

SUSPENSION FROM THE BIDDER'S LIST

Suspension for Cause

The Director of Purchasing shall have the authority, upon recommendation or with the approval of the Associate Vice President of Facilities Planning & Management, to suspend vendors from the list of eligible bidders and to disqualify such vendors from receiving any business from the University for a period of up to one (1) year without going through the formal Debarment process. Such action shall be based on serious failures on the part of the vendor and shall include formal notice to the vendor and an opportunity to respond.

Grounds for suspension of a vendor shall include, but not be limited to, the following:

- Default or failure to honor a bid.
- Delivery of commodities, equipment, or services which do not comply with the published requirements or specifications.
- Failure to make delivery or complete a project in the time period specified on the contract or purchase order.
- Failure to execute a contract within a timely period after having been provided with a University contract for signature. Please note, the Prebid documents stipulate that contracts must be executed by the contractor within five (5) business days.
- Failure to keep an offer firm for sixty (60) days from the bid opening or the period stated in the bid specifications.
- Failure to provide a performance bond when required as part of the contract documents.
- Collusion with other bidders or prospective bidders in an attempt to restrain competition.
- Failure to accept orders offered that are based on firm bids within the allowed period for acceptance.
- Failure to make applicable adjustments or replacement of damaged goods.
- Failure to honor warranties and guarantees on products supplied within a reasonable period of time, as determined by the University.
- Continued violation of the University's parking rules, most notably for parking on the campus mall without prior approval.

Procedure

- Upon receiving a complaint from the Associate Vice President on one or more of the above listed problems, the Director of Purchasing shall notify the vendor in writing and shall include the reason(s) for suspension and whether the measure can be remedied, or whether the Vendor is being considered for a more serious Debarment. For complaints from other individuals, the Director of Purchasing will seek concurrence from the Associate Vice President.
- The vendor shall be given a period of seven (7) days to respond to the reason(s) for the suspension and to provide any evidence to support its position that a suspension is not warranted and/or that the reason(s) for the suspension has been remedied. The suspension will not take effect until expiration of that seven (7) day period.
- The University is the sole decision maker on whether or not any evidence submitted justifies the suspension not taking effect.
- Suspension may be for either a set period of time not to exceed one (1) year, or until the underlying problem leading to suspension has been resolved. The decision on the nature of suspension is entirely that of the University.

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- The Director of Purchasing or designee shall issue notice of suspension to all buyers and shall cause the vendor's number to be designated as "Inactive" in the University's computerized purchasing system.
- No purchase orders or contracts are to be issued or executed with a vendor suspended in accordance with these procedures during the period of the suspension. This includes all products or services provided by the suspended vendor.

NOTE: Vendors participation in a Prebid Meeting during a period of suspension shall not be deemed as valid, and Vendor's submission of bids during a period of suspension, regardless of whether such bids are opened or not, shall not be deemed acceptance by the University of such bids.

Subcontracting by a Suspended Vendor

- Suspension shall include University business directly or indirectly such as being a subcontractor to another vendor on University work.
- Any suspended vendor that is found to be working as a subcontractor on a University job shall be considered for a formal Debarment.
- Use of any suspended vendor as a subcontractor may cause the prime contractor to be placed on the University's list of suspended vendors. The University's "Standard Instructions to Bidders" shall include a warning to this effect, as well as information on obtaining a current list of suspended vendors.

Duration and Reinstatement

- Suspension shall be for a period of up to one (1) year, based on the recommendation of the Associate Vice President for Facilities Planning & Management and approval by the Director of Purchasing.
- At the end of the suspension period, a review will be conducted by the Director of Purchasing to determine if problems have been resolved to correct the situation(s) that caused the original suspension.
- If the problems have been resolved, the suspension will be lifted and the vendor will be returned to eligible status. If the problems have not been resolved, Debarment proceedings will be considered.
- Notwithstanding the suspension or proposed suspension of a vendor, contracts or subcontracts in existence at the time a vendor is suspended may continue unless cancelled pursuant to the cancellation clause of the contract. Ordering activities may continue against existing contracts in the absence of cancellation. However, contracts with suspended Vendors may not be renewed or otherwise extended.

Reconsideration

The Director of Purchasing may reconsider the suspension of a vendor at any time during the period of the suspension, upon the suspended vendor's request, and may, at his/her discretion and with the approval of the Associate Vice President of Facilities Planning & Management, adjust or eliminate the suspension where the vendor provides documentation of any of the following:

- ***Newly discovered evidence.***
- ***A good faith change in ownership or management.***
- ***Elimination of other causes for which the suspension was imposed.***