

CHAPTER 5: PURCHASING RULES

13. Vendor Debarment.

- a. Authority. The County Manager is authorized to debar a Vendor (“Debarred Vendor”) from all purchases due to actions of the Vendor as described in this section. This authority shall be exercised in accordance with the advice and counsel of the County Attorney.
- b. Debarment. After reasonable notice to the Vendor and a reasonable opportunity of the Vendor to be heard, the County Manager, after consultation with the Department Head and Purchasing Director, shall have authority to debar a Vendor from participating in the competitive purchasing process and for consideration for an award of a Contract or Purchase Order for a period of no more than three (3) years.
- c. Causes for Debarment. The County Manager’s decision to debar a Vendor shall depend on the seriousness of the adverse actions of the Vendor. The causes for debarment include, but are not limited to, the following:
 - i. conviction of a Public Entity Crime and inclusion on the State of Florida Convicted Vendor List pursuant to Section 287.133, Florida Statutes;
 - ii. violation of any current or former County Contract or Purchase Order terms or requirements of a character that is regarded by the County Manager to be so serious to justify debarment action;
 - iii. deliberate failure, without good cause, to perform in accordance with the Contract, specifications, performance levels, warranty provisions, bonding and insurance requirements, or to comply within the time limits provided in the Contract and/or Purchase Order, or failure to pay subcontractors;
 - iv. a recent record of failure to perform or of an unsatisfactory performance in accordance with the terms of one or more County Contracts or Purchase Orders, including the delivery of Goods, provided that the failure to perform or unsatisfactory performance was not caused by acts beyond the control of the Vendor;
 - v. debarment by another government agency;
 - vi. fraudulent or bad faith actions; or
 - vii. violations of this Purchasing Policy.
- d. Decision. The County Manager shall issue a written letter to the Vendor informing it of the decision to debar. The decision shall recite all relevant facts, state the reasons for action taken, state the timeframe for debarment, and provide the Vendor a right to challenge the decision. A decision under this section shall be final and conclusive unless

clearly in conflict with this Purchasing Policy, arbitrary, capricious, dishonest, fraudulent, clearly erroneous, illegal, or without any basis in fact or law.

A copy of the decision shall be mailed or otherwise furnished immediately to the Debarred Vendor.

- e. Right to Challenge. A Debarred Vendor may challenge the debarment decision (“Debarment Challenge”) using the same procedures established in Chapter 8 under Disqualification Challenge provisions, Section J(2).