

What to do if You Are The Subject of a Government Debarment Proceeding

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Are You the Subject of a Government Debarment Proceeding?

- This presentation will review in detail the ten factors pursuant to FAR § 9.406-1(a) that a debarring official will consider in evaluating whether debarment is appropriate.

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1. Whether the contractor had effective standards of conduct and internal control systems in place at the time of the activity which constitutes cause for debarment or had adopted such procedures prior to any Government investigation of the activity cited as a cause for debarment:

- a) Contractor's past history
- b) Establishment of best practices

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2. Whether the contractor brought the activity cited as a cause for debarment to the attention of the appropriate Government agency in a timely manner:

- a) Steps taken to notify Government
- b) Cooperation with Government

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3. Whether the contractor has fully investigated the circumstances surrounding the cause for debarment and, if so, made the result of the investigation available to the debarring official:

- a) Issuance of corrective action reports
- b) Production of corrective action reports to Government

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4. Whether the contractor cooperated fully with Government agencies during the investigation and any court or administrative action:

- a) Don't hold back
- b) If you think you have something to hide, **DON'T**

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5. Whether the contractor has paid or has agreed to pay all criminal, civil, and administrative liability for the improper activity, including any investigative or administrative costs incurred by the Government, and has made or agreed to make full restitution:

- a) Recognize any mistakes
- b) Make a reasonable offer of restitution if mistakes were made

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6. Whether the contractor has taken appropriate disciplinary action against the individuals responsible for the activity which constitutes cause for debarment:

- a) Make employee manuals available to government
- b) No cover-ups allowed
- c) Principals should accept responsibility

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7. Whether the contractor has implemented or agreed to implement remedial measures, including any identified by the Government:

- a) Establish best practices as soon as possible
- b) Consult with experts to determine best remedial measures after receipt of government's notice

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8. Whether the contractor has instituted or agreed to institute new or revised review and control procedures and ethics training programs:

- a) Do not hesitate to institute review and control procedures and ethics training
- b) After receipt of the government notice, plan and promote additional programs

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9. Whether the contractor has had adequate time to eliminate the circumstances within the contractor's organization that led to the cause for debarment:

- a) Eliminate the cause of the alleged problem as soon as possible
- b) Reemphasize establishment of best practices

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10. Whether the contractor's management recognizes and understands the seriousness of the misconduct giving rise to the cause for debarment and has implemented programs to prevent recurrence:

- a) Leadership
- b) Acceptance

Questions?



Thank You!

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