

# **Subpart 5209.4 - DEBARMENT, SUSPENSION AND INELIGIBILITY**

**Parent topic:** Part 5209 - CONTRACTOR QUALIFICATIONS

## **5209.402 Policy.**

(d) The AGC(AI) is the Department of the Navy's Suspending and Debarment Official (SDO). Attorneys in the Acquisition Integrity Office have the responsibility for processing and recommending suspension or debarment action to the SDO.

## **5209.404 System for Award Management Exclusions (SAM).**

(b)(8) The Acquisition Integrity Office has the responsibility for entering data, updating, and performing all other administrative functions regarding the SAM exclusions for the DON.

## **5209.405 Effect of listing.**

(a) ASN(RDA) shall make the required determination that there is a compelling reason. Submit requests for an ASN(RDA) determination to DASN(P) with justification for the proposed consent action by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "[Activity Name] DFARS 209.405 - Compelling Reason Review and Approval." DASN(P) shall provide written notification of the determination to the General Services Administration.

(b)(ii) Submit requests for an agency head exception via DASN(P) with justification that award to Code "H" ineligible contractor is in the paramount interest of the United States by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject "[Activity Name] DFARS 209.405 - Code H Ineligible Facility Review and Approval."

(e)(2) ASN(RDA) shall make the required determination that there is a compelling reason. Submit requests for an ASN(RDA) determination to DASN(P) with justification for the proposed consideration of the bid by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with subject "[Activity Name] FAR 9.405(e)(2) - Compelling Reason Review and Approval." DASN(P) shall provide written notification of the determination to the General Services Administration.

(3) ASN(RDA) shall make the required determination that there is a compelling reason. Submit requests for an ASN(RDA) determination to DASN(P) with justification for the proposed consideration of the bid by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with subject "[Activity Name] FAR 9.405(e)(3) - Compelling Reason Review and Approval." DASN(P) shall provide written notification of the determination to the General Services Administration.

## **5209.405-2 Restrictions on subcontracting.**

(a) ASN(RDA) shall make the required determination that there is a compelling reason. Submit requests for an ASN(RDA) determination to DASN(P) with justification for the proposed consent action by email at [RDAJ&As.fct@navy.mil](mailto:RDAJ&As.fct@navy.mil) with the subject “[Activity Name] DFARS 209.405-2(a) - Compelling Reason Review and Approval.” DASN(P) shall provide written notification of the determination to the General Services Administration.

## **5209.406 Debarment.**

### **5209.406-3 Procedures.**

(i) Refer all matters to AGC(AI) in accordance with PGI 209.406-3.

(ii)(G) If Government employees are implicated in the underlying conduct that led to the referral, the names and current addresses of the employees, disciplinary action taken and the current employment status of each individual.

(H) If no disciplinary action was taken against Government employees involved in the wrongdoing, and the contractor or contractor personnel are recommended for debarment or suspension, a statement explaining why no disciplinary action was taken against the Government employee(s), and why debarment or suspension is appropriate under the circumstances.

(iv)(S-90) Contracting officers shall report when the contractor receives a rating of “Unsatisfactory” in any evaluation area of Past Performance under a DON contract to the DON AIO. When the contracting officer issues a show cause or cure notice, the cognizant contracting officer shall submit a copy of the issuance to the DON Acquisition Integrity Office AIO within five days by email at [aio@navy.mil](mailto:aio@navy.mil) with the subject “PGI 209.406-3 - Poor Performance Referral.”

## **5209.407 Suspension.**

### **5209.407-3 Procedures.**

Refer all matters to AGC(AI). Prepare and process reports in accordance with 5209.406-3.