractor shall provide documentation that monthly safety meetings were held. At least once a year, Transportation staff shall be invited (in writing) to attend the contractor's safety meetings.

This documentation shall normally take the form of a letter, inviting Maintenance Contractor Inspectors, Operations Managers and Regional Safety Officers to meetings. This may also be done by a standing invitation, contained within the minutes of an Operations meeting.

Scoring for this item shall be as shown below:

1 Point      If the Contractor has provided the letter/invitation and minutes from monthly safety meetings.

#### Partial Years

There may be less time to extend the invitation, but working a partial year does not make this any less important.

Calculate Health and Safety Work Site Meetings as per the standard CPM

### **Safety Pre-commencement Meetings for Subcontractors**

Subcontractors (for the purpose of performance measurement) are defined as the following:

Subcontractor:      Anyone, or any group, retained to do a significant portion of a major maintenance activity. Normally the Contractor is not involved in direct supervision of the work.

The Contractor should hold a pre- commencement meeting with Subcontractors to discuss application of at least the following topics:

1. Hazard Assessment
2. Safe Work Procedures and Practices

It is expected that pre-commencement meetings will have been held with all subcontractors, with minutes of the meetings recorded and available to the auditors. Owner-operators are not considered subcontractors if their work was supervised by the contractor.

The contractor will provide a year-end report listing all subcontractors and a copy of minutes from the pre-commencement meeting.

The Contractor shall be provided with three points for performance score for this item. A deduction of one point shall be made for each time when sub-contractor pre-commencement meeting were not held, or not covering the two above noted items. This is to be determined by the minutes of the pre-commencement meeting, provided by the Contractor. Should any Contractor have more than three times the Contractors performance score for this item shall remain at zero.

#### Partial Years

During a partial year, the contractor may not have the need to use three or more subcontractors.

If the contractor does not use any subcontractors during the partial year, this item is not included in the final CPM score. Remove 3 points from the partial year CPM total and do not give any points for the raw score.

If the contractor uses 1 or 2 subcontractors during the partial year, award 1 or 2 points for this item, then deduct one point for each subcontractor who did not have a pre-commencement meeting. Remove 2 points (if only one subcontractor used) or 1 point (if two subcontractors are used) from the partial year CPM.

If the contractor uses 3 or more subcontractors during the partial year, calculate safety audits as per the standard CPM

### **Traffic Accommodation for Work Zones**

- a) The Contractor shall provide documentation to confirm a standard process is used for traffic accommodation that meets the Department's standards.

Should Department staff identify deficiencies within work zones, the Contractor shall be advised of these deficiencies immediately. The Contractor shall be provided time to correct the situation (normally a day). After suitable time to correct passes and the situation continues or recurs, Department staff will identify the situation as an incident.

The Contractor shall be provided with five points for performance score for this item. A deduction of one point shall be made for each incident when Department staff have identified unsafe situations and the Contractor has failed to correct them, within a reasonable time period. Should any Contractor have more than five incidents, the Contractor's performance score, for this item, shall remain at zero.

It is expected that each District shall keep a "master list" of warnings and incidents issued.

Warning:

1<sup>st</sup> Occurrence - If the deficiency was rectified by the Contractor in an acceptable time, then the contractor will receive a Warning, not an Incident. A warning will remain in effect for a two year term. Reoccurrence within a two year period of the warning will result in assessment of an incident.

Incident:

2<sup>nd</sup> Occurrence - After a warning has been issued, the same deficiency anywhere in the Contract within two years will result in assessment of an "Incident".

Warnings and Incidents can be recommended to the Operations Manager by any department staff (usually the MCI, FST or Safety Officer). Only the OM may assess an "Incident". With the OM's concurrence an "Incident" is issued and the Contract Manager advised. The result will be a deduction of one point, to a maximum of five points in this category.

#### **Partial Years**

If the partial year starts on or after October 15<sup>th</sup>, then most of the contractors work will be during the winter and there will be few planned work zones. It is unlikely that AT would observe as many work zone deficiencies, just because there won't be as many work zones to inspect.

For partial years that start on or after Oct 1, follow the standard CPM process as described above, but to a maximum of 2 points (remove 3 points from the partial year CPM)

For partial years that start before Oct 1, calculate as per the standard CPM.

- b) The contractor shall ensure that all flag-persons have been trained and certified. Department staff may request the flag-person, on-site, to produce proof of certification.

The Contractor shall be provided with one point for performance score for this item. A deduction of one point shall be made for each time when Department staff identifies a situation where flag persons, who are not properly certified, were working. The Contractor will be provided the opportunity to confirm that the flag person was certified by providing either the card or ACSA certification list, valid for the date of the inspection.

#### Partial Years

For partial years that start on or after Oct 1, there will be fewer opportunities for AT to check in the field that flag persons are properly trained. Instead of relying on incidents in the field, the contractor shall provide documents that show all field employees are certified.

Calculate as per the standard CPM

### **Emergency Communications**

The contractor shall provide documentation on how adverse / emergency road conditions are communicated in accordance with the contract specifications. This includes updating the communication plan by October 31. The updated communication list is to be provided to the Operations Manager by October 31 of the performance appraisal period.

The Contractor shall be provided with one point for performance score for this item. If the communication list is not provided on time, then a deduction of that one point will be against the Contractor's Safety Performance Score, for this item.

#### Partial Years

It shouldn't matter when a partial year starts; the emergency contact list is just as important.

Calculate safety audits as per the standard CPM



### **Winter Preparedness Operator Training**

The Contractor shall be provided with three points for performance score for this item. The Contractor shall provide documentation on the following components of winter operator training:

- a) Road Builders Training Safety System (RSTS) snowplow safety training module, documentation that every plow truck operator has received this training.  
1 POINT
- b) Auditable and Traceable hands on training for all operators with less than one year experience.  
1 POINT
- c) Verification of attendance of all operators, foremen and superintendents at a pre-season meeting.  
1 POINT

#### **Partial Years**

It shouldn't matter when a partial year starts, operator winter training is important.

For an outgoing contractor who doesn't need to hold another pre-season meeting and won't be training new operators in the partial year, award 0 points for "b)" and "c)" and remove 2 points from the partial year CPM.

For all incoming contractors, calculate all three points described above as per the standard CPM.

## **Specification Compliance**

The Contractor's performance of "Maintenance Contract Specification Compliance" will make up 40 % of the Contractor's annual score for "Maintenance Contract Performance Measures". There will be up to 40 points assessed annually for this category. Deductions from the Contractor's starting score of 40 points will be done as shown below:

Contract specification compliance measures will come from four basic areas:

- "Punitive Damages" assessed against the Contractor.
- The Contractor's non-compliance with specifications.
- The Contractor's compliance with "Highway Maintenance Work".
- Conformance to generic Quality Assurance Plan.

Points will be distributed, for "Contract Specification Compliance", in the following fashion:

10 Points for "Punitive Damages"  
5 Points for Warranty and Specification Compliance  
5 Points for "Highway Maintenance Work"  
20 Points for Quality Assurance Plan

To ensure a consistent process, a representative from the Technical Standards Branch will sit in on the Specification Compliance evaluation.

## **Punitive Damages**

Shown below is a list of criteria where Punitive damages will be assessed against the Contractor:

- Withholding payment for truck or operator availability, or for heated storage, due to non-performance.
- If the Department has to hire someone else to get the work done on a timely basis. (Only for reactionary or planned work within the scope of the contract)
- If the unit price paid is reduced due to material quality or workmanship.
- If warranty work is not completed within the time allowed.
  - If both parties agree to delay warranty work beyond the normal completion time, then punitive damages will not be assessed.
- If work ordered under a premium is not completed on time, as long as in the opinion of the Operations Manager the Contractor had the opportunity to do the work. Note that it is the Contractor's responsibility to discuss alternatives before the due date, if he does not forecast completing the work on time.

The value of the punitive damages shall be calculated as:

- For work completed at a reduced unit price due to workmanship, the reduction in total payment is the value assessed as punitive damages.
- For withholding truck availability, operator availability or heated storage, the total value of the bid item payments for availability that were not paid is assessed as punitive damages. The Operations Manager should review the circumstances with the Contractor regarding the non-performance; there will be times when availability or heated storage is not paid but punitive damages should not be assessed.
- For work completed by others at the direction of the department, the difference in cost between the price that would have been paid to the Contractor and that paid to the other party is the value assessed as punitive damages.
- Where a unit price is reduced by the Operations Manager for material quality but there is no price adjustment defined in specifications, then the value of the reduction is assessed as punitive damages.
  - If a unit price is reduced for quality of materials using a price adjustment defined in the specification, punitive damages are not assessed.
- For warranty work not completed in a timely manner, the original value of the work that failed is the value assessed as punitive damages.
- For work ordered under a premium and not completed within the time specified, the value of the punitive damage is as shown in the table below.

**AVERAGE PREMIUM PUNITIVE DAMAGES FOR PERFORMANCE MEASURES**

Bid Item	Activity	Average Premium/Occurrence
1109	Snow Removal	\$224.41
1920	Surfacing Patching	\$703.78
1921	Surfacing Patching Interim	\$394.01
2015	Asphalt Surface Treatment	\$536.96
2016	Asphalt Surface Treatment Interim	\$268.48
2105	Deep Patching	\$546.10
2106	Deep Patching Interim	\$335.53
2204	Roadway Cleanup	\$228.71
2304	Roadway Cleanup	\$245.60
2305	Line painting	\$1,168.18
2402	Painting Pavement	\$290.23
2603	Spot Graveling	\$208.26
2907	Traffic Control	\$306.86
3305	Mobile Spray	\$265.39
3307	Hand Spray	\$229.89
3403	Catch basin	\$1,050.40
3404	Catch basin Repair	\$840.32
3406	Culvert Cleaning	\$360.68
3504	Culvert Removal	\$350.74
3526	Culvert Installation	\$482.60
3912	Guardrail Repair	\$362.29
4303	Debris Removal	\$256.42

Deductions from the performance score will be made on the cumulative value of the punitive damage in the appraisal year. Points will be deducted as shown below.

The total maximum punitive damage of \$10,000/CMA will be spread over 10 points. The points deducted will be calculated as in the following table examples depending on the number of CMAs in the contract.

**Table 1: Example Five CMAs**

Punitive Damage Range	Points Deducted
0 to \$ 5,000	0
\$ 5,001 to \$10,000	1
\$10,001 to \$15,000	2
\$15,001 to \$20,000	3
\$20,001 to \$25,000	4
\$25,001 to \$30,000	5
\$30,001 to \$35,000	6
\$35,001 to \$40,000	7
\$40,001 to \$45,000	8
\$45,001 to \$50,000	9
\$50,000 +	10

**Table 2: Example Nine CMAs**

Punitive Damage Range	Points Deducted
0 to \$ 9,000	0
\$ 9,001 to \$18,000	1
\$18,001 to \$27,000	2
\$27,001 to \$36,000	3
\$36,001 to \$45,000	4
\$45,001 to \$54,000	5
\$54,001 to \$63,000	6
\$63,001 to \$72,000	7
\$72,001 to \$81,000	8
\$81,001 to \$90,000	9
\$90,000 +	10

The Operations Manager shall keep a “running total” of punitive damages and review them with the Contractor on a regular basis, usually monthly, or a mutually agreed time frame. Any points deducted will be at the end of the year, March 31, for the appraisal period.

#### Partial Years

It is unfair to the other contractors working the full year, and who have more opportunity to collect punitive damages, to use the same rate of \$10,000 per CMA to pro-rate deductions for punitive damages in a partial year.

Because the district(s) may switch funding for maintenance activities between the two contractors in a changeover year, the Operations Manager must take special care that each contractor had the capability to deliver the ordered work before assessing punitive damages, especially with item in the summer work plan.

Adjust the \$10,000 per CMA for the partial year according to each contractor’s budget split in the CMA budget allocation.

For example, an incoming contractor works 9 months.

The annual CMA budget is \$3,500,000, and the incoming contractor’s portion of that is \$2,780,000.

The maximum punitive damage for that CMA is  $(2,780,000/3,500,000) * \$10,000 = \$7,943$ .

Add the individual CMA maximum punitive damage values to get the dollar value for the whole contract.

Follow the standard process to distribute deductions up to the 10 points maximum as per the standard CPM.

### **Warranty and Specification Compliance**

Criteria that fall under the classification as not complying with “Specification Compliance” are:

- The Contractor fails to perform work according to specification after verbal or written notice has been provided and sufficient time has passed to enable the Contractor to correct the deficiency. The time to correct is normally 30 days after notice is given, or a mutually agreeable time frame.
  - If verbal notice is given to the Contractor, the Operations Manager shall be informed as soon as practical in writing.

At the beginning of each appraisal period, the Contractor will be provided a score of 5 points for this category. A deduction will be made of one point for each incident that occurs, within the appraisal period. If a Contractor has more than 5 incidents within the appraisal period, the Contractor’s score for this category shall be zero.

#### **Partial Years**

In a partial year, the contractor may not actually do much work that has a warranty. But all work can be reviewed for compliance with specification, so there will be opportunities to evaluate the contractor’s performance for compliance and (maybe) for warranty.

Calculate safety audits as per the standard CPM.

## **Highway Maintenance Work**

In regard to “Highway Maintenance Work”, the following are criteria for non-compliance:

1. If regular or planned “highway inspections” are not done on the dates specified.
2. Regular inspections that are not reported.
3. The Contractor fails to report specific site conditions after prior notice had been issued by Department staff to do so.
  - After prior notice has been issued, a report of specific site conditions can be provided to the Department within one period for the normal daytime inspection cycle.
4. Temporary replacement of a “Stop” or “Yield” sign is not done, after the Contractor has had an opportunity to do so.
5. The Contractor fails to complete other highway maintenance work after Department staff have issued prior notice by any one of the following methods:
  - Discussion in a Operations Meeting
  - Written notice or issuance of a Work Order under the Highway Maintenance Work Item by Maintenance Contract Inspector, to the Contractor

Minutes of Operations meetings or any written notice shall clearly identify exactly what the Highway Maintenance Work deficiencies are. All deficiencies are to be completed by the earliest of the following:

- Mutually agreed time frame, or
- Within 30 days

The completion deadline is from the time of Operations meeting or issuance of written notice. For notices given at an Operations meeting, no extra time is permitted for meeting minutes preparation or acceptance of the minutes at the next meeting.

The Contractor shall be awarded five points, for this category, at the beginning of the appraisal period. A deduction of one half point will be made for each month that the Contractor has failed to complete “Highway Maintenance Work”, as defined above. Should the Contractor have incidents, as defined in this document, a deduction of one half point will be made for each incident within the appraisal period. If a Contractor has more than five points deducted, the Contractor’s score for this category will be zero.

Written notice of each incident is to be provided by the Operations Manager, either in a letter or in Minutes of an Operations meeting.

### Partial Years

The standard CPM allows five points over twelve months. For partial years:

- take the proportional number of months in the partial year contract,
- round down to the nearest half point,
- replace the five points described above with that number, and
- deduct the appropriate amount from the partial year CPM.

DRAFT



## **Quality Assurance Plan**

The Operations Manager (or designate) shall audit documentation required under the Contractor's specification for Quality Assurance Plan. The Operations Manager (or designate) will review 20 activities identified, for that appraisal period. A standard format will be adopted and a joint review done with the Contractor, before the end of the appraisal period. Up to one full point per activity with individual points assigned to each Quality Assurance Process Item will be assessed to the Contractor for each activity that the Contractor can provide adequate documentation.

Note: Partial marks (points) will not be given for individual Quality Assurance Process Items. (All or Nothing)

### **Partial Years**

In a partial year, the contractor may not do all of the work activities chosen for QA checks. It would not be reasonable to do 20 QA checks if fewer than 20 activities were actually done.

- Select as many work activities as possible based on the work done by the contractor during the partial year.
- Award as many points as possible. If less than 20 activities were performed during the partial year, follow the standard CPM process for each work activity, checking as many of the activities that the contractor actually performed up to the maximum of 20.
- Remove the difference between the full 20 activities and the actual number that the contractor performed from the partial year CPM.

### **Universal "Quality Assurance Audit" Form:**

A year end audit to be done on twenty of the following based on the following:

### Snow Removal & Ice Control

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Annual checks of spreader device and calibration.	One each per truck/year	All trucks must have an inspection completed indicating working condition prior to the Truck Availability date	.2	
2. Spot calibrate 5% of units For determining number of trucks round up from .5	Per year	5% of all truck have a inspection completed indicating working condition after the Truck Availability date	.2	
3. Payment in hours – time records submitted to Trans are physically spot-audited for time record accuracy	Audit 90% of the fleet in a min. 2 storm events	Records have been inspected and a report completed	.2	
4. Site Q/A inspection of work to evaluate conformance to spec and accuracy of measurement	Four Random inspections per CMA per yr. (covering min. 20% of fleet)	Four random sites per CMA have been inspected – must include checking of the following items: Lights , driver's qualification, equipment compliance to the specification, required number of units	.4	

### Mix & Stockpile Salt Treated Sand

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Volumetric measure – total volume of material	One pile/CMA	One pile per CMA must be properly measured with details of the measurement provided	.4	
2. Application rate of salt is as specified	One pile/CMA	Must provide details on the method for re-mixing of previously treated and mixing of new sand confirming correct application rate of salt or liquid de-icer as specified including (bulk deicing salts content calculations)	.6	

### Supply & Stockpile Sand

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Sieve analysis to be supplied by supplier, 1 each per 800 tonnes of material supplied. If consistent material, OM may specify min. 1/source/yr. Results to be consistent with spec agreed to with Trans for specific sources	Random check sieves, if supplier results not by an independent lab whose results are certified by a P. Eng. at one per source.	Must provide copies of test results on one sample per 800 tonnes of material provided – testing to be completed by an independent lab or certified by a P. Eng	1.0	

### Supply Sodium Chloride

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Each load to clearly show the net weight of Product being delivered	Independently re-weigh four loads per year	Four loads have been independently re-weighed and proper documentation provided verifying accuracy of weight	1.0	

### Cracksealing

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Use material from recognized product list with suppliers providing Q/C results for each batch of material supplied	Each batch	Must provide copies of Q/C results for each batch from Supplier – material must be from the recognized product list	.2	
2. Audit supplier Q/C tests by independent test	One each per supplier	Must supply a copy of one test for each Supplier - tested by an independent testing lab	.3	
3. Audit crew compliance to specification and quantities.	500 lane metres per CMA per season	500 lane metres (.5 km Hwy length) per CMA has been inspected checking that the cracks are clean and sealed	.5	

### Crack, Rout & Seal

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Use material from recognized product list with suppliers providing Q/C results for each batch of material supplied	Each batch	Must provide copies of Q/C results for each batch from Supplier - material must be from the recognized product list	.4	
2. Audit crew compliance to specifications and quantities. Use templates as per Drawing CBS-10.5M	500 lane metres per CMA per season	500 lane metres (.5 km Hwy length) has been inspected record size of rout with use of template and note method used for cleaning and drying the crack	.6	

### Selective Surface Seals

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Obtain supplier results for each batch of material supplied	Do an independent test to verify supplied Q/C results if quantity of product utilized exceeds 20,000 litres per year.	Must provide the Suppliers specification confirming that the material supplied meets requirements. Confirm with a sample tested by an independent lab if quantity of product utilized exceeds 20,000 litres per year	.2	
2. Do aggregate sieve analysis – one per source	Do an independent Q/A test per year if sieve not done by an independent testing agency with results certified by a P.Eng.	Must satisfy the requirement that the product meets specification. If not a pre-approved source, Q/A test completed by an independent lab	.2	
3. Site Q/A inspection of work to evaluate conformance to spec and accuracy of measurement.	Two each per CMA per year	Two sites per CMA have been inspected while and a check to ensure accuracy of measurement and compliance to the specification	.6	

### Transverse Crack Repair - Spray Patch

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Do aggregate sieve analysis	One per year per source	Must provide copies of one test per source completed by an independent lab or certified by a P.Eng.	.2	
2. Obtain Q/C results by oil supplier	Verify from bill of lading – 1 load/year/supplier	Must provide copies of Q/C results from each Supplier. One independent test to verify	.2	
3. Site Q/A inspection of work to evaluate conformance to specification and accuracy of measurement	One per year	One site per CMA has been inspected , including a check of the actual length and width of spray patch	.6	

### Pothole Patching

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
Site Q/A inspection of work to evaluate conformance to specification and accuracy of the measurement	One section of hwy. per CMA per year	One section of hwy. per CMA has been inspected, checking the size and number of potholes	1.0	

**Asphalt Pavement – Surface, Patching & Deep Patching**

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Asphalt Concrete Pavement Mix, provide mix design for the approved mix for each mix from each supplier and each source  Note: Contractor Supply Only	One per each supplier per source per mix	Must provide copies of mix designs for the approved mix for each mix, each supplier and each source	.2	
2. Obtain Q/C results if performed by supplier, audit supplier testing  Note: Contractor Supply Only	Minimum one independent test to verify asphalt, oil content and gradation as per mix design per year, on a min. tonnage of 50 t.	Must provide copies of Q/C results from each Supplier and copy of one independent test to verify asphalt, oil content and gradation as per mix design	.2	
3. Spot check scales or weight of loads.	One per year per supplier	Must check scales or weight of loads and provide an inspection confirming accuracy	.1	
4. Site Q/A inspection of work to evaluate conformance to specification and accuracy of measurement	One per CMA per year	One site per CMA has been inspected. A check measurement of the area being repaired vs. requested quantities	.5	

**Roadway & Raised Median Cleaning**

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
Audit for compliance to specification	Four areas per CMA per year, covering all activities done in each CMA	Four areas per CMA have been inspected including a check measure of areas cleaned to ensure accuracy of measurement.	1.0	

### Painted Roadway Lines

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Use recognized products list for paint and bead.	Each material	Must provide copy of certification for paint and beads from Supplier	.1	
2. Obtain supplier Q/C results for paint and beads	One per supplier per batch	Must provide copies of Q/C results for one test per batch from each Supplier	.1	
3. Produce or obtain daily application records	Verify to meet spec daily	Must provide copies of daily field production records.	.2	
4. Audit daily application and payment quantity	One day's production per CMA per year	Must review, audit and provide copies of one day's field production records per CMA – must include checking application rates and method of calculation of rates	.1	
5. Visual conformance to specification on highway	Four 5 km sections and minimum 2 intersections per CMA per year	Four 5 km sections and a minimum 2 intersections per CMA including a check on the width of line placed and the application of bead to ensure compliance with the specification	.5	

### Pavement Messages

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Obtain supplier Q/C results	One per supplier	Must provide a copy of Q/C from each Supplier	.2	
2. Visual audit application for conformance to specifications	One per CMA per year	One site per CMA has been inspected checking layout of message to ensure accuracy of measurement	.8	

### Grading Gravel Surfaces

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	
Payment in hours – time records submitted to Trans are physically spot audited for time and record accuracy and completeness	One per grader - a maximum of 8 inspections	Records have been inspected and an inspection completed for up to a maximum of 8 graders.	1.0	

### Regravelling

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Do aggregate analysis. If consistent material, OM may specify minimum 1 per source per year. Results to be consistent with spec agreed to with Trans for specified material.	One test per 800 tonnes per source	Must provide copies of test results on one sample per 800 tonnes of material provided – testing to be completed by an independent lab or certified by a P.Eng	.2	
2. Spot check scales/weights of loads	One per source	Must check scales or weight of loads	.2	
3. Site audit for conformance to specifications	One per CMA per year	One site per CMA has been inspected must include details of a check on the distance covered by a load (spread rate)	.6	



### Supply & Apply Dust Abatement

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Obtain Q/C results certifying analysis of product (copy with each load)	One each per source per batch	Must provide copies of Q/C results for each load	.1	
2. Audit product Q/C analysis – send sample for independent test	One per four loads	Must supply a copy of one test per four loads for each Supplier - tested by an independent testing lab confirming quality	.2	
3. Audit daily bulk application and payment quantity	One day per CMA per year	Must review, audit and provide copies of one day's field production records per CMA	.2	
4. Visual audit application results on highway for conformance to specification	One section per CMA per year	One section per CMA has been inspected, including a check on the application rate in the field	.5	

### Emergency Sign Package, Supply, Flagperson, Signs, Vehicle Supply/Arrow Boards

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Do audit of all signs and verify equipment package complete and ready to mobilize	Twice per year per package	Each emergency sign package has been inspected twice verifying complete and ready to mobilize	.5	
2. Spot audit compliance to specifications	One/yr./CMA	One activity per CMA have been inspected	.5	

**Highway Maintenance Work**

<b>Q/A Process Items</b>	<b>Minimum Frequency</b>	<b>Assessment Criteria</b>	<b>Points</b>	<b>Score</b>
1. Keep record of highway maintenance work on approved form	Check use of form	Must provide documentation that the use of approved form has been reviewed with staff	.1	
2. Audit inspections for compliance	Four per CMA per year	Four inspections per CMA on approved form have been reviewed and documentation provided including copies of the inspection reports and check to ensure that minimum standards are met	.4	
3. Audit winter inspection circuits for completion of inspection and accuracy of road condition assessment	Four circuits per CMA per year	Four winter inspections per CMA on approved form have been checked and verified for completeness and accuracy of the road condition assessment within 24 hrs of completion of report and documentation provided including copies of the inspection reports	.5	

**Mowing**

<b>Q/A Process Items</b>	<b>Minimum Frequency</b>	<b>Assessment Criteria</b>	<b>Points</b>	<b>Score</b>
1. Audit check to verify cuts 150 mm in accordance with specification.	One day's production per CMA per year	One day's production per CMA has been inspected. checking and verifying height of cut is in specification	.3	
2. Audit mowing width for partial right-of-way mowing	One day's production per CMA per year	One days production per CMA has been inspected verifying mowing width for partial right-of-way mowing	.3	
3. Audit that hand trimming has been done as required	One day's production per CMA per year	One days production per CMA has been inspected verifying that hand trimming has been done as required	.4	

DRAFT

**Vegetation Control**

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Verify applicator has proper license	Once per year	Must provide copies of all applicator's licenses	.1	
2. Obtain copies of permits and advertisement	Once per year	Must provide copies of any required licenses, permits and advertisements	.1	
3. Obtain production reports confirming application rate	For all areas	Must provide copies of production reports for all areas verifying application rates and method of calculation of rates of application	.4	
4. Audit application of chemicals in accordance with specification	Once per season, one area per CMA	One area per CMA has been inspected including a check that the application of chemicals is in accordance with specifications	.2	
5. Audit production reports	One day per year per CMA	One days production report per CMA to be reviewed for completeness and accuracy with documentation provided verify that the application rate is appropriate for type of weeds targeted	.2	

**Supply of Signs & Supply / Install Posts**

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Supplier to provide certification that materials supplied meet specification and are from recognized products list	Once per year per supplier	Must provide the Suppliers specification confirming that the materials supplied meet requirements and are from the recognized products list	.5	
2. Spot audit installation to verify conformance to specifications	Four installations/ CMA/year	Four installations per CMA have been inspected - must include details verifying conformance to specifications	.5	

**Work on Sign Structures & Signs on Sign Structures**

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Supplier to provide certification that material supplied meet specifications and are from recognized products list.	Once per year per supplier	Must provide the Suppliers specification confirming that the materials supplied meet requirements and are from the recognized products list	.4	
2. Spot audit installation to verify conformance to specifications	Four per year per CMA	Four installations per CMA has been inspected	.6	

### Supply & Install W-Beam Guardrail & Posts

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Supplier to provide certification that materials supplied meets specifications and are from recognized products list.	Once per year per supplier	Must provide the Suppliers specification confirming that the materials supplied meet requirements and are from the recognized products list	.3	
2. Spot audit installations to verify conformance to specifications and the posts have a date certificate attached.	Four installations per year per CMA	Four installations per CMA have been inspected for accuracy of measurement for spacing, height and depth of all posts, verification that all posts have a date certificate attached and are properly compacted	.7	

### Bridge Structure Cleaning

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
Spot Audit to verify compliance to specification and DF&O Operational Statements	One bridge per CMA per year.	One bridge per CMA has been inspected, including a check on the accuracy of measurement and conformance to Operational Statement	1.0	

**Environmental Management Plan (EMP) for Highway Maintenance Yards**

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
1. Check that EMPs are on site at every shop.	1 per year, per shop	Documentation that all shops have EMPs on site.	.1	
2. Documentation of staff being trained in requirements of EMP.	Once per employee	Documentation of each individual trained in requirements.	.1	
3. Document effectiveness of the EMP.	1 per year	Document inspection of shop and yard as to conformation to the EMP.	.1	
4. Follow-up inspection of deficiencies.	As required	Document follow-up as required.	.1	
5. Inspection of Highway Maintenance yard by independent and qualified engineering consulting firm registered with A.P.E.G.G.A.	2 per year: 1 in Jan / Feb 1 in July / Aug	Copy of consultant's inspection report received by Operations Manager within deadline in Special Provisions.	.1	
6. Notification to Operations Manager of when consultant is going to do inspection so that Alberta Transportation staff may attend.	2 per year	Copy of notification	.1	
7. Records and logs are being kept to demonstrate that proper controls are in place working successfully and monitored.	Ongoing	Records are being kept according to the Environment Protection and Enhancement Act and Water Control Regulations at all Highway Maintenance Yards.	.1	
8. Reporting to Alberta Environment any releases that have occurred or have potential to cause any adverse effect.	As occur	Report incidents according to the Release Reporting Regulation (Alberta Environment, 2001).	.1	
9. All issues identified by Alberta Environment are reported to Alberta Infrastructure and Transportation.	As occur	Report any occurrences.	.1	

Q/A Process Items	Minimum Frequency	Assessment Criteria	Points	Score
10. Groundwater Quality Monitoring	2 per year	Copies of chloride and sodium testing of water at each site by qualified engineering consultants registered with A.P.E.G.G.A.	.1	

DRAFT



**Summary of Maximum Scoring for  
Maintenance Contract Performance Measures**

	Points	Score
<b>Timeliness</b>	40	
Total Points	40	
<b>Safety</b>		
Development of Safe Work Procedures		
a) Provide two work procedures	1	
b) Provide internal or peer audit	2	
Accident Reporting & Investigation Process		
a) No failure to report serious accident within 72 hours	1	
b) Notification of 3rd Party Accidents greater than \$1000.00	2	
Conducting Health & Safety Work Site Meetings		
a) Invitation to safety meetings	1	
Safety Pre-Commencement Meetings for Subcontractors		
a) Minutes of all meetings showing discussion of Hazard Assessments and Safe Work Procedures and Practices	3	
Traffic Accommodations for Work Zones		
a) Incidents of failure to correct identified unsafe situations	5	
b) Times when flagpersons not properly certified	1	
Emergency Communications		
a) Updated communications list by October 31	1	
Winter Preparedness Operator Training		
a) Documentation of RSTS snowplow	1	
b) Auditable and trackable hands-on training	1	
c) Verification of attendance of pre-season meeting	1	
Total Points	20	
<b>Specification Compliance</b>		
Punitive Damages	10	
Warranty and Specification Compliance	5	
Highway Maintenance Work	5	
Quality Assurance Plan	20	
Total Points	40	
Grand Total	100	

**Summary of Maximum Scoring for  
Maintenance Contract Performance Measures in Partial Years**

	Points* adjust for partial year CPM as described previously	Raw Score
<b>Timeliness</b>	40	
Total Points	40	
<b>Safety</b>		
Development of Safe Work Procedures		
a) Provide two work procedures	0 or 1	
b) Provide internal or peer audit	2	
Accident Reporting & Investigation Process		
a) No failure to report serious accident within 72 hours	1	
b) Notification of 3rd Party Accidents greater than \$1000.00	2	
Conducting Health & Safety Work Site Meetings		
a) Invitation to safety meetings	1	
Safety Pre-Commencement Meetings for Subcontractors		
a) Minutes of all meetings showing discussion of Hazard Assessments and Safe Work Procedures and Practices	0, 1, 2 or 3	
Traffic Accommodations for Work Zones		
a) Incidents of failure to correct identified unsafe situations	2 or 5	
b) Incidents of flagpersons not properly certified	1	
Emergency Communications		
a) Updated communications list by October 31	1	
Winter Preparedness Operator Training		
a) Documentation of RSTS snowplow	1	
b) Auditable and trackable hands-on training	0 or 1	
c) Verification of attendance of pre-season meeting	0 or 1	
Total Points	20?	
<b>Specification Compliance</b>		
Punitive Damages	10	
Warranty and Specification Compliance	5	
Highway Maintenance Work	0, 1, 2, 3, 4 or 5	
Quality Assurance Plan	Up to 20	
Total Points	40?	
Raw Grand Total	100?	
Final Score	100	

### **Bonus and Penalty Process**

The bonus and penalty process, based on the CPM, shall be applied annually following the chart:

<b>FINAL SCORES</b>	<b>BONUS</b>	<b>PENALTY</b>
98 to 100	\$100,000	
96 to < 98	\$ 80,000	
94 to < 96	\$ 60,000	
92 to < 94	\$ 40,000	
90 to < 92	\$ 20,000	
80 to 90	0	0
78 to < 80		\$ 20,000
76 to < 78		\$ 40,000
74 to < 76		\$ 60,000
72 to < 74		\$ 80,000
70 to < 72		\$100,000
Less than 70		\$100,000

The bonus/penalty will be applied to a progress estimate in the fiscal year following the performance evaluation year.

### **When to Issue an Incident**

1. An Incident is when the work performed is not satisfactory, even after the Contractor has been given the opportunity to correct the work.
2. The Contract is generally quite specific in regard to many activities of the Contractor. It is not intended that “incidents” will be issued every time that any detail of the specification is not met.
3. If a department employee comes out to a site and the site must be shut down for “imminent danger” to either Contractor employees or for Public Safety, a recommendation for an Incident will be made to the Operations Manager. No prior consultation with the Contractor is required in this case.
4. Sometimes circumstances in the field mean that the Contractor can not correct work that was not completed according to specifications or is unsatisfactory. When this occurs, it can either be resolved locally or recommended as grounds for an incident.
  - a. There should be only one incident awarded for each situation; multiple incidents should not be “stacked up” from a single situation.
  - b. Recurrences of the situation may be grounds for recommending another incident, regardless of where they happen.
    - i. Note that the contractor must always be given the opportunity to correct the unsatisfactory work before an incident should be recommended.
5. The Operations Manager may award an incident for other circumstances as described in the Safety and Specification Compliance sections of this document.

### **How to Issue an Incident**

1. Any department staff (usually Field Support Technologist, Maintenance Contract Inspector or Regional Safety Officer) can recommend an “incident” to the Operations Manager.
2. It is expected that the Department employee will discuss the deficiency with Contractor staff on-site or supervisory staff of the Contractor as soon as possible. Field problems are best resolved in the field, not within CPM.
3. For new situations that arise, the contractor should be permitted the opportunity to correct the situation. If the Contractor does still not resolve the situation, within the guidelines developed by the Committee, then it is appropriate to recommend an “incident” to the Operations Manager.
4. Recommendations for an incident to the Operations Manager will require a “note”, indicating at least the following information:
  - a. Where the incident occurred,
  - b. When the incident occurred,
  - c. What the incident was,
  - d. When and what the Contractor was advised, and
  - e. What opportunity the Contractor had to correct.

This note should be shared with the Contractor before the Operations Manager awards the incident.

In general, this note should be written within a few days of the event. This is to ensure that the memory of the event is still fresh, for those involved. Notes should not be written after long time period have passed, or written retroactively.

On the other hand, notes should not be written in the haste or “in the heat of the moment”. Although it is advisable, if possible, to write the note in the field at the time of the event, it is not a specific requirement. It is requested by the Committee that if it is a case of judgment that the recommendation be carefully considered and perhaps be issued the following day.

### **Incomplete Work**

1. If work is deemed incomplete or otherwise not done, it then becomes an issue of dispute resolution, not an issue in Performance Measures (unless there are punitive damages assessed). “Incomplete work” is not an acceptable reason to recommend an incident.
2. Contractors will have the ability to review the status of completed and incomplete work orders during the year. It is important that completion dates and work reporting dates be kept as accurate as possible.