

## Environmental Protection Agency

1509.505–70

evaluate the information and, if appropriate, refer the matter to the Debar-  
ring Official for consideration of debar-  
ment; or recommend to the Suspension  
and Debarment Division that the mat-  
ter be closed without further action be-  
cause the facts do not warrant debar-  
ment.

(v) Obtain legal counsel's opinion on  
referrals or recommendations made to  
the Debarring Official.

(vi) Notify EPA Contracting Officers  
of those Contractors who are ineligible  
for solicitation, award, or subcon-  
tracting but who do not appear on the  
GSA Consolidated List; e.g., those who  
are ineligible based on a settlement  
reached by the Debarring Official under  
which the Contractor has agreed to  
voluntarily exclude itself from partici-  
pation in Government contracting/sub-  
contracting for a specified period or be-  
cause of a Notice of Proposal to Debar.

(4) *Any official.* When information is  
discovered which may indicate poten-  
tial criminal or civil fraud activity,  
such information must be referred  
promptly to the EPA Office of Inspec-  
tor General.

(5) *Debarring Official's responsibility.*  
The Debarring Official shall:

(i) Review referrals from the HCA to-  
gether with the HCA's recommenda-  
tions, if any, and determine whether  
further consideration by the Debarring  
Official is warranted and take such ac-  
tions as are required by FAR subpart  
9.4;

(ii) Obtain the HCA's recommenda-  
tion prior to reaching a voluntary ex-  
clusion settlement with a Contractor  
in lieu of debarment;

(iii) Promptly notify the HCA of Con-  
tractors with whom a settlement in  
lieu of debarment has been reached  
under which the Contractor volun-  
tarily excludes itself from or restricts  
its participation in Government con-  
tracting/subcontracting for a specified  
period; and of Contractors who have re-  
ceived a Notice of Proposal to Debar.

(b) [Reserved]

### 1509.407 Suspension.

#### 1509.407-3 Procedures.

The procedures prescribed in 1509.406-  
3(a) shall be followed under conditions

which appear to warrant suspension of  
a Contractor.

## Subpart 1509.5—Organizational Conflicts of Interests

### 1509.500 Scope of subpart.

This subpart establishes EPA policy  
and procedures for identifying, evalu-  
ating, and resolving organizational  
conflicts of interest. EPA's policy is to  
avoid, neutralize, or mitigate organiza-  
tional conflicts of interest. If EPA is  
unable to neutralize or mitigate the ef-  
fects of a potential conflict of interest,  
EPA will disqualify the prospective  
contractor or will terminate the con-  
tract when potential or actual conflicts  
are identified after award.

[49 FR 8839, Mar. 8, 1984; 49 FR 24734, June 15,  
1984]

### 1509.502 Applicability.

This subpart applies to all EPA con-  
tracts except agreements with other  
Federal agencies. However, this sub-  
part applies to contracts with the  
Small Business Administration (SBA)  
under the 8(a) program.

### 1509.503 Waiver.

The Head of the Contracting Activity  
may waive any general rule or proce-  
dure of this subpart by determining  
that its application in a particular sit-  
uation would not be in the Govern-  
ment's interest. Any request for waiver  
must be in accordance with FAR 9.503.  
The Assistant General Counsel for Con-  
tracts and Information Law shall be  
consulted on such waiver requests.

[49 FR 8839, Mar. 8, 1984, as amended at 61 FR  
29316, June 10, 1996]

### 1509.505-4 Obtaining access to propri- etary information.

Contractors gaining access to con-  
fidential business information of other  
companies in performing advisory serv-  
ices for EPA shall comply with the spe-  
cial requirements of 40 CFR part 2 and  
the provisions of their contracts relat-  
ing to the treatment of confidential  
business information.

### 1509.505-70 Information sources.

(a) *Disclosure.* Prospective EPA Con-  
tractors responding to solicitations or