

Supplier Suspension from Contracts and Awards

Authority

The Head of Procurement shall have authority to suspend a supplier for cause from consideration for award of ADA contracts. Procurement shall give notice to the supplier of the suspension.

Causes for Suspension

The causes for suspension shall include, but are not limited to, any or all the following:

- Violating any federal, state, or local law, ordinance, regulation, or Organization policy found in ADA Business Policy, in the performance of a contract. The particular provision shall be specifically identified in the notice to supplier.
- Willfully, or egregiously failing to perform in accordance with the terms and requirements of a contract/purchase order. Such actions shall include deliberate failure without good cause to perform in accordance with the specifications or within the time frame provided in the contract and/or a record of nonperformance or unsatisfactory performance in accordance with the terms of one or more contracts.
- Intentionally providing false or misleading information, or willfully omitting substantive information on an application, in a bid/proposal, or in correspondence or communication to ADA.
- Colluding with others to restrain competition or fix prices.
- Attempting to obtain information, by whatever means, related to a bid/proposal submitted by a competitor in response to a procurement solicitation to obtain an unfair advantage prior to a contract award.
- Contacting proposal/bid evaluators or any other person who may have influence over the award regarding a bid or proposal under consideration, without authorization from the Procurement Department, for the purpose of influencing the award of a contract.
- Giving gifts, (other than incidental advertising items), meals, or trips to a ADA associate intending to provide a personal benefit to that associate and not a benefit to ADA as a whole or to influence the award of a contract.

Suspension Procedures

The Head of Procurement may suspend a supplier for cause from doing business on that particular contract. The supplier shall be emailed a formal notice of suspension outlining the reasons for, the specific conditions of, and the effective period of the suspension. After the time to appeal the decision has passed, the suspended supplier shall be removed from all solicitation mailing lists and any bids or proposals submitted by the supplier shall not be considered.

The suspension of a supplier may be for a period of up to one (1) year. Upon completion of the suspension period, it shall be the responsibility of the supplier to request reinstatement. Such request for reinstatement shall be made in writing. Procurement may reinstate a suspended supplier when it is demonstrated that the cause for the suspension has been corrected.

Appeal Process

A suspended supplier may appeal the suspension by Procurement by submitting a written request to the Chief Financial Officer within fourteen (14) calendar days after receipt of the formal notice of debarment/suspension. If the supplier requests an appeal, the Chief Financial Officer shall set a date for a hearing, not more than 30 calendar days after the supplier's request has been received. If the Chief Financial Officer has been involved in the decision to suspend the supplier, or if for any reason the Chief Financial Officer chooses not to hear the appeal, then she/he will appoint a neutral individual to hear the appeal.

The Head of Procurement, or designee, has the burden of going forward with the evidence relied on by the Manager in making the decision to suspend. The supplier shall have the right to see the evidence, cross-examine the witnesses, if any, who present testimony in support of the suspension and be given the opportunity to contest the evidence by producing documents, or adducing witness testimony in support of the supplier's position.

Ultimately, the supplier must provide specific evidence and reason why the suspension is unwarranted. Based on this information, the suspension may be modified, rescinded, or affirmed by the Chief Financial Officer, or the appointed fact finder. Within fourteen (14) calendar days of the conclusion of the hearing, the decision of the Chief Financial Officer, or the appointed fact finder, shall be sent by certified mail to the supplier.

The decision of the Chief Financial Officer shall be final.