

Office of the Secretary of Labor

§ 98.365

covered transaction at the next lower tier.

DISCLOSING INFORMATION—PRIMARY TIER PARTICIPANTS

§ 98.335 What information must I provide before entering into a covered transaction with the Department of Labor?

Before you enter into a covered transaction at the primary tier, you as the participant must notify the Department of Labor office that is entering into the transaction with you, if you know that you or any of the principals for that covered transaction:

- (a) Are presently excluded or disqualified;
(b) Have been convicted within the preceding three years of any of the offenses listed in §98.800(a) or had a civil judgment rendered against you for one of those offenses within that time period;
(c) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses listed in §98.800(a); or
(d) Have had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.

§ 98.340 If I disclose unfavorable information required under § 98.335, will I be prevented from participating in the transaction?

As a primary tier participant, your disclosure of unfavorable information about yourself or a principal under §98.335 will not necessarily cause us to deny your participation in the covered transaction. We will consider the information when we determine whether to enter into the covered transaction. We also will consider any additional information or explanation that you elect to submit with the disclosed information.

§ 98.345 What happens if I fail to disclose information required under § 98.335?

If we later determine that you failed to disclose information under §98.335 that you knew at the time you entered into the covered transaction, we may—

(a) Terminate the transaction for material failure to comply with the terms and conditions of the transaction; or

(b) Pursue any other available remedies, including suspension and debarment.

§ 98.350 What must I do if I learn of information required under § 98.335 after entering into a covered transaction with the Department of Labor?

At any time after you enter into a covered transaction, you must give immediate written notice to the Department of Labor office with which you entered into the transaction if you learn either that—

(a) You failed to disclose information earlier, as required by §98.335; or

(b) Due to changed circumstances, you or any of the principals for the transaction now meet any of the criteria in §98.335.

DISCLOSING INFORMATION—LOWER TIER PARTICIPANTS

§ 98.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?

Before you enter into a covered transaction with a person at the next higher tier, you as a lower tier participant must notify that person if you know that you or any of the principals are presently excluded or disqualified.

§ 98.360 What happens if I fail to disclose the information required under § 98.355?

If we later determine that you failed to tell the person at the higher tier that you were excluded or disqualified at the time you entered into the covered transaction with that person, we may pursue any available remedies, including suspension and debarment.

§ 98.365 What must I do if I learn of information required under § 98.355 after entering into a covered transaction with a higher tier participant?

At any time after you enter into a lower tier covered transaction with a