March 6, 2019

Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit, Michigan 48226

RE: Proposed ordinance to amend Chapter 18 of the 1984 Detroit City Code

Honorable City Council:

Council President Pro tem Sheffield has requested that the Law Department prepare an ordinance to amend the Debarment ordinance. A copy of the ordinance which has been approved as to form is attached for your consideration.

We look forward to discussing this important legislation with this Honorable Body.

Respectfully submitted,

Tonja R. Long
Supervising Assistant Corporation Counsel
Municipal Section

Enclosure

cc: Stephanie Washington, Mayor’s Liaison
    Boysie Jackson, Director, OCP
    Charity Dean, Director, CRJO
    David Whitaker, Director, LPD

ENTERED MAR 13 2019 - MTF RCL 20 (0) to Introduce + set a Public Hearing
BY COUNCILMEMBER

AN ORDINANCE to amend Chapter 18 of the 1984 Detroit City Code, Finance and Taxation, Article V, Purchases and Supplies, Division 11, Debarment, by amendment Section 18-11-5, Grounds for debarment, to specifically include the submission of false or misleading documentation to secure certification as a Detroit-based, Detroit-headquartered or Detroit-resident business as a grounds for debarment.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT

THAT:

Section 1. Chapter 18 of the 1984 Detroit City Code, Finance and Taxation, Article V, Purchases and Supplies, Division 11, Debarment, be amended by amending Section 18-11-5 to read as follows:

CHAPTER 18. FINANCE AND TAXATION

ARTICLE V. PURCHASES AND SUPPLIES

Division 11. Debarment

Sec. 18-11-5. Grounds for debarment.

(a) A contractor may be debarred, based upon a preponderance of the evidence, for:

(1) Violation of the terms of a City contract or subcontract, or a contract or subcontract funded in whole or in part by City funds, such as failure to perform in accordance with the terms of one or more contracts; or the failure to perform, or unsatisfactory performance of one or more contracts;

(2) Failing to comply with state, federal or local laws or regulations applicable to the performance of a contract;
(3) Violation of a City ordinance, City procurement or other policies or administrative order that has the gravity or sufficiency to justify debarment. The Inspector General shall make a determination on whether the violation has reached a level justifying debarment based upon the totality of the circumstances creating the violation;

(4) Knowingly, or negligently using a debarred contractor as a subcontractor;

(5) Evidence of (i) the contractor or the contractor’s officers or owners, or (ii) any person or entity having a direct or indirect financial or beneficial interest in the contractor or its operations; engaging in a criminal offense or civil misconduct that evidences a lack of business integrity or business honesty, including but not limited to, embezzlement, theft, theft of services, forgery, bribery, fraud, tax evasion, falsification or destruction of records, making false statements, or receiving stolen property, or violations of laws relating to the obtaining or performance of public contracts;

(6) Submission of false or misleading documentation, or making false or misleading statements;

(7) Submission of false or misleading information provided to the City in an attempt to secure certification as a Detroit-based, Detroit-headquartered, or Detroit-resident business, as defined in Section 18-5-1 of this Code.

(8) Failure to report unethical conduct by a public servant that has a duty to the City of Detroit; or

(9) Any other conduct that evidences the inability of the contractor to act responsibly in its conduct on behalf of the City.
(b) The conduct giving rise to the debarment may be based upon actions taken in connection with work undertaken for the City, or other public entities, or private entities.

(c) There is no statute of limitations on investigations, findings of violation of the debarment policy or the initiation of debarment proceedings.

Section 2. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

Section 3. This ordinance is declared necessary for the preservation of the public peace, health, safety, and welfare of the People of the City of Detroit.

Section 4. Where this ordinance is passed by a two thirds (2/3) majority of City Council Members serving, it shall be given immediate effect and shall become effective upon publication in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is passed by less than two thirds (2/3) majority of City Council Members serving, it shall become effective thirty (30) days after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

Approved as to form:

[Signature]

Lawrence T. García
Corporation Counsel
ADOPTED AS FOLLOWS
COUNCIL MEMBERS

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*PRESIDENT PRO TEM

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