

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 24—Design-Build Project Contracts

7 CSR 10-24.120 Past Performance

PURPOSE: This rule provides for the use of past performance information in evaluating contractor during either phase one or phase two solicitations.

(1) If the commission elects to use past performance criteria as an indicator of a proposer's ability to perform the contract successfully, the information may be used as evaluation criteria in either phase one or phase two solicitations. The currency and relevance of the information, source of the information, context of the data, and general trends in contractor's performance may be considered.

(2) For evaluating proposers with no relevant performance history, the commission will provide proposers an opportunity to identify past or current contracts, including federal, state, and local government and private, for efforts similar to the current solicitation.

(3) If the commission elects to request past performance information, the solicitation will also authorize proposers to provide information on problems encountered on the identified contracts and the proposer's corrective actions. The commission may consider this information, as well as information obtained from any other sources, when evaluating the proposer's past performance.

(4) The commission may, at its discretion, determine the relevance of similar past performance information.

(5) The evaluation will take into account past performance information regarding predecessor companies, key personnel who have relevant experience, or subcontractors that will perform major or critical aspects of the requirement when such information is relevant to the current acquisition.

(6) In the case of a proposer without a record of relevant past performance or for whom information on past performance is not available, the proposer may not be evaluated favorably or unfavorably on past performance.

(7) The commission may use any existing prequalification procedures for either construction or engineering design firms as a supplement to the procedures in this section.

AUTHORITY: sections 226.020, RSMo 2000 and 226.030 and 227.107, RSMo Supp. 2004.
Emergency rule filed Oct. 17, 2005, effective Oct. 27, 2005, expired April 25, 2006. Original rule filed Aug. 15, 2005, effective Feb. 28, 2006.*

**Original authority: 226.020, RSMo 1939; 226.030, RSMo 1939, amended 1965, 2003, 2004; and 227.107, RSMo 2002.*