LEGISLATIVE DIGEST

[Administrative Code - Pubic Works Contracting and Contractor Performance Evaluations]

Ordinance amending the Administrative Code to remove the minimum cost criterion weighting for Design-Build and Construction Manager/General Contractor best value procurements; and to require consideration of available contractor performance evaluations when considering contractors for award of a public works construction contract.

Existing Law

Contractor Performance Evaluations. Chapter 6 of the Administrative Code governs the contracting policies and procedures for public work construction projects. Existing law requires that each department authorized to enter into Chapter 6 construction contracts document, evaluate, and report the performance of all contractors awarded construction contracts.

Cost component in Design-Build and CM/GC Best Value Procurements. For Design-Build and Construction Manager/General Contractor best value procurements under Chapter 6 of the Administrative Code, existing law requires that cost account for at minimum 40% of the overall evaluation score.

Amendments to Current Law

Contractor Performance Evaluations. This ordinance would codify existing practice of considering past performance as documented in relevant contractor performance evaluations when evaluating a contractor's responsibility for award of a construction contract. This ordinance would also require that the contractor performance evaluations include documentation as applicable of any notices of violation, citations, third party claims filed against the City related to the contractor's work, or instances of non-compliance with contract terms.

Cost component in Design-Build and CM/GC Best Value procurements. This ordinance would remove the requirement that cost account for at minimum 40% of the overall evaluation score, and would instead allow the department the discretion to determine the weighting of the cost and non-cost criteria in the overall evaluation of the Design-Builder or CM/GC.