OMB Guidance, Grants and Agreements

(a) You failed to disclose information earlier, as required by §180.355; or
(b) Due to changed circumstances, you or any of the principals for the transaction now meet any of the criteria in §180.355.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 180.400 May I enter into a transaction with an excluded or disqualified person?
(a) You as a Federal agency official may not enter into a covered transaction with an excluded person unless you obtain an exception under §180.135.
(b) You may not enter into any transaction with a person who is disqualified from that transaction, unless you obtain a waiver or exception under the statute, Executive order, or regulation that is the basis for the person’s disqualification.

§ 180.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?
As a Federal agency official, you may not enter into a covered transaction with a participant if you know that a principal of the transaction is excluded, unless you obtain an exception under §180.135.

§ 180.410 May I approve a participant’s use of the services of an excluded person?
After entering into a covered transaction with a participant, you as a Federal agency official may not approve a participant’s use of an excluded person as a principal under that transaction, unless you obtain an exception under §180.135.

§ 180.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?
(a) You as a Federal agency official may continue covered transactions with an excluded person, or under which an excluded person is a principal, if the transactions were in existence when the person was excluded. You are not required to continue the transactions, however, and you may consider termination. You should make a decision about whether to terminate and the type of termination action, if any, only after a thorough review to ensure that the action is proper.
(b) You may not renew or extend covered transactions (other than no-cost time extensions) with any excluded person, or under which an excluded person is a principal, unless you obtain an exception under §180.135.

§ 180.420 May I approve a transaction with an excluded or disqualified person at a lower tier?
If a transaction at a lower tier is subject to your approval, you as a Federal agency official may not approve—
(a) A covered transaction with a person who is currently excluded, unless you obtain an exception under §180.135; or
(b) A transaction with a person who is disqualified from that transaction, unless you obtain a waiver or exception under the statute, Executive order, or regulation that is the basis for the person’s disqualification.

§ 180.425 When do I check to see if a person is excluded or disqualified?
As a Federal agency official, you must check to see if a person is excluded or disqualified before you—
(a) Enter into a primary tier covered transaction;
(b) Approve a principal in a primary tier covered transaction;
(c) Approve a lower tier participant if your agency’s approval of the lower tier participant is required; or
(d) Approve a principal in connection with a lower tier transaction if your agency’s approval of the principal is required.

§ 180.430 How do I check to see if a person is excluded or disqualified?
You check to see if a person is excluded or disqualified in two ways:
(a) You as a Federal agency official must check the EPLS when you take any action listed in §180.425.
(b) You must review information that a participant gives you, as required by §180.335, about its status or the status of the principals of a transaction.