

2807.503

### **Subpart 2807.5—Inherently Governmental Functions**

#### **2807.503 Policy.**

The requirements official shall provide the contracting officer, concurrent with the transmittal of the statement of work (or modification thereof), a written determination that none of the functions to be performed are inherently governmental. Any disputes concerning this determination shall be resolved by the contracting officer, after consultation with the requirements official. The contracting officer's determination shall be final.

## **PART 2808—REQUIRED SOURCES OF SUPPLIES AND SERVICES**

### **Subpart 2808.8—Acquisition of Printing and Related Supplies**

Sec.  
2808.802 Policy.

AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 28 CFR 0.76(j).

### **Subpart 2808.8—Acquisition of Printing and Related Supplies**

#### **2808.802 Policy.**

The Director, Facilities and Administrative Services Staff, has been designated to serve as the central printing authority for the Department.

[63 FR 16125, Apr. 2, 1998]

## **PART 2809—CONTRACTOR QUALIFICATIONS**

### **Subpart 2809.4—Debarment Suspension, and Ineligibility**

Sec.  
2809.402 Policy.  
2809.404 List of parties excluded from Federal procurement and nonprocurement programs.  
2809.405 Effect of listing.  
2809.405-1 Continuation of current contracts.

### **Subpart 2809.5—Organizational and Consultant Conflict of Interest**

2809.503 Waiver.

AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 28 CFR 0.76(j).

48 CFR Ch. 28 (10-1-12 Edition)

SOURCE: 63 FR 16125, Apr. 2, 1998, unless otherwise noted.

### **Subpart 2809.4—Debarment, Suspension, and Ineligibility**

#### **2809.402 Policy.**

Contracting activities shall:

(a) Consider debarment or suspension of a contractor when cause is shown as listed under FAR 9.406-2 and FAR 9.407-2. Contracting staffs should consult with their appropriate legal counsel prior to making a decision to initiate debarment or suspension proceedings. If a determination is made that available facts do not justify beginning debarment or suspension proceedings, the file should be documented accordingly. This determination should be subject to reconsideration if new information or additional fact-finding so justifies.

(b) If the decision is made to initiate debarment and/or suspension of a contractor, immediately prepare a notice in accordance with FAR 9.406-3(c) of FAR 9.407-3(c). The draft notice, along with the administrative file containing all relevant facts and analysis shall be forwarded to the PE, as the debarring and suspending official, following review by the activity's legal counsel and BPC.

(c) The PE shall:

(1) Review the notice and administrative file for sufficiency and provide for review by other DOJ officials as considered appropriate;

(2) If it is determined that action is warranted, give the contractor prompt notice of the proposed debarment or suspension, in accordance with FAR 9.406-3(c) or FAR 9.407-3(c);

(3) Direct additional fact-finding as necessary when material facts are in dispute.

(4) Notify the contractor of the final decision to debar or suspend, including a decision not to debar or suspend, in accordance with FAR 9.406-3(c) and FAR 9.407-3(c).

#### **2809.404 List of parties excluded from Federal procurement and non-procurement programs.**

(a) The PE shall:

(1) Provide GSA notification of the information set forth in FAR 9.404(b)