Board Policy 7455: Federal Debarment and Suspension **Status:** ADOPTED

Original Adopted Date: 08/21/2023 | **Last Revised Date:** 01/14/2026 | **Last Reviewed Date:** **05/18/2026**

[REQUIRED ITEM: A law or administrative rule requires boards to have a policy on at least one of the topics addressed here.]

Federal Debarment and Suspension

For all District programs receiving federal funds, the District shall comply with all applicable federal regulations that restrict or prohibit transactions using federal funds with all persons or entities that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. This shall include verifying that no awards, subawards, or contracts using federal funds are awarded to parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in the Federal assistance programs or activities.

This limitation is directed by Executive Order 12549 which provides that "a person who is debarred or suspended shall be excluded from federal financial and nonfinancial assistance and benefits under federal programs and activities." Thus, the District shall refrain from entering into any transaction with a person or entity which has been suspended or debarred by the U.S. Department of Education, or other federal agency from which the District has received federal funds.

Covered Federal Non-Procurement Transactions

Federal funds received by the District that are covered by this policy include, but are not necessarily limited to funds received from the following transactions:

1. Grants;
2. Cooperative agreements;
3. Scholarships;
4. Fellowships;
5. Contracts of assistance;
6. Loans;
7. Loan guarantees;
8. Subsidies;
9. Insurances;
10. Payments for specified uses; and
11. Donation agreements.

District's Covered Transactions with Third Parties

This policy applies to circumstances where the District enters into a procurement contract with a third party for goods and/or services, and intends to use covered federal funds to partially or fully purchase such goods and/or services, as more specifically described below:

A contract for goods or services is a "covered transaction" if any of the following applies:

1. The contract is awarded to the District pursuant to a nonprocurement transaction listed above and the amount of the contract is expected to equal or exceed $30,000; or

2. The contract requires the consent of an official of a federal agency. In that case, the contract, regardless of the amount, is always considered a covered transaction, and it does not matter who awarded it. For example, it could be a subcontract awarded by a contractor at a tier below the District's nonprocurement transaction; or
3. The contract is for federally-required audit services.

In addition, a subcontract is also a covered transaction if:

1. It is awarded by a participant in a procurement transaction under a nonprocurement transaction of a federal agency that extends the coverage of Item 1 above, under "District's Covered Transactions with Third Parties"; and
2. The value of the subcontract is expected to equal or exceed $30,000.

District Responsibilities before Entering into Covered Transactions - Prohibition

Prior to entering into a "covered transaction" with a third party, the District shall verify the person or entity with whom it intends to do business is not excluded or disqualified by performing any one of the following:

1. Checking the OMB-designated integrity and performance system accessible through the System for Award Management (SAM.gov)
2. Collecting a certification from that person; or
3. Adding a clause or condition to the covered transaction with that person.

** The General Services Administration (GSA) maintains SAM.gov exclusions and makes them available, as detailed in subpart E. When a federal agency takes action to exclude a person under the nonprocurement or procurement debarment and suspension system, the agency enters the information about the excluded person into the SAM.gov Exclusions. If the District has a question about any person or entity on the SAM.gov, it should contact the point of contact for the federal agency that placed the person's name into the Exclusion List.*

In the event the third party is on the SAM.gov exclusions list, the District shall not enter into the contemplated transaction unless and until the federal agency responsible for providing the District with the federal funds grants a written exception.

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Legal References	**Description**
13 CFR § 400.109	Government-Wide Debarment and Suspension
2 CFR § 180	OMB Guidelines Guidelines to Agencies on Government-Wide Debarment and Suspension (Nonprocurement)
2 CFR § 200.206	Federal Agency Review of Risk Posed by Applicants
2 CFR § 200.213	Reporting a Determination that an Applicant is Not Qualified for a Federal Award
31 USC § 6503	Intergovernmental financing (Cash Management Improvement Act of 1990)

Other References	**Description**