

posted by the General Services Administration containing the list of all parties suspended, proposed for debarment, debarred, declared ineligible, disqualified or excluded by agencies, government corporations, or by the General Accounting Office.

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PART 9—CONTRACTOR QUALIFICATIONS

3. Amend section 9.105–1 by revising paragraph (c)(1) to read as follows:

9.105–1 Obtaining information.

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(c) * * *

(1) Excluded Parties List System maintained in accordance with Subpart 9.4.

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4. Amend section 9.207 by revising paragraph (a)(9) to read as follows:

9.207 Changes in status regarding qualification requirements.

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(a) * * *

(9) The source is on the Excluded Parties List System (see Subpart 9.4); or

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5. Amend section 9.403 by adding, in alphabetical order, the definitions “Disqualified”, and “Excluded or exclusion” to read as follows:

9.403 Definitions.

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Disqualified means that a person is prohibited from participating in specified Federal procurement or nonprocurement transactions as required under a statute, Executive order (other than Executive Orders 12549 and 12689), or other authority. Examples of disqualifications include persons prohibited under—

(1) The Davis-Bacon Act (40 U.S.C. 3141 *et seq.*, formally 40 U.S.C. 276a);

(2) The Equal Employment Opportunity Acts and Executive orders; or

(3) The Clean Air Act (42 U.S.C. 306), Clean Water Act (33 U.S.C. 508) and Executive Order 11738 (3 CFR, 1973 Comp., p. 799).

Excluded or exclusion means—

(1) That a person or commodity is prohibited from being a participant in

covered transactions, whether the person has been suspended, debarred, proposed for debarment under Subpart 9.4, voluntarily excluded; or

(2) The act of excluding a person.

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6. Revise the section heading and text of section 9.404 to read as follows:

9.404 Excluded Parties List System.

(a) The General Services Administration (GSA)—

(1) Operates the web-based Excluded Parties List System (EPLS) database;

(2) Provides technical assistance to Federal agencies in the use of the EPLS; and

(3) Includes in the list the name and telephone number of the official responsible for its maintenance and distribution.

(b) The Excluded Parties List System includes the—

(1) Names and addresses of all contractors debarred, suspended, proposed for debarment, or declared ineligible, with cross-references when more than one name is involved in a single action;

(2) Name of the agency or other authority taking the action;

(3) Cause for the action (see 9.406–2 and 9.407–2 for causes authorized under this subpart) or other statutory or regulatory authority;

(4) Effect of the action;

(5) Termination date for each listing;

(6) DUNS No.;

(7) SSN or TIN (if available and permitted by the laws or executive orders under which the action is undertaken, including the Computer Matching and Privacy Acts); and

(8) Name and telephone number of the agency point of contact for the action.

(c) Each agency must—

(1) Obtain a password(s) from GSA to access the EPLS for data entry;

(2) Notify GSA in the event a password needs to be rescinded (*e.g.*, when agency employee leaves or changes function);

(3) Enter the information required by paragraph (b) of this section within 5 working days after the action becomes effective;

(4) Agencies must give due consideration to whether they are

legally permitted to enter the SSN or TIN under the authority under which they suspend or debar.

(5) Update EPLS within 5 working days after modifying or rescinding an action;

(6) In accordance with internal retention procedures, maintain records relating to each debarment, suspension, or proposed debarment taken by the agency;

(7) Establish procedures to ensure that the agency does not solicit offers from, award contracts to, or consent to subcontracts with contractors on whose names are in the Excluded Parties List System database, except as otherwise provided in this subpart;

(8) Direct inquiries concerning listed contractors to the agency or other authority that took the action; and

(9) Contact GSA for technical assistance with the Excluded Parties List System, via the support e-mail address or on the technical support phone line available at the EPLS Web site provided in paragraph (d) of this section.

(d) The Excluded Parties List System is available at <http://epls.gov>.

9.405, 9.405–2, 22.1025, 28.203–7, 44.202–2, 44.303, and 52.209–6 [Amended]

7. In 48 CFR parts 9, 22, 28, 44, and 52, remove the words “List of Parties Excluded from Federal Procurement and Nonprocurement Programs” and add, in their place, the words “Excluded Parties List System” in the following places:

- a. 9.405(b), (d)(1), and (d)(4);
- b. 9.405–2(b), second sentence, and (b)(2);
- c. 22.1025;
- d. 28.203–7(c) and (d);
- e. 44.202–2(a)(13);
- f. 44.303(c); and
- g. 52.209–6(c) introductory text, (c)(2), and (c)(3).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

8. In addition to the amendments set forth above, amend section 52.209–6 by revising the date of the clause to read “(Date)”.

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