

Ch. 2, App. H

48 CFR Ch. 2 (10-1-03 Edition)

PART 11—DEFENSE MICROELECTRONICS ACTIVITY ADDRESS NUMBER

DMEA90, 2P Defense Microelectronics Activity, ATTN: Contracting Office, 4234-54th Street, McClellan, CA 95652-2100 (ZD90)

PART 12—MISSILE DEFENSE AGENCY ACTIVITY ADDRESS NUMBERS

HQ0006, SS Missile Defense Agency, Contracts Directorate, ATTN: CT, 7100 Defense Pentagon, Washington, DC 20301-7100 (ZD60)

H95001, VV Joint National Integration Center, Contract Management, 730 Irwin Avenue, Schriever Air Force Base, CO 80912-7300 (ZD61)

PART 13—DEFENSE COMMISSARY AGENCY ACTIVITY ADDRESS NUMBERS

DECA01, ZG Defense Commissary Agency, Resale Contracting Division, ATTN: DeCA/PSMC, 1300 E Avenue, Fort Lee, VA 23801-1800 (ZD81)

DECA02, ZT Defense Commissary Agency, Resale Contracting Division, ATTN: DeCA/PSMC, 1300 E Avenue, Fort Lee, VA 23801-1800 (ZD82)

DECA03, 0H Defense Commissary Agency, Eastern Region, CIBA Contracting Division, 5151 Bonney Road, Suite 201, Virginia Beach, VA 23462-4314 (ZD83)

DECA04, BE Defense Commissary Agency, Contracting Business Unit, Equip/Supply & Revenue, ATTN: DeCA/CICE, 1300 E Avenue, Fort Lee, VA 23801-1800 (ZD84)

DECA06, 0J Defense Commissary Agency, Midwest Region, ATTN: DeCA/MW/RDCC, 300 AFCOMS Way, Building 3030, San Antonio, TX 78226-1330 (ZD86)

DECA07, 0Z Defense Commissary Agency, Western/Pacific Region, ATTN: DeCA/WP/RDCC, 3401 Acacia Street, Suite 115, McClellan, CA 95652-1002 (ZD87)

DECA08, 0K Defense Commissary Agency, Contracting Business Unit, Services Division, ATTN: DeCA/CICS, 1300 E Avenue, Fort Lee, VA 23801-1800 (ZD88)

DECA09, 0U Defense Commissary Agency, European Region, ATTN: DeCA/EU/AM, Unit 3060, APO AE 09094-3060 (ZD89)

PART 14—UNITED STATES SPECIAL OPERATIONS COMMAND ACTIVITY ADDRESS NUMBERS

USZA20, 1R AFSOC Specialized Contracting Office, 100 Bartley Street, Suite 208-W, Hurlburt Field, FL 32544-5273—(ZA20)

USZA21 SOPAC Contracting Office, Special Operations Command Pacific, Building 31-A, Box 64046, Thompson Road, Camp H.M. Smith, HI 96861-4046—(ZA21)

USZA22, 2U USSOCOM Headquarters, Directorate of Procurement, ATTN: SOAL-KB, 7701 Tampa Point Boulevard, MacDill AFB, FL 33621-5323—(ZA22)

USZA23 Integrated Aviation Systems 21 Workgroup, ATTN: AATD, Building 401, Fort Eustis, VA 23604-5577—(ZA23)

USZA26, 1Z USSOCOM, Procurement Management Office, ATTN: SOAL-KMR, 7701 Tampa Point Boulevard, MacDill AFB, FL 33621-5323—(ZA26)

USZA92, 1F USSOCOM, USASOC, ATTN: AOCO, Building E-2929, Fort Bragg, NC 28307-5200—(ZA92)

USZA94, ZL Naval Special Warfare Group One, 3632 Guadalcanal Road, San Diego, CA 92155-5583—(ZA94)

USZA95, 1A USSOCOM, TAKO, Contracting Division, ATTN: AMSAT-D-TK, Building 401, Lee Boulevard, Office 209, Fort Eustis, VA 23604-5577—(ZA95)

USZA96, 1P Special Boat Squadron Two, ATTN: NAB Little Creek, 2220 Schofield Road, Suite 100, Norfolk, VA 23521-2845—(ZA96)

USZA97, B8 Naval Special Warfare Group Two, 3854 Helicopter Road, Norfolk, VA 23521-2944—(ZA97)

USZA99, B9 Naval Special Warfare Development Group, 1636 Regulus Avenue, Building 313, Virginia Beach, VA 23461-2299—(ZA99)

[59 FR 27678, May 27, 1994, as amended at 60 FR 61615, 61620, 61623, 61626-61627, Nov. 30, 1995; 61 FR 7751, Feb. 29, 1996; 61 FR 18195, Apr. 24, 1996; 61 FR 50457, 50458, Sept. 26, 1996; 62 FR 34136, June 24, 1997; 63 FR 11550, Mar. 9, 1998; 63 FR 71231, Dec. 24, 1998; 65 FR 14380, Mar. 16, 2000; 65 FR 39707, June 27, 2000; 65 FR 52954, Aug. 31, 2000; 65 FR 63806, Oct. 25, 2000; 66 FR 49861, Oct. 1, 2001; 66 FR 55121, Nov. 1, 2001; 67 FR 4208, Jan. 29, 2002; 67 FR 49252, 49253, July 30, 2002; 67 FR 61517, Oct. 1, 2002; 67 FR 70325, 70329, Nov. 22, 2002; 67 FR 77936, Dec. 20, 2002; 68 FR 7441, Feb. 14, 2003; 68 FR 15380, Mar. 31, 2003; 68 FR 23088, Apr. 30, 2003]

APPENDIX H TO CHAPTER 2—DEBARMENT AND SUSPENSION PROCEDURES

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AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

H-100 Scope.

This appendix provides uniform debarment and suspension procedures to be followed by all debarring and suspending officials.

H-101 Notification.

Contractors will be notified of the proposed debarment or suspension in accordance with FAR 9.406-3 or 9.407-3. A copy of the record

which formed the basis for the decision by the debarring and suspending official will be made available to the contractor. If there is a reason to withhold from the contractor any portion of the record, the contractor will be informed of what is withheld and the reasons for such withholding.

H-102 Nature of proceeding.

There are two distinct proceedings which may be involved in the suspension or debarment process. The first is the presentation of matters in opposition to the suspension or proposed debarment by the contractor.

The second is fact-finding which occurs only in cases in which the contractor's presentation of matters in opposition raises a genuine dispute over one or more material facts. In a suspension action based upon an indictment or in a proposed debarment action based upon a conviction or civil judgment, there will be no fact-finding proceeding concerning the matters alleged in the indictment, or the facts underlying the convictions or civil judgment. However, to the extent that the proposed action stems from the contractor's affiliation with an individual or firm indicted or convicted, or the subject of a civil judgment, fact-finding is permitted if a genuine dispute of fact is raised as to the question of affiliation as defined in FAR 9.403.

H-103 Presentation of matters in opposition.

(a) In accordance with FAR 9.406-3(c) and 9.407-3(c), matters in opposition may be presented in person, in writing, or through a representative. Matters in opposition may be presented through any combination of the foregoing methods, but if a contractor desires to present matters in person or through a representative, any written material should be delivered at least 5 working days in advance of the presentation. Usually, all matters in opposition are presented in a single proceeding. A contractor who becomes aware of a pending indictment or allegations of wrongdoing that the contractor believes may lead to suspension or debarment action may contact the debarring and suspending official or designee to provide information as to the contractor's present responsibility.

(b) An in-person presentation is an informal meeting, nonadversarial in nature. The debarring and suspending official and/or other agency representatives may ask questions of the contractor or its representative making the presentation. The contractor may select the individuals who will attend the meeting on the contractor's behalf; individual respondents or principals of a business firm respondent may attend and speak for themselves.

(c) In accordance with FAR 9.406-3(c) and 9.407-3(c), the contractor may submit matters in opposition within 30 days from re-

ceipt of the notice of suspension or proposed debarment.

(d) The opportunity to present matters in opposition to debarment includes the opportunity to present matters concerning the duration of the debarment.

H-104 Fact-finding.

(a) The debarring and suspending official will determine whether the contractor's presentation has raised a genuine dispute of material fact(s). If the debarring and suspending official has decided against debarment or continued suspension, or the provisions of FAR 9.4 preclude fact-finding, no fact-finding will be conducted. If the debarring and suspending official has determined a genuine dispute of material fact(s) exists, a designated fact-finder will conduct the fact-finding proceeding. The proceeding before the fact-finder will be limited to a finding of the facts in dispute as determined by the debarring and suspending official.

(b) The designated fact-finder will establish the date for a fact-finding proceeding, normally to be held within 45 working days of the contractor's presentation of matters in opposition. An official record will be made of the fact-finding proceeding.

(c) The Government's representative and the contractor will have an opportunity to present evidence relevant to the facts at issues. The contractor may appear in person or through a representative in the fact-finding proceeding.

(d) Neither the Federal Rules of Evidence nor the Federal Rules of Civil Procedure govern fact-finding. Hearsay evidence may be presented and will be given appropriate weight by the fact-finder.

(e) Witnesses may testify in person. Witnesses will be reminded of the official nature of the proceeding and that any false testimony given is subject to criminal prosecution. Witnesses are subject to cross-examination.

H-105 Timing requirements.

All timing requirements set forth in these procedures may be extended by the debarring and suspending official for good cause.

H-106 Subsequent to fact-finding.

(a) Written findings of fact will be prepared by the fact-finder as mandated by FAR 9.406-3(d)(2)(i) and 9.407-3(d)(2)(i).

(b) The fact-finder will determine the disputed fact(s) by a preponderance of the evidence. A copy of the findings of fact will be provided to the debarring and suspending official, the Government's representative, and the contractor.

(c) The debarring and suspending official will determine whether to continue the suspension or to debar the contractor based upon the entire administrative record, including the findings of fact.

(d) Prompt written notice of the debarring and suspending official's decision will be sent to the contractor and any affiliates involved, in compliance with FAR 9.406-3(e) and 9.407-3(d)(4).

[59 FR 27700, May 27, 1994]

APPENDIX I TO CHAPTER 2—POLICY AND PROCEDURES FOR THE DOD PILOT MENTOR-PROTEGE PROGRAM

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AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

I-100 Purpose.

(a) This Appendix I to 48 CFR Chapter 2 implements the Pilot Mentor-Protege Program (hereinafter referred to as the "Program") established under Section 831 of Public Law 101-510, the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note). The purpose of the Program is to—

(1) Provide incentives to major DoD contractors, performing under at least one active approved subcontracting plan negotiated with DoD or another Federal agency, to assist protege firms in enhancing their capabilities to satisfy DoD and other contract and subcontract requirements;

(2) Increase the overall participation of protege firms as subcontractors and suppliers under DoD contracts, other Federal agency contracts, and commercial contracts; and

(3) Foster the establishment of long-term business relationships between protege firms and such contractors.

(b) Under the Program, eligible companies approved as mentor firms will enter into mentor-protege agreements with eligible protege firms to provide appropriate develop-

mental assistance to enhance the capabilities of the protege firms to perform as subcontractors and suppliers. According to the law, DoD may provide the mentor firm with either cost reimbursement or credit against applicable subcontracting goals established under contracts with DoD or other Federal agencies.

(c) DoD will measure the overall success of the Program by the extent to which the Program results in—

(1) An increase in the dollar value of contract and subcontract awards to protege firms (under DoD contracts, contracts awarded by other Federal agencies, and commercial contracts) from the date of their entry into the Program until 2 years after the conclusion of the agreement;

(2) An increase in the number and dollar value of subcontracts awarded to a protege firm (or former protege firm) by its mentor firm (or former mentor firm);

(3) An increase in subcontracting with small disadvantaged business (SDB) and women-owned small business (WOSB) concerns in industry categories where SDBs and WOSBs traditionally have not participated within the mentor firm's vendor base;

(4) The involvement of emerging SDB protege firms in the Program; and

(5) An increase in the employment level of protege firms from the date of entry into the Program until 2 years after the completion of the agreement.

(d) This policy sets forth the procedures for participation in the Program applicable to companies that are interested in receiving—

(1) Reimbursement through a separate contract line item in a DoD contract or a separate contract with DoD; or

(2) Credit toward applicable subcontracting goals for costs incurred under the Program.

I-101 Definitions.

I-101.1 Emerging SDB protege firm.

A small disadvantaged business whose size is no greater than 50 percent of the Small Business Administration (SBA) numerical size standard applicable to the North American Industry Classification System (NAICS) code for the supplies or services that the protege firm provides or would provide to the mentor firm.

I-101.2 Historically Black college or university.

An institution determined by the Secretary of Education to meet the requirements of 34 CFR 608.2. The term also means any nonprofit research institution that was an integral part of such a college or university before November 14, 1986.

I-101.3 Minority institution of higher education.

An institution meeting the definition of "Minority Institution" at FAR 26.301.