CFR 180.425, you as a DoD Component official must check to see if a person is excluded or disqualified before you obligate additional funding (e.g., through an incremental funding action) for a pre-existing grant or cooperative agreement with an institution of higher education, as provided in 32 CFR 22.520(e)(5).

§ 1125.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

You as a DoD Component official must include a term or condition in each covered transaction into which you enter, to communicate to the participant the requirements to—

(a) Comply with subpart C of 2 CFR part 180, as supplemented by subpart C of this part; and

(b) Include a similar term or condition in any lower-tier covered transactions into which the participant enters.

Subparts E–H [Reserved]

§ 1125.1010 Suspending official (DoD supplement to Governmentwide definition at 2 CFR 180.1010).

DoD Components’ suspending officials for nonprocurement transactions are the same officials identified in 48 CFR part 209, subpart 209.4, as suspending officials for procurement contracts.

§ 1125.937 DoD Component.

In this part, DoD Component means the Office of the Secretary of Defense, a Military Department, a Defense Agency, a DoD Field Activity, or any other organizational entity of the Department of Defense that is authorized to award or administer grants, cooperative agreements, or other nonprocurement transactions.

Subpart I—Definitions

§ 1125.930 Debarring official (DoD supplement to Governmentwide definition at 2 CFR 180.930).

DoD Components’ debarring officials for nonprocurement transactions are the same officials identified in 48 CFR part 209, subpart 209.4, as debarring officials for procurement contracts.
CHAPTER XII—DEPARTMENT OF TRANSPORTATION

<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1200</td>
<td>259</td>
</tr>
</tbody>
</table>

Nonprocurement suspension and debarment
PART 1200—NONPROCUREMENT
SUSPENSION AND DEBARMENT

Sec.
1200.10 What does this part do?
1200.20 Does this part apply to me?
1200.30 What policies and procedures must I
follow?

Subpart A—General

1200.137 Who in the Department of Trans-
portation may grant an exception to let
an excluded person participate in a cov-
ered transaction?

Subpart B—Covered Transactions

1200.220 What contracts and subcontracts,
in addition to those listed in 2 CFR
180.220, are covered transactions?

Subpart C—Responsibilities of Participants
Regarding Transactions

1200.332 What methods must I use to pass
requirements down to participants at
lower tiers with whom I intend to do
business?

Subpart D—Responsibilities of Federal
Agency Officials Regarding Transactions

1200.437 What method do I use to commu-
nicate to a participant the requirements
described in the OMB guidance at 2 CFR
180.435?

Subparts E–J [Reserved]

AUTHORITY: 49 U.S.C. 322; Sec. 2455, Public
note); E.O. 12549 (3 CFR, 1986 Comp., p. 189);

SOURCE: 73 FR 24140, May 2, 2008, unless
otherwise noted.

§ 1200.10 What does this part do?
This part adopts the Office of Man-
agement and Budget (OMB) guidance in
subparts A through I of 2 CFR part 180,
as supplemented by this part, as the
Department of Transportation policies
and procedures for nonprocurement
suspension and debarment. It thereby
gives regulatory effect for the Depart-
ment of Transportation to the OMB
guidance as supplemented by this part.
This part satisfies the requirements in
section 3 of Executive Order 12549,
“Suspension and Debarment” (3 CFR 1986
Comp., p. 189), Executive Order 12689,
“Suspension and Debarment” (3 CFR
1989 Comp., p. 235) and 31 U.S.C. 6101
note (Section 2455, Public Law 103–355,

§ 1200.20 Does this part apply to me?
This part and, through this part, per-
tinent portions of the OMB guidance in
subparts A through I of 2 CFR part 180
(see table at 2 CFR 180.100(b)) apply to
you if you are a—
(a) Participant or principal in a
“covered transaction” (see subpart B of
2 CFR part 180 and the definition of
“nonprocurement transaction” at 2 CFR
180.970);
(b) Respondent in a Department of
Transportation suspension or debar-
ment action;
(c) Department of Transportation de-
barment or suspension official;
(d) Department of Transportation
grants officer, agreements officer, or
other official authorized to enter into
any type of nonprocurement trans-
action that is a covered transaction.

§ 1200.30 What policies and procedures
must I follow?
The Department of Transportation
policies and procedures that you must
follow are the policies and procedures
specified in each applicable section of
the OMB guidance in subparts A
through I of 2 CFR part 180, as that
section is supplemented by the section in
this part with the same section num-
ber. The contracts that are covered
transactions, for example, are specified
by section 220 of the OMB guidance
(i.e., 2 CFR 180.220), as supplemented by
section 220 in this part (i.e., §1200.220).
For any section of OMB guidance in
subparts A through I of 2 CFR 180 that
has no corresponding section in this
part, Department of Transportation
policies and procedures are those in the
OMB guidance.

Subpart A—General

§ 1200.137 Who in the Department of Trans-
portation may grant an exception to let
an excluded person participate in a cov-
ered transaction?
Within the Department of Trans-
portation, Office of the Secretary, the Sec-
retary or an official designated by the
Secretary may grant an exception permitting an excluded person to participate in a particular covered transaction. Within an Operating Administration of the Department of Transportation, the head of the operating administration may grant an exception permitting an excluded person to participate in a particular covered transaction. The head of an operating administration may delegate this function and authorize successive delegations.

Subpart B—Covered Transactions

§ 1200.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b) of the OMB guidance, this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the Department of Transportation under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed $25,000. This extends the coverage of the Department of Transportation nonprocurement suspension and debarment requirements to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB guidance at 2 CFR 180.220(c) (see optional lower-tier coverage in the figure in the appendix to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 1200.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of the OMB guidance in 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 1200.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435 of the OMB guidance, you must include a term or condition in the transaction that requires the participant’s compliance with subpart C of 2 CFR part 180 and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–J [Reserved]