



File Code: 6300

Date: December 9, 2010

Route To:

Subject: Responsibility Determinations for Contractors with Delinquent Federal Debt

To: Regional Foresters, Station Directors, Area Director, IITF Director and Deputy Chiefs

Issued in April 22, 2008, FAC 2005-25 updated FAR 9.104 to include Federal tax delinquency as a consideration for determining responsibility. As a result, the Central Contractor Registration (CCR) Database added the Delinquent Federal Debt field and in November 2009 the IRS began populating it with a “yes” or “no” in regards to Federal debt exceeding \$3,000.

As prescribed in FAR 9.104-5, *When a offeror provides an affirmative response in paragraph (a)(1) of the provision at [52.209-5](#), Certification Regarding Responsibility Matters, or paragraph (h) of provision [52.212-3](#), the contracting officer shall—*

*(1) Promptly, upon receipt of offers, request such additional information from the offeror as the offeror deems necessary in order to demonstrate the offeror’s responsibility to the contracting officer (but see [9.405](#)); and*

*(2) Notify, prior to proceeding with award, in accordance with agency procedures (see [9.406-3\(a\)](#) and [9.407-3\(a\)](#)), the agency official responsible for initiating debarment or suspension action, where an offeror indicates the existence of an indictment, charge, conviction, or civil judgment, or Federal tax delinquency in an amount that exceeds \$3,000.*

*(b) Offerors who do not furnish the certification or such information as may be requested by the contracting officer shall be given an opportunity to remedy the deficiency. Failure to furnish the certification or such information may render the offeror nonresponsible.*

Contracting Officers should verify information submitted in 52.209-5 or 52.212-3 against the contractor’s CCR record. In the event that Federal debt is identified, contractors should contact the Treasury Offset Program Call Center (1-800-304-3107) so that arrangements can be made for repayment of their debt obligation.

In the absence of information clearly indicating that the prospective contractor is responsible, the contracting officer shall make a determination of non-responsibility and comply with FAR Subpart 19.6 if applicable.

If you have any questions, or require further discussion concerning this matter, please contact Bruce Hall on (828) 337-4146.



*/s/Ronald R. Wester*

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cc: pdl wo ops aqm directors

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