

§ 208.600

Inquiry and Order Desk at (202) 783-3238.

Subpart F—General Principles Relating to Suspension and Debarment Actions

§ 208.600 How do suspension and debarment actions start?

When we receive information from any source concerning a cause for sus-

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pension or debarment, we will promptly report and investigate it. We refer the question of whether to suspend or debar you to our suspending or debar- ring official for consideration, if appro- priate.

§ 208.605 How does suspension differ from debarment?

Suspension differs from debarment in that—

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| A suspending official . . . | A debarring official . . . |
| (a) Imposes suspension as a temporary status of ineligibility for procurement and nonprocurement transactions, pending completion of an investigation or legal proceedings. | Imposes debarment for a specified period as a final determina- tion that a person is not presently responsible. |
| (b) Must— | Must conclude, based on a <i>preponderance of the evidence</i> , |
| (1) Have <i>adequate evidence</i> that there may be a cause for de- barment of a person; and, | that the person has engaged in conduct that warrants debar- ment. |
| (2) Conclude that <i>immediate action</i> is necessary to protect the Federal interest. | |
| (c) Usually imposes the suspension <i>first</i> , and then promptly no- tifies the suspended person, giving the person an opportunity to contest the suspension and have it lifted. | Imposes debarment <i>after</i> giving the respondent notice of the action and an opportunity to contest the proposed debar- ment. |

§ 208.610 What procedures does the U.S. Agency for International Development use in suspension and debarment actions?

In deciding whether to suspend or debar you, we handle the actions as in- formally as practicable, consistent with principles of fundamental fair- ness.

(a) For suspension actions, we use the procedures in this subpart and sub- part G of this part.

(b) For debarment actions, we use the procedures in this subpart and subpart H of this part.

§ 208.615 How does the U.S. Agency for International Development notify a person of a suspension or debarment action?

(a) The suspending or debarring offi- cial sends a written notice to the last known street address, facsimile num- ber, or e-mail address of—

- (1) You or your identified counsel; or
- (2) Your agent for service of process, or any of your partners, officers, direc- tors, owners, or joint venturers.

(b) The notice is effective if sent to any of these persons.

§ 208.620 Do Federal agencies coordi- nate suspension and debarment ac- tions?

Yes, when more than one Federal agency has an interest in a suspension or debarment, the agencies may con- sider designating one agency as the lead agency for making the decision. Agencies are encouraged to establish methods and procedures for coordi- nating their suspension and debarment actions.

§ 208.625 What is the scope of a sus- pension or debarment action?

If you are suspended or debarred, the suspension or debarment is effective as follows:

(a) Your suspension or debarment constitutes suspension or debarment of all of your divisions and other organi- zational elements from all covered transactions, unless the suspension or debarment decision is limited—

- (1) By its terms to one or more spe- cifically identified individuals, divi- sions, or other organizational ele- ments; or
- (2) To specific types of transactions.

(b) Any affiliate of a participant may be included in a suspension or debar- ment action if the suspending or debar- ring official—