



Debarment Ordinance Revision

Municipal Operations City Attorney's Office

FINGOV Committee Presentation
March 5, 2019

Background – Current Ordinance

- **Debarment (DRMC 20-77)**
 - City can debar existing contractors and subs
 - Violations of Prevailing Wage (DRMC 20-76)
 - Violations of M/WBE (DRMC 28-77)
 - Up to 3 years
 - Disqualified from award
- **Debarment Board** – investigates and decides
 - Notice to contractor requirement and Hearing (if requested)
 - Composition of Debarment Board - Public Works, Aviation, General Services, Auditor, and Director of DSBO

Proposed Revisions

- **Additional Grounds for Debarment**
 - Conviction of a criminal offense under local, state or federal law, or entry of a civil judgment for embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, fraud, unfair trade practices, violation of state or federal antitrust statutes, or other law indicating a lack of business integrity.
 - Conviction of a criminal offense or entry of a civil judgment related to obtaining or attempting to obtain a public or private contract or subcontract (bid rigging, collusion).
 - Serious violation of the terms of one or more contracts with the city, including willful material failure to perform.
 - Violations of Living Wage or Minimum Wage.
 - Current debarment by any other governmental entity based upon a settlement agreement or a final administrative or judicial determination.
- **Suspension** - Debarment board can suspend a contractor temporarily pending a criminal investigation or criminal charge until the investigation is concluded
- **Contractor definition** – redefines to include contractor who is *seeking* to contract with the City

QUESTIONS?