

	DEBARMENT AND SUSPENSION OF CONTRACTORS	Policy No. 6973 February 15, 2012 Page 1 of 2
---	---	---

I. POLICY

The School Board declares that, in order to promote the public trust and protect the taxpayers' funds, it is the policy of the District to contract only with vendors and contractors who are responsible and not otherwise debarred or suspended from award of new contracts with the District.

II. APPLICATION

This procedure applies to all vendors and contractors under personal services, equipment, supply and construction contracts.

III. PROCEDURE

The District shall comply with the following procedures in contract debarment and suspension actions.

1. After reasonable notice to the contractor (individual or firm or other legal entity) involved and reasonable opportunity for that person to be heard, the Superintendent shall have the authority to debar a person, firm or other legal entity for cause from consideration for award of contracts with the District. The debarment shall be for a period of not more than three years.
2. The Superintendent shall have the authority to suspend a contractor from consideration for award of contracts if there is probable cause for debarment. The suspension shall be for a period of not more than six months.
3. The causes for debarment or suspension include the following:
 - a. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
 - b. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a contractor to the District;
 - c. Collusion with another firm to restrain competition;

- d. Violation of contract provisions, such as the following, of a character which is regarded by the Superintendent to be so serious as to justify debarment action:
 - i. material failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract, or
 - ii. a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; or
 - iii. submission of materially false or intentionally misleading documents, reports, invoices or other statement to the District in connection with a contract; or
 - iv. material failure to cooperate in an audit by the District or state auditor, or material failure to cooperate in a District debarment investigation.
 - e. Material failure to comply with applicable statutes or ordinances including, but not limited to, provisions related to wage rates and discrimination
 - f. Violation of ethical standards set forth in contracts with the District; or
 - g. Any other action the Superintendent determines so serious and compelling as to materially affect the current responsibility as a contractor to the District, including debarment by another governmental entity for any cause similar to those set forth herein.
4. The Superintendent shall issue a draft decision stating the reasons for the debarment or suspension and provide an opportunity for the affected contractor to comment. The final decision shall be promptly mailed or otherwise furnished to the debarred or suspended contractor and any other party intervening.
 5. The Superintendent's decision of debarment or suspension, unless fraudulent, shall constitute the final and conclusive decision on behalf of the District. After a final decision has been made, the Superintendent shall submit a report to the School Board giving the name of the person, firm or other legal entity suspended or debarred and the reason(s) for such suspension or debarment.
 6. In addition to debarment or suspension, the District may also terminate existing contracts with the affected contractor(s), as appropriate and as permitted by the contract provisions.

Adopted: February 2012

Revised:

Cross Reference:

Related Superintendent Procedure:

Previous Policies: H51.00

Legal References:

Management Resources: