

NON-INSTRUCTIONAL SERVICES: Purchasing

Vendor Performance Evaluation

I. PURPOSE [Vendor Performance Evaluation]

TO ESTABLISH STANDARDS [In order] to facilitate management of vendors doing business with [the] Baltimore County Public Schools (BCPS).[,]

II. RESPONSIBILITIES

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.

III. [A.] Non-Construction Contracts

A. [1.] All BCPS contracts THAT EXCEED \$500,000, EXCEPT FOR THOSE CONSTRUCTION CONTRACTS OUTLINED IN PARAGRAPH IV, [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.

B. Vendor performance evaluations should be completed semi-annually by the sponsoring office for open-ended contracts or purchase orders.

C. The Office of Purchasing may request a vendor performance evaluation more frequently [, and for any contract with a value less than \$500,000] THAN REQUIRED BY THIS PARAGRAPH, IF NECESSARY, IN ORDER TO FACILITATE PROPER MANAGEMENT OF THE VENDOR.

D. THE OFFICE OF PURCHASING MAY REQUEST A VENDOR PERFORMANCE EVALUATION FOR ANY CONTRACT WITH A VALUE LESS THAN \$500,000.

E. [2.] SYSTEMWIDE CONTRACTS

1. School and office staff that use BCPS system[-]wide contracts may forward information regarding vendor performance to the Office of Purchasing at any time.
2. The Office of Purchasing may survey users of system[-]wide contracts in order to gather feedback on vendor performance.

IV. [B.] Construction Contracts

- A. Vendor performance evaluations are required for all BCPS contracts for construction, construction management, building renovation, or facility improvements that exceed \$500,000.
- B. Vendor performance evaluations shall be completed semi-annually by the DEPARTMENT [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.
  1. THE DEPARTMENT OF PHYSICAL FACILITIES MAY PERFORM more frequent evaluations [may be submitted] if necessary IN ORDER to facilitate proper management of the vendor.
- C. The Office of Purchasing may request a vendor performance evaluation for any contract with a value less than \$500,000.

V. [C].Documentation

APPROPRIATE [Cognizant] school and/OR office staff shall submit vendor performance EVALUATIONS [comments] to the Office of Purchasing in accordance with established [forms and] procedures.

VI. [D.] Communication with Vendors

- A. [1.] THE OFFICE OF PURCHASING SHALL SEND COPIES OF THE vendor performance evaluations [shall be communicated] to the vendor, AND DISCUSS THE EVALUATIONS WITH THE VENDOR AS NEEDED by the Office of Purchasing.
- B. [2.]. All vendors shall be monitored consistently and fairly in accordance with the contract requirements.

VII. [E.] Suspension and Debarment

- A. [1.] Purpose

The purpose of suspension and/or debarment is to protect BCPS [the] 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 CONTRACTS [requirements] for specific periods of time.

B. [2.] Causes for Suspension or Debarment

1. 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 ANY INFORMATION [manufacturer's specifications] in response to a bid, REQUEST FOR AN EXPRESSION OF INTEREST, request for proposal (RFP) OR VENDOR INVOICE.
  - d. Conferring or offering to confer any gift, gratuity, favor, or advantage upon any employee of BCPS who exercises any responsibility for a bid, EXPRESSION OF INTEREST, 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 SUFFICIENTLY [so] serious and compelling as to affect responsibility as a BCPS vendor.

- C. [3.] Term
  - 1. The Manager of the Office of Purchasing may suspend a vendor if there is probable cause for debarment for a period not to exceed 90 [ninety (90) ] days while debarment proceedings continue.
  - 2. The Manager of the Office of Purchasing may debar a vendor for a period of up to 3 [three (3)] years.
  - 3. Any bids or proposals submitted by the vendor during the suspension or debarment period shall not be considered.

D. [4.] Notification

The Manager of the Office of Purchasing shall SEND, BY CERTIFIED MAIL, [mail (certified) a] notice TO THE VENDOR of THE suspension or debarment AND INDICATE [to the vendor indicating] the reason(s) FOR THE SUSPENSION OR DEBARMENT[, ] and the effective period.

VIII. [5.] Appeal

- A. THE [A debarred or suspended] vendor may appeal the suspension or debarment TO THE CHIEF FINANCIAL OFFICER, DEPARTMENT OF FISCAL SERVICES.
  - 1. THE APPEAL MUST IN WRITING AND FILED WITH THE CHIEF FINANCIAL OFFICER [by sending a written request] within 10 CALENDAR [ten (10) working] days after receipt of the notice of suspension/debarment. [to the Chief Financial Officer, Department of Fiscal Services.]
  - 2. THE APPEAL WILL BE DEEMED TIMELY FILED IF:
    - a. THE APPEAL IS DELIVERED TO THE DEPARTMENT OF FISCAL SERVICES ON OR BEFORE THE DOCUMENTS ARE DUE; OR
    - b. BY DEPOSITING THE APPEAL IN THE UNITED STATES MAIL, OR ANY OTHER DELIVERY METHOD WHICH PROVIDES PROOF OF DELIVERY, BEFORE THE DATE THE PAPERS ARE DUE.
  - 3. ELECTRONIC TRANSMITTALS WILL NOT BE ACCEPTED.
  - 4. UNTIMELY APPEALS WILL NOT BE ACCEPTED.
- B. The APPEAL [vendor] must BE IN WRITING AND provide A CONCISE STATEMENT OF THE ISSUES PRESENTED AND INCLUDE specific evidence AND/OR DOCUMENTATION THAT SHOWS [to show] why the suspension or debarment is unwarranted AND SHOULD BE REVERSED.

- C. THE CHIEF FINANCIAL OFFICER WILL REVIEW THE FACTS OF THE CASE AND ISSUE A WRITTEN DECISION. [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.]

- 1. THE DECISION WILL BE MAILED TO THE VENDOR BY CERTIFIED MAIL OR ANY OTHER DELIVERY METHOD THAT PROVIDES PROOF OF DELIVERY.

RELATED POLICIES: BOARD OF EDUCATION POLICY 3210, *PURCHASING GUIDES*  
BOARD OF EDUCATION POLICY 3230, *QUALIFICATION OF VENDORS*

Rule  
Approved: 09/18/07  
REVISED: \_\_\_\_\_

Superintendent of Schools