



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

MEMO TO: Lisa Avery  
Traffic Data Collection Program Manager

FROM: R.J. (Jeff) Jaeger, PE  
Mobility and Safety Information Engineer

DATE: August 18, 2017

SUBJECT: Contract Violations (54-MCD-11456198)

The unwillingness of some vendors to fulfill their obligations under the terms of the current Traffic Data Collection contract (54-MCD-11456198) is adversely affecting our internal work processes and delivering needed data to our customers, as well as placing unnecessary work on our staff that is adversely affecting their other responsibilities.

Each vendor submitting a bid for this work agreed to "furnish and deliver any or all items upon which prices are bid, at the prices set opposite each item within the time specified herein." There is no provision anywhere in the contract for a vendor to deny work. With the sole exception of Section 5.6, Item 2, where LIDAR is specifically required for the collection of spot speed data, vendors have "wide latitude as to the number of personnel, methods, and/or number and types of equipment used to collect the data" (Section 4.2, Item 40).

Therefore, any denial of work is considered a violation of contract terms and conditions and, effective immediately, shall be reflected on vendor evaluations by removing three (3) points from their "Responsiveness to requests / cooperation" score for each such denial. Vendors that continue to refuse work may be considered in default in accordance with Attachment D, Item 1.

Please remind our vendors of these contract requirements and let me know if they have any questions.

cc: Kevin Lacy, P.E., State Traffic Engineer  
Brian Mayhew, P.E., State Traffic Safety Engineer  
Miles Davis, Purchasing Agent