

ORANGE COUNTY, VIRGINIA

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DEBARMENT POLICY FOR CONTRACTORS

Adopted: May 11, 2010

I. **History:**

Section 2.2-4321 of the Code of Virginia authorizes the governing body of any political subdivision of the Commonwealth of Virginia to debar any prospective bidder or offeror from contracting with such political subdivision for a specified period of time if such prospective bidder or offeror has unsatisfactorily performed a contract for a public body for supplies, services, insurance, or construction.

II. **Purpose:**

The Orange County Board of Supervisors has determined that it is in the best interest of the County and its residents that a County debarment policy be established pursuant to § 2.2-4321 of the Virginia Public Procurement Act.

III. **Definition:**

"Unsatisfactory performance" includes, but is not limited to: early termination of a contract due to breach of contract or other adverse early termination provisions specified in such contract; termination of the contract due to an order from a court of competent jurisdiction; failure of a public body to renew a contract due to the public body's dissatisfaction with the quality of work performed by the contractor pursuant to the contract; and/or a statement from a public body that work performed by the contractor pursuant to a contract was of poor quality or was otherwise unsatisfactory.

IV. **Policy:**

- A. If a contract between a contractor and the public body has been terminated due to unsatisfactory performance of that contract, the public body has the authority to debar the contractor. Thereafter, the contractor may not enter into negotiations to contract with Orange County or make an offer, proposal or bid in response to a Request for Proposals, an Invitation to Bid or any other form of

solicitation by the County, for supplies, services, insurance or construction. The Board of Supervisors shall make a motion to “debar” the contractor based on recommendation from the staff.

1. Debarment of a contractor applies to any successor company formed with the same resources, owners or stockholders as the debarred entity.
- B. The County Administrator or his designee shall inform the contractor of the “debarment” status in the form of a written letter signed by the County Administrator and/or designee stating the reasoning for debarment and the length of time that the contractor will be debarred from submitting an offer, proposal or bid, in response to a Request for Proposals, an Invitation to Bid or any other form of solicitation by the County, for supplies, services, insurance or construction. The Contractor will be given five (5) business days following receipt of the written notice in which to request a meeting with the County Administrator at which he will be allowed to present written or oral evidence as to why the debarment should not occur.
- C. Once a contractor has been officially “debarred” by the County, the period of time for the debarment shall last no less than 5 years. After the debarment period expires, the contractor may submit formal written request to the County stating that the contractor wishes to continue to conduct business with the County. A determination for the contractor’s reinstatement shall be voted on by the Board of Supervisors based upon recommendation from the staff. If agreed upon by the Board of Supervisors, the contractor shall be permitted to contract or make an offer, proposal or bid, in response to a Request for Proposals, an Invitation to Bid or any other form of solicitation by the County, for supplies, services, insurance or construction.
- D. A list maintained by the Procurement Division will be made of all contractors that have been debarred from making an offer, proposal or bid, in response to a Request for Proposals, an Invitation to Bid or any other form of solicitation by the County, for supplies, services, insurance or construction will be made available to all departments and outside agencies.