Subpart 5609.4 - DEBARMENT, SUSPENSION, AND INELIGIBILITY

Parent topic: Part 5609 - CONTRACTOR QUALIFICATIONS

5609.403 Definitions.

(Revised January 2018)

The suspension and debarment official for USSOCOM is the Secretary of the Air Force/Deputy General Counsel (Contractor Responsibility) (SAF/GCR).

5609.404 List of Parties Excluded from Federal Procurement and Non-procurement Programs .

(Revised February 2013) (Revised September 2013-reorganization)

(c)(4) SOF AT&L-KX shall maintain all records pertaining to debarment actions within the command.

(g)

(1)Section 841 of the FY2012 National Defense Authorization Act authorizes the HCA, upon request from the Commander of United States Central Command (USCENTCOM), to restrict, terminate, or void any contract, grant, or cooperative agreement with a person or entity that actively supports an insurgency or is opposing United States or coalition forces.

(2)In order to enforce the act, KOs shall search the USCENTCOM Extranet Unclassified Portal NDAA FY12 Section 841 Identified Entries list for prohibited sources prior to awarding contracts in the USCENTCOM AOR. If the anticipated award winner appears on the list, confer with SOF AT&L-KX and legal before restricting any person or entity for actively supporting an insurgency or is opposing United States coalition forces.

(3)In addition, KOs will monitor the USCENTCOM Identified Entries list for contractors that may appear in contracts already awarded. Again, if a contractor appears on the list, confer with SOF AT&L-KX and legal prior to making a determination to terminate. Each case will be reviewed individual; however, termination will be the general rule.

5609.406 Debarment.

5609.406-3 Procedures.

(Revised January 2018)

Contracting officers shall consult with legal counsel as soon as a situation requiring investigation under FAR Subpart 9.4 becomes apparent. The legal counsel shall submit a procurement Flash Report in accordance with established procedures when there is a reasonable suspicion of impropriety and refer the matter for investigation. The Contracting Officer shall provide to legal

counsel the necessary information for the Procurement Flash Report.

(a) Investigation and referral.

(i)

(A)Prompt reporting is essential in all cases that could lead to suspension or debarment of a contractor, or to judicial or administrative action against military personnel or civilian employees of the USSOCOM.

(B)The Contracting Officer's report shall be reviewed by local legal counsel to determine its completeness and compliance with DFARS 209.406-3 .

(ii)The report shall also include credit and financial information on the contractor, such as a Dunn and Bradstreet report.

(l)When the report recommends suspension or debarment because of contractor fraud or criminal conduct involving a current contract, withhold all funds which become due the contractor on that contract unless the Director of Procurement (DOP) or the debarring official directs otherwise. Follow the procedures in DFARS 232.173 when a contractor's request for advance, partial, or progress payments is based on fraud.

(iii)Address reports to the Secretary of the Air Force/Deputy General Counsel (Contractor Responsibility) (SAF/GCR) and distribute by forwarding through contracting channels (SOF AT&L-KM) and SOJA-AQ to SAF/GCR). Forward the original and two copies when electronic transmittal is not practical or when the file contains highly classified information.

5609.407 Suspension.

5609.407-3 Procedures.

Follow the procedures at paragraph 5609.406-3.