

Figure 43 TAC §9.111(c)

Guidelines for Application of Sanctions based on Grounds and Factors

Ground for Sanction	Sanction			
	Reprimand	Prohibition from entering into a specified agreement	Limit on contract amount	Debarment
§10.101(4) relating to maintaining good standing	allowable with written explanation of justification	allowable with written explanation of justification	allowable with written explanation of justification	recommended
§10.101(3) relating to adherence to civil and criminal laws	allowable with written explanation of justification	allowable with written explanation of justification	recommended only if: <ul style="list-style-type: none"> • the contractor meets all mitigating factors listed in §9.110(c), and • the contractor has not committed similar acts or omissions and • the seriousness and willfulness of the act or omission is not severe, and 	recommended if: <ul style="list-style-type: none"> • the contractor does not meet all mitigating factors listed in §9.110(c), or • the contractor has committed similar acts or omissions, or • the seriousness and willfulness of the act or omission is severe, or • the department has not been

			<ul style="list-style-type: none"> the contractor, or a third party on behalf of the contractor, has fully compensated the department for any damages suffered by the department as a result of the contractor's acts or omissions 	fully compensated for any damages suffered by the department as a result of the contractor's acts or omissions
<p>§10.101(2) relating to offering, giving, or agreeing to give a benefit;</p> <p>§10.101(1) relating to conflicts of interest;</p> <p>§9.107(a) (1) relating to failure to execute a contract; or</p> <p>§9.107(a) (3) relating to contractor's declaration of default</p>	allowable with written explanation of justification	<p>recommended only if:</p> <ul style="list-style-type: none"> the contractor meets all of the mitigating factors of §9.110(c), and the contractor has not committed similar acts or omissions, and the seriousness and willfulness of the act or 	<p>recommended only if:</p> <ul style="list-style-type: none"> the contractor meets some of the mitigating factors of §9.110(c), and the contractor has not committed similar acts or omissions, and the seriousness and willfulness of the act or 	<p>recommended if:</p> <ul style="list-style-type: none"> the contractor meets no mitigating factors listed in §9.110(c), or the contractor has committed similar acts or omissions, or the seriousness and willfulness of the act or omission is not severe, or the department has not been

		<p>omission is not severe, and</p> <ul style="list-style-type: none"> the contractor, or a third party on behalf of the contractor, has fully compensated the department for any damages suffered by the department as a result of the contractor's acts or omissions 	<p>omission is not severe, and</p> <ul style="list-style-type: none"> the contractor, or a third party on behalf of the contractor, has fully compensated the department for any damages suffered by the department as a result of the contractor's acts or omissions 	<p>fully compensated for any damages suffered by the department as a result of the contractor's acts or omissions</p>
<p>§10.101(5) relating to notifying the department; or §9.107(a)(2) relating to rejection of two or more bids</p>	<p>recommended only if:</p> <ul style="list-style-type: none"> the contractor meets all mitigating factors listed in §9.110(c), and the contractor has not committed similar acts or 	<p>recommended only if:</p> <ul style="list-style-type: none"> the contractor meets some of the mitigating factors of §9.110(c), and the contractor has not committed similar acts or omissions, 	<p>recommended if:</p> <ul style="list-style-type: none"> the contractor has committed similar acts or omissions, or the seriousness and willfulness of the act or 	<p>recommended only if:</p> <ul style="list-style-type: none"> the contractor has committed similar acts or omissions, and the seriousness and willfulness

	<p>omissions, and</p> <ul style="list-style-type: none"> • the seriousness and willfulness of the act or omission is not severe, and • the contractor, or a third party on behalf of the contractor, has fully compensated the department for any damages suffered by the department as a result of the contractor's acts or omissions 	<p>and</p> <ul style="list-style-type: none"> • the seriousness and willfulness of the act or omission is not severe, and • the contractor, or a third party on behalf of the contractor, has fully compensated the department for any damages suffered by the department as a result of the contractor's acts or omissions 	<p>omission is severe, or</p> <ul style="list-style-type: none"> • the department has not been fully compensated for any damages suffered by the department as a result of the contractor's acts or omissions 	<p>of the act or omission is severe, and</p> <ul style="list-style-type: none"> • the department has not been fully compensated for any damages suffered by the department as a result of the contractor's acts or omissions
<p><u>§9.107(a) (5) relating to a contractor not being responsive in the timely completion of projects under</u></p>	<p><u>allowable with written explanation of justification</u></p>	<p><u>allowable with written explanation of justification</u></p>	<p><u>recommended</u></p>	<p><u>recommended only if:</u></p> <ul style="list-style-type: none"> • <u>the contractor has committed similar acts</u>

<u>contract</u>				<u>or omissions,</u> <u>and</u> <ul style="list-style-type: none">• <u>the</u> <u>seriousness</u> <u>and</u> <u>willfulness</u> <u>of the act or</u> <u>omission is</u> <u>severe, and</u>• <u>the</u> <u>department</u> <u>has not been</u> <u>fully</u> <u>compensated</u> <u>for any</u> <u>damages</u> <u>suffered by</u> <u>the</u> <u>department as</u> <u>a result of</u> <u>the</u> <u>contractor's</u> <u>acts or</u> <u>omissions</u>
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