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CHAPTER 5

TASK ORDER CLOSEOUT

5.1 OVERVIEW

Following the final acceptance of work, the Division closes out the task order file. The closeout process involves the CO, COTR, Finance Manager and A/E.

The COTR plays an important role in determining whether the A/E consultant has satisfactorily performed the required work and has met contractual obligations. The task order is complete when the A/E consultant has completed the required services and the Government has inspected and accepted the deliverables. A primary objective of the closeout is to identify and resolve any outstanding obligations or pending liabilities of either the Government or the A/E consultant.

Following the COTR's completion of the performance evaluation, contract completion statement and approval of the final invoice, individuals acting on behalf of the CO begin administration of the closeout. This information becomes part of the official record and serves as the basis for evaluating the contractor's past performance in future source selections. The CO may provide the consultant with a copy of the evaluation and the consultant may submit a response to an evaluation reflecting poor performance.

5.2 CLOSEOUT DOCUMENTS

Acquisitions initiates administrative closeout of task orders after issuance of the final payment and release of claims. (See [Exhibit 5.2-A](#).) Acquisitions uses the Closeout Checklist ([Exhibit 5.2-B](#)) to confirm completion of all activities necessary to close out the task order. This checklist indicates all activities accomplished from the beginning through completion of a task order, including modifications, and contains dates and dollar amounts of specified activities.

Acquisition closeout process is accomplished after receiving the Contract Completion Statement (see [Exhibit 5.2-C](#)) and the Performance Evaluation from the COTR. The Government maintains a copy of this checklist in the contract file.

Exhibit 5.2-A RELEASE OF CLAIMS

DEPARTMENT OF TRANSPORTATION		CONTRACT NO.
CONTRACTOR'S RELEASE		DTFH68-0 [REDACTED] DTFH68-04-T-00043
CONTRACTOR (Name and address) [REDACTED] [REDACTED]	SUM OF One Hundred Thirty Thousand Six Hundred Thirty Four & 11/100. <hr/> DOLLARS \$ 130,634.11	

In consideration of the sum stated above, which has been paid or is to be paid to the Contractor, or his assignees, the Contractor, upon payment of the said sum by the UNITED STATES OF AMERICA (hereinafter called the Government), does remise, release, and discharge the Government, its officers, agents, and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said contract, except:

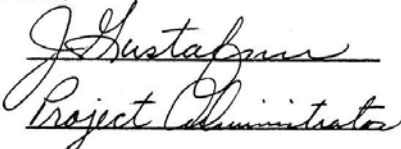
1. Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor, as follows:

NONE
2. Claims, together with reasonable expenses incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of this contract, which are not known to the Contractor on the date of the execution of this release and of which the Contractor gives notice in writing to the Contracting Officer within the period specified in the said contract: and
3. Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under any provisions of the said contract relating to patents.

The Contractor agrees, in connection with patent matters and with claims which are not released as set forth above, that he will comply with all provisions of the said contract, including without limitation those provisions relating to notifications to the Contracting Officer and relating to the defense or prosecution of litigation.

IN WITNESS WHERE OF, this release has been executed this 13th day of June 2005.

WITNESSES

 Project Administrator	BY <u>James Daves</u> (Contractor) TITLE <u>Principal-in-Charge</u>
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NOTE: In the case of a corporation, witnesses are not required, but the certification below must be completed.

CERTIFICATE

I, _____, certify that I am the _____ secretary of the corporation named as Contractor in the foregoing release; that _____ who signed said release on behalf of the Contractor was then _____ of said corporation; that said release was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

(CORPORATE SEAL) _____

Form DOT F 4220.4
 His form was electronically produced by Elite Federal Forms, Inc.

Exhibit 5.2-B CLOSEOUT CHECKLIST

CLOSE-OUT CHECKLIST

CONTRACT: DTFH68-____-____-____ TASK ORDER: DTFH68-____-____-____

REVIEWER: _____ DATE: _____

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>DATE COMPLETED</u>	<u>AMOUNT</u>	<u>REMARKS</u>
1.	IGE	_____	_____	_____
2.	PROCUREMENT REQUEST	_____	_____	_____
3.	COTR LETTER	_____	_____	_____
4.	NEGOTIATION MEMO	_____	_____	_____
5.	COST PRICE PROPOSAL (if >\$500,000)	_____	_____	_____
6.	CONTRACT	_____	_____	_____
7.	GOVT. PROPERTY	_____	_____	_____
8.	MODS/CHANGE ORDERS	_____	_____	_____
9.	MOD PRS	_____	_____	_____
10.	INVOICE (Final)	_____	_____	_____
11.	RELEASE OF CLAIMS	_____	_____	_____
12.	PERFORMANCE EVAL. (if >\$25,000)	_____	_____	_____
13.	LITIG or APPEAL?	_____	_____	_____
14.	AUDIT (N/A if FFP)	_____	_____	_____
15.	CIS SUBMITTED (Final)	_____	_____	_____

h:\a-e\closeout.frm

Exhibit 5.2-C COMPLETION STATEMENT

CONTRACT COMPLETION STATEMENT		
1. (Contracting Office, name and address) Federal Highway Administration Central Federal Lands Highway Division 12300 West Dakota Ave. Lakewood, CO 80228	2a. Contract number DTFH68-02-D-0000X	
2b. Task/Work order number DTFH68-03-T-000XX		
2c. Last Modification number 0002		
3. (Contractor, name, and address) XXXXX XXXXX Denver, CO 80202	4a. Contractor TIN number 75-1246210	
4b. Contractor CEC No. 026417709		
4c. Excess funds <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
CONTRACTING OFFICERS TECHNICAL REPRESENTATIVE CERTIFICATION		
5. I Certify that all goods or services contracted for have been received and meet required specifications.		
5b. Typed name of COTR John Doe	5c. Signature	5d. Date
6a. SF 1420 Completed (Performance Evaluation) (over \$25,000). Date:	6b. Contractor Release of claims, DOT F4220.4 Completed Date:	
6c. Remarks: All Government property has been accounted for. No litigation, appeals, or claims are anticipated.		
ACCOUNTING OFFICE CERTIFICATION		
7a. Dafis Number 1516080811003-551.DO.4150.08-1608000000	7b. Final Voucher number	7c. Final voucher date
8. Remarks:		
9a. All accounting office actions required have been fully and satisfactorily accomplished.		
9b. Typed name of Accounting Officer	9c. Signature	9d. Date
CONTRACTING OFFICER CERTIFICATION		
10a. Remarks:		
10b. Final audit required: <input type="checkbox"/> Yes <input type="checkbox"/> No		10c. If yes enter Date: Audit Agency:
11a. All Administration office actions required have been fully and satisfactorily accomplished. Contract file is hereby closed.		
11b. Typed name of Contracting Official CO	11c. Signature	11d. Date
Save Data Only Clear Form Save Data & Form		

5.3 A/E PERFORMANCE EVALUATIONS

The COTR conducts the performance evaluation of the A/E consultant. Generally, the COTR conducts these performance evaluations at the following times:

- When the COTR is reassigned.
- When the task order is completed (included with the closeout package).
- When interim evaluations are needed during long projects.
- When poor performance is identified.

The COTR considers all the circumstances of the project when rating the performance of an A/E consultant, including the complexity of the project, the external agency coordination necessary, the Government's performance (for example, reviews and comments) and other project-related factors.

The SF 1421 should include more than just checkmarks in the applicable boxes. It should tell the "story" of the project. The COTR should always include some narrative in the last box of the form or on a continuation/attachment page.

The COTR provides the performance evaluation to the CO. This information becomes part of the official record and serves as the basis for evaluating the contractor's past performance in future source selections. The CO may provide the consultant with a copy of the evaluation and the consultant may submit a response to an evaluation reflecting poor performance. [Exhibit 5.3-A](#) provides an example of an unsatisfactory performance evaluation letter to an A/E.

5.3.1 Forms and Templates

To view or download forms and templates, use the links below.

- [Performance Evaluation \(Architect-Engineer\)](#).

Exhibit 5.3-A UNSATISFACTORY PERFORMANCE LETTER

Central Federal Lands Highway Division

555 Zang Street, Rm. 259
Lakewood, CO 80228

March 26, 2003

In Reply Refer to :
HFAC-16

Mr. XXXXX, PLS
Vice President
ABC Consulting
1234 Alton Parkway
Irvine, CA 92618-2027

Dear Mr. XXXXX:

In accordance with Federal Acquisition Regulation 36.604, Performance Evaluation, this letter is notification of two unsatisfactory performance evaluations for task orders executed under contract DTFH68-00-D-0000X.

Task Order DTFH68-02-T-000XX – The scope of this task order was for right-of-way plans and legal descriptions on Project XX.

- The A/E firm did not demonstrate an acceptable level of quality control and oversight during the contract period.
 1. There were numerous incidences of parcel areas not matching between plan and tab sheets, and the corresponding legal descriptions.
 2. There were numerous errors in the formatting and appearance of the sheets on all submittals. Portions of the final submittal had to be corrected, even though many of the errors had been discussed previously with ABC personnel.
 3. Points of commencement (POC) shown for parcels on some of the plan sheets did not match the POC shown on the legal description. Specifically, on sheet 23 of the plan sheets, all parcels were tied to the correct aliquot corner. All of the corresponding legal descriptions were tied to a different aliquot corner with the same distance and bearing shown on the plan sheet. This indicates that the legal descriptions were not checked to make sure they matched the plan sheet.



Exhibit 5.3-A UNSATISFACTORY PERFORMANCE LETTER
(Continued)

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4. So much time was expended in attempts to have the A/E firm correct obvious errors, the COTR had to make the additions/corrections to the electronic file that were requested by FHWA's cooperating agency.

Task Order DTFH68-02-T-000XX - The scope of this task order was for construction stakeout survey (reference hubs) on Project XX.

- A/E firm did not meet original completion date of September 30, 2003.
- The A/E firm did not demonstrate an acceptable level of quality control.
- The files for the reference hub data had numerous stations with the wrong number of reference hubs.
- Files were not named as required and there was no header on the files. These are items that are spelled out in the scope of work.
- Numerous stations for cross sections did not match rad file as required.

We have attached a copy of your letter, dated January 20, 2003, which addresses delay issues on Task Order DTFH68-02-T-000XX.

If you would like to set up a meeting with the COTR's for these two task orders and myself, please give me a call at 303-xxx-xxxx. If you wish to respond in writing, your response will be included with the performance evaluations for these task orders. Please address your comments to me at the following address:

Mr. Edward S. Hammontree, P.E.
Contract Development Engineer
Federal Highway Administration
12300 West Dakota Avenue
Lakewood, Colorado 80228

Sincerely yours,

Edward S. Hammontree, P.E.
Contract Development Engineer

Enclosure