

SUSPENSION AND DEBARMENT OF VENDORS AND CONTRACTORS

Federal Suspension and Debarment

Whenever the District is using federal funds in connection with a transaction that is subject to the federal suspension and debarment requirements, the District is generally prohibited from engaging in transactions with any party (i.e., an individual, organization, or a principal of an organization) that is debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. In connection with its acceptance and receipt of federal funds, the District may also be required to notify a state and/or federal agency of the District's own status with respect to these federal requirements, including the status of certain officers and employees.

When soliciting bids or proposals or otherwise preparing to enter into a covered transaction, the District will use at least one of the following verification methods to ensure that any parties to the transaction are not suspended or debarred before committing to a covered sub-award, purchase, or contract:

1. Obtaining a certification of a party's compliance with the federal suspension and debarment requirements in connection with any application, bid, or proposal;
2. Requiring compliance with the federal suspension and debarment requirements as an express condition of the sub-award, purchase, or contract in question; or
3. Prior to committing to any sub-award, purchase, or contract that is a covered transaction, the Director of Finance and Operations shall check the online federal System for Award Management (SAM) to determine whether any relevant party is subject to any suspension or debarment restrictions.

The District may also periodically re-verify the status of, or receive new information from, parties that currently hold a sub-award or contract in connection with a covered transaction. To the extent the District is a participant in an existing covered transaction with another party and the District receives confirmation that the other party has become newly subject to federal exclusion before the earlier transaction is complete, the Board of Education may elect to discontinue the earlier transaction with the excluded party to the extent permitted by law.

If, for any reason, the District learns after entering into a transaction with a party but prior to claiming federal funds for any portion of the cost of the transaction that the party should have been identified as being excluded from or ineligible for the transaction, the costs shall not be claimed unless the District obtains written confirmation from the relevant federal agency that the costs may be claimed under an applicable federal exception.

The Director of Finance and Operations shall ensure that procedures and internal controls are in place that facilitate compliance with federal suspension and debarment requirements, including adequate means of identifying covered transactions, issuing any required notices to appropriate parties that compliance with federal suspension and debarment is required in connection with a covered transaction, and retaining records of status verifications.

Local Suspension or Debarment

If, separate from any federally-determined or state-determined suspension or debarment, the Board of Education decides to suspend or debar any person, for a fixed period of time, from the opportunity to respond to District procurement solicitations and/or from having the person's responsive bids or proposals considered by the District, the District shall provide the person with notice of the decision and an opportunity to appeal their locally-determined suspension or debarment status to the Board of Education.

Other District Evaluation of Vendors and Contractors

Nothing in this policy shall be construed to prevent the District and its authorized agents from independently evaluating whether particular vendors or contractors are responsible persons who are sufficiently likely to be able to successfully perform under the terms of a proposed purchase, contract, or other procurement relationship. In making such decisions, consideration may be given to factors such as the vendor's or contractor's integrity, compliance with public policy, record of past performance, and financial and technical resources.

Similarly, nothing in this policy shall be construed to prevent the District and its authorized agents from considering service, reliability, experience, and other relevant performance factors when selecting particular vendors or contractors to provide products or services to the District.

Legal Ref: 16.705(9), 16.75(10m), 16.765 WSS; 2 C.F.R. Part 180, 2 C.F.R. §200.212, 2 C.F.R. Part 3485

Cross Ref:

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