28.203-5 Exclusion of individual sureties.

(a)An individual *may* be excluded from acting as a *surety* on *bonds* submitted by *offerors* on *procurement* by the executive branch of the Federal Government, by the acquiring agency's head or designee utilizing the procedures in subpart 9.4. The exclusion *shall* be for the purpose of protecting the Government.

(b)An individual *may* be excluded for any of the following causes:

(1)Failure to fulfill the obligations under any *bond*.

(2)Failure to disclose all *bond* obligations.

(3)Misrepresentation of the value of available assets or outstanding liabilities.

(4)Any false or misleading statement, *signature* or representation on a *bond* or affidavit of individual suretyship.

(5)Any other cause affecting responsibility as a *surety* of such serious and compelling nature as *may* be determined to warrant exclusion.

(c)An individual *surety* excluded pursuant to this section *shall* be entered as an exclusion in the *System for Award Management* (see 9.404).

(d)*Contracting officers shall* not accept the *bonds* of individual *sureties* whose names appear in an active exclusion record in the *System for Award Management* (see 9.404) unless the acquiring agency's head or a designee states *in writing* the compelling reasons justifying acceptance.

(e)An exclusion of an individual *surety* under this section will also preclude such party from acting as a contractor in accordance with subpart 9.4.

Parent topic: 28.203 Individual Sureties.