

**VENDOR PREQUALIFICATION 220-RICR-30-00-14**  
**CONCISE EXPLANATORY STATEMENT**

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In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

**AGENCY:** Department of Administration

**DIVISION:** Division of Purchases

**RULE IDENTIFIER:** 220-RICR-30-00-14

**RULE TITLE:** Vendor Suspension and Debarment

**REASON FOR RULEMAKING:** To govern the suspension and debarment of vendors.

**TESTIMONY AND COMMENTS:** See attached "Summary of Public Comments" document.

**CHANGE TO TEXT OF THE PROPOSED RULE:**

§ 14.5(B)(1): In lieu of debarment, a vendor may be suspended for a~~Any just~~ cause for debarment, at the sole discretion of the Purchasing Agent, guided by a review of ~~depending on~~ the severity of the violation;

§ 14.5(B)(3): Substantial evidence, as determined by the Purchasing Agent, of willfully supplying materially false information incident to obtaining or attempting to obtain or performing any public contract or subcontract, or willful failure to comply with requirements imposed upon contractors or subcontractors by law or regulation;

§ 14.5(B)(5): Material N~~on~~performance on at least one contract, subject to the notice provisions set forth in Section 13.20 of this Chapter, if applicable;

§ 14.5(C)(2): Substantial evidence, as determined by the Purchasing Agent of:

§ 14.5(C)(2)(b) (formerly § 14.5(C)(3) in proposed regulation): Falsification of information on a bid submission or Bidder Registration form, subcontracting plan, or ~~affirmative action plan~~MBE Utilization Plan;

§ 14.5(C)(2)(c) (formerly § 14.5(C)(4) in proposed regulation): Material N~~on~~performance on two or more contracts, subject to the notice provisions set forth in Section 13.20 of this Chapter, if applicable;

§ 14.6(A): The Purchasing Agent shall ~~give notice~~efy in writing of any vendor whom he or she intends to ~~suspension~~ or ~~debarment in writing~~. Notice shall be issued to the email address that the vendor has on file with the Division of Purchases (or post office address if vendor email address is not on file). Such notice shall:

**§ 14.6(A)(3):** Provide a reasonable time for reconsideration not less than fourteen (14) calendar days within which the vendor may provide justification for why such action should not be implemented. A statement that protests of a suspension or debarment may be submitted to the Chief Purchasing Officer in accordance with § 1.6 of this Subchapter and R.I. Gen. Laws § 37-2-52. [Note that the stricken language in the foregoing was moved to § 14.6(D).]

**§ 14.6(A)(4):** If a suspension or debarment is based upon charges of fraud or dishonesty pursuant to § 14.5(B)(3), § 14.5(B)(7), § 14.5(C)(2)(b) or § 14.5(C)(2)(f), the vendor may request an opportunity to be heard before the Purchasing Agent prior to the issuance of the reconsideration decision.

**§ 14.6(B):** If the Chief Purchasing Officer determines that immediate suspension is necessary to prevent serious harm to the State of Rhode Island, the suspension may take effect immediately upon transmittal of a written notice of such immediate suspension to the vendor. The written notice shall include the applicable provisions of § 14.6(A)(1) through (4), above. Notwithstanding any other provisions of this Part, any contractor federally suspended or debarred shall by reason of such suspension or debarment be simultaneously suspended or debarred by the Division of Purchases.

**§ 14.6(C):** Where reconsideration has been requested in writing by a vendor, the Purchasing Agent shall, upon expiration of the reconsideration period, notify the affected vendor of his or her final decision. Where no such request is received, the action shall be implemented without notice.

**§ 14.6(D):** Protests of a suspension or debarment may be submitted to the Chief Purchasing Officer in accordance with § 1.6 of this Subchapter and R.I. Gen. Laws § 37-2-52. [Note that this language was in the proposed regulation and was moved from § 14.6(A)(3) to §14.6(D).]

**REGULATORY ANALYSIS:** In the development of the proposed adoption, consideration was given to (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; (3) significant economic impact on small business. No alternative approach, duplication or overlap was identified based upon available information.