

NON-INSTRUCTIONAL SERVICES: Purchasing

VENDOR PERFORMANCE EVALUATION

I. VENDOR PERFORMANCE EVALUATION

IN ORDER TO FACILITATE MANAGEMENT OF VENDORS DOING BUSINESS WITH THE BALTIMORE COUNTY PUBLIC SCHOOLS, THE OFFICE OF PURCHASING SHALL ESTABLISH PROCEDURES FOR EVALUATING, DOCUMENTING, AND REPORTING VENDOR PERFORMANCE UNDER A CONTRACT FOR PURCHASE OF GOODS, PERFORMANCE OF SERVICES, CONSULTING, CONSTRUCTION, CONSTRUCTION MANAGEMENT, BUILDING RENOVATION, OR IMPROVEMENT OF FACILITIES. THESE PROCEDURES SHALL INCLUDE A PROCESS FOR PERFORMANCE APPRAISAL, COMMUNICATION OF FEEDBACK TO VENDORS, FORMS AND DOCUMENTATION REQUIREMENTS, A PROCESS FOR SUSPENSION OR DEBARMENT OF UNSATISFACTORY VENDORS, AND A VENDOR APPEAL PROCESS.

A. NON-CONSTRUCTION CONTRACTS

1. ALL BCPS CONTRACTS, EXCLUDING CONSTRUCTION, CONSTRUCTION MANAGEMENT, RENOVATION, AND BUILDING IMPROVEMENT, THAT EXCEED \$500,000 SHALL REQUIRE A VENDOR PERFORMANCE EVALUATION WITHIN 30 DAYS OF COMPLETION OF THE CONTRACT. VENDOR PERFORMANCE EVALUATIONS SHOULD BE COMPLETED SEMI-ANNUALLY BY THE SPONSORING OFFICE FOR OPEN ENDED CONTRACTS OR PURCHASE ORDERS. THE OFFICE OF PURCHASING MAY REQUEST A VENDOR PERFORMANCE EVALUATION MORE FREQUENTLY, AND FOR ANY CONTRACT WITH A VALUE LESS THAN \$500,000.
2. SCHOOL AND OFFICE STAFF THAT USE BCPS SYSTEM-WIDE CONTRACTS MAY FORWARD INFORMATION REGARDING VENDOR PERFORMANCE TO THE OFFICE OF PURCHASING AT ANY TIME. THE OFFICE OF PURCHASING MAY SURVEY USERS OF SYSTEM-WIDE CONTRACTS IN ORDER TO GATHER FEEDBACK ON VENDOR PERFORMANCE.

B. CONSTRUCTION CONTRACTS

VENDOR PERFORMANCE EVALUATIONS ARE REQUIRED FOR ALL BCPS CONTRACTS FOR CONSTRUCTION, CONSTRUCTION

MANAGEMENT, BUILDING RENOVATION, OR FACILITY IMPROVEMENT THAT EXCEED \$500,000. VENDOR PERFORMANCE EVALUATIONS SHALL BE COMPLETED SEMI-ANNUALLY BY THE OFFICE OF PHYSICAL FACILITIES THROUGHOUT THE DURATION OF THE CONTRACT, AND A FINAL EVALUATION SHALL BE PREPARED WITHIN 30 DAYS OF SUBSTANTIAL COMPLETION OF THE CONTRACT. MORE FREQUENT EVALUATIONS MAY BE SUBMITTED IF NECESSARY TO FACILITATE PROPER MANAGEMENT OF THE VENDOR. THE OFFICE OF PURCHASING MAY REQUEST A VENDOR PERFORMANCE EVALUATION FOR ANY CONTRACT WITH A VALUE LESS THAN \$500,000.

C. DOCUMENTATION

COGNIZANT SCHOOL AND OFFICE STAFF SHALL SUBMIT VENDOR PERFORMANCE COMMENTS TO THE OFFICE OF PURCHASING IN ACCORDANCE WITH ESTABLISHED FORMS AND PROCEDURES.

D. COMMUNICATION WITH VENDORS

1. VENDOR PERFORMANCE EVALUATIONS SHALL BE COMMUNICATED TO THE VENDOR BY THE OFFICE OF PURCHASING.
2. ALL VENDORS SHALL BE MONITORED CONSISTENTLY AND FAIRLY IN ACCORDANCE WITH THE CONTRACT REQUIREMENTS.

E. SUSPENSION AND DEBARMENT

1. PURPOSE

THE PURPOSE OF SUSPENSION AND/OR DEBARMENT IS TO PROTECT THE BCPS FROM RISKS ASSOCIATED WITH AWARDING CONTRACTS TO PERSONS OR FIRMS HAVING EXHIBITED AN INABILITY OR UNWILLINGNESS TO FULFILL CONTRACTUAL OBLIGATIONS, AND TO PROTECT BCPS INTERESTS AND THE INTEGRITY OF THE PROCUREMENT PROCESS BY PREVENTING INDIVIDUALS OR FIRMS WHO HAVE DISPLAYED IMPROPER CONDUCT FROM PARTICIPATING ON BCPS REQUIREMENTS FOR SPECIFIC PERIODS OF TIME.

2. CAUSES FOR SUSPENSION OR DEBARMENT

AN INDIVIDUAL OR FIRM MAY BE SUSPENDED OR DEBARRED FOR ANY OF THE FOLLOWING REASONS:

- A. BREACH OF CONTRACT WITH BCPS.
  - B. AN UNWILLINGNESS OR INABILITY TO HONOR A BINDING BID.
  - C. FALSIFYING OR MISREPRESENTING MANUFACTURER'S SPECIFICATIONS IN RESPONSE TO A BID OR REQUEST FOR PROPOSAL (RFP).
  - D. CONFERRING OR OFFERING TO CONFER ANY GIFT, GRATUITY, FAVOR, OR ADVANTAGE UPON ANY EMPLOYEE OF BCPS WHO EXERCISES ANY RESPONSIBILITY FOR A BID, RFP, OR SELECTION OF VENDORS FOR A CONTRACT.
  - E. CONVICTION FOR ANY CRIMINAL OFFENSE INVOLVING PUBLIC CONTRACTING.
  - F. CONVICTION FOR ANY OFFENSES INDICATING A LACK OF BUSINESS INTEGRITY
  - G. FAILURE TO PAY ANY COSTS INCURRED BY BCPS PURSUANT TO A CONTRACT TERMINATION FOR DEFAULT.
  - H. ANY CAUSE INDICATING THAT THE INDIVIDUAL OR FIRM IS NOT A RESPONSIBLE VENDOR.
  - I. SUSPENSION OR DEBARMENT BY ANOTHER PUBLIC ENTITY.
  - J. A RECENT RECORD OF FAILURE TO PERFORM OR UNSATISFACTORY PERFORMANCE IN ACCORDANCE WITH THE TERMS OF ONE OR MORE CONTRACTS.
  - K. FAILURE TO REPLACE INFERIOR OR DEFECTIVE PRODUCTS WITHIN A REASONABLE PERIOD OF TIME AFTER NOTIFICATION BY BCPS.
  - L. COLLUSION OR COLLABORATION WITH ANOTHER BIDDER IN AN ATTEMPT TO RESTRAIN COMPETITION OR FIX PRICES.
  - M. ANY OTHER CAUSE THAT BCPS DETERMINES TO BE SO SERIOUS AND COMPELLING AS TO AFFECT RESPONSIBILITY AS A BCPS VENDOR.
3. TERM

THE MANAGER OF THE OFFICE OF PURCHASING MAY SUSPEND A

RULE 3231

VENDOR IF THERE IS PROBABLE CAUSE FOR DEBARMENT FOR A PERIOD NOT TO EXCEED NINETY (90) DAYS WHILE DEBARMENT PROCEEDINGS CONTINUE.

THE MANAGER OF THE OFFICE OF PURCHASING MAY DEBAR A VENDOR FOR A PERIOD OF UP TO THREE (3) YEARS.

ANY BIDS OR PROPOSALS SUBMITTED BY THE VENDOR DURING THE SUSPENSION OR DEBARMENT PERIOD SHALL NOT BE CONSIDERED.

4. NOTIFICATION

THE MANAGER OF THE OFFICE OF PURCHASING SHALL MAIL (CERTIFIED) A NOTICE OF SUSPENSION OR DEBARMENT TO THE VENDOR INDICATING THE REASON(S), AND THE EFFECTIVE PERIOD.

5. APPEAL

A DEBARRED OR SUSPENDED VENDOR MAY APPEAL THE SUSPENSION OR DEBARMENT BY SENDING A WRITTEN REQUEST WITHIN TEN (10) WORKING DAYS AFTER RECEIPT OF THE NOTICE OF SUSPENSION/DEBARMENT TO THE CHIEF FINANCIAL OFFICER, DEPARTMENT OF FISCAL SERVICES.

THE VENDOR MUST PROVIDE SPECIFIC EVIDENCE TO SHOW WHY THE SUSPENSION OR DEBARMENT IS UNWARRANTED. BASED UPON THIS INFORMATION, THE SUSPENSION/DEBARMENT MAY BE MODIFIED, RESCINDED, OR AFFIRMED BY THE CHIEF FINANCIAL OFFICER. THE DECISION OF THE CHIEF FINANCIAL OFFICER IS FINAL.

THE CHIEF FINANCIAL OFFICER, DEPARTMENT OF FISCAL SERVICES SHALL MAIL (CERTIFIED) A NOTICE OF THE RESULTS OF THE APPEAL OF SUSPENSION OR DEBARMENT TO THE VENDOR INDICATING THE CONCLUSIONS AND REASONS.

RULE  
APPROVED: 9/18/07

SUPERINTENDENT OF SCHOOLS