

**129—10.13(8B) Performance reviews and suspension/debarment.**

**10.13(1)** *Review of vendor performance.* The office, in cooperation with other governmental entities, may periodically review the performance of vendors. State agencies obtaining information technology from vendors are encouraged to document vendor performance throughout the duration of any contract and report any problems to the office as they are identified. Performance reviews shall be based on the specifications or service levels in the vendors' contract(s) or as set forth or identified in any applicable statement of work, order, or other applicable acquisition document. Performance reviews shall include but need not be limited to:

- a. Compliance with applicable contract specifications or requirements;
- b. On-time delivery; and
- c. Accuracy of billing.

Performance reviews help determine whether vendors are responsible bidders for future projects.

**10.13(2)** *Suspension or debarment.* Prior performance on a state contract may cause a vendor to be disqualified or preclude a vendor from being considered a qualified or responsible bidder in future procurements. In addition, a vendor or subcontractor of a vendor may be suspended or debarred for any of the following reasons:

- a. Failure to deliver within specified delivery dates without prior agreement of the office or applicable governmental entity;
- b. Failure to deliver in accordance with contract specifications or requirements;
- c. Attempts to influence the decision of any state employee involved in the procurement process;
- d. Evidence of agreements by vendors to restrain trade or impede competitive bidding;
- e. Determination by the civil rights commission that a vendor conducts discriminatory employment practices in violation of civil rights legislation, executive orders, or contract terms of conditions;
- f. Evidence that a vendor has willfully filed or submitted a false certificate or information with or to the office or other governmental entities;
- g. Suspension or debarment by the federal government;
- h. Any other reason identified in the competitive selection documents or contract.

The office shall notify any vendor considered for suspension or debarment and provide the vendor an opportunity to respond to and cure any deficiencies prior to suspending or debarring any vendor. If the vendor fails to remedy the situation after receiving such notice, the office may suspend the vendor from eligibility for state information technology acquisitions for a period of time as specified by the office or debar the vendor from all future state business. The office may notify the department of administrative services of the office's final decision. The department of administrative services may, in its discretion, take reciprocal action as it relates to the acquisition of goods and services of general use.

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