

**Regulations of
Florida A&M University**



6.006 Authority to Debar or Suspend Vendors.

(1) The Vice President for Fiscal Affairs under advisement from the Director of Purchasing shall be authorized to suspend or debar contractors. Debarment must be based on adequate evidence rather than mere accusation. This assessment should include an examination of basic documents, such as contracts, inspection reports and correspondence. Debarment or suspension will be for the purpose of protecting the interest of the University and shall not be used as punishment.

(2) Debarment.

(a) Conviction by or a judgment obtained in a court of competent jurisdiction for:

1. Commission of fraud or a criminal offense as an indictment to obtaining, attempting to obtain, or in the performance of a public contract or in connection with contractor/vendor's commercial enterprise;

(b) Violation of the Federal Anti-trust Statutes arising out of submission on bids or proposals;

(c) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a University contractor;

NOTE: If the conviction or judgment is reversed on appeal, the debarment shall be removed upon receipt of notification thereof. The decision to debar is discretionary; the seriousness of the offense and all mitigating factors should be considered in making the decision to debar.

(d) Clear and convincing evidence of violation of contract provisions, as set forth below, when the violation is of a character so serious as to justify debarment action;

(e) Willful failure to perform in accordance with the specifications or delivery requirements in a contract;

(f) A history of failure to perform, or of unsatisfactory performance, in accordance with the terms of one or more contracts; provided, that such failure or unsatisfactory performance is within a reasonable period of time preceding the determination to debar. (Failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered as a basis of debarment.); or

(g) Any other causes determined to be so serious and compelling as to affect responsibility as a University contractor.

(3) Suspension – Upon adequate evidence a contractor may be suspended based upon suspicion of involvement in any of the causes cited in subsections 6.006(1), (2)(a), (b), (c), (d), (e), (f), (g), Florida A and M Purchasing Program Regulations or bankruptcy.

(4) Actions taken pursuant to subsections (1), (2), and (3) shall be subject to the provisions of Section 120.57 F.S., known as the Administrative Procedures Act.

Specific Authority 1001.74(4), 1010.04 F.S. Law Implemented 120.57, 1001.74(5), 1001.75(5), F.S. History – Renumbered and Amended 12-7-06.