



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



FEB - 4 2010

Department of the Interior Acquisition Policy Release (DIAPR) 2010-07

Subject: Excluded Parties List System (EPLS) Review by Contracting Officers

References: Federal Acquisition Regulation (FAR), 48 C.F.R. Part 9.4

Issue Date: February 4, 2010

1. **Purpose:** This DIAPR provides guidance on the timing of the final pre-award EPLS check by the Contracting Officer under FAR 9.405(d)(4).
2. **Effective Date:** Effective upon issuance.
3. **Expiration Date:** No expiration unless superseded or cancelled.
4. **Background and Explanation:**

The FAR at 48 C.F.R. § 9.405 requires the Contracting Officer (CO) to review the EPLS twice in the award process to ensure that a contractor debarred, suspended or proposed for debarment under the FAR does not improperly receive an award. Under Section 9.405(d)(1), the initial check of the EPLS is performed after the opening of bids or receipt of proposals. Section 9.405(d)(2) states that “bids received from any listed contractor in response to an invitation for bids shall be entered on the abstracts, and rejected unless the agency head determines in writing that there is a compelling reason to consider the bid.” Section 9.405(d)(3) states, in part, that “Proposals, quotations or offers received from any listed contractor shall not be evaluated for award or included in the competitive range, nor shall discussions be conducted with a listed offeror during a period of ineligibility, unless the agency head determines, in writing, that there is a compelling reason to do so. If the period of ineligibility expires or is terminated prior to award, the contracting officer may, but is not required to, consider such proposals, quotations, or offers.” Section 9.405(d)(4) in turn requires a final EPLS check by the CO “immediately prior to award” to ensure that no award is made to a listed contractor.

5. **Action Required:**

FAR Section 9.405(d)(4) does not define the word “immediately.” The EPLS changes daily. Consequently, the timing of the final eligibility check is very important to avoid illegal awards and the difficulties that can pose for the Agency. It is recognized that there are multiple administrative steps in finalizing an award. However, the EPLS check itself takes only a few minutes at most, and it is incumbent upon the CO and the Agency to not make an award to an ineligible contractor.

Accordingly, to more effectively guard against the potential for award to a contractor not on the list at the time of the initial check, but ineligible on the EPLS at award date, the CO shall perform the final EPLS check on the award issuance day.

6. Additional Information:

Please disseminate this guidance within your bureau. It will also be available on the Web at <http://www.doi.gov/pam/diapr.html>. You may contact David M. Sims, Debarment Program Manager, at (202) 208-6705 or via e-mail at david_sims@ios.doi.gov if you have any questions regarding this policy.



Debra E. Sonderman, Director
Office of Acquisition and Property Management
and Senior Procurement Executive