

SECTION 8 - TEMPORARY NONUSE, DEBARMENT, AND SUSPENSION

ITEM 8-1 BASIS AND TIME PERIOD: Carriers may be placed in temporary nonuse by an agency shipping facility manager or tender servicing office for a period not exceeding 90 days if the terms or conditions of this TOS are not met or for any cause(s) listed in 41 CFR 102-117.290 for debarment or suspension status, respectively.

When there is a sufficient basis to initiate temporary nonuse action against a carrier, the carrier will be notified by certified mail, return receipt requested, of the following:

- A. The effective dates of the proposed temporary nonuse;
- B. The extent or scope of the proposed temporary nonuse, including the specific transportation facilities to which the period of exclusion will be applicable;
- C. The facts relied on to support the specified cause(s) for temporary nonuse;
- D. Upon receipt of the initiating officer's notice of proposed temporary nonuse, the carrier will be given a period of 7 calendar days during which it may submit in person, in writing, or through a representative, rebuttal information and arguments opposing the temporary nonuse;
- E. The initiating officer has a period of 5 working days to evaluate a carrier's rebuttal information, any opposing arguments and render a decision;
- F. The availability of an appeal of the initiating officer's decision to a reviewing official, provided the request for review is received within 5 work days of receipt of the transportation officer's decision;
- G. The corrective action required by the carrier to be removed from temporary nonuse; and
- H. Carrier failure to correct the cause(s) for temporary nonuse will result in an additional nonuse period of 30 calendar days during which the case will be referred to the agency's debarring official for appropriate action.