

# Memorandum



CITY OF DALLAS

DATE October 26, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT **Proposed Revisions to Processes, Codes, and Ordinances Governing Construction Within the City's Rights-of-Way (ROW)**

Over the past several months, several City Council Members have requested increased oversight and accountability of the contractors working on private and public construction projects which affect the ROW. Additionally, there has been a call for an increased focus on the need to maintain accessible walkways and detours during construction, enhanced public notification of construction, and more stringent restoration requirements for streets with a high pavement condition index (PCI) rating.

To address the identified construction and accessibility concerns, staff began to evaluate potential revisions to existing processes, codes, and ordinances. The following recommendations have either been recently implemented, or are proposed for implementation in the next 60-90 days:

1. *Increased Oversight of Contractors Working Within or Affecting the ROW:* As of August 1, 2018, the Department of Public Works has issued 25 citations to contractors working on both private and City projects for violations of codes or ordinances associated with working in the City's ROW. The citations have been issued for violations ranging from not having a permit on site to improper traffic control setup. At the beginning of October 2018, Public Works increased the number of Inspectors, who can issue citations, from 4 to 9 staff members. Most citations carry a fine of up to \$500 per day, per incident. We will report results of citations on a quarterly basis.
2. *Use of Contractor Scoring Matrix for Consideration of Future Contract Awards:* Staff has developed a revised contractor scoring matrix (copy attached) that is completed at the end of a capital project. Over the next few weeks, Public Works will be working with the City Attorney's Office to strategize on how to utilize the scoring matrix in the award of future contracts.
3. *Maintain Accessible Walkway or Detour During Construction:* Staff recommends the following underlined revisions to Dallas City Code, Chapter 43, Sec. 43-139 (c) (19): "A traffic control plan must be submitted with the permit application and must include detailed drawings showing the proposed traffic controls for vehicular and pedestrian traffic for each phase of the proposed work in the public right-of-way. Traffic control plans must show necessary pedestrian sidewalk detours, crosswalk closures, temporary covered walkways or scaffolding, for the safety of pedestrians, that comply with the requirements of the latest Edition of the Texas

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Manual of Uniform Traffic Control Devices, as amended, and published by the Texas Department of Transportation and the City of Dallas requirements, and must be approved by the City of Dallas before commencing work.”

The intent of this proposed revision will ensure an Americans with Disabilities Act (ADA)-compliant pedestrian route is maintained for the duration of construction. Staff will assess traffic control plans first for a viable detour but if no compliant detour is available, staff will impose the required use of temporary covered walkways or scaffolding.

4. *Enhanced Public Notification of Construction:* Staff recommends the following underlined revisions to Dallas City Code, Chapter 43, Sec. 43-141 (i) (2) (A-E): “Notice to Public. If construction in the public right-of-way without excavation and/or a lane closure will last less than 24 hours, individual notice to property within 500 feet of the construction area is not required.

If construction in the public right-of-way without excavation and/or a lane closure will last ~~at least 24 hours, but less than~~ more than 24 hours, the permittee must provide individual notice to each property within 500 feet of the construction area at least 24 hours before commencing construction by placing a door hanger or other similar notice. Notification to Multi-family properties may be given to the Property Management Teams of those properties.

If construction in the public right-of-way with excavation and/or a lane closure will last less than 24 hours, the permittee must provide individual notice to each property within 500 feet of the construction area at least 24 hours before commencing construction by placing a door hanger or other similar notice. Notification to Multi-family properties may be given to the Property Management Teams of those properties.

If construction in the public right-of-way with excavation and/or a lane closure will last more than ~~72~~ 24 hours, the permittee must provide individual notice to each property within 500 feet of the construction area with two separate notifications: the first notification 10 days before commencing construction and second notification 72 hours before commencing construction by placing a door hanger or other similar notice. Notification to Multi-family properties may be given to the Property Management Teams of those properties.

If construction on a thoroughfare, arterial, or a community collector in the public right-of-way will involve complete street closures or extended traffic delays, at least two Portable Changeable Message Signs (CMS) that comply with the requirements of the latest Edition of the Texas Manual of Uniform Traffic Control Devices, as amended, published by the Texas Department of Transportation and the City of Dallas requirements, are required to be installed facing each direction of traffic at least one week prior to commencing construction.”


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5. *More stringent restoration requirements for streets with a high pavement condition index (PCI) rating:* Staff recommends the following underlined revisions to Dallas City Code, Chapter 43, Sec. 43-139 (b) (2): “A pavement cut that is made in a newly constructed, or reconstructed, or resurfaced asphalt street that is not more than 60 months old concrete street that has a Paving Condition Index of 75 or higher as shown on the City of Dallas Paving Management Database will require that, in addition to repairs made in compliance with the *Pavement Cut and Repair Standards Manual*, replacement of the entire concrete panel from joint to joint.”

A pavement cut that is made in a newly ~~constructed, reconstructed or resurfaced~~ asphalt street that is not more than 60 months old has a Paving Condition Index of 75 or higher as shown on the City of Dallas Paving Management Database will require that, in addition to repairs made in compliance with the *Pavement Cut and Repair Standards Manual*, a surface treatment must be applied that consists of slurry seal or micro-surfacing, or an equivalent method approved by the director, for the purposes of sealing the repair edges of the cut and maintaining uniformity in appearance with the surrounding street surfaces.”

Moving forward, on November 26, 2018, staff will brief the Mobility Solutions, Infrastructure & Sustainability (MSIS) Committee on the proposed process and code revisions identified above. Upon receipt of approval of the proposed revisions from MSIS Committee, staff will bring forward the proposed code revisions for City Council consideration.


Should there be any questions or need for clarification, please let me know.



Majed A. Al-Ghafry, P.E.  
Assistant City Manager

[Attachment]

c: T.C. Broadnax, City Manager  
Chris Caso, City Attorney (I)  
Carol A. Smith, City Auditor (I)  
Biliera Johnson, City Secretary  
Preston Robinson, Administrative Judge  
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager  
Jon Fortune, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer  
M. Elizabeth Reich, Chief Financial Officer  
Directors and Assistant Directors

 <b>City of Dallas</b>	Document Number:	COD-FRM-517	Revision Number:	1
	Approved By:	Directors of User Departments	Effective Date:	8/8/2018
	Description of Last Change:	Initial		
Document Title:	Post Construction Contractor Performance Evaluation			

## Contractor Post Construction Performance Evaluation

Project Group: \_\_\_\_\_ Project No. \_\_\_\_\_ Contract No. \_\_\_\_\_

Project: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

City's Project Manager: \_\_\_\_\_

City's Construction Manager: \_\_\_\_\_

City Department: \_\_\_\_\_

Was this a joint contract with another department? Yes \_\_\_ No \_\_\_

If yes, provide other department's name(s) and contract and/or Project/Bond Program Number(s):

### GENERAL INFORMATION:

1. Award Date: \_\_\_\_\_
2. Notice to Proceed Date: \_\_\_\_\_
3. Original Number of Contract Calendar/Working Days: \_\_\_\_\_
4. Final Number of Contract Calendar/Working Days: \_\_\_\_\_
5. Actual Number of Contract Calendar/Working Days Used: \_\_\_\_\_
6. Original Contract Award Amount: \$ \_\_\_\_\_
7. Final Contract Amount: \$ \_\_\_\_\_
8. Final Amount Paid to Contractor: \$ \_\_\_\_\_
9. Final Acceptance/Beginning of the Warranty Period: \_\_\_\_\_
10. End of Warranty Period: \_\_\_\_\_

**Please answer each question below and assign the associated number of points based on the answer. Each question is worth up to five (5) points for a total score of up to one hundred (100) points for the form. Total your points at the end of the form.**


### GENERAL CONTRACT ADMINISTRATION:

1. Did the contractor return the executed contracts, bonds and insurance within the specified time and secure the necessary permits before starting construction?  
Were insurance updates and notices of renewal provided in a timely manner? Yes \_\_\_ No \_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_\_

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2. Did the contractor provide sufficient scheduling information and schedule updates in conformance with the contract document? Yes\_\_\_\_ No\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_

3. Did the contractor complete the project within the contract time (including extensions)? Yes\_\_\_\_ No\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_

4. Did the contractor provide all close out documents within the specified contract time or within a reasonable time if time not specified in the contract? Yes\_\_\_\_ No\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_

5. Did the contractor try to take advantage of apparent errors, omissions or discrepancies in the drawing or specifications? Yes\_\_\_\_ No\_\_\_\_

If yes, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_


Points Earned \_\_\_\_

6. Did the contractor submit unsubstantiated or unreasonable claims for additional compensation or time extension? Yes\_\_\_\_ No\_\_\_\_

If yes, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_

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7. Did the contractor cooperate with the City on change orders by requesting reasonable compensation and time for the work required? (if no change orders, mark N/A) N/A \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

If no explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_\_

8. Did the contractor provide complete pay applications that included all items from the Contractor's Monthly Pay Request Checklist with all required forms and documents on time? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_\_

9. Were there substantiated claims of late payment to subcontractors and suppliers? Yes \_\_\_\_\_ No \_\_\_\_\_

A. If yes, explain in detail: \_\_\_\_\_


Additional Comments: \_\_\_\_\_

B. If yes, did the contractor settle all claims against his/her construction company as well as his/her subcontractors in a timely manner within the contract time limitation? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_\_

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10. Were there substantiated claims of the contractor not paying his/her employees equal to or greater than the prevailing wage rates in the contract? Yes\_\_\_\_ No\_\_\_\_

A. If yes, explain in detail:\_\_\_\_\_

Additional Comments:\_\_\_\_\_

B. If yes, did the contractor settle all claims related to this issue in a timely manner? Yes\_\_\_\_ No\_\_\_\_

If no, explain in detail:\_\_\_\_\_

Additional Comments:\_\_\_\_\_

Points Earned\_\_\_\_

**SAFETY and PUBLIC SERVICE:**

11. Did the contractor adequately protect the public during construction and provide for clean, safe and convenient passage of traffic, including proper signage, barricades and pedestrian protection? Yes\_\_\_\_ No\_\_\_\_

If no, explain in detail:\_\_\_\_\_

Additional Comments:\_\_\_\_\_

Points Earned\_\_\_\_

12. Did the contractor address public/owner complaints in a responsive manner and remedy any damage to public or private property adequately and promptly? Yes\_\_\_\_ No\_\_\_\_

If no, explain in detail:\_\_\_\_\_

Additional Comments:\_\_\_\_\_


Points Earned\_\_\_\_

13. Did the contractor provide a clean, safe and orderly workplace for employees at all times (Including proper sheeting and shoring of excavations)? Yes\_\_\_\_ No\_\_\_\_

If no, explain in detail:\_\_\_\_\_

Additional Comments:\_\_\_\_\_

Points Earned\_\_\_\_

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**EMPLOYMENT OPPORTUNITIES:**

14. Original M/WBE participation percentage: \_\_\_\_\_

Actual M/WBE participation percentage: \_\_\_\_\_

Based on the actual M/WBE participation, did the contractor demonstrate a “good” faith effort in meeting the City’s goal? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, but did not meet the goal, explain in detail: \_\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_ Points Earned \_\_\_\_\_

15. Did the contractor make a good faith effort to hire unemployed Dallas residents when hiring new employees, including the posting of signs for job opportunities at the job site, the timely submittal of monthly report, and the provision and maintenance of an on-site employment office if required? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_ Points Earned \_\_\_\_\_

**QUALITY MANAGEMENT:**

16. Did the contractor give sufficient attention to the quality of the materials and workmanship to guarantee an acceptable product and was the quality of work on this project consistent with the intent of the contract documents? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, explain in detail: \_\_\_\_\_


Additional Comments: \_\_\_\_\_ Points Earned \_\_\_\_\_

17. Did the contractor correct non-conforming work in a timely manner and satisfactorily complete punch list items within a specified time? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_ Points Earned \_\_\_\_\_



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18. Did the contractor furnish complete and accurate submittal mock-ups, samples and/or product specifications for approval prior to the beginning of related work phases or whenever material suppliers were changed? Yes\_\_\_\_ No\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_

19. Did the contractor assign and maintain qualified (based upon education and experience) and competent personnel (superintendent, project manager, etc.) to the job? Yes\_\_\_\_ No\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_

20. Was the contractor's superintendent on site and supervising the performance of the work during the critical project phases and during the performance of the principle items of the work? Yes\_\_\_\_ No\_\_\_\_

If no, explain in detail: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Points Earned \_\_\_\_

**TOTAL SCORE (out of 100 points):** \_\_\_\_\_

Additional Comments or Observations (please include any extenuating circumstances that may have affected performance). For scores above 89, please document actions that made the project go particularly well.

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(Attach additional pages as necessary)

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**Is Contractor recommended for future awards:    \_\_\_ Yes    \_\_\_ No**

Signed: \_\_\_\_\_ \_\_\_\_\_  
Date

Signed: \_\_\_\_\_ \_\_\_\_\_  
Date  
 Construction Management

Signed: \_\_\_\_\_ \_\_\_\_\_  
Date  
 Project Manager

Signed: \_\_\_\_\_ \_\_\_\_\_  
Date  
 Program Manager

Signed: \_\_\_\_\_ \_\_\_\_\_  
Date  
 Assistant Director

**Contractor Comments:**

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Signed: \_\_\_\_\_ \_\_\_\_\_  
Date  
 Contractor's Representative

***After completing final evaluation, please keep one copy with project files, forward one copy to the Administration and Finance division, one copy to the Contractor and archive on the shared drive for Contractor Post Performance Evaluation Forms. File name should include name of the Contractor and year of project completion.***