

## APPENDIX F

**STATE LAWS RELATING TO SUSPENSION AND DEBARMENT**

STATE AND CITATION	APPLICATION DEADLINE	PERIOD OF CERTIFICATION	BASIS FOR SUSPENSION, DISQUALIFICATION, OR DEBARMENT
<p>ALA. CODE § 23-1-56</p> <p>Standard Specifications § 102.02</p> <p>ALDOT Pre-qualification Questionnaire</p>	<p>14 days prior to bid opening.</p>	<p>1 year</p>	<ol style="list-style-type: none"> <li>1. Lack of competency, plant, equipment, or machinery.</li> <li>2. Uncompleted work that might hinder performance.</li> <li>3. Failure to pay all bills for labor and materials on other jobs.</li> <li>4. Failure to comply with prequalification regulations.</li> <li>5. Default or unsatisfactory work on prior contracts.</li> <li>6. Disqualification by FHWA.</li> <li>7. DBE violations.</li> <li>8. Collusion.</li> <li>9. Failure to reimburse state for overpayment or forfeited proposal guarantee.</li> <li>10. Affiliated with contractor who has been suspended or debarred.</li> <li>11. Making false or fraudulent statements in application or in administrative or judicial proceeding.</li> </ol>
<p>ALASKA STAT. §§ 36.30.635-685</p> <p>2 ALASKA ADMIN. CODE §§ 12.620-670</p>	<p>Must submit forms if requested.</p>	<p>Bidder registration form must be submitted annually.</p>	<p>Disqualification:</p> <ol style="list-style-type: none"> <li>1. Evidence of bid rigging or collusion.</li> <li>2. Fraud or dishonesty in performance of previous contracts.</li> <li>3. More than one proposal submitted.</li> <li>4. Unsatisfactory performance on previous contract.</li> <li>5. Failure to pay or settle all bills due on previous contract.</li> <li>6. Uncompleted work that might hinder current contract.</li> <li>7. Failure to reimburse state for money owed on previous contract.</li> <li>8. Default under previous contract.</li> <li>9. Failure to comply with any department qualification requirements.</li> </ol> <p>Debarment / Suspension</p> <ol style="list-style-type: none"> <li>1. Conviction of criminal offense in obtaining or performing a public contract.</li> <li>2. Conviction of offense such as embezzlement or bribery that indicates lack of business integrity.</li> <li>3. Serious violation of contract terms such as knowing failure to complete on time or unsatisfactory performance.</li> <li>4. Violation of ethical standards.</li> </ol>
<p>Alaska Standard Specification §§ 102-1.01, 102-1.12</p>			

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ARIZ. ADMIN. CODE 17-3-201 through 204	15 days prior to bid opening.	15 months	<p>5. Violation of public contract laws.</p> <ol style="list-style-type: none"> <li>1. Contractor falsifies documents.</li> <li>2. Failure to enter into contract awarded by department.</li> <li>3. Default on previous contract with any public agency.</li> <li>4. Unsatisfactory work performance record with department.</li> <li>5. Failure to notify department within 30 days of any change in ownership, corporate officers, bankruptcy, receivership, or judgment adverse to contractor.</li> </ol>
ADOT Application for Contractor Pre-qualification			
ARK. CODE §§ 19-11-235, 19-11-245	5 business days prior to time that rating is made.	1 year plus grace period of 4 months	<p>Disqualification:</p> <ol style="list-style-type: none"> <li>1. Failure to comply with prequalification requirements.</li> <li>2. Lack of competency or plant and equipment.</li> <li>3. Uncompleted work that might hinder performance.</li> <li>4. Failure to satisfactorily settle all bills on previous jobs.</li> <li>5. Serious misconduct that affects contractor's ability to perform future work.</li> <li>6. Suspension or debarment in effect.</li> <li>7. Failure to reimburse state for money owed on previous contract.</li> <li>8. Previous failure to execute contract or provide bonds.</li> <li>9. Unsatisfactory performance on previous contract.</li> <li>10. Liquidated damages currently being assessed under current contract.</li> <li>11. Default under previous contracts.</li> </ol>
Ark. Standard Specifications § 102-01			
CAL. PUB. CONT. CODE §§ 10160-10166; 10285-10285.5	Application must be submitted at least 5 days prior to bid opening; must have been prequalified for at least 1 day prior to bid opening.		<ol style="list-style-type: none"> <li>1. Inadequate safety record.</li> <li>2. Conviction of contractor or principal of fraud, bribery, collusion, conspiracy, or violation of antitrust laws.</li> </ol>
COLO. REV. STAT. § 24-92-107	10 days prior to bid opening.	1 year	<ol style="list-style-type: none"> <li>1. Contractor declared in default on any contract.</li> <li>2. Making false or deceptive statements on prequalification application or any other information provided to DOT.</li> <li>3. Failure to report significant decreases in capabilities or limitations on performing work.</li> <li>4. Lack of integrity in contract-related matters.</li> <li>5. No longer meets criteria for prequalification.</li> </ol>
2 Colo. Code. Reg. 601-10			

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Conn. DOT Construction Contract Bidding and Award Manual	30 days prior to requesting bid proposal form. May get proposal form without being prequalified, but must be prequalified in order to have bid considered.	16 months from end of contractor's previous fiscal year. Must reapply at least 30 days prior to expiration.	<ol style="list-style-type: none"> <li>1. Unsatisfactory record of compliance with state and federal laws.</li> <li>2. Unethical conduct or criminal conduct.</li> <li>3. Suspended or debarred by another agency.</li> <li>4. Lacks necessary skills, equipment, organization, experience, or employees to timely complete project in accordance with contract.</li> <li>5. Unsatisfactory record of performance on previous projects.</li> <li>6. Lack of financial resources.</li> <li>7. Lack of experienced management.</li> <li>8. Making false representations to or about department.</li> <li>9. Reason to doubt that contractor will fulfill all contract and legal requirements; that it has necessary financial, managerial, and other resources; that it will exhibit integrity, honesty, cooperativeness, professionalism, and skill in performing contract.</li> </ol>
29 DEL. CODE § 6962(c), (d)(14)		1 year	<p>Disqualification</p> <ol style="list-style-type: none"> <li>1. Inadequate expertise, labor, or experience.</li> <li>2. Failure to provide supplemental information requested.</li> </ol> <p>Suspension/Debarment</p> <ol style="list-style-type: none"> <li>1. Failure to supply adequate labor.</li> <li>2. Inadequate financial resources.</li> <li>3. Poor performance.</li> </ol>
D.C. CODE § 2-302.04, 2-308.04  Standard Specifications § 102.01		1 year	<ol style="list-style-type: none"> <li>1. Conviction of criminal offense relating to obtaining or performing public contract.</li> <li>2. Conviction for fraud or other crime indicating lack of business integrity.</li> <li>3. Conviction of antitrust violation.</li> <li>4. False assertion of DBE status.</li> <li>5. Any other cause affecting responsibility.</li> </ol>
FLA. STAT. § 337.16  FLA. ADMIN. CODE § 14-22	Department is allowed 30 days to process application.	Must reapply annually; qualification expires 16 months after date of last audited financial statement.	<ol style="list-style-type: none"> <li>1. Contractor delinquent on previously awarded contract.</li> <li>2. Making false or deceptive statements in prequalification application, bid proposal, certificate or payment, or of judicial proceeding.</li> <li>3. Insolvency or bankruptcy.</li> </ol>

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			<ul style="list-style-type: none"> <li>4. Failure to comply with contract requirements.</li> <li>5. Submission of more than one bid on the same project by contractor affiliates.</li> <li>6. Wrongfully employing or offering compensation or otherwise wrongfully attempting to influence department employee.</li> <li>7. Failure to register motor vehicles operated in the state.</li> </ul>
<p>GA. CODE § 32-2-66</p> <p>Ga. Admin. Rules §§ 672-5.04, 672-5.16</p>	10 days prior to bid opening.	Must be obtained annually; may be required to be updated.	<ul style="list-style-type: none"> <li>1. Work not being prosecuted diligently.</li> <li>2. Refusal to execute contract and forfeiture of bid bond.</li> <li>3. Contractor's actions have lessened competition or damaged integrity of bidding process.</li> <li>4. Conviction of crimes involving restraint of trade.</li> </ul>
<p>HAW. REV. STAT. § 103D-310</p>	Must file notice of intent to submit offer at least 10 days prior to bid opening; Department may then require completion of Prequalification Questionnaire.		<ul style="list-style-type: none"> <li>1. Bidder not fully qualified and able to perform intended work.</li> <li>2. Unreasonable failure to promptly provide information regarding inquiry on responsibility.</li> </ul>
<p>IDAHO CODE §§ 54-1910, 54-1914</p> <p>Standard Specifications §§ 102.11, 107.03</p>	Must be licensed by Public Works Contractor License Board prior to submitting bid.	12 months	<ul style="list-style-type: none"> <li>1. Abandonment of construction project without legal excuse.</li> <li>2. Diversion of funds or property received for construction project.</li> <li>3. Willful disregard of plans and specifications.</li> <li>4. Willful disregard of building, safety, labor, or compensation insurance laws.</li> <li>5. Misrepresentation of material fact in obtaining license.</li> <li>6. Aiding or abetting unlicensed person with intent to evade contractor licensing law.</li> <li>7. Willful or deliberate failure to complete project.</li> <li>8. Willful or deliberate failure to pay for labor or materials.</li> <li>9. Change in financial circumstances that may impair financial responsibility.</li> </ul>
44 ILL. ADMIN.	21 days prior to bid opening.		<ul style="list-style-type: none"> <li>1. Lack of business integrity or honesty, such as bribery.</li> </ul>

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CODE §§ 660.520			<ol style="list-style-type: none"> <li>2. Material false statement in application for prequalification or affidavit.</li> <li>3. Material violation of rule or procurement procedure.</li> <li>4. Material false statement with respect to quality of cost of work done or procurement procedures.</li> <li>5. Doing business with suspended contractor.</li> <li>6. Debarment or suspension by another state agency or agency of other state.</li> </ol>
IND. CODE § 8-23-10  105 IND. ADMIN. CODE §§ 11-1-1 through 11-2-12	Department has 30 days to act on application.	1 year	<ol style="list-style-type: none"> <li>1. Making false statement to department with respect to net worth in any other document filed with department.</li> </ol>
IOWA CODE § 314.1  Standard Specifications §§ 1102.01, 1102.03	At least 5 calendar days prior to bid opening.	16 calendar months	<ol style="list-style-type: none"> <li>1. Failure to repair or replace work found not in conformity with contract documents.</li> <li>2. Failure to carry out work in acceptable manner or in reasonable time.</li> <li>3. Failure to perform required work with own organization, or assigning work without approval.</li> <li>4. Forfeiture of proposal guaranty and failure to enter into awarded contract.</li> <li>5. Failure to comply with EEO and affirmative action requirements.</li> <li>6. Failure to pay subcontractor progress payments and retainage.</li> <li>7. Safety concerns.</li> <li>8. Contractor default.</li> <li>9. Material change in financial condition.</li> </ol>
KAN. STAT. § 75-37, 104  Kan. Admin. Rules § 36-31-2 through 36-31-5	At least 7 days prior to bid opening.	1 year	<ol style="list-style-type: none"> <li>1. Conviction or admission of fraud or criminal offense in connection with obtaining or performing contract; anti-trust violation; embezzlement, theft, forgery, falsification of documents, making false statements, obstruction of justice; wage and hour laws; or violation of laws indicating lack of business integrity.</li> <li>2. Violation of contract terms, including failure to perform in accordance with specifications, or record of unsatisfactory performance.</li> </ol>

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KSDOT Contractor's Pre-qualification and Experience Questionnaire	Department has 30 days to act on application unless bid opening is within 30 days; in that case department must act in 15 days.	Certificate expires 120 days after end of applicant's fiscal year. Contractor expected to re-apply no later than 90 days after end of fiscal year.	<ol style="list-style-type: none"> <li>1. Failure to perform satisfactorily.</li> <li>2. Failure to adhere to laws and regulations.</li> </ol>
KY. REV. STAT. §§ 176.130, 176.140, 176.150  603 KAR § 2:015	Department has 30 days to act on application unless bid opening is within 30 days; in that case department must act in 15 days.	Certificate expires 120 days after end of applicant's fiscal year. Contractor expected to re-apply no later than 90 days after end of fiscal year.	<ol style="list-style-type: none"> <li>1. Failure to perform satisfactorily.</li> <li>2. Failure to adhere to laws and regulations.</li> </ol>
LA. REV. STAT. §§ 37:2156 through 37:2158  Standard Specifications §§ 102.01, 102.02	Must have license from State Licensing Board for Contractors in order to submit bid over \$50,000.	License expires on December 31 of year in which it was issued.	<ol style="list-style-type: none"> <li>1. Dishonest or fraudulent act determined by a court to have caused substantial damage to another.</li> <li>2. Willful misrepresentation of material fact in applying for license.</li> <li>3. Willful failure to comply with licensing rules.</li> <li>4. Entering into contract with unlicensed contractor.</li> <li>5. Permitting contractor license to be used by unlicensed person.</li> <li>6. Failure to maintain registered agent.</li> <li>7. Failure to fulfill licensing requirements.</li> <li>8. Insolvency or involuntary cessation of business.</li> <li>9. Problems relating to ability to engage in business of contracting.</li> <li>10. Debarment by any other agency.</li> </ol>
Code of Md. Regs. § 21-08.02 through 21.08.03			<ol style="list-style-type: none"> <li>1. Bribery, attempted bribery, or conspiracy to bribe.</li> <li>2. Conviction for fraud, embezzlement, theft, forgery, destruction or falsification of records.</li> <li>3. Antitrust or RICO conviction.</li> </ol>
17 Maine Admin. Rules § 102	At least 10 days prior to bid opening.	3 years	<ol style="list-style-type: none"> <li>1. Conviction of a bidding crime.</li> <li>2. Conviction of any crime indicating lack of moral or business integrity.</li> <li>3. Debarment by any state or federal agency.</li> <li>4. Making false or deceptive statements on any documents submitted to department.</li> </ol>
MDOT Contractor Pre-qualification Form			<ol style="list-style-type: none"> <li>4. Making false or deceptive statements on any documents submitted to department.</li> </ol>

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MASS. LAWS ch. 29, § 8B  720 MASS. REGS. CODE 5.00		1 year	<ol style="list-style-type: none"> <li>1. Conviction of willfully making false or fraudulent statement in application.</li> <li>2. Collusion.</li> </ol>
MICH. ADMIN. CODE §§ 247.1 through 247.53	At least 15 days prior to bid opening.	Expires 15 ½ months after end of fiscal year. Must reapply annually.	<ol style="list-style-type: none"> <li>1. Submission of false statements.</li> <li>2. Failure to comply with rules and with requirements of prequalification.</li> <li>3. Factors that affect responsibility or ability to perform work.</li> </ol>
Minn. Standard Specifications §§ 1201, 1213			<ol style="list-style-type: none"> <li>1. Debarment by federal agency under 49 C.F.R. pt. 29.</li> <li>2. Submission of more than one proposal on a project.</li> <li>3. Evidence of collusion.</li> </ol>
MISS. CODE §§ 31-3-15; 31-3-21  Rules and Regulations of State Board of Contractors (2002)	Must have certificate of responsibility issued by State Board of Contractors prior to submission of bid. Board has 30 days to act on application.	1 year	<ol style="list-style-type: none"> <li>1. Finding of nonresponsibility by board.</li> <li>2. Submission of bid outside of classification.</li> </ol>
MO. REV. STAT. §§ 227.100, 105  7 MO. CODE REGS. §§ 10-15.010, 10-18.010	At least 7 days prior to bid opening.	1 year, unless the contractor does work for the Department during that year, in which case it may file standard contractor questionnaire.	<ol style="list-style-type: none"> <li>1. Submission of more than one proposal for same project.</li> <li>2. Collusion.</li> <li>3. Conviction or civil judgment for fraud, criminal offense in attempting to obtain bid, antitrust, embezzlement, theft, bribery, perjury, assault, false statements or claims, obstruction of justice.</li> <li>4. Violation of terms of public contract so serious as to affect the integrity of the project.</li> <li>5. Debarment by a local, state, or federal agency.</li> </ol>
MONT. ADMIN. R. §§ 18.3.101-106			<ol style="list-style-type: none"> <li>1. Conviction of fraud or criminal offense in obtaining or performing a contract; antitrust violation; crime such as embezzlement, theft, or obstruction of justice; conspiracy or collusion; or any crime indicating lack of business integrity.</li> <li>2. Filing false or fraudulent claim.</li> <li>3. Violation of contract terms such as willful failure to comply with specifications; history of failure to perform or unsatisfactory performance.</li> <li>4. Failure to reimburse department for money owed under previous contract.</li> </ol>

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			5. Willful violation of applicable statute or regulation. 6. Serious or repeated violation of wage requirements. 7. DBE violation. 8. Doing business with debarred or suspended contractor. 9. Nonpayment of taxes.
NEB. REV. STAT. §§ 39-1351, 39-1352  Standard Specifications §§ 102.01, 102.18	Not later than 10 days prior to bid opening.	15 months after date of financial statement.	Disqualification: 1. Submission of more than one proposal for a project. 2. Collusion among bidders. 3. Bid obviously or materially unbalanced, signature is missing from affidavit, or bid not accompanied by bid bond.  Debarment: 1. Indictment or conviction of bidding crime. 2. Conviction of offense involving lack of moral or ethical integrity. 3. Debarment by another state or federal agency. 4. Materially false statements on bid proposal.
NEV. REV. STAT. § 408.333	Must allow enough time prior to bid opening for processing of application.		May be disqualified if responses to questionnaire are insufficient.
N.H. ADMIN. R. Part Tra-401	At least 8 days prior to bid opening.	Must be renewed annually. Expires 1 year and 3 months from date of financial statement.	1. Materially false, deceptive, or fraudulent statements on application or on bid proposal form. 2. Conviction for antitrust violations. 3. Debarment by other state or federal agency. 4. Factors that materially affect contractor's ability to perform, including poor performance history.
N.J. STAT. ANN. §§ 27:7-35.2 through 27:7-35.12  Department Regulations § 16:44-1	At least 15 days prior to bid opening; classification effective 15 days after receipt of application.	18 months	Making false, deceptive, or fraudulent statement in application for prequalification, or in hearing relating to prequalification.
N.M. STAT. 13-1-134  18 N.M. ADMIN. CODE §§ 27.5.3	Not less than 7 days prior to bid opening.	1 year	1. False, deceptive, or misleading statements in application. 2. Conviction for bidding crime, embezzlement, theft, forgery, bribery, falsification or destruction of records, or

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through 27.5.15; 28.4.3 through 28.4.10			<ul style="list-style-type: none"> <li>receiving stolen property.</li> <li>3. Conviction of antitrust violation arising out of submission of bid proposal.</li> <li>4. Willful failure to perform contract, or history of failure to perform.</li> <li>5. Willful violation of state procurement code.</li> </ul>
N.C. Standard Specifications §§ 102-2, 102-16	At least 2 weeks prior to opening of bids.	2 years	<ul style="list-style-type: none"> <li>1. Unsatisfactory safety record.</li> <li>2. Unsatisfactory progress on work or being declared in default.</li> <li>3. Uncompleted contracts that might hinder additional work.</li> <li>4. Failure to comply with prequalification requirements.</li> <li>5. Submission of more than one bid for a project.</li> <li>6. Evidence of collusion, or failure to submit non-collusion affidavit.</li> <li>7. Failure to comply with written order of state engineer.</li> <li>8. Failure to comply with DBE requirements.</li> <li>9. Failure to comply with subletting and assignment requirements.</li> <li>10. Failure to return overpayments.</li> <li>11. Failure to maintain safety index.</li> <li>12. Recruitment of department employees.</li> <li>13. Department has not received amount due under forfeited bid bond or on performance bond.</li> </ul>
N.D. CENT. CODE § 43-07-06	At least 7 days prior to bid opening.	1 year	<ul style="list-style-type: none"> <li>1. More than one proposal submitted for a project.</li> <li>2. Collusion among bidders.</li> </ul>
Standard Specifications §§ 102.01, 102.13			
OHIO REV. CODE §§ 5525.02 through 5525.09	Department has 30 days to process application.	1 year	<ul style="list-style-type: none"> <li>1. Contractor in default on any department project.</li> <li>2. Debarment or suspension by other state or federal agency.</li> <li>3. Conviction of crimes involving fraud.</li> </ul>
OHIO ADMIN. CODE §§ 5501:2-3-1 through 10			<ul style="list-style-type: none"> <li>4. Bankruptcy.</li> <li>5. Submission of false or misleading statements in connection with prequalification or contract.</li> <li>6. Collusion with other bidders.</li> <li>7. Violation of DBE requirements.</li> </ul>

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			<ul style="list-style-type: none"> <li>8. Failure to pay prevailing wages.</li> <li>9. Poor contractor evaluations.</li> </ul>
<p>61 OKLA. STAT. § 118</p> <p>OKLA. ADMIN. CODE §§ 730:25-3-1, 730:25-3-5</p>	14 days prior to bid opening.	1 year after initial prequalification, then 2 years from acceptance of contractor's last project.	<ul style="list-style-type: none"> <li>1. Conviction of bidding crime or other crime involving lack of moral or ethical integrity.</li> <li>2. Unsatisfactory performance of contract.</li> <li>3. Disqualification or debarment by another state or federal agency.</li> <li>4. Failure or refusal to comply with terms or obligations of contract.</li> </ul>
<p>OR. REV. STAT. §§ 279.037 through 279.047</p> <p>OR. ADMIN. R. 731-005-0025, 734-010-0130</p>	10 days prior to bid opening.	1 year	<ul style="list-style-type: none"> <li>1. Conviction of crime related to bidding or performance of public contract.</li> <li>2. Conviction of offense involving lack of moral integrity, such as bribery or embezzlement.</li> <li>3. Conviction under antitrust statutes.</li> <li>4. Failure to perform contract or unsatisfactory performance.</li> <li>5. Failure to have workers' compensation and unemployment compensation insurance.</li> </ul>
67 PA. CODE § 457.13 through 457.17	At least 10 working days prior to bid opening.	30 months from date of contractor's balance sheet.	<ul style="list-style-type: none"> <li>1. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.</li> <li>2. Commission of fraud in obtaining public contract.</li> <li>3. Violation of antitrust statutes.</li> <li>4. Violation of campaign contribution laws.</li> <li>5. Violation of environmental laws.</li> <li>6. Violation of labor laws, including prevailing wage.</li> <li>7. Violation of workers' compensation act.</li> <li>8. Violation of anti-discrimination laws.</li> <li>9. Suspension or debarment by another state or federal agency.</li> <li>10. Three or more instances when contractor has been found ineligible to bid.</li> <li>11. Unsatisfactory performance of contract, including being declared in default; untimely performance; making false statements.</li> </ul>
R.I. GEN. LAWS § 37-2-26			<ul style="list-style-type: none"> <li>1. Submission of more than one bid on a project.</li> <li>2. Collusion among bidders or violation of antitrust laws.</li> <li>3. Making false statements on prequalification materials.</li> <li>4. Failure to comply with prequalification requirements.</li> <li>5. Debarment by another state or federal agency.</li> </ul>
Standard Specifications §§ 102.01, 102.12			

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Rules and Regulations of R.I. Department of Transportation Regarding Contractor and Subcontractor Debarment, Suspension, and Sanctions			<ol style="list-style-type: none"> <li>6. Failure to provide contract bond.</li> <li>7. Lack of competency or inadequacy of equipment.</li> <li>8. Uncompleted work that might hinder additional work.</li> <li>9. Failure to pay all bills due for labor or materials.</li> <li>10. Default or unsatisfactory performance on previous contract.</li> <li>11. Failure to reimburse state for money owed under previous contract.</li> <li>12. Failure to comply with post-qualification regulations imposed by state.</li> <li>13. Conviction or admission of bid-related crime.</li> <li>14. Crime involving lack of moral or ethical integrity.</li> <li>15. Failure to comply with state or federal regulations.</li> </ol>
S.C. CODE § 11-35-1825	7 days prior to bid opening.	1 year	<ol style="list-style-type: none"> <li>1. Unsatisfactory work.</li> <li>2. Conviction of any crime indicating lack of business integrity.</li> <li>3. Civil judgment or administrative decision, or any act or omission, indicating lack of business integrity.</li> <li>4. Willful violation of contract provision.</li> <li>5. Persistent failure to perform contract, or incompetent performance.</li> <li>6. Knowingly allowing suspended or disqualified person to act as subcontractor.</li> <li>7. Failure to cooperate in department or law enforcement investigation.</li> </ol>
S.C. CODE REGS. §§ 63-300 through 63-306			<ol style="list-style-type: none"> <li>3. Civil judgment or administrative decision, or any act or omission, indicating lack of business integrity.</li> <li>4. Willful violation of contract provision.</li> <li>5. Persistent failure to perform contract, or incompetent performance.</li> <li>6. Knowingly allowing suspended or disqualified person to act as subcontractor.</li> <li>7. Failure to cooperate in department or law enforcement investigation.</li> </ol>
S.D. LAWS § 31-5-10	14 days prior to bid opening.	18 months from date of contractor's balance sheet.	<ol style="list-style-type: none"> <li>1. Lack of competency or inadequate machinery.</li> <li>2. Uncompleted work that department believes will hinder additional work.</li> <li>3. Failure to pay or settle legal obligations due.</li> <li>4. Failure to comply with prequalification regulations.</li> <li>5. Default on previous contract.</li> <li>6. Unsatisfactory performance, including noncompliance with specifications or failure to complete on time.</li> <li>7. Failure to provide adequate safety measures.</li> <li>8. Questionable moral integrity.</li> <li>9. Failure to reimburse state for money due.</li> <li>10. Conviction for contract crime.</li> <li>11. Conviction of antitrust violation.</li> </ol>
S.D. ADMIN. CODE §§ 70:07:02, 70:07:04.01 through 70:07:04.19 Standard Specifications §§ 2.1, 2.3			<ol style="list-style-type: none"> <li>3. Failure to pay or settle legal obligations due.</li> <li>4. Failure to comply with prequalification regulations.</li> <li>5. Default on previous contract.</li> <li>6. Unsatisfactory performance, including noncompliance with specifications or failure to complete on time.</li> <li>7. Failure to provide adequate safety measures.</li> <li>8. Questionable moral integrity.</li> <li>9. Failure to reimburse state for money due.</li> <li>10. Conviction for contract crime.</li> <li>11. Conviction of antitrust violation.</li> </ol>

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TENN. CODE § 54-5-117	Noon on day prior to bid letting.	1 year plus 3-month grace period for renewal.	<ol style="list-style-type: none"> <li>1. Default on existing contract.</li> <li>2. Work on existing contract is behind schedule.</li> </ol>
Standard Specifications § 102.01			
43 TEX. ADMIN. CODE §§ 9.12, 9.100-110	10 days prior to bid opening.	1 year plus 90-day grace period.	<ol style="list-style-type: none"> <li>1. Debarment by federal agency.</li> <li>2. Conviction of or admission of bidding crime.</li> <li>3. Conviction of offense indicating lack of moral or ethical integrity, such as bribery.</li> <li>4. Failure to execute contract or honor bid guaranty.</li> <li>5. Default on highway improvement contract.</li> </ol>
UTAH CODE § 63-56-20	Agency is allowed 10 working days to process application.	Must prequalify annually.	<p>Disqualification:</p> <ol style="list-style-type: none"> <li>1. More than one proposal submitted for one project.</li> <li>2. Evidence of collusion among bidders.</li> </ol> <p>Disbarment:</p> <ol style="list-style-type: none"> <li>1. Conviction, public admission, or guilty plea to contract-related crime.</li> <li>2. Submission of false, deceptive, or fraudulent information in prequalification, bidding, or contract performance.</li> <li>3. Anti-trust violation.</li> <li>4. Lack of integrity in performing public projects.</li> <li>5. Debarment of contractor or affiliate by another agency.</li> <li>6. Collusion regarding DBE compliance.</li> <li>7. Default on previous contract.</li> <li>8. Unsatisfactory performance, including failure to complete on time, noncompliance, need for substantial corrective work, failure to provide adequate safety measures and traffic control.</li> <li>9. Questionable moral integrity.</li> <li>10. Failure to reimburse state for money owed under previous contract.</li> </ol>
Standard Specifications §§ 1.1; 1.15; 1.17-1.20			
19 VT. STAT. § 1503 Code of Vt. Rules §§ 14-010-010, 14-	Request must be submitted by 5 working days prior to bid opening.	1 year; certificate will expire 3 months after end of contractor's fiscal year.	<p>Disqualification:</p> <ol style="list-style-type: none"> <li>1. Work exceeds prequalification rating.</li> <li>2. Unsatisfactory performance on past contracts.</li> <li>3. Unsatisfactory performance or progress on current con-</li> </ol>

STATE AND CITATION	APPLICATION DEADLINE	PERIOD OF CERTIFICATION	BASIS FOR SUSPENSION, DISQUALIFICATION, OR DEBARMENT
010-004  VDOT Contractor's Experience Questionnaire			tracts.  4. Uncompleted work might hinder performance of new work.  Suspension and Debarment: 1. Fraud or criminal offense in obtaining public contract. 2. Criminal offense indicating lack of business integrity. 3. Violation of law in performance of state contract. 4. Violation of settlement agreement under prequalification rules. 5. Making false statement to influence state. 6. Violation of conflict of interest laws. 7. Outstanding criminal indictment. 8. Willful or serious failure to perform contract. 9. Disqualification by federal agency or other state.
VA. CODE § 33.1-12  Standard Specifications §§ 102.01, 102.8	30 calendar days prior to submission of bid.	12 months	Disqualification: 1. Project behind schedule. 2. Poor workmanship, until defective work corrected. 3. Submission of more than one bid on a project. 4. Incompetence or inadequacy of plant or equipment. 5. Unsatisfactory workmanship or progress on past projects for the department or other agencies. 6. Uncompleted work for the department that might hinder new job. 7. Failure to pay all bills for labor, materials, and equipment. 8. Failure to comply with prequalification regulations. 9. Failure to cooperate with department representatives. 10. Default on a contract.  Enjoined from bidding: 1. Failure to meet DBE requirements.  Debarment: 1. Proof of involvement in bidding crime. 2. Conviction of offense involving lack of moral or ethical integrity. 3. Debarment by another state or federal agency. 4. Flagrant violations of OSHA regulations.
DOT Rules Governing Prequalification and Certification			
DOT Board Policy for Debarment and/or Suspension of Contractors			

STATE AND CITATION	APPLICATION DEADLINE	PERIOD OF CERTIFICATION	BASIS FOR SUSPENSION, DISQUALIFICATION, OR DEBARMENT
WASH. REV. CODE § 47.28.070	15 days prior to bid opening.	1 year	<p>Disqualification:</p> <ol style="list-style-type: none"> <li>1. More than one bid submitted for project.</li> <li>2. Evidence of collusion with other bidders.</li> <li>3. Record of unsatisfactory performance.</li> <li>4. Uncompleted work that might hinder performance.</li> <li>5. Failure to pay or settle outstanding bills.</li> <li>6. Failed to complete previous contract.</li> <li>7. Conviction of bidding crime.</li> <li>8. Not registered to do business in Washington.</li> </ol> <p>Suspension:</p> <ol style="list-style-type: none"> <li>1. Incompetence detrimental to timely completion or safety.</li> <li>2. Inadequate performance.</li> <li>3. Infractions of regulations or specifications.</li> <li>4. Finding of noncompliance and refusal to take corrective action.</li> <li>5. Uncompleted work that may hinder completion of new work.</li> <li>6. Failure to comply with DBE requirements.</li> </ol> <p>Revocation:</p> <ol style="list-style-type: none"> <li>1. Conviction or admission of antitrust laws.</li> <li>2. Knowingly concealing deficiency in prior contract performance.</li> <li>3. Falsification of information relating to prequalification or contract performance or destruction of records.</li> <li>4. Debarment by a federal or state agency.</li> <li>5. Willful disregard for applicable law.</li> <li>6. Default on previous contract within 3 years.</li> <li>7. Bankruptcy.</li> <li>8. Breach of contract.</li> <li>9. Having been suspended two or more times in 2-year period.</li> </ol>
WASH. ADMIN. CODE §§ 468-16-180, 468-16-190			
Standard Specifications §§ 1-02.1, 1-02.14			
W. VA. CODE, §§ 17-4-19; 5A-3-33d	15 days prior to bid opening.		<p>Disqualification:</p> <ol style="list-style-type: none"> <li>1. More than one proposal submitted by bidder.</li> <li>2. Collusion with another bidder.</li> </ol>
W. Va. Code of State Rules §§			<p>Suspension/Debarment:</p> <ol style="list-style-type: none"> <li>1. Conviction of offense involving fraud or offense regarding</li> </ol>

STATE AND CITATION	APPLICATION DEADLINE	PERIOD OF CERTIFICATION	BASIS FOR SUSPENSION, DISQUALIFICATION, OR DEBARMENT
157-3-4, 157-3-13  Standard Specs. for Roads & Bridges § 102.1			<ul style="list-style-type: none"> <li>obtaining public contract.</li> <li>2. Conviction of antitrust violation.</li> <li>3. Conviction of an offense involving embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property in connection with the performance of a contract.</li> <li>4. Conviction of offense that indicates lack of business integrity or honesty.</li> <li>5. Default on obligations owed state, such as state tax and revenue laws, unemployment compensation, and workers' compensation.</li> <li>6. Contractor not in good standing with licensing board.</li> <li>7. Willful failure to perform public contract or violation of standards of law or of generally accepted practices of the trade, amounting to intentionally deficient or grossly negligent performance.</li> <li>8. Use of substandard materials or defects in construction amounting to gross negligence.</li> <li>9. Willful misconduct demonstrating wanton indifference to interest of public.</li> </ul>
WIS. STAT. §§ 66.0901, 84.06  Standard Specifications §§ 102.11, 102.12	5 days prior to bid opening.	Renewed annually; expire 1 year and 4 months after date of financial statement.	<ul style="list-style-type: none"> <li>1. Submission of falsified statement.</li> <li>2. Conviction of violation of federal or state law.</li> <li>3. Collusion or restraint of trade.</li> </ul>
Policy on Pre-qualification of Bidders			
WYO. STAT. § 24-08  Transportation Rules and Regulations, ch. 6	2 weeks before bid letting if not previously prequalified; 2 days before if previously prequalified.	15 months, commencing on date of applicant's fiscal year end.	<ul style="list-style-type: none"> <li>1. Default on contract.</li> <li>2. False, deceptive, or fraudulent statement on questionnaire.</li> <li>3. Disqualification, suspension, or debarment by another government agency.</li> <li>4. Attempt to influence department through gifts or gratuities, or by hiring agency employees.</li> <li>5. Inability to meet WYDOT requirements for specifications and contracts.</li> </ul>



