

Federal Suspension and Debarment

Whenever the District is using federal funds in connection with a transaction that is subject to the federal suspension and debarment requirements, the District is generally prohibited from engaging in transactions with any party (i.e., an individual, organization, or a principal of an organization) that is debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. In connection with its acceptance and receipt of federal funds, the District may also be required to notify a state and/or federal agency of the District's own status with respect to these federal requirements, including the status of certain officers and employees.

When soliciting bids or proposals or otherwise preparing to enter into a covered transaction, the District will use at least one of the following verification methods to ensure that any parties to the transaction are not suspended or debarred before committing to a covered sub-award, purchase, or contract:

1. Obtaining a certification of a party's compliance with the federal suspension and debarment requirements in connection with any application, bid, or proposal;
2. Requiring compliance with the federal suspension and debarment requirements as an express condition of the sub-award, purchase, or contract in question; or
3. Prior to committing to any sub-award, purchase, or contract that is a covered transaction, the Director of Finance and Operations shall check the online federal System for Award Management (SAM) to determine whether any relevant party is subject to any suspension or debarment restrictions.

The District may also periodically re-verify the status of, or receive new information from, parties that currently hold a sub-award or contract in connection with a covered transaction. To the extent the District is a participant in an existing covered transaction with another party and the District receives confirmation that the other party has become newly subject to federal exclusion before the earlier transaction is complete, the School Board may elect to discontinue the earlier transaction with the excluded party to the extent permitted by law.

If, for any reason, the District learns after entering into a transaction with a party but prior to claiming federal funds for any portion of the cost of the transaction that the party should have been identified as being excluded from or ineligible for the transaction, the costs shall not be claimed unless the District obtains

written confirmation from the relevant federal agency that the costs may be claimed under an applicable federal exception.

The Director of Finance and Operations shall ensure that procedures and internal controls are in place that facilitate compliance with federal suspension and debarment requirements, including adequate means of identifying covered transactions, issuing any required notices to appropriate parties that compliance with federal suspension and debarment is required in connection with a covered transaction, and retaining records of status verifications.

State Suspension, Debarment, or Other Ineligibility

Whenever the District is undertaking a public works project (e.g., construction, repair, remodeling, or improvement of District buildings or facilities) and to the extent required by law, the District shall not knowingly solicit bids from, negotiate with, award any contracts to, or approve or allow any subcontracts with a debarred contractor that is prohibited by law from participating in such project.

If it comes to the attention of the District that any prospective vendor or contractor is currently suspended, debarred, or otherwise ruled ineligible by the State of Wisconsin from receiving state contracts for any reason that is not directly binding on the District by law, and provided that the District has taken steps to confirm the person's current ineligibility for state contracts, the District may rely on the vendor's or contractor's state-determined status as a basis for refusing to enter into a purchase, contract, or other procurement relationship with the person.

Local Suspension or Debarment

If, separate from any federally-determined or state-determined suspension or debarment, the Director of Finance and Operations decides to suspend or debar any person for a fixed period of time from the opportunity to respond to District procurement solicitations and/or from having the person's responsive bids or proposals considered by the District, the District shall provide the person with notice of the decision and an opportunity to appeal their locally-determined suspension or debarment status to the Superintendent.

Other District Evaluation of Vendors and Contractors

Nothing in this policy shall be construed to prevent the District and its authorized agents from independently evaluating whether particular vendors or contractors are responsible persons who are sufficiently likely to be able to successfully perform under the terms of a proposed purchase, contract, or other procurement relationship. In making such decisions, consideration may be given

to factors such as the vendor's or contractor's integrity, compliance with public policy, record of past performance, and financial and technical resources.

Similarly, nothing in this policy shall be construed to prevent the District and its authorized agents from considering service, reliability, experience, and other relevant performance factors when selecting particular vendors or contractors to provide products or services to the District.

Legal References:

State Statutes

- [Section 16.705\(9\)](#) [ineligibility for state contracts due to violations of certain state purchasing statutes or violations of state contracts]
- [Section 16.75\(10m\)](#) [ineligibility for state contracts due to state tax compliance violations]
- [Section 16.765](#) [ineligibility for state contracts due to discriminatory conduct or practices]

Federal Law

- [2 C.F.R. Part 180](#) [federal suspension and debarment requirements; including reference to the federal [System for Award Management](#) (SAM)]
- [2 C.F.R. §200.212](#) [Uniform Guidance regulation that applies federal suspension and debarment requirements to non-federal entities that spend federal funds]
- [2 C.F.R. Part 3485](#) [U.S. Department of Education nonprocurement debarment and suspension]

Adopted: 01/17/22