

**3344-16-29 Debarment**

- (A) Expectations of vendors. All vendors are expected to follow the university's purchasing policies, honor their bids and proposals, enter into any agreements in good faith, and perform their duties and obligations in accordance with any contract term.
- (B) Vendor non-compliance. If a vendor fails to comply with these expectations, the university will take necessary action to resolve the problem and protect the interests of the university. In addition to any available legal remedies, the university may debar a vendor from consideration for university purchases in accordance with this rule.
- (C) Causes for debarment. The senior vice president for business affairs and finance or designee (SVPBAF) may debar a vendor upon a finding based upon reasonable belief that the vendor has done any of the following:
- (1) Abused the selection process by repeatedly withdrawing bids or proposals before purchase orders or contracts are issued or failing to accept orders based upon firm bids or proposals;
  - (2) Failed to substantially perform a contract according to its terms, conditions and specifications within specified time limits;
  - (3) Failed to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract, or failed to respond to complaints;
  - (4) Attempted to influence a university employee or official to breach ethical conduct standards;
  - (5) Colluded to restrain competition by any means;
  - (6) Been convicted of a criminal offense related to the application for or performance of any public or private contract; or

(7) Acted in such a manner as to be debarred from participating in a contract with any governmental agency.

(D) Procedures for Debarment.

(1) If purchasing services becomes aware that a vendor may have engaged in conduct that justifies debarment, it will gather appropriate information and prepare a report to the SVPBAF including its findings and recommendations.

(2) After reviewing the report from purchasing services, if the SVPBAF reasonably believes that grounds for debarment exist, the SVPBAF will provide the vendor a notice of debarment. The notice shall be sent in accordance with the notice provision of any relevant contract, or by e-mail or U.S. mail. The notice will include at least the following:

(a) The reason for the proposed debarment;

(b) The proposed length of the debarment, which shall be based on the severity of the cause for debarment; and

(c) A statement that the vendor may submit a written response to the notice within ten business days of the date of the notice.

(3) If the vendor does not respond to the notice within ten business days of the date of the notice, the debarment shall become effective on the tenth business day from the date of the notice. The SVPBAF shall send a final written determination of debarment to the vendor and to purchasing services.

(4) If the vendor responds to the notice of debarment within ten business days of the date of the notice, the SVPBAF will review the response and determine whether grounds still exist for the debarment. If the SVPBAF determines that grounds still exist for debarment, the SVPBAF will send a final written determination of debarment to the vendor and purchasing services. If the SVPBAF determines that

grounds do not exist for debarment, the SVPBAF shall so notify the vendor and to purchasing services.

- (E) Effect of debarment. During the period covered by the debarment any vendor, and any specifically named affiliate, officer, employee, or other individual or entity associated with the vendor who has been debarred shall be ineligible to do any of the following:
- (1) Be included on any vendor lists;
  - (2) Receive and submit bids or proposals issued by the university for the procurement of supplies and services;
  - (3) Be awarded a contract for supplies or services; and
  - (4) Participate in any business activities with the university.

Effective: 10/10/2016

CERTIFIED ELECTRONICALLY

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Certification

09/30/2016

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Date

Promulgated Under: 111.15  
Statutory Authority: 111.15  
Rule Amplifies: 3344