



Exclusion System Summary United States

I. Government -Wide Legal and Institutional Framework:

Government -Wide Exclusion Framework? Yes

- x Exclusion decisions are made independent of the procurement process and according to national legislation or centralized regulations. Exclusions have governmentwide effect.

Governing Policy

- x Procurement Suspensions & Debarments

[2 C.F.R. Part 180](#)

- x Agency FAR Supplements and implementing regulations

Primary

III. Substantive Grounds for Government- Wide Exclusion:

Automatic Exclusion : Yes

- x Violations of certain laws (e.g, the Clean Air Act and Clean Water Act, among others) will automatically trigger an exclusion, without any action by the SDO.
- x Other violations may lead to an automatic referral to the SDO.

Discretionary Exclusion : Yes

Any of the following grounds can be proven by a supplier's criminal or civil judgement (i.e., "conviction-based debarment") or an administrative finding (i.e., "fact-based debarment") by the SDO:

- x Corruption;
- x Fraud;
- x Collusion and/or infringing competition ;
- x Coercion or intimidation;
- x Obstruction of an investigation;
- x Theft or embezzlement;
- x Money laundering;
- x Tax-related offenses;
- x Labor-related offenses;
- x Social harms;
- x Terrorist offenses or offenses linked to terrorism;
- x Commercial regulatory violations;
- x Poor performance, non-performance, and/or failure to perform on public contracts.

Conviction-based Catch-all:

- x "Commission of any . . . offense indicating a lack of business integrity DCi90 Tm <0078>Tj611.RG 0.315 0 0

Tailoring Exclusion

- Yes. Exclusions may be limited to certain divisions, operating units, or business lines within the company, if the decision-maker so decides

Effect on Affiliates :

Corporate Affiliates:

- Exclusions may apply to any affiliated company (controlling, controlled, under common control) named in the notice of proceedings. (FAR 9.406-3; 2 C.F.R. § 180.625)
- Affiliated companies must be given an opportunity to contest the action. Entities excluded solely by their affiliation with the supplier may contest only the existence of affiliation.

Imputation of Misconduct to Other Parties:

- Misconduct of any officer, director, shareholder, partner, employee, or other individual associated with the corporate supplier may be imputed to the contractor or organization when the conduct occurred in connection with the individual's performance of duties or on behalf of the supplier or with the supplier's knowledge, approval, or acquiescence. (FAR 9.406-5(a); 2 C.F.R. § 180.630(a))

