

Related Entries: (1.27, 1.28, 6.071, 6.0712, 6.073)

Contractor Discipline

Contractors and affiliates may be suspended, disciplined, or debarred from doing business with the District. Suspension and debarment are serious sanctions that may be imposed only when they are in the District’s best interest and protect the public.

(1) Definitions

(a) Affiliates - means businesses, organizations, or individuals that directly or indirectly

- 1. control or have the power to control the other, or
- 2. has a third-party control or has the power to control.

Indication of control includes, but is not limited to, interlocking management or ownership, the identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized by a debarred entity, individual, or affiliate following the debarment of a contractor that has the same or similar management, ownership, or principal employees as the contractor that was debarred or suspended.

(b) Contractor – may be an individual or other legal entity that:

- 1. submits offers for, is awarded, or reasonably may be expected to submit proposals for, or to be awarded, directly or indirectly (e.g., through an affiliate), a Board contract for construction or procurement of goods or services, including professional services; or
- 2. conducts business, or reasonably may be expected to conduct business, with the Board as an agent, surety, representative, or subcontractor (at any tier) of another contractor.

The terms “vendor” and “consultant” have the same meaning as “contractor.” “Subconsultant” has the same meaning as “subcontractor.”

(c) Contractor Disciplinary Review Committee (CDRC) – is the committee responsible for recommending disciplinary actions, including suspension and debarment.

(d) Debarment – means the action to exclude a contractor or subcontractor from Board contracting and board-approved subcontracting for a reasonable, specified period per Board Policy 6.071.

(e) Suspension – means action taken to temporarily exclude a contractor or subcontractor from contracting or subcontracting with the Board (doing business with the District) for a reasonable period as determined by the Superintendent or the CDRC.

(2) Contractor Disciplinary Review Committee

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50 The CDRC is responsible for recommending contractor disciplinary sanctions to the
51 Superintendent. The Superintendent may invoke the CDRC as necessary.
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53 All members of the CDRC must disclose any conflicts or potential conflicts of interest and
54 may not participate nor vote on any matter upon which there is an actual or potential
55 conflict.
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57 In collaboration with the legal department, the Superintendent or designee will develop
58 and implement a guide and procedures document (CDRC Guide and Procedures
59 Manual) for the CDRC to follow. The CDRC Guide and Procedures Manual must comply
60 with State and Federal laws, ordinances, codes, regulations, this policy, and other Board
61 policies. The CDRC Guide and Procedures Manual must establish clear instructions that
62 delineate grounds for sanctions, a transparent review process with deadlines, notification
63 procedures, sanction periods, reinstatement guidelines, a method for reducing sanction
64 periods, a method for the Board to review a CDRC decision upon a contractor's request,
65 and the implementation of Board Policy 6.071.
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67 At a minimum, the CDRC may recommend the following sanctions:
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- 69 (a) suspend a contractor;
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- 71 (b) reinstate a contractor previously suspended, revoked, or debarred;
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- 73 (c) debar a contractor pursuant to Board Policy 6.071 and applicable District guidelines;
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- 75 (d) reduce previously imposed sanction periods; and
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- 77 (e) any other disciplinary measure as noted in the CDRC Guide and Procedures Manual.
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79 (3) Effects of Sanctions
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81 (a) Current Contracts/Work
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- 83 1. All proposed Board contracts for construction, or the procurement of goods
84 and services, including professional and consultant services, must reference
85 this policy and specify that debarment, or suspension of a contractor, may
86 constitute grounds for termination of any existing Board contract.
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- 88 2. Current Board contracts may not be renewed or otherwise extended, nor
89 consent given to subcontract with suspended, revoked, or debarred
90 contractors unless the Superintendent (to avoid immediate and present
91 danger to the public health, safety, or welfare) determines that an emergency
92 justifies the renewal or extension.
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- 94 3. The debarment must take effect according to the notice provided by the
95 CDRC Guide and Procedure Manual and Board Policy 6.071, except that if a
96 continuing contract or subcontract exists at the time the contractor was
97 debarred, the debarment period must begin upon the conclusion of the
98 contract, absent termination. In the interim, the debarred contractor shall not
99 enter into any Board contracts.

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(b) Future Contracts/Work

1. During the disciplinary period, a contractor may not do business with the District nor subcontract on District work unless the Superintendent has given specific authorization.

(c) Subcontractor Restrictions

1. During the disciplinary period, a contractor who has been suspended or otherwise disciplined may not serve as a subcontractor on a Board project unless the Superintendent gives specific authorization.
2. A debarred contractor may not serve as a subcontractor on any District work whether it be issued directly or indirectly by the District or a contracted entity unless the Superintendent gives specific authorization.
3. The Board shall not be responsible for any increases in project costs or other expenses incurred by a contractor due to the Board's rejection of a proposed subcontractor if the subcontractor was debarred before any bid opening or opening of proposals.

(d) Other Considerations

1. The District may issue disciplinary action against all officers, principals, directors, and shareholders owning or controlling ten percent (10%) or more of the stock, partners, qualifiers, divisions, or other organizational elements of the organization. Said discipline will be issued against the organization. Any other organization of said officers, principals, directors, shareholders owning or controlling ten percent (10%) or more of the stock, partners, qualifiers, divisions, or other organizational elements will also be similarly disciplined. Future affiliates, associates, or employees of the contractor are subject to any discipline or debarment decisions.

(4) Suspended, and Debarred Contractors List

The procurement services department's designee shall maintain and disseminate information on contractors, upon consultation with the legal department, who have been suspended, debarred, revoked, or otherwise disciplined.

Adopted: 6/14/22

Statutory Authority: 287.133, 1001.41(1)(2), 1001.42(25), 1001.43(10), F.S.

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