

Adopt JPB Debarment Policy

**JPB Finance Committee
February 24, 2025**



Policy Goal

- This Debarment Policy provides the JPB with an administrative enforcement procedure to ban contractors from applying for or receiving government contracts.
- It is separate and distinct from the process of a responsibility hearing, which determine that a contractor does or does not have the capacity to perform the contractual obligation.

Background

- In recent years, local governments across the Bay Area have adopted or revised their debarment policies
- San Francisco updated its debarment procedures in 2020
 - Response to FBI corruption investigation and conviction of former Public Works Director and public contractor executives for bribery related to public contracts
- One of the companies involved, ProVen Management Inc., had several contracts with multiple Bay Area agencies, including the JPB
- In 2023, San Francisco was among the local governments that debarred ProVen Management

Grounds for Debarment

- Typically range from conviction, admission, or civil judgment to fraud, embezzlement, or similar offences, to serious violations of the terms of government contracts.
- This proposed policy does not preclude the agency from rejecting a contractor for not being responsible based on the requirements of a specific procurement outside of the debarment process set forth in this policy.

Review Procedures

The proposed policy establishes procedures for a fair review of contractors who are alleged to have engaged in misconduct that warrants debarment.

Administration

- Staff for the San Mateo County Transit District and the San Mateo County Transportation Authority are also recommending that those agencies adopt the proposed policy.
- This will allow contracts and procurement staff to administer the policy across all three agencies.

Due Process

These procedures are designed to afford due process to alleged contractors, including notice to the contractor, a hearing before a hearing officer appointed by the Executive Director.

Proposed Motion

1. Adopt the Proposed Debarment Policy (attached to the accompanying Resolution as ATTACHMENT A), which establishes procedures and standards for review of contractor performance and possible debarment and/or suspension from participation in JPB procurements and contracts.
2. Authorize the Executive Director or designee to take any actions necessary to implement the Debarment Policy.

Questions

FOR MORE INFORMATION

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