

FAST FACTS

Suspension & Debarment

- ◆ At USAID, the Senior Procurement Executive (PE) is the Suspending and Debarment Official.
- ◆ Agencies *shall not* solicit offers from, award contracts to, or consent to subcontract with contractors that are debarred, suspended, or proposed for debarment. This exclusion *extends to*: 1) Placing orders exceeding the guaranteed minimum under IDIQ contracts; 2) Placing orders under GSA Schedules, BPAs, or BOAs; and 3) *Adding new work, exercising options, or otherwise extending the duration of current contracts or orders.*
- ◆ Contractors debarred, suspended, or proposed for debarment *are excluded* from conducting Government business as agents or representatives of other contractors.
- ◆ Agencies *may continue* contracts in existence at the time the contractor was debarred, suspended, or proposed for debarment.
- ◆ Generally, suspensions *do not* extend beyond 12-18 months and debarments for 3 years.

Past Performance

- ◆ Contracts/Orders must be registered in CPARS within 30 days after award.
- ◆ Reports are applicable to *all* contracts for services and commodities in excess of \$150K, except contracts awarded pursuant to FAR Subpart 8.7.
- ◆ See FAR Subpart 42.1502(d) and (e) for reporting procedures and thresholds under architect-engineer and construction contracts.
- ◆ *All past performance information is treated as "Source Selection Information."*
- ◆ Source Selection Officials *must check* EPLS, PPIRS, and FAPIIS in determining an offeror's eligibility for contract award.

Contractor Disclosures

- ◆ Contractors *shall timely disclose*, in writing, to the OIG and CO, whenever in connection with a contract or subcontract, it has credible evidence that a principal, employee, or subcontractor has committed a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations.
- ◆ At USAID, the CO *must alert* COPP about any disclosures that involve allegations of waste, fraud, or abuse.



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COPP

**COMPLIANCE &
OVERSIGHT OF
PARTNER PERFORMANCE**

PURPOSE:

COPP focuses on four primary areas of compliance i.e.; suspensions and debarments, contractor disclosures, assistance appeals, and past performance in order to facilitate increased risk management awareness throughout the agency and our partner community and to ensure timely resolution of compliance issues.

Specific duties include:

- ◆ Track compliance with U.S. Federal regulations by partner organizations or individuals working directly with USAID
- ◆ Take suspension and/or debarment actions against firms, individuals, and/or organizations, as necessary
- ◆ Facilitate the registration and timely completion of past performance reports, as well as, encourage substantive narratives that properly correlate to appropriate ratings in CPARS
- ◆ Adjudicate disputes and appeals to the Assistance Executive under grants and cooperative agreements
- ◆ Analyze termination settlement proposals
- ◆ Evaluate contractor or grantee disclosures of organizational or compliance issues
- ◆ Develop best practices and communicate information Agency-wide and to partner community
- ◆ Provide best practices to illicit constant emphasis on compliance

HOW COPP CAN HELP:

- ◆ Provide advice and counsel about contractor compliance issues and concerns
- ◆ Accept referrals for consideration of suspension and debarment
- ◆ Manage the data integrity of USAID actions in the Excluded Parties List System (EPLS)
- ◆ Adjudicate appeals and provide advice on disputes arising under grants and cooperative agreements
- ◆ Negotiate termination settlement proposals
- ◆ Review contractor disclosures and coordinate further action, as appropriate
- ◆ Audit past performance reports to determine trends in ratings and narratives to determine progress towards USAID's procurement reform initiatives and to identify workforce training needs, as necessary
- ◆ Promote outreach with stakeholders to promote a compliance environment which encourages the mitigation, avoidance, and neutralization of issues

Examples of schemes uncovered in USAID-funded projects include but are not limited to:

- ◆ Corruption—Bribery, Kickbacks, & Gratuities
- ◆ Collusion
- ◆ Product Substitution
- ◆ False Claims (Billing for goods and services not provided and/or overbilling)
- ◆ Embezzlement or theft

The COPP Division works closely with the Office of Inspector General (OIG) and the Office of General Counsel on waste, fraud, and abuse matters in addition to managing alleged reports of non-compliance or ethical concerns associated with USAID development partners in order to protect U.S. taxpayer funds entrusted to USAID.

REGULATIONS:

The following list of regulations and related government compliance systems are applicable but this should not be construed as a complete listing:

- ◆ Federal Acquisition Regulations (FAR) Subpart 9.4, Debarment Suspension & Ineligibility
- ◆ FAR Subpart 42.15, Contractor Performance Information (CPARS; PPIRS)
- ◆ 52.203-13, Contractor Code of Business Ethics and Conduct
- ◆ 52.204-8, Annual Representations & Certifications (ORCA)
- ◆ 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards (CCR & FSRS)
- ◆ 52.209-6, Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (EPLS)
- ◆ 52.209-7 & -9, Information and Updates Regarding Responsibility Matters (CCR & FAPIIS)
- ◆ 22 CFR 208, Government-wide Debarment and Suspension
- ◆ 22 CFR 226.90, Disputes

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