

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

- 180.400 May I enter into a transaction with an excluded or disqualified person?
- 180.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?
- 180.410 May I approve a participant's use of the services of an excluded person?
- 180.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?
- 180.420 May I approve a transaction with an excluded or disqualified person at a lower tier?
- 180.425 When do I check to see if a person is excluded or disqualified?
- 180.430 How do I check to see if a person is excluded or disqualified?
- 180.435 What must I require of a primary tier participant?
- 180.440 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?
- 180.445 What action may I take if a primary tier participant fails to disclose the information required under §180.335?
- 180.450 What may I do if a lower tier participant fails to disclose the information required under §180.355 to the next higher tier?

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- 180.500 What is the purpose of the System for Award Management Exclusions (SAM Exclusions)?
- 180.505 Who uses SAM Exclusions?
- 180.510 Who maintains SAM Exclusions?
- 180.515 What specific information is in SAM Exclusions?
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- 180.525 Whom do I ask if I have questions about a person in SAM Exclusions?
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Subpart F—General Principles Relating to Suspension and Debarment Actions

- 180.600 How do suspension and debarment actions start?
- 180.605 How does suspension differ from debarment?
- 180.610 What procedures does a Federal agency use in suspension and debarment actions?
- 180.615 How does a Federal agency notify a person of a suspension or debarment action?
- 180.620 Do Federal agencies coordinate suspension and debarment actions?
- 180.625 What is the scope of a suspension or debarment?

- 180.630 May a Federal agency impute the conduct of one person to another?
- 180.635 May a Federal agency settle a debarment or suspension action?
- 180.640 May a settlement include a voluntary exclusion?
- 180.645 Do other Federal agencies know if an agency agrees to a voluntary exclusion?
- 180.650 May an administrative agreement be the result of a settlement?
- 180.655 How will other Federal awarding agencies know about an administrative agreement that is the result of a settlement?
- 180.660 Will administrative agreement information about me in the designated integrity and performance system accessible through SAM be corrected or updated?

Subpart G—Suspension

- 180.700 When may the suspending official issue a suspension?
- 180.705 What does the suspending official consider in issuing a suspension?
- 180.710 When does a suspension take effect?
- 180.715 What notice does the suspending official give me if I am suspended?
- 180.720 How may I contest a suspension?
- 180.725 How much time do I have to contest a suspension?
- 180.730 What information must I provide to the suspending official if I contest the suspension?
- 180.735 Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?
- 180.740 Are suspension proceedings formal?
- 180.745 How is fact-finding conducted?
- 180.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?
- 180.755 When will I know whether the suspension is continued or terminated?
- 180.760 How long may my suspension last?

Subpart H—Debarment

- 180.800 What are the causes for debarment?
- 180.805 What notice does the debarring official give me if I am proposed for debarment?
- 180.810 When does a debarment take effect?
- 180.815 How may I contest a proposed debarment?
- 180.820 How much time do I have to contest a proposed debarment?
- 180.825 What information must I provide to the debarring official if I contest the proposed debarment?
- 180.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?
- 180.835 Are debarment proceedings formal?
- 180.840 How is fact-finding conducted?

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- 180.845 What does the debarment official consider in deciding whether to debar me?
- 180.850 What is the standard of proof in a debarment action?
- 180.855 Who has the burden of proof in a debarment action?
- 180.860 What factors may influence the debarment official's decision?
- 180.865 How long may my debarment last?
- 180.870 When do I know if the debarment official debar me?
- 180.875 May I ask the debarment official to reconsider a decision to debar me?
- 180.880 What factors may influence the debarment official during reconsideration?
- 180.885 May the debarment official extend a debarment?

Subpart I—Definitions

- 180.900 Adequate evidence.
- 180.905 Affiliate.
- 180.910 Agent or representative.
- 180.915 Civil judgment.
- 180.920 Conviction.
- 180.925 Debarment.
- 180.930 Debarment official.
- 180.935 Disqualified.
- 180.940 Excluded or exclusion.
- 180.945 System for Award Management Exclusions (SAM Exclusions).
- 180.950 Federal agency.
- 180.955 Indictment.
- 180.960 Ineligible or ineligibility.
- 180.965 Legal proceedings.
- 180.970 Nonprocurement transaction.
- 180.975 Notice.
- 180.980 Participant.
- 180.985 Person.
- 180.990 Preponderance of the evidence.
- 180.995 Principal.
- 180.1000 Respondent.
- 180.1005 State.
- 180.1010 Suspending official.
- 180.1015 Suspension.
- 180.1020 Voluntary exclusion or voluntarily excluded.

APPENDIX TO PART 180—COVERED TRANSACTIONS

AUTHORITY: Pub. L. 109-282; 31 U.S.C. 6102, Sec. 2455, Pub. L. 103-355, 108 Stat. 3327; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 3 CFR, 1989 Comp., p. 235.

SOURCE: 70 FR 51865, Aug. 31, 2005, unless otherwise noted.

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§ 180.5 What does this part do?

This part provides Office of Management and Budget (OMB) guidance for Federal agencies on the governmentwide debarment and suspension system for nonprocurement programs and activities.

§ 180.10 How is this part organized?

This part is organized in two segments.

(a) Sections 180.5 through 180.45 contain general policy direction for Federal agencies' use of the standards in subparts A through I of this part.

(b) Subparts A through I of this part contain uniform governmentwide standards that Federal agencies are to use to specify—

(1) The types of transactions that are covered by the nonprocurement debarment and suspension system;

(2) The effects of an exclusion under that nonprocurement system, including reciprocal effects with the governmentwide debarment and suspension system for procurement;

(3) The criteria and minimum due process to be used in nonprocurement debarment and suspension actions; and

(4) Related policies and procedures to ensure the effectiveness of those actions.

§ 180.15 To whom does the guidance apply?

The guidance provides OMB guidance only to Federal agencies. Publication of the guidance in the CFR does not change its nature—it is guidance and not regulation. Federal agencies' implementation of the guidance governs the rights and responsibilities of other persons affected by the nonprocurement debarment and suspension system.

§ 180.20 What must a Federal agency do to implement these guidelines?

As required by Section 3 of E.O. 12549, each Federal agency with nonprocurement programs and activities covered by subparts A through I of the guidance must issue regulations consistent with those subparts.

§ 180.25 What must a Federal agency address in its implementation of the guidance?

Each Federal agency implementing regulation:

(a) Must establish policies and procedures for that agency's nonprocurement debarment and suspension programs and activities that are consistent with the guidance. When adopted by a Federal agency, the provisions