



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION:** Relocation and
Amendment of Nonprocurement
Suspension/Debarment Regulations

Date: June 12, 2008

From: King W. Gee *for Dwight A. Hume*
Associate Administrator for Infrastructure

In Reply Refer To:

To: Directors of Field Services
Division Administrators

As a result of a Final Rule issued on May 2, 2008 (73 FR 24139), the Departmental nonprocurement suspension and debarment regulations have been relocated and amended effective June 2, 2008. As of that date, Part 29 of 49 CFR was removed from the Code of Federal Regulations (CFR); and the DOT regulations, as amended, were relocated to 2 CFR Part 1200, thereby consolidating all Federal agencies' suspension/debarment regulations into one CFR part, immediately following the relevant OMB Guidance (2 CFR Part 180).

The amendments to the DOT regulations are as follows:

1. Three new introductory sections have been added (§§ 1200.10, 1200.20, and 1200.30) restating the introductory provisions of OMB Guidance in Part 180;
2. In Subpart A, a new § 1200.137 has been added specifying who in DOT may grant exceptions permitting an excluded person to participate in a covered transaction;
3. In Subpart B, new § 1200.220, which replaced prior § 29.220, maintains the suspension/debarment requirements for subcontracts in excess of \$25,000;
4. In Subpart C, a new § 1200.332, concerning responsibilities of participants to inform lower-tier participants, was added; and
5. In Subpart D, new § 1200.437, which replaced § 29.440, sets out the responsibility of agency officials to communicate the requirements of 2 CFR § 180.435 to primary tier participants.

Please ensure that your processes and procedures in suspension/debarment matters are carried out in conformity with these amendments.

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Although the amended, relocated regulations became effective on June 2, 2008, they will not appear in the printed CFR for another 6 months. The CFR volumes are updated once each calendar year and Title 2 is scheduled to be updated on January 1, 2009. Starting immediately, all citations to the regulations should be to Part 1200.

A copy of the revised regulations, showing Part 1200 numbering and including the amendments made by the Final Rule are attached, and the new provisions highlighted. Please distribute to appropriate staff and remind everyone to use the new citations.

Attachment

Archived