



King County

Title SUSPENSION AND DEBARMENT (PR)	Document Code No. CON 7-20 (PR)
Department/Issuing Agency DES/ FBOD/ Procurement and Contract Services	Date 1-13-15
Approved <i>Caroline Whalen</i>	

1.0 **SUBJECT TITLE:** SUSPENSION and DEBARMENT

1.1 EFFECTIVE DATE: 10 days after approval

1.2 TYPE OF ACTION: New

1.3 KEY WORDS: SUSPENSION and DEBARMENT

2.0 **PURPOSE:** To establish policies and procedures for the SUSPENSION and DEBARMENT process related to procurement of King County contracts.

3.0 **ORGANIZATIONS AFFECTED:** All Executive Departments, Offices, Agencies and CONTRACTORS.

4.0 **REFERENCES:**

4.1 King County Ordinance No. 17310

4.2 King County Code 2.93.170

5.0 **DEFINITIONS:**

5.1 "CONTRACTOR" means, for purposes of this policy and procedure, a person, firm, subcontractor, subconsultant or other legal entity who submits offers to do business with the County or who is doing business with the County.

5.2 "DEBARMENT" means a County written determination to disqualify a RESPONDENT from entering into any contract with the County or to act as a subcontractor/subconsultant on a contract with the County according to a determination made by the DEBARMENT COMMITTEE. The DEBARMENT shall be for a period of not more than two years.

5.3 "DEBARMENT COMMITTEE" means a group of King County employees, appointed by the Executive or designee, to hold hearings, take documentation and to make a determination to implement SUSPENSION and DEBARMENT for the County. Members of this group shall serve staggered terms of three to five years.

- 5.4 "DEBARMENT BOARD OF APPEALS" means a board that includes the Director of Department of Executive Services, Director of Risk Management and the Executive designee to address appeals of DEBARMENT determination. This Board will meet to address all appeals to DEBARMENT COMMITTEE decisions.
- 5.5 "IA" refers to the Implementing Agency (i.e. Executive department, division or agency) responsible for administering the contract.
- 5.6 "PCSS" refers to the Procurement and Contract Services Section of the Finance and Business Operations Division responsible for procuring goods, supplies, equipment, materials, technical consultant services, architectural, engineering construction and other professional consultant services.
- 5.7 "PERSON" means any individual, corporation, partnership, association, or legal entity however organized.
- 5.8 "PROCEEDING" means an investigation and/or hearing performed by the DEBARMENT COMMITTEE and DEBARMENT BOARD OF APPEALS.
- 5.9 "RESPONDENT" means a PERSON against whom a suspension/debarment action has been initiated.
- 5.10 "SUSPENSION" means a County written determination to prevent a RESPONDENT from any consideration for award of a Contract with the County pending the completion of a DEBARMENT PROCEEDING. Suspension period shall be for a period not more than six months.

6.0 POLICIES:

- 6.1 The Executive has developed SUSPENSION and DEBARMENT policies and procedures to implement the requirements set forth in King County Code 2.93.170.
- 6.2. Pursuant to these policies and procedures the Executive is requiring the development of both the DEBARMENT COMMITTEE and the DEBARMENT BOARD OF APPEALS to develop processes for the SUSPENSION and DEBARMENT of CONTRACTORS.
- 6.3. All IA's shall comply with the SUSPENSION and DEBARMENT Processes in Appendix A of this policy.
- 6.4 A DEBARMENT COMMITTEE member must abstain from any SUSPENSION/DEBARMENT PROCEEDING involving a contractor on a county contract, when his or her agency made the contract award determination.

7.0 PROCEDURES:

Action By: PCSS

- 7.1 PCSS will maintain the SUSPENSION and DEBARMENT Processes and the SUSPENSION and DEBARMENT list.

Action By: DEBARMENT COMMITTEE

- 7.2 The DEBARMENT COMMITTEE will implement the processes for conducting the SUSPENSION and DEBARMENT.

Action By: DEBARMENT BOARD OF APPEALS

- 7.3 The DEBARMENT BOARD OF APPEALS will implement the processes for conducting the SUSPENSION and DEBARMENT appeals.

Action By: IA

- 7.4 The IA will communicate the SUSPENSION and DEBARMENT Processes to applicable IA personnel.

- 7.5 The IA will establish and maintain their own internal procedures for IA personnel to implement the SUSPENSION and DEBARMENT Processes.

8.0 RESPONSIBILITIES:

- 8.1 IA is responsible for complying with the processes as written in Appendix A.

- 8.2 PCSS and IA are responsible for communicating the SUSPENSION and DEBARMENT Processes to the applicable PCSS and IA personnel.

- 8.3 DEBARMENT COMMITTEE is responsible for maintaining all documentation regarding a SUSPENSION and DEBARMENT PROCEEDING.

- 8.4 DEBARMENT COMMITTEE is responsible for providing a list of firms to be included on the SUSPENSION and DEBARMENT list to King County Council and PCSS.

- 8.5 PCSS is responsible for maintaining the SUSPENSION and DEBARMENT list.

- 8.6 DEBARMENT BOARD OF APPEALS is responsible for completing the appeal process and notifying the DEBARMENT COMMITTEE of its decision.

- 8.7 DEBARMENT BOARD OF APPEALS is responsible for maintaining all documentation regarding the appeals process.

- 8.8 The Executive has the authority to not suspend or debar a CONTRACTOR if mitigating factors do not warrant a SUSPENSION or DEBARMENT and will provide notifications of final decisions.

9.0 APPENDICES:

9.1 Appendix A - King County Processes for SUSPENSION and DEBARMENT.