

§1825-S. Consequences of noncompliance with code of conduct

1. Action by Chief Procurement Officer. Upon determination of a violation of the code of conduct by a contractor or contractor's supplier at the point of assembly of goods covered by this subchapter, the State, through the Chief Procurement Officer, shall inform the contractor and engage in discussions with the contractor about the violation. The purpose of the discussions is to work in partnership with the contractor to influence the contractor to change its practices or to use its bargaining position with the offending supplier to change the supplier's practices, rather than to cease doing business with the contractor or supplier. The Chief Procurement Officer shall prescribe appropriate measures to ensure compliance with the code of conduct. These measures may include, but are not limited to:

A. Requesting that each party found not to be in compliance with the code of conduct provide continued access to independent monitors, if available; [PL 2007, c. 193, §3 (AMD).]

B. Requesting that each party found not to be in compliance with the code of conduct offer their workers and managers the training and guidelines necessary to bring the workplace into compliance with the code of conduct; and [PL 2005, c. 554, Pt. A, §6 (NEW).]

C. Requesting that each party found not to be in compliance with the code of conduct demonstrate to the Chief Procurement Officer that prescribed changes or improvements have been completed and implemented. [PL 2023, c. 516, Pt. B, §39 (AMD).]
[PL 2023, c. 516, Pt. B, §39 (AMD).]

2. Termination of contract. If, in the opinion of the Chief Procurement Officer, a contractor that has been determined as not in compliance with the code of conduct does not make good faith efforts to change its practices or use its bargaining position with an offending supplier to change the supplier's practices, the Chief Procurement Officer may take appropriate remedial action including, but not limited to, barring the subject contractor from bidding on future state contracts or terminating the State's contract with the contractor. The authority given in this subsection must be specifically referenced in the State's contracts with those contractors that are subject to the code of conduct.
[PL 2023, c. 516, Pt. B, §39 (AMD).]

SECTION HISTORY

PL 2005, c. 554, §A6 (NEW). PL 2007, c. 193, §3 (AMD). PL 2023, c. 516, Pt. B, §39 (AMD).

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