

March 30, 2001

WORKFORCE INVESTMENT ACT (WIA)
STATE ADMINISTRATIVE ENTITY (SAE)
SAE INFORMATION NOTICE No. 51-00
(**SIN No. 51-00**)

**SUBJECT: DEBARMENT, SUSPENSION, AND OTHER EXCLUSIONS FROM
FEDERAL FINANCIAL AND NON FINANCIAL ASSISTANCE
AND BENEFITS UNDER FEDERAL PROGRAMS AND
ACTIVITIES**

1. **PURPOSE.** To transmit updated United States Department of Labor (USDOL) policy guidelines regarding debarment, suspension and related requirements to New Mexico Workforce Development Areas/Local Workforce Development Boards (NMWDAs/LWDBs) and all WIA-funded subrecipients. Applicable certification forms, *Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions* (EXHIBIT A) and *Certification Regarding Debarment, Suspension, and Voluntary Exclusion Lower Tier Covered Transactions* (EXHIBIT B) and instructions are provided. **This SIN merely transmits updated applicable USDOL debarment and suspension requirements/procedures and does not create new policy.**
2. **BACKGROUND.** Executive Order 12549 requires that, to the extent permitted by law, executive departments and agencies shall participate in the government-wide system for nonprocurement debarment and suspension and other exclusionary matters.

DISTRIBUTION:

State WDB & NMWDA/LWDB Chairpersons
NMWDA/LWDB Administrative Staff
SAE Subrecipients
USDOL Federal Representative

SAE/NMWDA/LWDB Legal Counsel
SAE/NMWDA/LWDB EO Office
NMWDA/LWDB Subrecipients

The U.S. Department of Labor has established policy in this area attendant to Federal assistance programs/agencies that have contracting or subgranting authority. Persons and entities debarred or suspended from conducting business with any agency of the Executive Branch shall be barred or suspended from conducting business with all other federal agencies.

Accordingly, The NMDOL SAE, NMWDAs/LWDBs and their subrecipients are prohibited from conducting business with persons or entities debarred or suspended from doing business with other federal agencies or programs. Office of Management and Budget (OMB) Circular A-133 and the Federal Regulations (29 CFR 98) prescribe the programs and activities that are covered, set forth the criteria, process, consequences of such actions and provides for the inclusion of the List of Parties Excluded from Federal Procurement and Nonprocurement Programs all persons proposed for debarment, debarred or suspended under the Federal Acquisition Regulation, 48 CFR Part 9, subpart 9.4; persons against which government-wide exclusions have been entered under this part and determined to be ineligible.

OMB Circular A-133 and 29 CFR 98 can be accessed through the USDOL website at www.dol.gov/dol/allcfr/OASAM/.

3. **APPLICABLE DEFINITIONS:**

The following definitions per 29 CFR 98.105 apply to this SIN:

- a. **Adequate evidence.** Information sufficient to support the reasonable belief that a particular act or omission has occurred.
- b. **Affiliate.** Persons are affiliates of each other if, directly or indirectly, either one controls or has the power to control the other or, a third person controls or has the power to control both. This includes, but is not limited to: interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the suspension or debarment of a person which has the same or similar management, ownership, or principal employees as the suspended, debarred, ineligible, or voluntarily excluded person.
- c. **Agency.** Any executive department, military department or defense agency or other agency of the executive branch, excluding the independent regulatory agencies.
- d. **Civil judgment.** The disposition of a civil action by any court of competent jurisdiction, whether entered by verdict, decision, settlement, stipulation, or otherwise creating a civil liability for the wrongful acts complained of; or a final determination of liability under the Program Fraud Civil Remedies Act of 1988 (31 U.S.C. 3801-12).
- e. **Conviction.** A judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of *nolo contendere*.

- f. **Debarment.** An action taken by a debaring official in accordance with the Regulations (29 CFR Part 98, Subpart A, Chapter I) to exclude a person from participating in covered transactions. A person so excluded is debarred.
- g. **Debaring Official.** An official authorized to impose debarment. The debaring official is either: (1) The agency head, or (2) An official designated by the agency head.
- h. **Indictment.** Indictment for a criminal offense. Information or other filing by competent authority charging a criminal offense shall be given the same effect as indictment.
- i. **Ineligible.** Excluded from participation in Federal non-procurement programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority, other than Executive Order 12549 and its agency implementing regulations; for example, excluded pursuant to the Davis-Bacon Act and its implementing regulations, the equal employment opportunity acts, and executive orders. A person is ineligible where the determination of ineligibility affects such person's eligibility to participate in more than one covered transaction.
- j. **Legal Proceedings.** Any criminal proceeding or any civil judicial proceeding to which the Federal Government or a State or local government or quasi-governmental authority is a party. The term includes appeals from such proceedings.
- k. **List of Parties Excluded from Federal Procurement and Nonprocurement Programs.** A list compiled, maintained and distributed by the General Services Administration (GSA) containing the names and other information about persons who have been debarred, suspended, or voluntarily excluded under Executive Orders 12549 and 12689 and these regulations or 48 CFR part 9, subpart 9.4, persons who have been proposed for debarment under 48 CFR part 9, subpart 9.4, and those persons who have been determined to be ineligible.
- l. **Notice.** A written communication served in person or sent by certified mail, return receipt requested, or its equivalent, to the last known address of a party, its identified counsel, its agent for service of process, or any partner, officer, director, owner or joint venturer of the party. Notice, if undeliverable, shall be considered to have been received by the addressee five days after being properly sent to the last address known by the agency.
- m. **Participant.** Any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. This term also includes any person who acts on behalf of or is authorized to commit a participant in a covered transaction as an agent or representative of another participant.
- n. **Person.** Any individual, corporation, partnership, association, unit of government or legal entity, however organized, except: foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities.

- o. **Preponderance of the evidence.** Proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.
- p. **Principal.** Officer, director, owner, partner, key employee, or other person within a participant with primary management or supervisory responsibilities; or a person who has a critical influence on or substantive control over a covered transaction, whether or not employed by the participant. Persons who have a critical influence on or substantive control over a covered transaction are: (1) Principal investigators.
- q. **Proposal.** A solicited or unsolicited bid, application, request, invitation to consider or similar communication by or on behalf of a person seeking to participate or to receive a benefit, directly, or indirectly in or under a covered transaction.
- r. **Respondent.** A person against whom a debarment or suspension action has been initiated.
- s. **State.** Any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency of a State, exclusive of institutions of higher education, hospitals, and units of local government. A State instrumentality will be considered part of the State government if it has a written determination from a State government that such State considers that instrumentality to be an agency of the State government.
- t. **Suspending official.** An official authorized to impose suspension. The suspending official is either: (1) The agency head, or (2) An official designated by the agency head.
- u. **Suspension.** An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal, debarment, or Program Fraud Civil Remedies Act proceedings as may ensue. A person so excluded is suspended.
- v. **Voluntary exclusion or voluntarily excluded.** A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement (53 FR 1988, 19189, 19204, May 26, 1988, as amended at 60 FR 33040, 33052, June 26, 1995).

4. **ACTION.**

A. **Policy.**

In order to protect the public interest, Local Workforce Development Boards, their subrecipients and the NMDOL SAE and its subrecipients shall conduct business only with responsible persons.

Debarment and suspension are discretionary actions when taken in accordance with the requirements specified herein with respect to procurement and non-procurement activities under the WIA. Debarment and suspension are serious

actions which shall be used only in the public interest and for the protection of the Federal and State Government and not for the purpose of punishment. The SAE and NMWDAs/LWDBs may impose debarment or suspension for the causes and in accordance with the procedures specified in the Regulations as outlined herein.

When more than one agency has an interest in the proposed debarment or suspension of a person, consideration shall be given to designating one agency as the lead entity for making the decision. NMWDAs/LWDBs are encouraged to establish methods and procedures for coordinating their debarment or suspension actions.

B. Coverage (29 CFR 98.110)

- (1) These regulations apply to all persons who have participated, are currently participating or may reasonably be expected to participate in transactions under Federal non-procurement programs. For purposes of these regulations such transactions will be referred to as covered transactions.
- (2) Covered transaction. For purposes of these regulations, a covered transaction is a primary covered transaction or lower tier covered transaction. Covered transactions at any tier need not involve the transfer of Federal funds.
 - (a) Primary covered transaction. A primary covered transaction is any nonprocurement transaction between an agency and a person, regardless of type, including: grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance payments for specified use, donation agreements and any other nonprocurement transactions between a Federal agency and a person. Primary covered transactions also include those transactions specially designated by the U.S. Department of Housing and Urban Development in such agency's regulations governing debarment and suspension.
 - (b) Lower tier covered transaction. A lower tier covered transaction is:
 - (i) Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction.
 - (ii) Any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold fixed at 10 U.S.C. 2304(g) and 41 U.S.C. 253(g) (currently \$25,000) under a primary covered transaction.
 - (iii) Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount, under which that person will have a critical influence on or substantive control over that covered transaction. Such persons are:
 - Principal investigators.

- Providers of federally-required audit services.
- (c) Exceptions. The following transactions are not covered:
- (i) Statutory entitlements or mandatory awards (but not subtier awards thereunder which are not themselves mandatory), including deposited funds insured by the Federal Government;
 - (ii) Direct awards to foreign governments or public international organizations, or transactions with foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, entities consisting wholly or partially of foreign governments or foreign governmental entities;
 - (iii) Benefits to an individual as a personal entitlement without regard to the individual's present responsibility (but benefits received in an individual's business capacity are not excepted);
 - (iv) Federal employment;
 - (v) Transactions pursuant to national or agency-recognized emergencies or disasters;
 - (vi) Incidental benefits derived from ordinary governmental operations; and
 - (vii) Other transactions where the application of these regulations would be prohibited by law.

C. Causes for debarment.

Debarment may be imposed in accordance with the provisions of Secs. 98.300 through 98.314 (of 29 CFR 98) for:

- (1) Conviction of or civil judgment for:
 - (a) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction;
 - (b) Violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging;
 - (c) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or
 - (d) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a person.
- (2) Violation of the terms of a public agreement or transaction so serious as to affect the integrity of an agency program, such as:
 - (a) A willful failure to perform in accordance with the terms of

- one or more public agreements or transactions;
 - (b) A history of failure to perform or of unsatisfactory performance of one or more public agreements or transactions; or
 - (c) A willful violation of a statutory or regulatory provision or requirement applicable to a public agreement or transaction.
- (3) Any of the following causes:
 - (a) A nonprocurement debarment by any Federal agency taken before October 1, 1988, the effective date of these regulations, or a procurement debarment by any Federal agency taken pursuant to 48 CFR subpart 9.4;
 - (b) Knowingly doing business with a debarred, suspended, ineligible, or voluntarily excluded person, in connection with a covered transaction, except as permitted in Sec. 98.215 or Sec. 98.220;
 - (c) Failure to pay a single substantial debt, or a number of outstanding debts (including disallowed costs and overpayments, but not including sums owed the Federal Government under the Internal Revenue Code) owed to any Federal agency or instrumentality, provided the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted;
- (4) Violation of a material provision of a voluntary exclusion agreement entered into under Sec. 98.315 or of any settlement of a debarment or suspension action; or
- (5) Violation of any requirement, relating to providing a drug-free workplace, as set forth in Sec. 98.615 of the regulations.
- (6) Any other cause of so serious or compelling a nature that it affects the present responsibility of a person. [53 FR 19188, 19189, 19204, May 26, 1988, as amended at 54 FR 4950, 4959, Jan. 31, 1989];
- (7) Willful violation of any Non-discrimination and Equal Opportunity provisions of the Workforce Investment Act of 1998, as proscribed in 29 CFR 37.

D. Requirements.

The SAE, NMWDAs/LWDBs and their subrecipients shall not knowingly enter into a lower tier covered transaction with an entity or person debarred, suspended, declared ineligible, or voluntarily excluded from participation in covered transactions unless authorized by the USDOL. Adherence to the debarment, suspension and other exclusionary requirements as specified in OMB Circular A-133 and 29 CFR 98 shall be required in all procurement and nonprocurement transactions under a WIA funded program. The SAE and NMWDAs/LWDBs shall process debarment actions as informally as practicable, consistent with the principals of fairness, using the procedures set forth at Secs. 98.311 through 98.314 of 29 CFR 98.

E. **Certifications.**

To comply with OMB Circular A-133 and 29 CFR 98, the SAE, NMWDAs/LWDBs and their subrecipients shall execute and submit certifications as indicated herein.

- (1) The NMDOL, acting as the SAE, shall by June 30th of each year complete and submit to the USDOL the ***Certification Regarding Debarment, Suspension, and other Responsibility Matters – Primary Covered Transaction*** (refer to attached Exhibit A).
- (2) NMWDBs/LWDBs and other SAE subrecipients shall by May 30th of each year complete and submit to the SAE the ***Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions***. Certification must be submitted with WIA proposals and included in approved/finalized subgrant packages. (Refer to attached Exhibit B).
- (3) The SAE and NMWDAs/LWDBs shall incorporate the ***Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions*** (Exhibit B), into their respective Request for Proposal (RFP) process and formats. Each prospective subrecipient shall be required to complete and include the certification within its proposal and proposed subgrant prior to its being approved and finalized.
 - (a) Existing subrecipients must execute and submit an updated/revised certification within 30 days from the effective date of this SIN. The certification shall be retained in the Grantee's permanent files as appropriate.
 - (b) Within 120 days from the effective date of this SIN each NMWDA/ LWDB shall incorporate the certification requirement in their RFP process. A copy of their approved RFP format shall be submitted to SAE for approval.
- (4) If a prospective SAE or NMWDA/LWDB lower tier subrecipient is unable to execute the Certification, such prospective subrecipient shall include a full explanation in its proposal. The prospective subrecipient shall be offered the opportunity to pursue its position through SAE or NMWDA/LWDB procedures as applicable. If the grievance and appeals, if any, result in a conclusion that the statutory/regulatory and USDOL policy were not violated, the written determination will be used in lieu of the Certification, allowing the NMWDA/LWDB to further consider the proposal. If the conclusion is otherwise, the proposal will not be considered for funding.

F. **Exceptions.**

Exceptions to the coverage defined herein are stipulated at section B. (C) (3) of this SIN as follows:

- (1) All grants which are statutory entitlements or mandatory awards are exempt. These include all grant awards to States and NMWDAs/LWDBs. However, those funds that NMWDAs/LWDBs award to subgrantees (lower-tiered transactions) are covered and subject to the debarment requirements.
- (2) Procurement contracts for goods or services in amounts less than \$25,000 (excepting those contracts written for auditing or investigative purposes) are exempt. On-the-Job Training (OJT) and Classroom Training (CRT) contracts and any modifications less than \$25,000 would be exempt.

G. **Sanctions.**

Violations of this policy may result in disallowance of costs, annulment or termination of award, issuance of a stop work order, debarment or suspension, or other remedies as appropriate.

5. **EFFECTIVE DATE.** This State Information Notice is effective immediately and will remain in effect until further notice.
6. **RECESSIONS.** None. However, this SIN supercedes SAE Issuance No. 106-90 dated August 27, 1990.
7. **CONTACT.** Inquiries regarding this notice should be directed to the Job Training Division in Santa Fe at (505) 827-6827.

CLINTON D. HARDEN, JR.
Secretary

EXHIBIT A

**Certification Regarding
Debarment, Suspension, and Other Responsibility Matters
Primary Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension 20 CFR Part 98, Section 98.510 Participants' responsibilities.

NOTE: PLEASE READ INSTRUCTIONS BEFORE SIGNING CERTIFICATION

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal 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;
 - (c) Are not presently indicted for otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

Instructions For Primary Covered Transactions Certification

1. By signing and submitting this proposal the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the SAE or Local Board determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the State Administrative Entity (SAE) or Local Board determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the SAE or Local Board may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the SAE or Local Board, as appropriate, if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the SAE or Local Board for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the SAE.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Covered Transactions,” provided by the SAE without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of **List of Parties Excluded From Procurement or Nonprocurement Programs**.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the SAE or Local Board may terminate this transaction for cause or default.

EXHIBIT B

**Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' responsibilities.

NOTE: PLEASE READ INSTRUCTIONS BEFORE COMPLETING CERTIFICATION.

- (1) The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature

Date

Instructions For Lower Tier Covered Transactions Certification

1. By signing and submitting this proposal, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, and/or the State Administrative Entity (SAE) may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this proposal submitted if at any time the prospective recipient of federal assistance funds learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible” “lower tier covered transaction” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the SAE.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the **List of Parties Excluded from Procurement or Non-procurement Programs**.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the SAE or Local Board may pursue available remedies, including suspension and/or debarment.