

***Superseded 3/29/2014***

**63G-6a-904 Debarment from consideration for award of contracts -- Causes for debarment.**

- (1) After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the chief procurement officer, a procurement officer, or the head of a procurement unit with independent procurement authority may, after consultation with the procurement unit involved in the matter for which debarment is sought and, if the procurement unit is in the state executive branch, the attorney general:
  - (a) debar a person for cause from consideration for award of contracts for a period not to exceed three years; or
  - (b) suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity that might lead to debarment.
- (2) A suspension described in Subsection (1)(b) may not be for a period exceeding three months, unless an indictment has been issued for an offense which would be a cause for debarment under Subsection (3), in which case the suspension shall, at the request of the attorney general, remain in effect until after the trial of the suspended person.
- (3) The causes for debarment include the following:
  - (a) conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of a public or private contract or subcontract;
  - (b) conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a state contractor;
  - (c) conviction under state or federal antitrust statutes;
  - (d) failure without good cause to perform in accordance with the terms of the contract;
  - (e) a violation of this chapter; or
  - (f) any other cause that the chief procurement officer, the procurement officer, or the head of a procurement unit with independent procurement authority determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity.