

§ 3017.820

representative must provide the debar-
ring official with information in oppo-
sition to the proposed debarment. You
may do this orally or in writing, but
any information provided orally that
you consider important must also be
submitted in writing for the official
record.

**§ 3017.820 How much time do I have to
contest a proposed debarment?**

(a) As a respondent you or your rep-
resentative must either send, or make
arrangements to appear and present,
the information and argument to the
debaring official within 30 days after
you receive the Notice of Proposed De-
barment.

(b) We consider the Notice of Pro-
posed Debarment to be received by
you—

(1) When delivered, if we mail the no-
tice to the last known street address,
or five days after we send it if the let-
ter is undeliverable;

(2) When sent, if we send the notice
by facsimile or five days after we send
it if the facsimile is undeliverable; or

(3) When delivered, if we send the no-
tice by e-mail or five days after we
send it if the e-mail is undeliverable.

**§ 3017.825 What information must I
provide to the debaring official if I
contest a proposed debarment?**

(a) In addition to any information
and argument in opposition, as a re-
spondent your submission to the debar-
ring official must identify—

(1) Specific facts that contradict the
statements contained in the Notice of
Proposed Debarment. Include any in-
formation about any of the factors list-
ed in § 3017.860. A general denial is in-
sufficient to raise a genuine dispute
over facts material to the debarment;

(2) All existing, proposed, or prior ex-
clusions under regulations imple-
menting E.O. 12549 and all similar ac-
tions taken by Federal, State, or local
agencies, including administrative
agreements that affect only those
agencies;

(3) All criminal and civil proceedings
not included in the Notice of Proposed
Debarment that grew out of facts rel-
evant to the cause(s) stated in the no-
tice; and

(4) All of your affiliates.

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(b) If you fail to disclose this infor-
mation, or provide false information,
the Department of Agriculture may
seek further criminal, civil or adminis-
trative action against you, as appro-
priate.

**§ 3017.830 Under what conditions do I
get an additional opportunity to
challenge the facts on which a pro-
posed debarment is based?**

(a) You as a respondent will not have
an additional opportunity to challenge
the facts if the debaring official deter-
mines that—

(1) Your debarment is based upon a
conviction or civil judgment;

(2) Your presentation in opposition
contains only general denials to infor-
mation contained in the Notice of Pro-
posed Debarment; or

(3) The issues raised in your presen-
tation in opposition to the proposed de-
barment are not factual in nature, or
are not material to the debaring offi-
cial's decision whether to debar.

(b) You will have an additional op-
portunity to challenge the facts if the
debaring official determines that—

(1) The conditions in paragraph (a) of
this section do not exist; and

(2) Your presentation in opposition
raises a genuine dispute over facts ma-
terial to the proposed debarment.

(c) If you have an opportunity to
challenge disputed material facts
under this section, the debaring offi-
cial or designee must conduct addi-
tional proceedings to resolve those
facts.

**§ 3017.835 Are debarment proceedings
formal?**

(a) Debarment proceedings are con-
ducted in a fair and informal manner.
The debaring official may use flexible
procedures to allow you as a respon-
dent to present matters in opposition. In
so doing, the debaring official is not
required to follow formal rules of evi-
dence or procedure in creating an offi-
cial record upon which the official will
base the decision whether to debar.

(b) You or your representative must
submit any documentary evidence you
want the debaring official to consider.

**§ 3017.840 How is fact-finding con-
ducted?**

(a) If fact-finding is conducted—