

DEBARMENT AND SUSPENSION

Executive Order 12549 and FAR 521.209-5

This Executive Order called for the creation of a government wide debarment and suspension system in connection with all transactions with federal agencies. Debarment and suspension are actions taken by the federal government against organizations or individuals who have committed fraud or a criminal offense in violation of federal law (see item 2 below). The regulations require that the University (which is the formal applicant for grant and contract funds from the federal government) certify that neither the University, its officers, nor researchers:

1. Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions (defined as being eligible to receive federal funds) by any federal department or agency.
2. Have, within a 3-year period preceding an application for funding, 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 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.
3. Are presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in (2) above.
4. Have, within a 3-year period preceding this application, had one or more public transactions (federal, state, or local) terminated for cause or default.

In this case, the applicant is the University of Rochester, the principals are trustees and senior administrative staff, and researchers are the faculty and their professional colleagues who undertake such research activities.

The University of Rochester treats this requirement as a negative certification, i.e., that no principals or researchers at the Institution are debarred, suspended, or proposed for debarment or suspension.

Any individual who meets any of the conditions in 1-4 above must immediately notify the Office of Research and Project Administration and are precluded from receiving federally funded grant or contract awards or from being paid with federal funds.