

(p) Whether you had effective standards of conduct and internal control systems in place at the time the questioned conduct occurred.

(q) Whether you have taken appropriate disciplinary action against the individuals responsible for the activity which constitutes the cause for debarment.

(r) Whether you have had adequate time to eliminate the circumstances within your organization that led to the cause for the debarment.

(s) Other factors that are appropriate to the circumstances of a particular case.

§ 1404.865 How long may my debarment last?

(a) If the debaring official decides to debar you, your period of debarment will be based on the seriousness of the cause(s) upon which your debarment is based. Generally, debarment should not exceed three years. However, if circumstances warrant, the debaring official may impose a longer period of debarment.

(b) In determining the period of debarment, the debaring official may consider the factors in §1404.860. If a suspension has preceded your debarment, the debaring official must consider the time you were suspended.

(c) If the debarment is for a violation of the provisions of the Drug-Free Workplace Act of 1988, your period of debarment may not exceed five years.

§ 1404.870 When do I know if the debaring official debars me?

(a) The debaring official must make a written decision whether to debar within 45 days of closing the official record. The official record closes upon the debaring official's receipt of final submissions, information and findings of fact, if any. The debaring official may extend that period for good cause.

(b) The debaring official sends you written notice, pursuant to §1404.615 that the official decided, either—

(1) Not to debar you; or
(2) To debar you. In this event, the notice:

(i) Refers to the Notice of Proposed Debarment;

(ii) Specifies the reasons for your debarment;

(iii) States the period of your debarment, including the effective dates; and

(iv) Advises you that your debarment is effective for covered transactions and contracts that are subject to the Federal Acquisition Regulation (48 CFR chapter 1), throughout the executive branch of the Federal Government unless an agency head or an authorized designee grants an exception.

§ 1404.875 May I ask the debaring official to reconsider a decision to debar me?

Yes, as a debarred person you may ask the debaring official to reconsider the debarment decision or to reduce the time period or scope of the debarment. However, you must put your request in writing and support it with documentation.

§ 1404.880 What factors may influence the debaring official during reconsideration?

The debaring official may reduce or terminate your debarment based on—

(a) Newly discovered material evidence;

(b) A reversal of the conviction or civil judgment upon which your debarment was based;

(c) A bona fide change in ownership or management;

(d) Elimination of other causes for which the debarment was imposed; or

(e) Other reasons the debaring official finds appropriate.

§ 1404.885 May the debaring official extend a debarment?

(a) Yes, the debaring official may extend a debarment for an additional period, if that official determines that an extension is necessary to protect the public interest.

(b) However, the debaring official may not extend a debarment solely on the basis of the facts and circumstances upon which the initial debarment action was based.

(c) If the debaring official decides that a debarment for an additional period is necessary, the debaring official must follow the applicable procedures in this subpart, and subpart F of this part, to extend the debarment.