



Disqualification of Vendors

Application

This regulation shall apply to all contracts awarded by or entered into by CSD, including, without limitation, purchases, contracts or leases for supplies, materials or equipment; contracts for professional and nonprofessional services; contracts for public works or construction projects; and contracts with insurance or surety companies issuing insurance policies or bonds for public works or construction projects, CSD-sponsored events or privately-sponsored events at CSD facilities.

Basis for disqualification

A vendor may be disqualified from the award of a specific contract and/or from bidding on future contracts with City Schools of Decatur if it is determined that any of the following apply to the vendor, including the owners, officers, principals, or other individuals having a controlling interest in the business entity:

1. Has been convicted at any time, whether by verdict, plea or no-contest, under any state or federal status of embezzlement, theft, forgery, bribery, fraud, falsification or destruction of records, receiving stolen property, antitrust, bid-rigging, price-fixing, conspiracy or collusion, crimes of moral turpitude, perjury, or any other offenses indicating a lack of business integrity or business honesty that currently and directly affects its responsibility as a vendor with CSD.
2. A civil judgment based on any of the actions set forth in No. 1.
3. Pending or ongoing litigation between the vendor and any other person or entity arising out of allegations that the vendor committed any of the acts in No. 1.
4. Ongoing litigation between the person or entity and CSD, which could impact the ability of the parties to work cooperatively with each other.
5. Has been debarred from bidding on or making proposals to any federal, state, or local governmental entity or agency.
6. Has willfully failed to perform without good cause in accordance with the terms and conditions of one or more contracts or agreements, or has a recent record of such conduct, with CSD or any other business or school entity.
7. Has willfully violated the protocol or the terms and conditions of a formal solicitation.
8. Has a recent record of unsatisfactory performance on one or more contracts with CSD or any other entity.
9. Has submitted any false certification, bond, license, insurance information, or any other required contract documentation to CSD.
10. Has failed to cooperate with a CSD investigation or inquiry.



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11. Has acted in a way that undermines CSD's ability to trust the vendor.
12. Has committed or is proximately involved with any other action that may adversely impact the operation or reputation of CSD.
13. Has a conflict of interest through a family or business relationship with a principal, director, executive director, superintendent, Board of Education member, or administrator involved in the contract or procurement decision.

Written notice and justification from the administrator supervising the contract or procurement, with input from the Board's legal counsel and Executive Director of Finance, shall be provided to the disqualified vendor. The written notice shall specify whether the disqualification is for a specific contract and/or for bidding on future contracts and shall include information on appealing the disqualification.

The Executive Director of Finance shall ensure contracting managers are aware of vendors disqualified from bidding on CSD contracts.

Doing business with a disqualified person

Any vendor disqualified under this regulation shall not be permitted to act as a subcontractor or supplier for other contractors during the term of the disqualification.

In performance of any CSD contract, no person having actual or constructive knowledge shall utilize the services of any person who is currently disqualified pursuant to this regulation. No person having actual or constructive knowledge shall use or list, in any bid or proposal for a CSD contract, any subcontractor, supplier, insurer or surety who is currently disqualified pursuant to this regulation. Violation of this section may result in rejection of the bid or proposal, nonpayment by CSD for work performed by such person, annulment of award or termination of an award of contract, issuance of a stop work order, disqualification from submitting future bids or proposals on CSD contracts, or any other remedy provided by law.

A person who uses or lists a disqualified subcontractor, supplier, insurer or surety without having actual or constructive knowledge of such disqualification shall be allowed to substitute the disqualified subcontractor, supplier, insurer or surety in accordance with State law or, if not applicable, the provisions of the contract governing contract changes.

Appeals

Disqualified vendors have three business days upon delivery of the notice to submit a written appeal to the Office of the Superintendent. The appeal must substantively address CSD's rationale for disqualifying the vendor (e.g., provide specific evidence to dispute the rationale, identify remedial steps taken, etc.). The superintendent or their designee shall take reasonable



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steps to consider the appeal in a timely manner compatible with any ongoing contracting timeline. The Office of the Superintendent shall convey to the vendor in writing a decision whether to

- sustain the disqualification,
- reverse the disqualification,
- reduce the disqualification (i.e. from applying to future contracts to applying to a single contract), or
- extend the disqualification (i.e. from applying not only to a single contract but also to future contracts)

Within three days of delivery of the appeal decision, vendors disqualified from bidding on future contracts may submit a written appeal addressed to the Superintendent for review by the Board of Education. Any disqualification decision not appealed in this manner shall be final. The Superintendent may, at their discretion, suspend the disqualification pending the outcome of the appeal.

Reinstatement

No sooner than 365 days after delivery of the disqualification notice, vendors disqualified from future bids may submit a written request to the Executive Director of Finance to be reinstated as an accepted bidder. The written request must substantively address the concerns leading to the disqualification (e.g. identify any remedial steps undertaken, provide recent references, etc.). The Executive Director of Finance shall provide a written decision to the vendor in a timely manner.

Questions about this regulation should be directed to the Executive Director of Finance.

Related Board Policy: 2.8(E)

Public Review and Feedback: Dec. 2-20, 2019

Approved by Cabinet: Jan 21, 2020