

June 26, 2019

AMEND BOARD REPORT 08-1217-PO1
DEBARMENT POLICY

THE CHIEF EXECUTIVE OFFICER HAS
[REDACTED]

That the Board amend the Debarment Policy adopted by Board Report 08-1217-PO1.

PURPOSE: The purpose of the amendment is to adopt the recommendation of the Office of the Inspector General to establish an automatic reciprocal debarment where a person or company is debarred by another governmental agency. The amendment also names the Chief Executive Officer [REDACTED]

[REDACTED]

DEBARMENT POLICY

Section 1. GENERAL INFORMATION

Section 1.1. *Policy Statement*

(a) To ensure the effective and efficient administration of its procurement practices, the Board of Education of the City of Chicago ("Board") seeks to do business only with responsible persons. Toward this end, the Board shall have the discretion to remove and exclude from



(e) This policy does not restrict the authority of the Board to discipline or discharge employees pursuant to its "Employee Discipline and Due Process" policy, Board Report number 04-0728-PO1, and any amendments thereto.

(f) This policy supersedes the *Debarment Policy on Non-Responsible Persons in Procurement Transactions*, adopted March 22, 2000, by Board Report 00-0322, PO1, and shall be effective as of the date of adoption of this policy.

Section 1.4. Definitions

(a) "Affiliate" is a person who directly or indirectly controls, or has the power to control, another person or is directly or indirectly controlled by another person. Indicia of control include but are not limited to, common or interlocking management or ownership, officers, or directors, identity of interests among relatives, shared facilities, and other factors.

(j) "Debarment" is a determination by the Board, or other government agency, that a vendor or other person is ineligible to enter into Board or other government contracts. "Full Debarment" means a determination that the vendor or other person is permanently ineligible to enter into new Board contracts, become an affiliate or principal of any vendor, or serve as a subcontractor of any tier or supplier on Board contracts, and that existing contracts with the

contract. It includes all units, divisions or other organizational elements of _____

[REDACTED]

(c) Making, causing to be made or attempting to make any false, deceptive, or fraudulent material statement in any bid, proposal, or application for award

and formation of any such contract for the award

(17) failing to timely pay undisputed bills or invoices submitted to it.

[REDACTED]

(c) Whether the Respondent has fully investigated the circumstances surrounding the

[REDACTED]

(e) Notification that to contest the proposed Debarment, the Respondent must, within 28 calendar

(b) Except as otherwise provided in Section 4.4(c), from the date the Notice is issued until a decision is made by the Board, the following conditions shall apply to the Respondent:

(1) The Respondent may submit bids or proposals on contracts. New contract(s) may only be awarded conditionally, and if a Respondent is later debarred, the contract(s) may be terminated. The facts underlying a Respondent's proposed Debarment and other factors may be considered when evaluating such bids or proposals. When appropriate, contract awards may be delayed to allow the Board to complete its Debarment process.

(2) The Respondent may continue to perform under any Board contract not identified in the Notice, unless Interim Constraints are imposed under Section 4.4(c). However, if the Respondent is debarred, the Board may not only terminate all the Respondent's existing

written request to Board Counsel for access to the documentation the CPO has relied upon in seeking Debarment, any witness summaries or affidavits, or relevant prior Debarment decisions relating to the Respondent or an Affiliate, if these materials were not already provided to the

may instead permit the Respondent to examine any and all such materials and thereafter request

(i) In-person hearings will only be granted when the COOCAO finds that a disputed issue of material fact exists based on the parties' written submissions. The COOCAO may, at its discretion,

hearing, or may appoint a Hearing Officer to do so. If the COOCAO appoints a Hearing Officer, the Board shall be responsible for paying his or her reasonable fee. When an in person hearing is

ordered:

(1) The COOCAO may limit the issues to be presented at such hearing, and shall notify

(8) The statement of a witness, relied upon by the Respondent, who is under the control of the Respondent, may not be offered or admitted into the record unless Board Counsel stipulates to its admission, or the Respondent shows good cause why the witness cannot appear. For purposes of this subsection, "statement" includes a written summary, affidavit, or other form. Witnesses under the control of the Respondent include, but are not limited to, Affiliates, employees, employees of subcontractors or suppliers of any tier, and the relatives and business associates of the Respondent or of any Person who has a beneficial interest in the contract or who exercises management or control over the Respondent.

Similarly, Board Counsel may not present the statement of a witness who is under the control of the Board, unless the Respondent stipulates to its admission, or Board Counsel

agency or unit of government unless required by law. However, the list is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*

~~(b) Any Person who participated in a Development or Related Transaction during the period of~~

~~As a Materiality Exhibit will be deemed to have identified any needs or services as provided will~~

Section 5.5. Any Interim Constraints put in place under Section 4.4 shall terminate no later than the Board's approval of the Board Report acting upon the COOCAO's recommendation of debarment under this Section. A final Debarment decision shall supersede any interim action.

Section 6. PERIOD OF DEBARMENT, EXTENSIONS AND REDUCTIONS

Section 6.1. The period of Debarment may be permanent and may extend to any and all goods and

services the Respondent has provided or may in the future seek to provide, or it may be for a stated period of time. Periods of Debarment may be imposed concurrently or consecutively, in the sole discretion of the Board.

Section 6.2. The COOCAO may recommend that a Debarment be recalled prospectively on the condition

and/or scope may be reduced or waived by the Board, upon the verified, written application of the debarred individual or entity, supported by documentation, for any of the following reasons:

(a) Discovery of new material evidence within 2 years after the Board's decision, but only if this

the course of an existing Debarment, the debarred Person must be provided with notice of the

recommendation and an opportunity to respond pursuant to Section 4.

Section 7. SCOPE OF DEBARMENT — IMPUTATION

Section 7.4. For debarment subject to this section, the debarment shall be imputed to any