

Urban Pathways K-5 College Charter School

Board of Trustees Policy

DISQUALIFICATION, SUSPENSION OR DEBARMENT OF BIDDERS POLICY

This policy sets forth standards to determine what bidders are not responsible and procedures to disqualify or suspend or debar non-responsible bidders from contracting or subcontracting with the Urban Pathways K-5 College Charter School (“Charter School”). It applies to all contracts that the Charter School is required by law to award to the lowest responsible bidder.

The Charter School shall solicit bids from and shall award contracts to or consent to subcontracting only with “responsible bidders” as that term is defined by law. Bidders, contractors, or affiliates may be disqualified, suspended or debarred if they are deemed “not responsible” in order to protect the Charter School and the public’s interest in accordance with the standards and procedures adopted by the Charter School and any other applicable law.

The Charter School adopts this policy and procedure under its powers to make rules and regulations to manage school affairs and competitive bidding provisions of the Public School Code applicable to the Charter School.

The Chief Executive Officer (“CEO”) is generally responsible to implement and enforce this policy and may designate subordinate officers or employees to perform any functions provided for in this policy.

Definitions

Adequate Evidence means evidence sufficient to support a reasonable belief in the truth of the fact or conclusion it is offered to support and does not require proof in accordance with technical rules of evidence.

Affiliates means persons having an overt or covert relationship such that any one of them directly or indirectly controls or have the power to control another.

Bidders means any person responding to an invitation for bids or otherwise seeking to contract with the Charter School or with its contractors.

Contractor means any person independent of the Charter School who does or seeks to do business with the Charter School pursuant to mutual agreement and includes persons who subcontract with the Charter School.

Conviction means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of nolo contendere.

Disqualification means exclusion as a contractor from bidding on any particular contract with the Charter School; a contractor so excluded is “disqualified.”

Indictment means a formal accusation of a criminal offense and includes any information or other filing by a competent authority charging a criminal offense.

Legal Proceedings means any civil or criminal judicial proceeding, including appeals.

Person means an individual, company, firm, association, corporation, partnership, or other legal entity.

Public Prosecutor means an official having legal authority in any jurisdiction to file or to prosecute indictment.

Suspension means exclusion as a contractor in bidding for a contract or being awarded a contract for a period of time or until some stated future occurrence; a contractor so excluded is “suspended.”

Cause for Disqualification

A bidder or contractor may be disqualified with respect to any particular bid or contract award for any one or more of the following causes:

1. Any cause set forth in the above sections of this policy;
2. Inadequate financial resources to perform the contract;
3. Inadequate experience, organization, or technical resources to perform the contract;
4. Any other facts or circumstances showing a reasonable likelihood of inability to perform the contract;

5. Discrimination in the bidder's or contractor's employment or business practices on the basis of race, color, sex or national origin.

Period of Disqualification

Disqualification may be imposed for any particular bid or contract award and applies only to the bid or contract award.

Responsibility for Agents

Bidders, contractors, and affiliates are deemed responsible for the acts of persons acting for or on their behalf, such that:

1. The fraudulent, criminal or other improper conduct of any officer, director, shareholder, partner, employee or other associate may be imputed to the bidder, contractor or affiliate when the conduct occurred in connection with the individual's performance of duties for or on behalf of the bidder, contractor or affiliate, or with his/her knowledge, approval or acquiescence. Acceptance of the benefits derived from such conduct shall be evidence of such knowledge, approval or acquiescence;
2. The fraudulent, criminal or other improper conduct of bidder, contractor or affiliate may be imputed to any officer, director, shareholder, partner, employee, or other associate who participated in, knew of or had reason to know of the conduct; and
3. The fraudulent, criminal or other improper conduct of one bidder, contractor or affiliate participating in a joint venture or similar arrangement may be imputed to other participating bidders, contractors, or affiliates if the conduct occurred for or on behalf of the joint venture or similar arrangement or with the knowledge, approval or acquiescence of other participants. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

Bids shall be opened by the Board Secretary and/or an appointed Board Member at the next regularly scheduled Board Meeting after the closing date of the bids. Copies of records of all persons disqualified shall be maintained pursuant to Board Meeting Minutes for the purpose of enforcing this policy.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE

**AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS
AND/OR CHARTER CONTROL.**