

DFARS Procedures, Guidance, and Information

PGI 209—Contractor Qualifications

(Revised March 21, 2006)

PGI 209.1--RESPONSIBLE PROSPECTIVE CONTRACTORS

PGI 209.105-1 Obtaining Information.

GSA's Excluded Parties List System (EPLS), which is available at <http://www.epls.gov>, identifies entities excluded throughout the U.S. Government (unless otherwise noted) from receiving Federal contracts or certain subcontracts and from certain types of Federal financial and non-financial assistance and benefits.

(1) Multiple agencies have the authority to suspend or debar entities from “doing business” with the Government. Presently, there are approximately 71 separate cause and treatment codes under which entities can be suspended or debarred or excluded.

(2) The cause and treatment codes advise readers of the nature of the exclusion, debarment, or suspension and how those listed on the EPLS should be treated. However, the fact that an entity is listed on the EPLS does not necessarily mean the entity is ineligible for contract award. Review of the cause and treatment code is crucial in ensuring that listed entities are not deprived of their “liberty interest” in conducting business with the Government.

(3) When the Department of Justice Bureau of Justice Assistance debars individuals under 10 U.S.C. 2408, they are placed on the EPLS under cause and treatment code FF (Reciprocal). The individuals currently listed under this treatment code can be found on the EPLS website (<http://www.epls.gov> - Click on the “Cause and Treatment Code” under the “Reports Menu” heading at the top of the right side of the web page; then select “Reciprocal” in the “Exclusion Type” search window and click “OK”; finally, select CT code “FF” in the drop-down list and select MS Excel format, then “OK”, to view the information).

(4) A “Public User's Manual” is available on the EPLS website to assist users in navigating the system. Definitions of Procurement, Nonprocurement, and Reciprocal exclusions can be found in Chapter 4 of the manual.

PGI 209.105-2 Determinations and documentation.

(a) The contracting officer shall submit a copy of the determination to the appropriate debarring and suspending official identified in DFARS 209.403.

PGI 209.106 Preaward surveys.

PGI 209.106-1 Conditions for preaward surveys.

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(a) If a preaward survey is requested, include the rationale in Block 23 of the SF 1403, Preaward Survey of Prospective Contractor (General).

PGI 209.106-2 Requests for preaward surveys.

(1) The surveying activity is the cognizant contract administration office as listed in the Federal Directory of Contract Administration Services Components, available at <http://home.dcmi.mil/casbook/casbook.htm>. When information is required as part of the survey on the adequacy of the contractor's accounting system or its suitability for administration of the proposed type of contract, the surveying activity will obtain the information from the auditor.

(2) Limited information may be requested by telephone.

(3) The contracting officer may request a formal survey by telephone but must confirm immediately with SF 1403, Preaward Survey of Prospective Contractor (General). For a formal survey, send original and three copies of SF 1403, including necessary drawings and specifications.

(i) List additional factors in Item H, Section III of the SF 1403 and explain them in Block 23. For example—

(A) Information needed to determine a prospective contractor's eligibility under the Walsh-Healey Public Contracts Act. (Note that the Walsh-Healey Public Contracts Act, Block 12 of Section I, only indicates what the contractor has represented its classification to be under Walsh-Healey.)

(B) Evaluation of a contractor as a planned producer when the offered item is or may appear on the Industrial Preparedness Planning List (IPPL). When the preaward survey results in a recommendation for award, ask the office responsible for industrial preparedness planning to consider designating the prospective contractor as a planned producer. If the item is already on the IPPL or the prospective contractor is already a planned producer, note the information in Block 23.

(C) Evaluation of the prospective contractor's performance against small business subcontracting plans.

(4) On base level preaward surveys, technical personnel from the requiring installation should participate when there is concern about the ability of a prospective contractor to perform a base level service or construction contract.

(5) Allow more time for—

(i) Complex items;

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(ii) New or inexperienced DoD contractors; and

(iii) Surveys with time-consuming requirements, e.g., secondary survey, accounting system review, financial capability analysis, or purchasing office participation.

(6) Only request those factors essential to the determination of responsibility. See DFARS 253.209-1(a) for an explanation of the factors in Section III, Blocks 19 and 20 of the SF 1403.