

DEBARMENT OF RICHARD GIBBONS AND ENERGY CONCEPTS, INC.**THE CHIEF ADMINISTRATIVE OFFICER REPORTS THE FOLLOWING RECOMMENDATION:**

That the Board of Education of the City of Chicago ("Board") debars Richard Gibbons and Energy Concepts, Inc. from doing any business with the Board for a period of three (3) years.

On February 9, 2009, the Board's Chief Purchasing Officer filed and served a Notice of Proposed Debarment ("Notice"), initiating a debarment proceeding against Richard Gibbons ("Gibbons") and Energy Concepts, Inc. ("ECI"), which asserted, among other things, that Gibbons and ECI used their names and vendor numbers to submit quotes, obtain purchase orders, and submit invoices for the sale of biddable items to the Board outside the bidding process. The Notice also alleged that Gibbons and ECI allowed John Papiese ("Papiese"), and/or Advanced Learning Systems ("ALS") to use Gibbons and/or ECI's names and vendor numbers to submit quotes and invoices for transactions in which Papiese and/or ALS was the actual seller of goods and/or services to the Board. Gibbons and ECI received their copies of the Notice on February 25, 2009. The conduct of Gibbons and ECI was so egregious that the Notice sought to debar Gibbons and ECI for a period of three (3) years.

Section 4.5(d) of the Debarment Policy requires a vendor to submit a written, verified Answer to a Notice of Debarment within 28 days after receipt of the Notice, and provides that if a vendor fails to timely file an Answer, all the allegations set forth in the Notice "shall be deemed to be admitted." Section 5.2 of the Debarment Policy states that "[w]hen a vendor fails to timely submit an Answer . . . the [Chief Administrative Officer] may recommend the Board debar the vendor on the basis of such admissions." As of April 28, 2009—62 days after the Notice of Debarment was served on Gibbons and ECI—Gibbons and ECI have failed to file an Answer to the Notice, and have failed to seek an extension of time to do so.

Based on their admissions of the matters alleged in the Notice of Proposed Debarment, the Chief Administrative Officer recommends that the Board debar Gibbons and ECI from doing any business with the Board for a period of three (3) years.

LSC REVIEW: LSC approval is not applicable to this report.

AFFIRMATIVE ACTION STATUS: Affirmative Action review is not applicable to this report.



FINANCIAL: None.

GENERAL CONDITIONS: None.

APPROVED:

 HILL HAMMOCK
 Chief Administrative Officer

APPROVED AS TO LEGAL FORM:


 PATRICK J. ROCKS
 General Counsel 

WITHIN APPROPRIATION:


 PEDRO MARTINEZ
 Chief Financial Officer