UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer
Assistant Secretary for Administration
Washington, D.C. 20230

PROCUREMENT MEMORANDUM 2009-07 MAR 6 2009

ACTION

MEMORANDUM FOR: **BUREAU PROCUREMENT OFFICIALS**
HEADS OF CONTRACTING OFFICES

FROM: Helen Hurcombe
Senior Procurement Executive
And Director, Office of Acquisition Management

SUBJECT: Excluded Parties List System

Purpose
The purpose of this procurement memorandum (PM) is to reinforce the requirement that all Contracting Officers check the General Services Administration's (GSA) Excluded Parties List System (EPLS) at http://www.epls.gov before making new awards or adding new work to existing contracts.

Background
Acquisition professionals are accountable for ensuring contractors meet the qualifications in Federal Acquisition Regulations (FAR) Part 9 and that determinations of responsibility include EPLS review. This is especially important for contracts funded under the American Recovery and Reinvestment Act (Recovery Act) of 2009.

The Government Accountability Office (GAO) reports that suspended and debarred businesses and individuals are improperly receiving federal contracts, in part because contracting officers are not reviewing the EPLS prior to award as required.

Applicability
This requirement is applicable to new awards including modifications to add new work, task orders against existing contracts, and awards made against GSA's multiple award schedules.

Required Action
Contracting Officers are responsible for:

- Reviewing the EPLS after the opening of bids or receipt of proposals in accordance with FAR Subpart 9.405(d)(1)
- Reviewing EPLS again, immediately prior to award, to ensure no award is made to a listed contractor in accordance with FAR Subpart 9.405(d)(4)
- Reviewing EPLS prior to awarding "new work" in accordance with FAR 9.405-1(b)

Please direct any questions to Nancy Barrere at nbarrere@doc.gov or (202) 482-5519.

cc: Acquisition Community
Acquisition Council