

Montgomery County Board of Commissioners

Ordinance 2023 - 11

Amending Internal Controls to Adopt Suspension and Debarment Policy

Whereas, the Montgomery County Board of Commissioners maintains a local Internal Controls Policy and ensures that personnel receive training on Internal Controls; and

Whereas, federal law requires local governments to comply with certain regulations regarding the contracting of business with third party contractors and subcontractors who are subject to federal suspension and debarment from performing work on projects funded by certain federal and/or state funds;

Whereas, although the County Government follows these regulations, the requirements of the regulations are not contained in the County's internal control policy; and

Whereas, including these rules and regulations in the internal controls policy will encourage compliance and help ensure that all contracts supported by federal or state funding include a Suspension and Debarment clause in order to ensure efficient and effective administration of the funding; and

Whereas, a Suspension and Debarment policy will ensure that the County only contracts with contractors and consultants that are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from entering into a contract with the County by any federal or state agency; and

Whereas, the Board of Commissioners now finds it is in the best interest of the County, and its citizens, to amend the County Internal Controls Policy to adopt and implement a Suspension and Debarment policy, attached to this ordinance as Exhibit A.

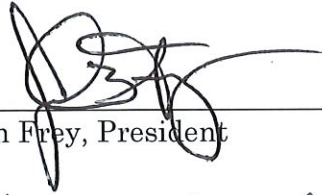
Therefore, it is ordained, that the County Internal Controls Policy be amended to include the attached Suspension and Debarment policy.

It is further ordained that this Ordinance shall become effective upon adoption.

It is further ordained that all other provisions of the Internal Controls Policy that are not specifically amended by this Ordinance shall remain in full force and effect.

Ordained this 14th day of August, 2023.

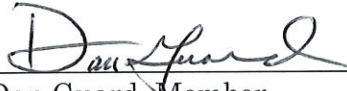
Montgomery County Board of Commissioners:



John Frey, President



James D. Fulwider, Vice President



Dan Guard, Member

Attest:



Mindy Byers, Auditor

Exhibit A

Policy 5: Contracts Policy

5.01 Contracts Supported by Federal Funds: Under Federal law and regulations, a Department Head who administers a contract or agreement which is supported by federal or state funds is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and specific terms and conditions of the grant award. In addition, (1) all public works agreements and (2) any other agreement entered into by Montgomery County or one of its agencies, offices, boards or commissions that is supported by federal or state funds or may be supported by federal or state funds in the future must include the following paragraph:

Neither the contractor/consultant nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from entering into this contract by any federal agency or by any department, agency or political subdivision of the State. The contractor/consultant agrees that if after the execution of this agreement, either it or any of its principals are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from entering into contracts similar to this one that it will immediately notify the County Administrator. For purposes of this agreement, the term "principal" means an officer, director, owner, partner, key employee, or other person with primary management or supervisory responsibilities, or a person who has a critical influence on or substantive control of the operations of the contractor/consultant or who has managerial or supervisory responsibilities for the services to be delivered under this agreement. In addition, the contractor/consultant represents that none of its subcontractors or subconsultants are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from entering into this contract by any federal agency or by any department, agency or political subdivision of the State. The contractor/consultant is solely responsible for any recoupment, penalties or costs that arise from the use of a suspended or debarred subconsultant. If any subconsultant becomes debarred or suspended, the contractor/consultant will immediately notify the County Administrator and, at the request of Montgomery County, take all steps required by the County to terminate the contractor/consultant's contractual relationship with said subconsultant for work to be performed under this contract. If the contractor/consultant breaches its obligations under this paragraph, including but not limited to, the condition and obligation of not being debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from entering into this contract, the County shall have the right to terminate this contract and to delay, withhold or deny work under any supplement or amendment, change order or other contractual device issued pursuant to this contract.