

Remedies for Contract Non-Performance

Equipment Project Non-Performance

All equipment project contracts shall include non-performance provisions enforceable by the local agency. Non-performance includes, but is not limited to:

- Failure to meet the terms and conditions of an executed equipment project contract, including but not limited to equipment operating conditions and geographic restrictions.
- Equipment/engine is non-operational or malfunctioning.
- Failure to meet established deadlines for equipment project completion.
- Failure to allow for an electronic monitoring device, or tampering with an installed device or data.
- Misuse of direct payments to vendors provisions.
- Insufficient, incomplete, or faulty equipment project documentation.
- Failure to provide required documentation or reports in a timely manner.

Remedies for equipment project non-performance may include, but are not limited to:

- Recovery of all or a portion of Program funds.
- Other fiscal penalties on equipment owners based on the severity of the non-performance.
- Cancellation of the contract.
- A ban on the equipment owner's ability to participate in future State incentive programs.
- Prohibiting a specific piece of equipment from participating in another State incentive program.