



S.B. 282

124th General Assembly
(As Introduced)

Sen. Ryan

BILL SUMMARY

- Allows the appropriate public officer of a public authority to debar a vendor convicted of bribery from consideration for public contract awards.

CONTENT AND OPERATION

Debarment of contractors by Director of Transportation

Under existing law, the Director of Transportation may debar vendors from consideration for public contract awards for a number of reasons, including a bribery conviction. (Sec. 5513.06(A)(6).) That law also mandates a notice and hearing process in accordance the Administrative Procedure Act.

If a vendor is debarred, the debarment period may be for any length of time determined by the Director, however, the Director may modify or rescind the debarment at any time. The bill adds that if the debarment is specifically for a bribery conviction, the debarment period is five years which period may not be modified or rescinded. (Sec. 5513.06(B).)

Debarment of contractors by other public authorities

The bill enacts a separate, new Revised Code section that applies to any "public authority" other than the Director of Transportation who retains his separate authority. Under the new provisions of the bill which are similar in most respects to the existing authority of the Director of Transportation, the appropriate officer of any public authority may debar a vendor from consideration for contract awards with the public authority for the rendering of services or the supplying of materials, or for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, highway, or other improvement, upon a finding based upon a reasonable belief that the vendor has been convicted of bribery in connection with the application for or performance of any contract. If the vendor

is a partnership, association, or corporation, the public officer also may debar any partner of the partnership, or the officers or directors of the association or corporation being debarred. Any other individual involved may also be debarred. (Sec. 9.317(B).)

When the public officer has reasonable grounds for debarment, the officer is required to send the vendor and any other individual involved a notice of proposed debarment. The notice must indicate the grounds for debarment and the procedure for requesting a hearing. The notice and hearing are to be conducted in accordance with the Administrative Procedure Act. If the vendor or individual does not respond with the request for a hearing within the time frame allowed under the Administrative Procedure Act, the public officer must issue the debarment decision without a hearing and notify the vendor or the individual of the decision by certified mail, return receipt requested. (Sec. 9.317(C).)

The period of debarment under the bill is five years. Unlike existing law with regard to the debarment authority of the Director of Transportation, the five-year time period of debarment is not subject to modification by the public officer who sought the debarment. During the mandatory five-year debarment period, the public officer is not allowed to include on a bidder list or consider for a contract award, any partnership, association, or corporation known to be affiliated with the debarred vendor or individual. After the debarment period expires, the vendor or individual, and any partnership, association, or corporation affiliated with the vendor or individual, may reapply for inclusion on bidder lists through the regular application process. (Sec. 9.317(C).)

"Public authority" definition

The bill defines a "public authority" through reference to another section of law as the state (except for the Department of Transportation), any political subdivision of the state, or any public agency, authority, board, commission, instrumentality, or special district of the state or a political subdivision. (Sec. 9.317(A).)

HISTORY

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