

Memo To: All UH-Downtown/PS Holders
From: Dr. Loren J. Blanchard, President
Subject: Debarment and Suspension Policy

UH-Downtown/PS 06.A.01
Issue No. 2
Effective date: 11/30/2021
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1. PURPOSE

Executive Orders 12549 and 12689, and 2 CFR Part 180 provide that a person who is debarred or suspended shall be excluded from Federal financial and non-financial assistance and benefits under Federal programs and activities. To this extent, this PS emphasizes the commitment of the University of Houston- Downtown (UHD) to insure that when applying for federal funds, the University's principals and researchers are not debarred, suspended, or proposed for debarment or suspension.

2 CFR Part 200.214 Suspension and debarment. – “Non-Federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, [2 CFR part 180](#). The regulations in [2 CFR Part 180](#) restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.”
2 CFR Part 180: “ To protect the public interest, the Federal Government ensures the integrity of Federal programs by conducting business only with responsible persons. A Federal agency uses the non-procurement debarment and suspension system to exclude from Federal programs persons who are not presently responsible.”

2. DEFINITIONS

- 2.1 Person or Applicant is defined as any individual, corporation, partnership, and association, unit of government or legal entity.
- 2.2 Principal is defined as an officer, director, owner, partner, key employee or other person with primary management responsibilities. In this context, principals will include the members of the UH System Board of Regents and senior administrative staff.
- 2.3 Researchers are defined as the faculty and their professional colleagues undertaking research activities.
- 2.4 Debarment is an action taken to exclude a person from participating in covered transactions.
- 2.5 Suspension is an action that immediately excludes a person from participating in covered transactions for a temporary period pending completion of an investigation.
- 2.6 Ineligible is defined as excluded from participation in Federal non-procurement

programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority.

- 2.7 Voluntary Exclusion is a status of nonparticipation or limited participation in covered transactions by a person pursuant to the terms of a settlement.
- 2.8 Covered Transactions refers to any non-procurement transaction between an agency and a person, regardless of the type, including: grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, donation agreements and any other non-procurement transactions between a Federal agency and a person.

3. POLICY

3.1 UHD requires that individuals applying for federal funds meet the following criteria:

3.1.1 Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency.

3.1.2 Have not, within a three year period preceding the application, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property.

3.1.3 Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state or local) with commission of any of the offenses listed in 3.1.1 above.

3.1.4 Have not, within a three year period preceding the application, had one or more public transactions (federal, state or local) terminated for cause or default.

4. PROCEDURES

Any individual who is debarred or suspended (or proposed for such) is required to notify the Associate Vice President for Faculty, Research, and Sponsored Programs immediately upon notification of such action.

5. REVIEW PROCESS

Responsible Party (Reviewer): Associate Vice President for Faculty, Research, and Sponsored Programs

Review: Every three years on or before May 1st.

Signed original on file in the Office of Human Resources.

6. POLICY HISTORY

Issue #1: 05/16/94

7. REFERENCES

[Executive Order 12549](#)

[Executive Order 12689](#)

[2 CFR 200.214](#)

[2 CFR Part 180](#)

[System of Award Management \(SAM\)](#) – Government wide Lists of Exclusion