

290-RICR-10-00-2

TITLE 290 - DEPARTMENT OF TRANSPORTATION

CHAPTER 10 - CONTRACTORS AND CONSULTANTS

SUBCHAPTER 00 - N/A

PART 2 - Debarment of Contractors on Construction Projects

2.1 Authority

These Rules and Regulations are promulgated pursuant to the provisions of R.I. Gen. Laws § 42-13-1(c).

2.2 Purpose

The purpose of these Rules and Regulations is to establish a procedure which prohibits contractors convicted of fraud, bid-rigging, or a violation of any state or federal antitrust law from bidding on construction projects administered by the Department of Transportation for five (5) years from the date of any such conviction.

2.3 Definitions

- A. "Contractor" means any person, partnership, corporation or other legal entity having a contract with the State of Rhode Island administered by the Department of Transportation for the performance of construction activities, including any contracts subordinate thereto.
- B. "Construction Projects" means shall include the construction, improvement or completion of any public road or portion thereof or of any bridge.
- C. "Debarment" means disqualification of a contractor from bidding on and/or entering into construction contracts administered by the Department of Transportation.
- D. "Director" means the Director of the Rhode Island Department of Transportation or his/her designee.

2.4 Debarment Proceeding

- A. A Debarment proceeding shall be initiated by written notice to the contractor subject to debarment. Such notice shall indicate:
 - 1. the nature of the debarment.

2. the reasons for the debarment in terms sufficient to put the contractor on notice of the conviction upon which it is based.
 3. the procedures governing debarment.
 4. the potential effect of debarment.
- B. Within twenty (20) days after receipt of notice of proposed debarment, the contractor may request reconsideration in writing, providing justification why such debarment should not be implemented. Such justification shall not include evidence relating to the merits of the prior conviction on which the debarment is based.
- C. Where reconsideration has been requested by the contractor, the Director shall notify the contractor within twenty (20) days of his/her final decision. Where no such request is received, the debarment shall be implemented without further notice.

2.5 Scope of Debarment

- A. Debarment of a contractor under these regulations constitutes debarment of all its divisions and other organizational elements.
- B. Fraudulent or criminal conduct of any officer, director, partner or employee of the contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor, or with the contractor's knowledge, approval, or acquiescence.

2.6 Period of Debarment

Debarment from bidding on construction projects administered by the Department of Transportation shall be for five (5) years from the date of any of the above convictions.

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