

Suspension and Debarment

Suspension, proposed debarment, or debarment from government contracting of an individual, business unit, or corporate entity can have catastrophic business impacts, precluding that individual, unit, or entity from receiving, working on, or competing for government contracts or being a subcontractor. The effects can carry forward to impair commercial business as well.

Wiley Government Contracts attorneys regularly advise contractors facing potential suspension and debarment, earning a reputation for forthrightness, steady guidance, and integrity. We have worked extensively with the U.S. Department of Defense (DOD) and civilian Suspension and Debarment Officials (SDOs), and our clients have included contractors of all sizes, from major defense contractors and large commercial companies with smaller government contracting footprints, to small businesses and individuals. When a company is facing a civil or criminal investigation or charges, we coordinate our response with counsel handling those matters to ensure that all of the client's interests are protected. And we are proactive – assisting clients with approaching key government customers in advance of any SDO involvement to provide information, demonstrate transparency and responsibility, and avert potential exclusion.

We have assisted clients in responding to show-cause notices, requests for information, notices of suspension, and notices of proposed debarment; advocated for contractors facing potential suspension or debarment in meetings, negotiations, and presentations to agency SDOs; negotiated administrative agreements to avoid suspension and debarment; and worked with contractors to shore up compliance programs and practices in response to threatened suspension or debarment.

Representative experience includes:

- Major government contractor division accused of violating the Procurement Integrity Act: Conducted expedited internal investigation; prepared comprehensive response to show cause notice; enhanced policies and conducted widespread training to prevent recurrence of issues; represented client in meetings with SDO; and negotiated administrative agreement.
- Major government contractor location proposed for debarment: Conducted extensive internal investigation while negotiating a comprehensive administrative agreement with responsible agency. Wiley then assisted client with conducting internal investigations and enhancing internal investigation and compliance functions, leading to early lifting of the administrative agreement.
- Major government contractor accused of mischarging: Prepared response to show cause notice; prepared executives for meetings with SDO; represented contractor in meetings with SDO; prepared

comprehensive responses to follow-up questions; and assisted with enhancements to compliance program, avoiding administrative agreement or further action by agency.

- Small commercial company proposed for debarment as a result of a criminal plea by the owner: Prepared response to notice of proposed debarment, focusing on acceptance of responsibility; assisted company with developing compliance program; prepared company management for meeting with SDO; negotiated administrative agreement; and advised company on compliance with its terms.
- Foreign company proposed for debarment as a result of criminal antitrust violations: Assisted with preparation of initial submission to SDO and a meeting between the SDO and company executives. After the meeting, the proposed debarment was immediately lifted.