

# City of Corpus Christi

## Debarment Process

**Standard Bid Award Process:** The City will solicit offers from, award contracts to and consent to subcontracts with responsible contractors only. In the normal course of business on any procurement process, the City Manager or designee and the Director of Engineering Services are always authorized to determine the responsibility of a contractor that submits an apparent low bid. The criteria considered for a responsible bidder includes the contractor's capability, supervision, capacity, safety, ability to maintain project budget and project schedule, past and current performance, equipment and experience with the type of project. It is illegal for the City to award a contract to a non-responsible contractor.

**Debarment:** Debarment is defined as being excluded from enjoying certain rights, privileges, or practices on authoritative orders. Debarment is a serious action imposed on the basis of a preponderance of the evidence when it has been determined that a contractor is not a responsible contractor and will likely not be a responsible contractor in the future. Debarment is a maximum of 5 years.

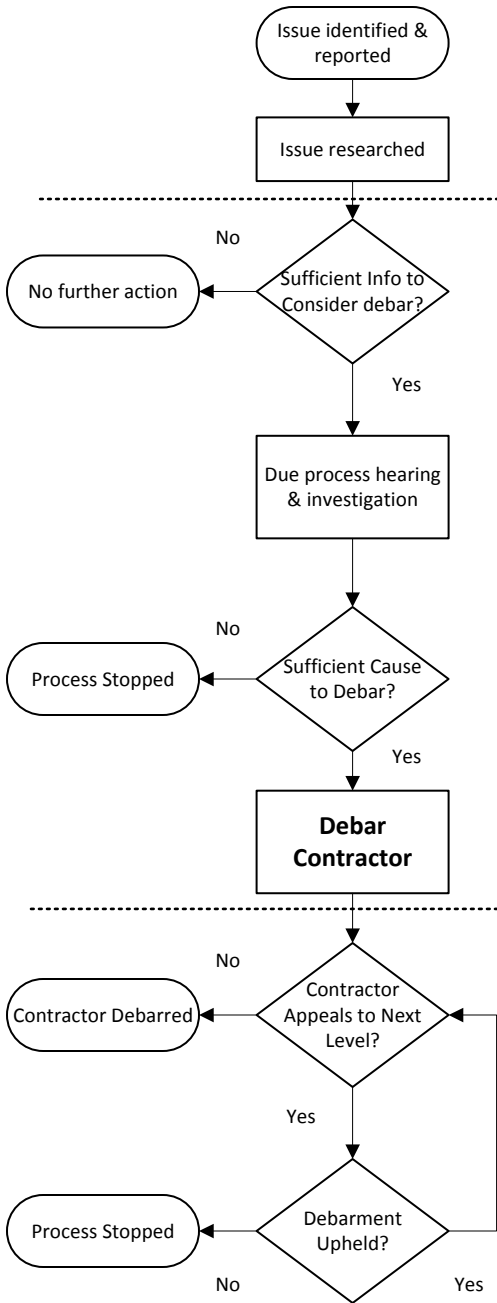
The causes for Debarment are:

- **Fraud with Public Contract** - Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public contract.
- **Business-related Crime** - A conviction of, or plea of guilty or nolo contendere to, a civil judgment for, or a public admission to, a crime or offense related to business of the contractor or affecting the responsibility of the contractor.
- **Theft, Forgery or Tax Evasion** - Commission of embezzlement, theft, forgery, bribery, collusion, falsification, perjury, destruction of records, making false statements, tax evasion, violating Federal Criminal Tax laws or receiving stolen property.
- **Lack of Business Integrity** - Commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a contractor.
- **Ethics Violation** – Failure to disclose to City violation of federal, state or local law involving fraud, conflict of interest, bribery, ethics or gratuity violation or failure to disclose overpayment on City contract.
- **Contract Violation** - Violation of the terms of a contract so serious as to justify debarment.
- **Safety Violations** – Serious or repetitive safety violations, which may be evidenced by violations of the OSHA Standards, worker's compensation claims, personal injury lawsuits or the safety record of any entity.
- **Indebtedness to the City.**
- **Debarred by Other Entity** - Placement on a state or federal debarment list or other similar list or undergoing a process of review that had the effect of excluding a contractor from contracting with the governmental entity for any length of time, provided the procedures for placement on the debarment list or exclusion process afforded the contractor any form of due process.
- **Unsubstantiated Lawsuit** – Filing a lawsuit against the City if the City Attorney reasonably determines it is unsupported by the evidence or filed in bad faith or for an improper purpose.
- **Repetitive, Unsubstantiated Claims** – Filing repetitive claims if the City Attorney reasonably determines the claim is unsupported by the evidence or made in bad faith or with intent to harass or delay a city project.
- **Other Compelling Reason** - Any other cause of such a serious or compelling nature that it affects the present responsibility of a contractor.

# CITY OF CORPUS CHRISTI DEBARMENT PROCESS

**Issues - Causes for Debarment:**

- Fraud with Public Contracts
- Business-related Crime
- Theft, Forgery, Tax Evasion, etc..
- Lack of Business Integrity
- Contract Violation
- Safety Violations
- Indebtedness to the City
- On TxDOT or Federal debarment list
- Other Compelling Reason



**Issue Screening**

Any reported issue will be screened for:

- Veracity
- Seriousness
- Corroboration

**Due Process Investigation**

- Includes Director’s initial investigation.
- If warranted, Notice of Proposed Debarment issued.
- Debarment is considered uncontested if Contractor fails to provide timely written response to Notice of Proposed Debarment.
- Debarment Hearing provides opportunity for Contractor to provide more info.
- Debarment does not take place until a final determination is made.
- Appeals will delay effective date of debarment.
- Debarment Period up to a maximum of 5 years.

**Progressive Levels of Appeal**

- Executive Director of Public Works
- City Manager or his designee
- City Council