

# Common Misconceptions about Suspension and Debarment — Frequently Asked Questions



**Question:** Can the suspension and debarment remedy be used for punishment or penalties, or as an enforcement tool?

**Answer:** No. The suspension and debarment remedies are used prospectively to protect the Government's interests and assess business risk.

**Question:** Can the Interagency Suspension and Debarment Committee (ISDC) promulgate regulations and rules for suspension and debarment?

**Answer:** No. The ISDC provides recommendations and technical guidance to the Federal Acquisition Regulatory Council and the Office of Management and Budget, which, in turn, consider and are responsible for the issuance of Governmentwide procurement and nonprocurement suspension and debarment regulations and rules, respectively. Agencies adopt and promulgate rules accordingly.

**Question:** Do Suspending and Debarring Officials (SDOs) independently initiate suspension and debarment actions?

**Answer:** No. SDOs do not conduct audits and investigations. In practice, SDOs generally rely on referrals from award officials, law enforcement officials, and others to establish administrative records and determine whether administrative actions should be recommended.

**Question:** Do Federal SDOs set goals for the use of suspension and debarment based on the prior year's totals or another benchmark?

**Answer:** No. There are no targets, quotas, or numeric goals for the use of suspension and debarment. SDOs consider and tailor administrative actions as appropriate to the circumstances of and corrective actions taken by parties before them. Government protection and mitigation of business risks to the Government are the ultimate goals.

**Question:** Are Federal suspension and debarment actions deliberately targeted at individuals more than entities, or vice versa?

**Answer:** No. SDOs consider administrative actions for matters referred to them on a case-by-case basis, tailoring actions to any misconduct or reformed conduct instead of by categories (such as whether the subject of review is an individual or entity). Suspension and debarment of individuals may be appropriate whether that misconduct is committed on behalf of a business or for the individual's interest. A significant portion of those who are subject to a debarment action generally are convicted of crimes. Individuals are routinely, and appropriately, subject to actions because the only way a business entity engages in misconduct is through the individuals who act on the business's behalf.

**Question:** Does being referred for SDO review automatically result in an exclusion action?

**Answer:** No. The Federal suspension and debarment system provides for case-by-case reviews, an opportunity to contest and be heard, and findings or determinations prior to SDO administrative action. SDOs take actions ranging from declinations to exclusions as appropriate to protect the public interest. The use of remedies in lieu of suspension and debarment is a reflection that respondents provided information on their present responsibility and corrective actions to address risks.

**Question:** Are agencies prohibited from initiating suspension or debarment actions without criminal indictments or convictions?

**Answer:** No. Fact-based cases may be initiated based on adequate evidence when immediate action is necessary to protect the Government's interest for a suspension, or a preponderance of evidence for a debarment.

**Questions:** Do SDOs conduct or have access into ongoing law enforcement investigations?

**Answer:** No. Law enforcement investigations are separate and distinct functions from the responsibilities of SDOs. Not all investigations result in a finding of wrongdoing. SDOs rely on investigators to make referrals and provide appropriate records for suspension or debarment when there is cause for action.