

Service Vendor Performance Evaluation Appeal Process

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The Michigan Department of Transportation (MDOT) will complete a performance evaluation for all types of services contracted through the Department, for both prime vendors and subvendors, in order to: provide documented feedback of performance; promote project management/vendor communication; identify and document areas of potential improvements; and improve the overall quality of MDOT projects. The vendor and subvendor(s) will be rated on the following twelve factors on a scale from 1 to 10, if they are applicable to the project:

1. Was the vendor in control of the services provided to MDOT?
2. Did the vendor communicate adequately with the department staff?
3. Was the vendor responsive to requests from the department, including requests for information and requests to make changes in the work?
4. Did the vendor follow good safety practices?
5. Did the vendor meet deliverable date requirements?
6. Did the vendor coordinate work with subvendor's work, exercise authority over subvendors, provide notice of subvendor work schedule, and ensure that subvendors were in compliance with contract requirements?
7. Did the vendor have competent and sufficient personnel with the technical expertise needed to successfully complete the project?
8. Did the vendor have adequate and sufficient resources other than personnel (equipment, manuals, etc.) to fulfill the requirements of the scope of services?
9. Did the vendor provide a quality work product?
10. Did the vendor properly notify and coordinate work with other affected parties such as utility companies, property owners, local units of government, and other MDOT areas?
11. Did the vendor meet the applicable environmental requirements, such as documentation, enforcement, obtaining permits, studies, etc.?
12. Did the vendor comply with applicable federal, state and local laws and regulations and/or MDOT guidelines and procedures? This includes, but is not limited to, compliance with prompt payment to subvendors, submitting accurate and timely invoices, responding to contractual issues, and adhering to Disadvantaged Business Enterprise (DBE) participation guidelines.

Performance Evaluation Appeal Process

MDOT has a service vendor performance evaluation appeal process to provide service vendors an opportunity to contest performance evaluation scores of 7 or less. Note that any evaluation factor score of 7 or less may result in actions taken against a service vendor's prequalification status up to and including loss of prequalification. The appeal process is documented below:

Informal Review Procedures

1. Within 21 calendar days from the date a service vendor receives a performance evaluation (excluding interim evaluations), the service vendor submits a written request to the MDOT Project Manager to meet with the Project Manager and the Project Manager's Supervisor, to review an evaluation of any rating of 7 or below. If the written request is not received within the 21-calendar day period, the original evaluation becomes final and binding and will not be subject to further contest or appeal.
2. Within 10 days of receipt of service vendor request, the MDOT Project Manager schedules the Informal Review meeting and notifies the service vendor of meeting date and location. The MDOT Project Manager and Project Manager's Supervisor may have other department employees or representatives attend and participate in the meeting, as determined appropriate. The service vendor shall not submit any additional information to MDOT prior to the Informal Review meeting. However, on a case-by-case basis, it may be determined during the Informal Review by the Project Manager and Project Manager's Supervisor that the service vendor should provide additional information, if the information will support the service vendor. If it is determined at the Informal Review meeting that the service vendor may submit additional information, the information must be received by the Project Manager within 14 calendar days of the date of the Informal Review meeting.
3. The MDOT Project Manager notifies the service vendor, in writing, of a decision within 30 calendar days of the informal review meeting or within 30 calendar days of the receipt of any additional information provided, whichever is later. The performance evaluation is modified as applicable.

If the consultant does not agree with Informal Review Decision, the Formal Appeal process is as follows:

Formal Appeal Procedures

1. Within 14 calendar days from the date a service vendor receives the Informal Review decision, or from the date the service vendor receives a revised evaluation, the service vendor submits a written request to the MDOT Project Manager to appeal any rating of 7 or below. If the written request for appeal is not received within the 14-calendar day period, the Informal Review decision becomes final and binding and will not be subject to further contest or appeal.
2. The Project Manager shall contact the Administrator of MDOT's Contract Services Division (CSD) to schedule an appeal meeting. A formal appeal filed by a vendor will be considered by a Performance Evaluation Appeal Panel (Appeal Panel). The Panel shall be comprised of three Management level individuals from MDOT that were not directly involved in the management of the project. Within 10 days of receipt of the request, CSD schedules the Formal Appeal meeting and notifies the services vendor of the meeting date and location. MDOT may have other Department employees or representatives attend and participate in the meeting, as determined appropriate.
3. The Appeal Panel meets with the service vendor and MDOT Project Manager, and reviews all relevant information provided by the service vendor and Project Manager. The service vendor shall not submit any additional information to MDOT prior to the Formal Appeal. However, on a case-by-case basis, it may be determined, by the Appeal Panel, during the Formal Appeal, that the service vendor should provide additional information, if the information will support the service vendor. If it is determined by the Appeal Panel at the Formal Appeal meeting that the service vendor may submit additional information, the information must be received by the MDOT Project Manager within 14 calendar days of the date of the Formal Appeal meeting. The Appeal Panel may overturn, modify, or confirm the Informal Review decision. If any further review and consultation with Department employees and representatives is necessary, the Appeal Panel shall make its decision after the necessary meetings or discussions have occurred.
4. The Performance Evaluation Appeal Panel notifies the service vendor in writing of a decision within 30 calendar days of the meeting or within 30 calendar days of the receipt of any additional information provided, whichever is later. The performance evaluation is modified as applicable.

The decision of the panel constitutes the final department decision and will not be subject to further contest or appeal.