



July 18, 2016

VIA ELECTRONIC MAIL ONLY AT mbeck@aconm.org

Associated Contractors of New Mexico (ACNM)
Mike Beck, Executive Director
6135 Edith Boulevard NE
Albuquerque, New Mexico 87125

Re: Contractor Prequalification Rule 18.27.5 NMAC (Rule) and Interpretation of Project Closure

Mr. Beck,

The New Mexico Department of Transportation (NMDOT) recently completed an informal hearing in accordance with the Rule 18.27.5.13 "Appeal Procedure". At issue in the informal hearing was the meaning of the terms "closed" and "project closure" as they apply to the Rule and when the NMDOT determines a project is closed for the Prequalification Program (Program). This correspondence clarifies for purposes of the Rule and Program the following:

1. When the NMDOT determines a project is closed;
2. Where that date is contained on the Compass form (Form), and;
3. How that date will be shared with the Contractor.

In the Rule 18.27.5.7 "Definitions" the Form is the document that is generated at project closure that contains certain contractor performance factor data. If all performance factor data is available when the Form is generated, the performance factor data contained on the Form will be claims, disincentives, liquidated damages, non-conformance and subcontractor. The Form is generated by the project office and is provided to the Contractor with the final estimate.

In some instances a claim may be unresolved when the Form is generated. In this situation the performance factor data for claims will not be included on the Form until the claim is resolved. The performance factor for safety is not contained on the Form but is reported on the Contractor's prequalification packet. See Rule 18.27.5.11(5) "Prequalification Calculation".

Because all performance factor data may not be available when the Form is generated by the project office and sent to the Contractor the NMDOT has revised the Form. The revision includes a signature and date line that the NMDOT will use as the project closure date for the Program.

Susana Martinez
Governor

Tom Church
Cabinet Secretary

Commissioners

Ronald Schmeits
Chairman
District 4

Dr. Kenneth White
Secretary
District 1

David Sepich
Commissioner
District 2

Keith Mortensen
Commissioner
District 3

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

The revised Form is attached. As you can see the signature and date line are on page two of the revised Form.

Once the final estimate is returned by the Contractor to the NMDOT project office the NMDOT will process the final payment. The project office will then deliver certain project files for closure to the NMDOT Construction and Civil Rights Bureau (CCRB). The CCRB will audit the project files for closure. Upon completion of this process the Form will be signed and dated by the State Construction Engineer (SCE). This date is the project closure date for the Program. The completed Form will be emailed to the Contractor for their records. Simply stated if the Form is not signed and dated by the NMDOT SCE the NMDOT does not consider the project closed for the Program.

Should you have any questions or comments please submit them in writing to NMDOT-#GO-prequal-questions@state.nm.us.

Thank you,

A handwritten signature in blue ink, appearing to read 'Armando', written over a horizontal line.

Armando Armendariz, PE
Division Director

Attachment(s)

NMDOT Revised Compass Form

Cc: Tom Church, Cabinet Secretary
Anthony Lujan, Deputy Secretary
Loren Hatch, Deputy Secretary
J. Don Martinez, FHWA

COMPASS INFORMATION - FINAL INFORMATION

District	
Contractor	
Control No.	
Project No.	
Type of Project	
Route Road No.	
Bridge(Yes/No)	
Rural/Urban	
Lane Miles	
Interstate/Non-Interstate	
Date Construction Started	
Substantial Completion Date	
Date of Letting	
N.T.P. Notice to Proceed	
Physical Completion Date	
District Final Acceptance	
Type of Time Count	
Total Days District to Final	
Reason over 120 days to Final	
Original Contract Time	
Time Extensions- Days	
Reason for Time Extension	
Revised Contract Time	
Time Charged	
Liquidated Damages Charged	
Liquidated Damages Amount	
Date sent to S.C.B.	
Original Bid Amount	
Engineer Estimate Amount	
Final Project Cost(Less GRT)	
Final Total (GRT Inc.)	
G.R.T. Amount	
Final Change Order Completed(Yes/No)	
Claim	
Date Final Paid by NMDOT	
Notes/ Comments	
Pro Rata Values (Fed / State)	
EEO Interviews	
Project Diaries	
Warranties	

COMPASS INFORMATION - FINAL INFORMATION

Contractor:	Control No.:	District:
0	0	0
Prequalification Performance Factor Measurements		
Fields that are highlighted in yellow are calculated values - do not enter any data		
Pf liquidated damages (Pfld)	For MCD Projects:	
Mandatory Completion Date		
# of Days added via CO (awarded time)		
Adjusted Mandatory Completion Date	1/0/00	
Notice to Proceed Date (as indicated in SiteManager)		
Substantial Completion Date (Actual Completion Date)		
	For WD or CD Projects:	
Original Contract Time		
# of Days added via CO (awarded time)		
Total Days Contracted	0	
Total Days Charged		
Pf claim (Pfc)		
Yes or No. If yes, indicate level of claim at this time.		
Pf non-conformance (Pfn)		
# of Progress Payments (including zero dollar payments)		
# of Progress Payments without a non-conformance		
Pf safety (Pfs)	Obtained by OIG from contractor prequalification packet.	
Pf disincentive (Pfd)	\$ Value of applicable item	\$ Value of Disincentive
401		
403		
404		
416		
417		
423		
424		
450		
451		
901		
Sums	\$0.00	\$0.00
Pf subcontractor (Pfsc)		
# of negative findings from the State DBE Liaison. Attach letter(s) from the DBE Liaison.		
Project Manager	Date	Project Manager Signature
Pf claim (Pfc)		
# of Claims resolved for less than the value of the claim		
State Construction Engineer Signature	Pre-Qualification Project Closure Date	

***** T/LPAs DO NOT USE THIS PAGE *****