

60A-1.006 Vendors and Contractors.

(1) The integrity, reliability and qualifications of a bidder or offeror, with regard to the capability in all respects to perform fully the contract requirements, shall be determined by the agency prior to the award of the contract and shall be monitored by the agency throughout the contract term.

(2) Removal of Vendors by the Department – The Department is authorized to remove any vendor from the vendor list maintained pursuant to Section 287.042(1)(a), F.S., for failing to fulfill any of its duties specified in a contract with the State.

(3) Default – If a vendor is in default on any contract with an agency, the agency shall follow the procedures contained herein:

(a) The agency shall notify, in writing, any vendor who fails to adhere to contract terms and conditions. This notice shall state the nature of the failure to perform and provide a time certain for correcting the failure (such reasonable time should not generally be less than 10 days after receipt of such notice). The notification will also provide that, should it fail to perform within the time provided, the vendor will be found in default and removed from the agency's approved vendor list.

(b) Unless the vendor corrects its failure to perform within the time provided, or unless the agency determines on its own investigation that the vendor's failure is legally excusable, the agency shall find the vendor in default and shall issue a second notice stating (i) the reasons the vendor is considered in default, (ii) that the agency will reprocure or has reprocured the commodities or services, and (iii) and the amount of the reprocurement if known.

(c) The defaulting vendor will not be eligible for award of a contract by the agency until such time as the agency is reimbursed by the defaulting vendor for all reprocurement costs. Reprocurement costs may include both administrative costs and costs or price increases incurred or to be incurred as a result of the reprocurement. Reprocurement of substitute commodities or contractual services may be accomplished by first attempting to contract with the next eligible awardee under the original solicitation, when applicable. If the agency fails to contract with the next eligible awardee, it may continue in this manner sequentially through all eligible awardees until a vendor willing to perform at acceptable pricing under the solicitation's terms and conditions is found. Alternatively, an agency may elect to disregard previous solicitations, if any, and reprocure the commodity or contractual service pursuant to all applicable requirements of Chapter 287, F.S.

(d) Pursuant to Section 120.57, F.S., the defaulting vendor will be advised of the right to petition for an administrative hearing on the intended decision to remove the vendor from the list and shall be given a time certain within which to submit the petition.

(e) Until such time as it reimburses the agency for all reprocurement costs and the agency is satisfied that further instances of default will not occur, the defaulting vendor shall not be eligible for award of a contract by the agency. To satisfy the agency that further instances will not occur, the defaulting vendor shall provide a written corrective action plan addressing the original grounds for default.

(f) The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.

(4) A copy of all agency default actions shall be provided to the Department. Pursuant to subsection (2), the Department may remove the vendor from its vendor list.

(5) Convicted Vendor List – The Department shall maintain a convicted vendor list, consisting of the names and addresses of those who have been disqualified from the public contracting and purchasing process under Section 287.133, F.S. The Department shall publish an updated version of the list quarterly. The revised quarterly lists shall be published on the Department's website at <http://www.myflorida.com>.

Specific Authority 120.57(3)(d), 287.042, 287.057(23)(d) FS. Law Implemented 120.57(3), 287.017, 287.042, 287.057, 287.133 FS. History–New 5-20-64, Revised 2-6-68, 5-20-71, Amended 7-31-75, 10-1-78, 12-11-79, 2-26-80, 8-6-81, 10-11-81, 11-10-81, 2-11-82, 8-10-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.06, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.006, Amended 4-24-94, 1-9-95, 7-6-98, 1-2-00, 7-1-03, 5-16-04, 8-22-04, 10-15-06.