1	1 BY AUTHORITY						
2	ORDINANCE NO	COUNCIL BILL NO. CB19-0194					
3	SERIES OF 2019	COMMITTEE OF REFERENCE:					
4		Finance and Governance					
5	<u>A BILL</u>						
6							
7 8 9	For an ordinance adding additional grounds to the city's debarment ordinance in order to further protect the city in its contracting.						
10	WHEREAS, the debarment ordinance currently	contains grounds for debarment related to					
11	violations of section 20-76, D.R.M.C. and 20-77, D.R.M.C.;						
12	WHEREAS, the taxpayers of the city should have additional protections from contractors,						
13	subcontractors, and suppliers who violate laws related to business integrity or business honesty, or						
14	who willfully fail to perform contracts including requirements related to the payment and treatment of						
15	workers mandated by city ordinances, or who have a history of failing to perform contracts with the city						
16	and requirements related to the payment and treatment of workers mandated by city ordinances;						
17	WHEREAS, city council has determined that the debarment ordinance should be amended to						
18	add additional grounds for debarment, including conviction of certain crimes or entry of a civil						
19	judgment on grounds related to business integrity or business honesty; and						
20	WHEREAS, city council has determined that the debarment ordinance also should include the						
21	ability to temporarily suspend a contractor that is under criminal investigation for crimes related to						
22	business integrity or business honesty.						
23	BE IT ENACTED BY THE COUNCIL OF THE CITY AN	ID COUNTY OF DENVER:					
24	Section 1. That section 20-77, D.R.M.C. shall b	e amended by deleting the language stricken					
25	and adding the language underlined, to read as follows	:					
26	(b)(2) Contractor shall mean a contractor who has cont	racted with or is seeking to contract with the					
27	city or to provide goods or services to or on behalf of the	e city and a subcontractor or supplier of any					
28	tier-under a contract.						
29	* * *						
30	(c) Grounds for debarment. As used in this section	n, "grounds for debarment" shall mean the					
31	occurrence within the three (3) years immediately preceding a report as provided in subsection (d) of:						
32	* * *						
33	(6) Conviction of a criminal offense under local, s	tate, or federal law or entry of a civil judgment					

1	for embezzlement, theft, forgery, bribery, falsification or destruction of records, making false					
2	statements, tax evasion, receiving stolen property, fraud, unfair trade practices, violation of					
3	state or federal antitrust statutes, or other law indicating a lack of business integrity or business					
4	honesty by a contractor or an officer, director, partner, manager, key employee, or other					
5	principal of a contractor.					
6	(7) Conviction of a criminal offense or entry of a civil judgment related to obtaining or					
7	attempting to obtain a public or private contract or subcontract, including but not limited to bid					
8	rigging or collusion by a contractor or an officer, director, partner, manager, key employee, or					
9	other principal of a contractor.					
10	(8) Serious violation of the terms of one or more contracts with the city, including willful					
11	material failure to perform, following notice of such failure, or a history of material failure to					
12	perform, or of materially unsatisfactory performance of one or more contracts with the city.					
13	(9) Current debarment by any other governmental entity based upon a settlement agreement					
14	or a final administrative or judicial determination issued by a federal, state, or local					
15	governmental entity.					
16	(10) Any other cause of so serious or compelling a nature that it affects the present					
17	responsibility of a contractor or subcontractor.					
18	(11) Any violations of or described in D.R.M.C. section 20-80.					
19	(12) Any violations of or described in D.R.M.C. sections 20-82 through 20-84.					
20	(6)-(13) The term "grounds for debarment" shall not include any isolated or insubstantial					
21	violation of law that is promptly corrected by a contractor in accordance with the requirements					
22	of the city.					
23	Section 2. That section 20-77, D.R.M.C. shall be further amended by deleting the language					
24	stricken and adding the language underlined, to read as follows:					
25	(h) Suspension. The debarment board, in consultation with the city attorney, may temporarily suspend					
26	any contractor because a criminal investigation has commenced or a criminal charge has issued					
27	against the contractor or an officer, director, partner, manager, key employee, or other principal of a					
28	contractor for an offense under local, state, or federal law for embezzlement, theft, forgery, bribery,					
29	falsification or destruction of records, making false statements, tax evasion, receiving stolen property,					
30	fraud, unfair trade practices, violation of antitrust statutes, or other law indicating a lack of business					
31	integrity or business honesty until the investigation is concluded without charges or the charges are					
32	resolved through conviction, plea, dismissal, or other resolution.					
33						

1	Section 3. That section 20-77, D.R.M.C. subsections (h) Appeals shall be relettered as						
2	subsection (i); subsection (i) Debarment list shall be relettered as subsection (j); subsection (j)						
3	Mandatory contract provision shall be relettered as subsection (k); subsection (k) Other remedies						
4	preserved shall be relettered as subsection (I); and subsection (I) Guidelines; rules and regulations						
5	shall be relettered as subsection (m).						
6	COMMITTEE APPROVAL DATE: March 19, 2019						
7	MAYOR-COUNCIL DATE: March 26, 2019						
8	PASSED BY THE COUNCIL April 8, 2019						
9		- PRESIDENT	-				
10	APPROVED:	- MAYOR	Apr 9, 2	2019			
11 12 13 14	ATTEST: CLERK AND RECORDER, EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER						
15	NOTICE PUBLISHED IN THE DAILY JOURNAL						
16	PREPARED BY: Tracy A. Davis, Assistant City Attor	ney	D	OATE: March 28, 2019			
17 18 19 20 21	Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.						
22	Kristin M. Bronson, Denver City Attorney						
23							
24	BY:, Assistant City Attorn	ey D/	ATE:	Mar 27, 2019			