

**265—5.3(16) Debarment procedure.**

**5.3(1)** Upon receipt of information that a person has engaged in conduct that could constitute cause for debarment, the director will determine whether to debar the person based on all information available to the authority or whether additional information is required to make such a determination.

**5.3(2)** If the director determines debarment is warranted, the person and any affiliates, principals, or employees to be debarred will be given prompt notice in writing of the following:

*a.* That the person is debarred and the identity of any affiliates, principals, or employees who are debarred;

*b.* The circumstance(s) in Iowa Code section 16.5E(1) relied on by the authority to impose debarment;

*c.* The conduct or information upon which the debarment is based;

*d.* The period of debarment, including effective dates; and

*e.* The effect of the proposed debarment, including identification of authority programs or transactions to which the debarment applies.

**5.3(3)** If the director determines that additional information is required, the person and any affiliates, principals, or employees who may be debarred will be given prompt notice in writing of the following:

*a.* That debarment is being considered;

*b.* The circumstance(s) in Iowa Code section 16.5E(1) relied on by the authority to propose debarment;

*c.* The conduct or information upon which the proposed debarment is based;

*d.* The period of proposed debarment, including effective dates;

*e.* The effect of the proposed debarment, including identification of authority programs or transactions to which the debarment may apply; and

*f.* The additional information sought by the authority to determine whether debarment is warranted, when the respondent must provide such information, and the effect of failure to provide such information to the satisfaction of the authority.

**5.3(4)** After following the procedure identified in subrule 5.3(3), the director will promptly notify in writing the person and any affected affiliates, employees, or principals whether debarment is imposed. If debarment is imposed, notification will be provided in accordance with subrule 5.3(2).

**5.3(5)** The authority may, in its discretion, enter into an agreement with a person establishing terms and conditions for continued or future participation in authority programs or transactions in lieu of debarment.

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