§ 85.320  Must I verify that principals of my covered transactions are eligible to participate?

Yes, you as a participant are responsible for determining whether any of your principals for that covered transaction is excluded or disqualified from participating in the transaction. You may decide the method and frequency by which you do so. You may, but you are not required to, check the EPLS.


§ 85.325  What happens if I do business with an excluded person in a covered transaction?

If as a participant you knowingly do business with an excluded person, we may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.


§ 85.330  What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Before entering into a covered transaction with a participant at the next lower tier, you must require that participant to—

(a) Comply with this subpart as a condition of participation in the transaction. You may do so using any method(s), unless § 85.440 requires you to use specific methods.

(b) Pass the requirement to comply with this subpart to each person with whom the participant enters into a covered transaction at the next lower tier.


DISCLOSING INFORMATION—PRIMARY TIER PARTICIPANTS

§ 85.335  What information must I provide before entering into a covered transaction with the Department of Education?

Before you enter into a covered transaction at the primary tier, you as the participant must notify the ED office that is entering into the transaction with you, if you know that you or any of the principals for that covered transaction:  

(a) Are presently excluded or disqualified; 

(b) Have been convicted within the preceding three years of any of the offenses listed in § 85.800(a) or had a civil judgment rendered against you for one of those offenses within that time period;  

(c) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses listed in § 85.800(a); or

(d) Have had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.