

- C. A statement of the factual areas of agreement and disagreement; and
- D. The supporting rationale for the decision.

## 6.0 SUSPENSION & DEBARMENT

**6.1 Suspension.** After meeting with the affected Mines department(s) and, where practicable, the vendor who is to be suspended, the Director of Procurement and Contracting may issue a written determination to suspend a vendor from doing business with Mines pending an investigation to determine whether cause exists for debarment. The suspension shall not exceed three (3) months unless a criminal indictment has been issued for an offense, which would be cause for debarment. In such cases, the suspension may remain in effect until after the trial of the suspended vendor.

6.1.1 A written notice of the suspension, including a copy of the determination, shall be sent to the suspended vendor. The notice must:

- A. State that the suspension will be for the period necessary to complete an investigation into possible debarment; and
- B. Inform the suspended vendor that any person(s) representing the suspended vendor during the suspension period may conduct no business with Mines and that any Solicitation responses received from the suspended vendor during the suspension period shall not be considered.

6.1.2 The suspension period will be effective upon issuance of the notice of suspension

**6.2 Debarment.** A vendor may be debarred for any of the following reasons:

- Conviction of a criminal offense in relation to obtaining or attempting to obtain a Mines Contract or in the performance of such Contract;
- Conviction under State of Colorado or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records or receiving stolen property;
- Conviction under State of Colorado or federal antitrust statutes arising out of the submission of Bids or Proposals;
- Willful material failure to perform in accordance with the terms of one or more Contracts following notice of such failure, or a history of material failure to perform, or of materially unsatisfactory performance of one or more Contracts;
- The vendor is currently under debarment by any other governmental entity which is based upon a settlement agreement or a final administrative or judicial determination issued by a federal, state or local governmental entity; and/or
- Violation of the provisions of Section 7-108-401 C.R.S., "General Standards of Conduct for Directors and Officers."

Following completion of the investigation to determine whether a vendor has engaged in activities that are cause for debarment, the Director of Procurement and Contracting may debar the vendor. A vendor may be debarred for a period of time commensurate with the seriousness of the offense.

A written notice of debarment must be sent to the debarred vendor. The notice must:

- State the debarment period; and
- Inform the debarred vendor that any person(s) representing the debarred vendor during the debarment period may conduct no business with Mines and that any Solicitation responses received from the debarred vendor during the debarment period shall not be considered.

The debarment period will be effective fourteen (14) days after the notice of debarment is sent to the debarred vendor.

After the debarment period begins, the vendor shall remain debarred until the debarment period specified expires unless a court of competent jurisdiction or the Director of Procurement and Contracting deems otherwise.

**6.3 Master List.** The Office of Procurement and Contracting shall maintain a master list of all suspensions and debarments. The master list containing information concerning suspensions and debarments will be a public record.

## **7.0 LOCAL, SMALL BUSINESS & DONOR BUSINESS PROGRAM**

Successful small businesses have a positive impact on Mines community and it is important that Mines promote a strong diverse business community. Therefore, Mines has established a Local, Small and Donor Business Program whose mission is to maximize the opportunities for Local Business concerns, donor business concerns and small business concerns, including small, disadvantaged businesses, Woman-Owned Businesses, Hub Zone Businesses, historically black colleges/universities and Minority institutions, and veteran-owned and service-disabled veteran-owned businesses to participate in Mines' business of procuring Goods, Services and Construction at all dollar levels.

The following is a summary of provisions included in these procedures that address Local, small or disadvantaged businesses:

- Tie DQ Responses/Bids situations as described in [Section 3.2.5.\(K\)](#).
- Competitive negotiation situations as described in [Section 3.2.6\(D\)](#).

No provision is made in these procedures for set asides or preferences for small