United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 7 - 2014

Department of the Interior Acquisition Policy Release (DIAPR) 2012-05, Amendment 1

Subject: Class Deviation – Limitation with Respect to Felony Criminal Convictions and Delinquent Tax Debts

References: Consolidated Appropriations Act, 2012 (Pub. L. 112-74); Memorandum for Civilian Agencies Other Than NASA, *Class Deviation from the Federal Acquisition Regulation (FAR) to Implement Appropriations Provisions Related to Suspension and Debarment*, issued January 27, 2012; FAR Subpart 9.104-7 *Solicitation provisions and contract clauses*

1. **Purpose:** This amended DIAPR rescinds DIAPR 2012-05, *Class Deviation – Limitation with Respect to Felony Criminal Convictions and Delinquent Tax Debts*.

2. **Effective Date:** Upon signature.

3. **Expiration Date:** Not applicable.

4. **Background and Explanation:** The changes concerning this matter involve FAR Part 9. The solicitation provision provided with the initial DIAPR is now incorporated in the FAR, prescribed at FAR subpart 9.104-7. It states:

> (a) "The contracting officer shall insert the provision at 52.209-5, Certification Regarding Responsibility Matters, in solicitations where the contract value is expected to exceed the simplified acquisition threshold.
>
> (b) The contracting officer shall insert the provision at 52.209-7, Information Regarding Responsibility Matters, in solicitations where the resultant contract value is expected to exceed $500,000.
>
> (c) The contracting officer shall insert the clause at 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters;
>
> > (1) In solicitations where the resultant contract value is expected to exceed $500,000; and
> >
> > (2) In contracts in which the offeror checked "has" in paragraph (b) of the provision at 52.209-7. "

5. **Action Required:** Contracting officers (COs) shall review FAR subpart 9.104-7 and insert the appropriate responsibility matters clause(s) in all solicitations and contracts as prescribed.

The CO must not award a contract to any corporation providing an affirmative response to the certification in the prescribed clause(s) without first consulting with the DOI Senior Debarment Program Manager, David Sims, at David_Sims@ios.doi.gov or (202) 254-5551. If the Senior Debarment Program Manager confirms that DOI has considered suspension or debarment of the

corporation and determined that further action is not necessary to protect the interests of the Government, the CO may proceed with award.

Additionally, if the contract award at issue includes appropriated funds from another agency, the CO must consult with procurement officials of the other agency as to whether that agency has considered suspension or debarment before contract award.

6. **Additional Information:** Questions may be directed to Brigitte Meffert, Office of Acquisition and Property Management at (202) 513-0699 or by e-mail at Brigitte_meffert@ios.doi.gov

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