Office of the Secretary, Education

“List of Parties Excluded or Disqualified from Federal Procurement and Nonprocurement Programs,” so long as published.


§ 85.952 HEA.

HEA means the Higher Education Act of 1965, as amended.

(68 FR 66614, Nov. 26, 2003)

§ 85.955 Indictment.

Indictment means an indictment for a criminal offense. A presentment, information, or other filing by a competent authority charging a criminal offense shall be given the same effect as an indictment.


§ 85.960 Ineligible or ineligibility.

Ineligible or ineligibility means that a person or commodity is prohibited from covered transactions because of an exclusion or disqualification.


§ 85.965 Legal proceedings.

Legal proceedings means any criminal proceeding or any civil judicial proceeding, including a proceeding under the Program Fraud Civil Remedies Act (31 U.S.C. 3801–3812), to which the Federal Government or a State or local government or quasi-governmental authority is a party. The term also includes appeals from those proceedings.


§ 85.970 Nonprocurement transaction.

(a) Nonprocurement transaction means any transaction, regardless of type (except procurement contracts), including, but not limited to the following:

(1) Grants.
(2) Cooperative agreements.
(3) Scholarships.
(4) Fellowships.
(5) Contracts of assistance.
(6) Loans.
(7) Loan guarantees.
(8) Subsidies.
(9) Insurances.
(10) Payments for specified uses.
(11) Donation agreements.

(b) A nonprocurement transaction at any tier does not require the transfer of Federal funds.


§ 85.975 Notice.

Notice means a written communication served in person, sent by certified mail or its equivalent, or sent electronically by e-mail or facsimile. (See §85.615.)


§ 85.980 Participant.

Participant means any person who submits a proposal for or who enters into a covered transaction, including an agent or representative of a participant.


§ 85.985 Person.

Person means any individual, corporation, partnership, association, unit of government, or legal entity, however organized.


§ 85.990 Preponderance of the evidence.

Preponderance of the evidence means proof by information that, compared with information opposing it, leads to