

## National Aeronautics and Space Administration

## 1809.470-2

### **1809.405-1 Continuation of current contracts. (NASA supplements paragraph (c))**

(c) Approval of contract renewals or extensions shall be requested in accordance with 1809.405.

### **1809.405-2 Restrictions on subcontracting. NASA supplements paragraph (a)).**

(a) Approval of consent to subcontract shall be requested in accordance with 1809.405.

### **1809.406 Debarment.**

### **1809.406-3 Procedures. (NASA supplements paragraph (a))**

(a) The report required by FAR 9.406-3(a) shall be prepared in accordance with 1809.470.

### **1809.407 Suspension.**

### **1809.407-3 Procedures. (NASA supplements paragraph (a))**

(a) Reports shall be prepared in accordance with 1809.470.

### **1809.408 Certification regarding debarment, suspension, proposed debarment, and other responsibility matters. (NASA supplements paragraph (a))**

(a)(2) (A) If the offeror indicates that it has been indicted, charged, convicted, or had a civil judgment rendered against it, the contracting officer shall immediately notify the Assistant Administrator for Procurement (Code HK), providing details as known, and shall await a response before awarding the contract.

(B) If the offeror discloses information that indicates a need for a debarment or suspension determination, the contracting officer shall report the facts to the Assistant Administrator for Procurement (Code HK) in accordance with 1809.470.

[61 FR 47075, Sept. 6, 1996, as amended at 63 FR 32763, June 16, 1998]

### **1809.470 Reporting of suspected evasive actions and causes for debarment or suspension.**

### **1809.470-1 Situations requiring reports.**

A report incorporating the information required by 1809.470-2 of this subpart shall be forwarded by the procurement officer to the Assistant Administrator for Procurement (Code HK) when a contractor:

(a) Has committed, or is suspected of having committed, any of the acts described in FAR 9.406-2 and 9.407-2; or

(b) Is suspected of attempting to evade the prohibitions of a debarment or suspension imposed under the FAR by changes of address, multiple addresses, formation of new companies, or other devices.

[61 FR 47075, Sept. 6, 1996, as amended at 63 FR 32763, June 16, 1998]

### **1809.470-2 Contents of reports.**

Each report shall be coordinated with local counsel and shall include substantially the following information, if available:

(a) Name and address of the contractor.

(b) Names of the principal officers, partners, owners, or managers.

(c) All known affiliates, subsidiaries, or parent firms, and the nature of the affiliation.

(d) A description of the contract or contracts concerned, including the contract number and office identifying numbers or symbols, the amount of each contract, the amounts paid the contractor and still due, and the percentage of work completed and to be completed.

(e) The status of vouchers.

(f) Whether the contract has been assigned pursuant to the Assignment of Claims Act, and, if so, the name and address of the assignee and a copy of the assignment.

(g) Whether any other contracts are outstanding with the contractor or any affiliates, and, if so, their amount, whether they are assigned pursuant to the Assignment of Claims Act, and the amounts paid or due on them.

### 1809.470-3

(h) A complete summary of all pertinent evidence. If a request for debarment or suspension is based on an indictment or a conviction, provide the evidence upon which the indictment or conviction is based.

(i) An estimate of any damages, sustained by the Government as a result of the contractor's action, including an explanation of the method used in making the estimate.

(j) Recommendation as to

(1) Whether the contractor should be suspended or debarred,

(2) Whether any limitations should be applied to such action,

(3) Whether current contracts should be terminated, and

(4) The period of any debarment.

(k) As an enclosure, a copy of the contract(s) or pertinent excerpts, appropriate exhibits, testimony or statements of witnesses, copies of assignments, and other relevant documentation.

### 1809.470-3 Addresses and copies of reports.

Reports, including enclosures, shall be submitted to the Office of Procurement (Code HK), with an additional copy to the Headquarters Office of General Counsel (Code G).

[61 FR 47075, Sept. 6, 1996, as amended at 63 FR 32763, June 16, 1998]

## Subpart 1809.5—Organizational and Consultant Conflicts of Interest

### 1809.500 Scope of subpart.

The Assistant Administrator for Procurement has authorized the procurement officer to take those actions reserved in FAR subpart 9.5 for the head of the contracting activity. However, see 1809.503 regarding waivers.

### 1809.503 Waiver.

The Administrator has designated the Assistant Administrator for Procurement as the approval authority for waivers under FAR 9.503. The procurement officer shall forward requests for waivers under FAR 9.503 to the Assistant Administrator for Procurement (Code HS) for action.

## 48 CFR Ch. 18 (10-1-02 Edition)

### 1809.506 Procedures. (NASA supplements paragraph (b))

(b) The approving official is the procurement officer when the installation has source selection authority and the Assistant Administrator for Procurement (Code HS) when NASA Headquarters has that authority.

### 1809.507 Solicitation provisions and contract clause.

#### 1809.507-2 Contract clause.

The contracting officer may insert a clause substantially the same as the clause at 1852.209-71, Limitation of Future Contracting, in solicitations and contracts.

## Subpart 1809.6—Contractor Team Arrangements

### 1809.670 Contract clause.

The contracting officer shall insert the clause at 1852.209-72, Composition of the Contractor, in all construction invitations for bids and resulting contracts. The clause may be used in other solicitations and contracts to clarify a contractor team arrangement where the prime contractor consists of more than one legal entity, such as a joint venture.

## PART 1811—DESCRIBING AGENCY NEEDS

Sec.

1811.002 Policy.

### Subpart 1811.1—Selecting and Developing Requirements Documents

1811.101 Order of precedence for requirements documents.

1811.107 Solicitation provisions.

### Subpart 1811.4—Delivery or Performance Schedules

1811.403 Supplies or services.

1811.403-70 Packaging, handling, and transportation.

1811.404 Contract clauses.

1811.404-70 NASA contract clauses.

### Subpart 1811.5—Liquidated Damages

1811.501 Policy.