



**FAR FACTS  
SEASON 2023, EPISODE EIGHT  
FAR PARTS 9 AND 14**

1. Unless **FAR 9.104-2** “special standards” are required, a prospective contractor shall not be deemed not responsible solely on the basis of a lack of relevant performance history. **FAR 9.104-1(c)**
2. The qualification standards for a “responsible” contractor are set forth at **FAR 9.104-1**. Responsibility determinations need only be made for the awardee of a contract and are required to be made on a “contract by contract” basis.
3. As a general rule, prime contractors are responsible for determining the responsibility of their subcontractors. **FAR 9.104-4**. Government contracting officers are permitted and often require that proposals contain information to support the responsibility of subcontractors proposed to perform “major activities” or a substantial percentage of a federal Government prime contract.
4. FAPIIS stands for “Federal Awardee Performance and Integrity Information System.” **FAR 9.104-6**.
5. In making a contractor “responsibility” determination, contracting officers are required to review information in FAPIIS, including other information that is linked to FAPIIS such as the contractor representations/certifications found in the System for Award Management (SAM) and the Contractor Performance Assessment Reporting System (CPARS). **FAR 9.104-6**. All of this information can be accessed by Contracting Officers by visiting <https://cpars.gov/>.
6. “**Debarment**” means an action taken to exclude a contractor from performing under “new” Government contracts, order and subcontracts for a reasonable and specified period of time. A contractor that is excluded is “debarred.” **FAR 2.101 and FAR 9.405-1(a)** (“**Agencies may continue contracts or subcontracts in existence at the time of debarment unless the agency head directs otherwise.**”)
7. “**Suspension**” means an action taken to disqualify a contractor or individual on a temporary basis from contracting or subcontracting pending the completion of investigation or legal proceedings involving allegations that the contractor or individual has violated certain criminal or civil laws. **FAR 2.101 and FAR 9.407-1 and FAR 9.407-4(a)**.
8. Only an agency Suspension and Debarment official has the authority to suspend or debar a contractor or individual. **FAR 9.406**.
9. Suspensions and debarments should be requested and issued only as a means to protect the integrity of the Acquisition System and not for purposes of punishment. **FAR 9.402**.
10. The mere fact that a “cause” for suspension or debarment exists does not require a contractor or

individual to be suspended or debarred. **FAR 9.406.**

11. Unless explicitly directed in writing by the agency head to do otherwise, contracting officers are not permitted to add new work, exercise options or otherwise extend the duration of contracts in existence at the time of suspension or debarment. **FAR 9.405-1(b).**
12. A contractor or individual may be “debarred” if they have been “convicted” of a crime or a court has imposed a civil judgment that certain civil laws have been violated. **FAR 9.406-2.**
13. A contractor or individual may be suspended simply if “adequate evidence” exists that a certain criminal or civil laws may have been violated. However, suspensions should be imposed only when the Suspension and Debarment Official believes that “immediate action is necessary to protect the Government’s interest.” **FAR 9.407-1.**
14. A contractor or individual may submit to the Suspension and Debarment Official in person or in writing information and argument opposing a suspension only **AFTER** the suspension has been imposed. **FAR 9.407-3(b).**
15. Generally, a debarment should not last more than 3 years. **FAR 9.406-4.**
16. Generally, a suspension should last until the completion of the investigation or legal proceeding that concerns allegations that the contractor or individual has violated certain criminal or civil laws. **FAR 9.407-1 and FAR 9.407-4(a).**
17. Federal contractors and individuals who have been suspended or debarred and deemed “ineligible” to receive or perform under a federal Government contract can be found at the General Services Administration web-based System for Award Management Exclusions List. This is often referred to as the Excluded Parties List and it can be found at <https://sam.gov/content/exclusions>. **FAR 9.404 and FAR 9.405.**
18. Organizational conflicts of interests (“OCI”s) most often arise under services contracts involving (i) the provision of systems engineering services and development of statements of work, statements of objectives, technical specifications, (ii) acquisition support services involving the review and/or evaluation of contractor proposals, (iii) the performance of independent validation or verification services, and (iv) services requiring the review and/or use of Government procurement sensitive information or other contractor proprietary information. **FAR 9.505.**
19. The period of any contract preclusions resulting from an OCI must be explicitly stated in the solicitation and limited to a fixed specified period of time which the CO has determined is necessary to mitigate/eliminate any undue advantage. **FAR 9.507-2.**
20. A contractor may request that a contract preclusion be lifted or modified by developing an adequate Organizational Conflict of Interest Mitigation Plan that sets forth steps to eliminate or sufficiently reduce the OCI to a manageable level that would not impact the integrity of the Acquisition Process.

21. Although not often granted, a known organizational conflict of interest may be waived by an agency head or delegate not below the level of the head of the contracting activity. **FAR 9.503.**
22. **FAR Part 9.6** recognizes two types of “teaming arrangements”. The first type is a joint venture which requires that each member creates a new legal entity and takes on, among other things, “joint and several liability” during the performance of the contract. The second type is simply a standard prime contractor/subcontractor business relationship that results in a subcontract. **FAR 9.601. [Note that FAR Part 9 does not address the types of “Teaming Arrangements” often used in GSA Multiple Award Schedule (GSA MAS) Contracts which permit two companies to contract with the Government as co-prime contractors each performing services under the terms and conditions of their own GSA MAS contracts.]**
23. Contracting officers (CO) **MUST** use sealed bidding when: (1) time permits, (2) award will be made solely on the basis of price and price related factors, (3) discussion are unnecessary, and (4) there is a reasonable expectation of receiving more than one sealed bid. **FAR 6.401 (emphasis added).**
24. To be considered for award under a **FAR Part 14**, a contractor must be (i) “responsible”, (ii) responsive, and (iii) determined to offer a fair and reasonable price that is “most advantageous to the Government, considering only price and price related factors” included in the IFB. **FAR 14.103-2(d).**
25. The length or type of warranty, delivery terms, and the cost of transportation are examples of price related factors. **FAR 14.201-8.**
26. CO may only award firm fixed price contracts under a **FAR Part 14** procurement. **FAR 14.104.**
27. Invitation for bids (IFBs) must be publicized in accordance to **FAR 5.102**. Publicizing through [www.sam.gov](http://www.sam.gov) satisfies those requirements.
28. Under **FAR Part 14** procurements, Contracting Officers must provide at least 30 days from the date the synopsis was publicized for contractors to submit their bids. **FAR 14.202-1.**
29. Contractors awarded a contract under **FAR Part 14** may be required to disclose “certified cost or pricing data” when modifications to a bid contract exceed the Truth in Negotiations Act threshold. **FAR 14.201-7.**

30. Contracting Officers may, but are not required to, utilize the price analysis techniques set forth at **15.404-1(b)** to evaluate the reasonableness of a bidder's proposed pricing. **FAR 14.408-2(a)**.
31. If the IFB does not state the time for bid submission, the FAR states that the default time is 4:30pm, local time, for the designated office on the date that bids are due. **FAR 14.304(a)**.
32. CO must reject any bid received from a contractor that has been suspended, debarred, or otherwise deemed non-responsible. **FAR 14.404-1**.
33. A contracting officer may award a contract under **FAR Part 14** if less than three bids have been received. **FAR 14.408-1(b)**.
34. The first step during the "two-step" procurement process requires contractors to submit only technical proposals. **FAR 14.503-1**.