PART 2809—CONTRACTOR QUALIFICATIONS

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

Source: 87 FR 47118, Aug. 2, 2022, unless otherwise noted.

Subpart 2809.2—Qualifications Requirements

2809.202 Policy.

Subpart 2809.4—Debarment, Suspension, and Ineligibility

2809.402 Policy.

2809.404 System for Award Management Exclusions.

2809.405 Effect of listing.

2809.405-1 Continuation of current contracts.

2809.405-2 Restrictions on subcontracting.

Subpart 2809.5—Organizational and Consultant Conflicts of Interest

2809.503 Waiver.

Parent topic: SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING

Subpart 2809.2—Qualifications Requirements

2809.202 Policy.

The HCA or designee is the agency head for the purposes of FAR 9.202(a)(1).

Subpart 2809.4—Debarment, Suspension, and Ineligibility

2809.402 Policy.

(a) The SPE is the agency head for purposes of suspension and debarment under FAR subpart 9.4, and serves as the Suspension and Debarment Official (SDO) for both procurement and non-procurement matters.

(b) Contracting activities shall consider recommending suspension or debarment of a contractor when cause is shown as listed under FAR 9.406-2 and 9.407-2.

(1) If a determination is made that available facts do not justify debarment or suspension, the file should be documented accordingly and no additional action is required.

(2) If the decision is made to recommend suspension or debarment of a contractor, in coordination with the activity's BPC and legal counsel, the bureau shall submit a memorandum to the SDO containing all relevant facts and analysis on which the recommendation is based. The submission also should include copies of all relevant documents.

2809.404 System for Award Management Exclusions.

(a) The SDO shall ensure the discharge of all agency responsibilities prescribed in FAR 9.404(c)

(1) through (6), (8), and (9).

(b) The authority to establish procedures prescribed in FAR 9.404(c)(7) is delegated to the HCA, or designee.

2809.405 Effect of listing.

The HCA or designee is the agency head for the purposes of FAR 9.405.

2809.405-1 Continuation of current contracts.

The HCA or designee is the agency head for the purposes of FAR 9.405-1.

2809.405-2 Restrictions on subcontracting.

The HCA or designee is the agency head for the purposes of FAR 9.405-2.

Subpart 2809.5—Organizational and Consultant Conflicts of Interest

2809.503 Waiver.

The HCA is the agency head for the purpose of waiving any general rule or procedure prescribed in FAR subpart 9.5. As prescribed in FAR 9.503, the authority delegated to the HCA to waive any general rule or procedure prescribed in FAR subpart 9.5 may not be delegated below the level of the HCA.