

GUIDELINE FOR ADMINISTRATION OF PERFORMANCE SUSPENSION

BACKGROUND:

In view of the significant number of contracts on which performance appears to be such that completion will not be within the time specified, performance suspension must be considered.

PROCEDURE

This procedure shall be initiated when thirty percent or more of the contract time allotted, including time extensions, has been used. Performance on these projects is considered unsatisfactory when the percent of work completed lags behind the percentage of revised time used by twenty percent or more. [Attachment 1](#) depicts a typical S-Curve for a project and illustrates the lag in performance which would trigger this procedure.

Step 1

Contractors having a project, or projects, falling within the unsatisfactory range shall be notified in writing by the Resident Engineer indicating the Department's concern regarding their performance. The letter shall be sent by certified mail and shall state that not later than 15 days from the receipt of the Resident Engineer's letter to the Contractor, the Contractor shall arrange for a meeting with the Field Division Engineer. At the meeting with the Field Division Engineer, the Contractor shall present a schedule which indicates how the Contractor intends to complete the remaining work in the allotted time. If the Field Division Engineer is satisfied with this presentation, the Contractor may continue to maintain its pre-qualified status. If the schedule presented at the meeting is not satisfactory or if the actions agreed upon as satisfactory are not implemented within 30 calendar days from the date of the meeting, the issue will be elevated to the Construction Engineer. A sample letter from the Resident Engineer to the Contractor is shown in [Attachment 2](#).

Step 2

Unsatisfactory performance issues which cannot be resolved at the Field Division level shall be elevated to the Construction Engineer. The Construction Engineer shall review the information presented to the Field Division Engineer and arrange for the pre-suspension hearing in accordance with Commission Rules, Regulations, Policies, and Procedures.

RESPONSIBILITIES

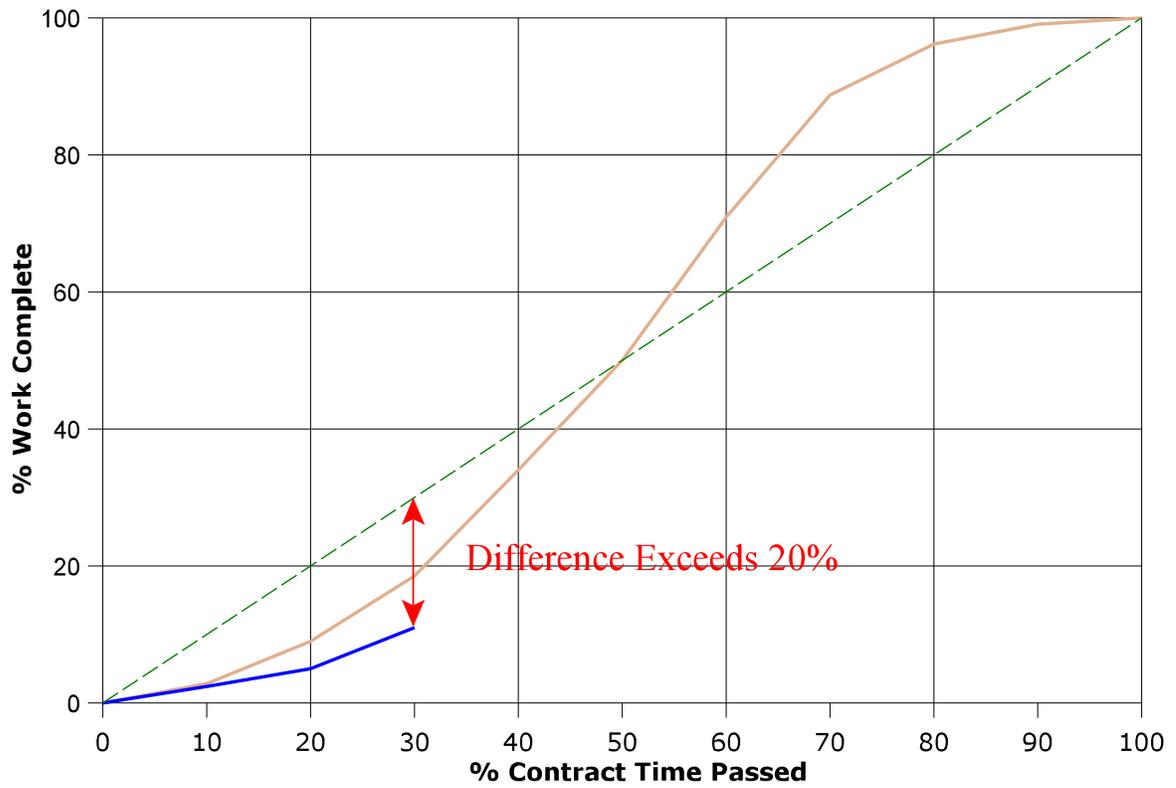
Resident Engineers shall review the contractor's performance at the end of each month and report to the Field Division Engineer those firms falling within the unsatisfactory performance range. The Resident Engineer, in consultation with the Field Division Engineer, will initiate the letter to the applicable contractor, giving notice of the Department's concern regarding their progress.

The Construction Division will arrange for the pre-suspension meeting.

It will be the responsibility of the Office Engineer to prepare letters notifying firms of suspension.

This letter should be coordinated with the Chief Engineer and General Counsel. The letter will be for the Director's signature.

Project S-Curve



- Planned Work By Contractor
- Actual Work By Contractor
- % Work Complete = % Time Passed

Attachment 1



OKLAHOMA DEPARTMENT OF TRANSPORTATION
1307 Transportation Lane
Felt, Oklahoma 76842

February 14, 2002

Wols Construction, Inc.
P.O. Box 33
June Bug, Oklahoma 74744

Dear Mr. Wols:

A review of progress on Project SAP-78(101) shows you are below the Department's guidelines for satisfactory performance. You have used fifty percent of the allotted contract time, including time extensions, but have completed only twenty-four percent of the work. The Department is very concerned that at this rate of progress, you will not complete the work within the allotted time.

Within 15 days from the date of receipt of this letter, you shall contact the Oklahoma Department of Transportation Division Engineer, 1306 West Transportation Lane, Felt, Oklahoma, 76842, to arrange a meeting to discuss work performance.

At this meeting you shall present to the Department your revised schedule which will demonstrate how your company's resources will complete the remaining work on the project within the remaining contract time. Failure to respond to this letter within the 15 day time period may result in suspension of your company's pre-qualification status.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron Poynter".

Byron Poynter
Resident Engineer

Copy to: Division Engineer
 Construction Engineer
 Office Engineer
 General Counsel

Attachment 2