

## Consequences of Suspension, Proposed Debarment and Debarment:

Suspension, proposed debarment and debarment indicates the exclusion of individuals proposed for debarment from conducting business with the Government as agents or representatives of other contractors.

Per FAR 9.405(b), which can be found at:

[http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/09.htm#P395\\_70008](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/09.htm#P395_70008)

you should not solicit offers from, award contracts to, or renew or otherwise extend existing contracts. If any of these individuals, companies or entities affiliated with them submits bids or offers, please coordinate with DLA Energy - G.

Per FAR 9.405(d)(2), unless the agency head determines in writing that a compelling reason exists to make an award, responses to an invitation for bid (IFB) shall be entered on the abstract of bids and rejected, and proposals shall not be evaluated for award or included in the competitive range nor shall any discussions be conducted while the company is ineligible.

Per DFARS Section 209.405, which can be found at

[http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/dfars/dfars209.htm#P321\\_17238](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/dfars/dfars209.htm#P321_17238),

a compelling needs determination must be made and communicated to the GSA, should compelling need for award exist.

Per DFARS 209.405-2, which can be found at:

[http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/dfars/dfars209.htm#P352\\_19743](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/dfars/dfars209.htm#P352_19743)

a contracting officer cannot consent to a subcontract with a firm or a subsidiary of a firm that is identified by the Secretary of Defense as owned or controlled by the government of a terrorist country unless the agency head states in writing the compelling reasons for the subcontract.

Per PGI Section 209.405, which can be found at:

[http://www.acq.osd.mil/dpap/dars/pgi/pgi\\_pdf/PGI209\\_4.pdf](http://www.acq.osd.mil/dpap/dars/pgi/pgi_pdf/PGI209_4.pdf)

Contracting officers are required to review the Excluded Parties List System (EPLS) twice, once after opening of bids/receipt of proposals (FAR 9.405(d)(1)) and again immediately prior to award (FAR 9.405(d)(4)). Document the contract file for both searches; the documentation may include a copy of the EPLS search.

Pursuant to DLAD 4105.1 Subsection 9.405-1(90) (a), which can be found at

[http://farsite.hill.af.mil/reghtml/regs/other/dlad/PART09.htm#P205\\_23370](http://farsite.hill.af.mil/reghtml/regs/other/dlad/PART09.htm#P205_23370),

Authorization for novation of a contract or change of name agreement held by a contractor debarred or suspended by any Federal executive agency or proposed for debarment by any DoD component shall be coordinated with the DLA SACI through local counsel, prior to such authorization. If a check of EPLS, SDN or the BIS Denied Persons listing is affirmative, then Contracting must notify DLA Energy-G and DLA Energy-CPC and be coordinated with the DLA Debarment Official prior to such authorization.

Certain duties and obligations are assigned pursuant to DESC Contracting Instructions 05-22 & 05-22A, which can be found at Q:\C\CPA\Contract Policy\CIS

Pursuant to DLAD 9.405(a)(92)(1) and (2), which is found at

[http://farsite.hill.af.mil/reghtml/regs/other/dlad/part09.htm#P879\\_73933](http://farsite.hill.af.mil/reghtml/regs/other/dlad/part09.htm#P879_73933)

Buying Activities, Contracting Officers, and Acquisition Specialists have specifically defined duties with contractors and their proposed subcontractors when specific contractors are debarred, suspended, or proposed for debarment. These duties include review of contract files for potential claims, notification of the DCRL Monitor, files documentation

Certain duties and obligations are also assigned pursuant to DEPI SUBPARTS 9.403, 9.404, 9.405 and 42.1203 (d), which can be accessed by authorized DLA Energy acquisition employees only on the shared drive for internal use only.