

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

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Subject: Vendor Relations	Date Approved: August 17, 1999 November 15, 2005 January 20, 2009 September 18, 2012 Date Revised November 18, 2008 May 22, 2012 Date Effective: August 17, 1999 November 15, 2005 January 20, 2009 September 18, 2012

1. PURPOSE

To establish the definition and process of proper vendor relations.

2. PROCESS

All suppliers' representatives will be afforded opportunities to submit materials representing their products and services. These materials will be used to review and compare various products and services prior to any selection. These requests can be submitted to any Supervisor in the Central Office.

The school system bases its selection of vendors on the following criteria: quality; price; delivery; and past service.

3. DEBARTMENT POLICY

In order to ensure the effective and efficient administration of and maintain the integrity of Somerset County Public Schools (SCPS), it is the policy of the SCPS to conduct business legally and only with responsible Vendors. Toward this end, SCPS shall have the discretion to exclude from participation in its procurement transactions and activities any Vendor who is debarred pursuant to this Debarment Policy or who appears on any suspended, excluded or debarment list issued by any agency of any Federal, State or local government. Debarment shall be used only in the public interest and for the protection of SCPS, not for purposes of punishment.

Applicability

The SCPC Debarment Policy applies to any Vendor, principal of any Vendor or an affiliate of any Vendor who has participated, is currently participating or may reasonably be expected to participate in a transaction, contract or other relationship with SCPS, irrespective of the source of funding.

The Board of Education shall have the authority to debar or suspend a Vendor for cause from consideration for award of contracts and from participating in any SCPS contracts as a contractor, sub-contractor, supplier of any tier, or any other role related to a SCPS contract.

Definition of Debarment

Debarment is a penalty set forth in a 1992 amendment to the [Food and Drugs Act](#), which the [U.S. Food and Drug Administration](#) can, and sometimes must, impose on persons or companies that engage in criminal conduct with respect to the development or approval of new drugs. The penalty itself is a prohibition against that person or company from submitting or assisting in the submission of such an application. By statute, it only applies to applications for approval of new drugs, and not to applications for other approvals granted by the FDA, such as changing a [prescription drug](#) to [over-the-counter](#) status, or approving a new [food additive](#).

COMAR further states that:

- A. Suspension of Contract Payments: After making a determination that adequate evidence to suspect any of the causes in §D, of this regulation, exists, the procurement officer, with the approval of the agency head, the appropriate control agency, and the Office of the Attorney General, may suspend payments under the procurement contract.
- B. Contract Termination. After making a determination that any of the causes in §D, of this regulation, exists, the procurement officer, with the approval of the agency head, the appropriate control agency, and the Office of the Attorney General, may terminate the procurement contract for default under COMAR 21.07.01.11 or 21.07.03.15, as applicable.
- C. Suspension and Debarment. Upon initiating action under §A or B, of this regulation, the agency head, through the appropriate control agency, shall refer the matter to the Board for suspension and debarment under COMAR 21.08.06.
- D. The specific causes for suspension of contract payments, termination of a contract for default, or suspension and debarment are the:
 - (1) Contractor has submitted a false certification in response to a provision regarding a drug and alcohol free workplace under COMAR 21.05.08.07B or 21.07.01.25;
 - (2) Contractor has failed to comply with its certification under COMAR 21.05.08.07B or 21.07.01.25; or
 - (3) Contractor has failed to make a good faith effort to provide a drug and alcohol free workplace, as evidenced by recurring convictions of the contractor's employees for drug and alcohol offenses occurring in the workplace.

- E. A determination under this regulation to suspend contract payments, terminate a contract for default, or refer the matter to the Board for suspension and debarment may be waived by the agency head with the approval of the appropriate control agency and the Office of the Attorney General for a particular contract only if and so long as the waiver is necessary to prevent a severe disruption of the agency's operations or services to the detriment of the State or the public.

GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

85.300 What must I do before I enter into a covered transaction with another person at the next lower tier?

When you enter into a covered transaction with another person at the next lower tier, you must verify that the person with whom you intend to do business is not excluded or disqualified. You do this by:

- (a) Checking the *EPLS*; or
- (b) Collecting a certification from that person if allowed by this rule; or
- (c) Adding a clause or condition to the covered transaction with that person.

Authority: E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O 12689 (3 CFR, 1989 Comp., p. 235); 20 U.S.C., 1082, 1094, 1221e-3 and 3474; and Sec. 2455, Pub. L. 103–355, 108 Stat. 3243 at 3327.