

(j) *Legal proceeding* means any civil judicial proceeding to which the Government is a party or any criminal proceeding. The term includes appeals from such proceedings.

(k) *Reviewing official* generally means the transportation officer's immediate supervisor. Agencies may designate other personnel as reviewing officials for the purpose of reviewing decisions to place carriers in temporary nonuse status provided such designations are consistent with the individual's current duties and responsibilities.

(l) *Suspending official* means the head of an agency or an official authorized under 48 CFR 9.403 by the head of an agency to impose suspension.

(m) *Suspension* means action taken by a suspending official under 48 CFR 9.407 to disqualify a carrier temporarily on a Government-wide basis for receiving any contracts for transportation; a carrier so disqualified is "suspended."

(n) *Temporary nonuse* means action taken by a transportation officer under § 101-40.408 to exclude a carrier for a specified period of time from participating in shipments of freight or household goods under tariffs, rate tenders, tenders of service, commercial or Government bills of lading, and similar arrangements to or from specified transportation facilities.

(o) *Transportation facility* means an agency installation, depot, or shipping and receiving point which handles Government traffic.

(p) *Transportation officer* means agency traffic managers or other officials responsible for managing bill of lading type commitments. Agencies may designate other personnel as transportation officers for the purpose of imposing temporary nonuse status provided such designations are consistent with the individual's current duties and responsibilities.

[51 FR 24337, July 3, 1986]

§ 101-40.404 Maintenance of a list of temporary nonuse, debarred, or suspended carriers.

§ 101-40.404-1 Listing temporary nonuse carriers.

Each agency that places a carrier in temporary nonuse shall:

(a) Compile and maintain a current list of carriers placed in temporary nonuse;

(b) Direct inquiries concerning the listed carriers to the transportation officer that took the action; and

(c) Establish procedures to provide for the effective use of the list to ensure that the scope and duration of the temporary nonuse status are communicated to all affected transportation facilities.

[51 FR 24338, July 3, 1986; 51 FR 27539, Aug. 2, 1986]

§ 101-40.404-2 Listing debarred or suspended carriers.

(a) Carriers which have been debarred or suspended by agency debarring/suspending officials will be included on the consolidated list in accordance with the procedures established at 48 CFR 9.404.

(b) Agency transportation officers should make arrangements for access to the consolidated list through their agency's debarring and/or suspending official.

(c) Agencies shall establish effective internal procedures for the use of the consolidated list to ensure that the agency does not award contracts for transportation to debarred or suspended carriers.

[51 FR 24338, July 3, 1986]

§§ 101-40.404-3—101-40.404-5 [Reserved]

§ 101-40.405 Agency records.

(a) At a minimum, each agency's records relating to a carrier's temporary nonuse shall, in accordance with the agency's internal records retention procedures, contain the following information:

(1) The name, address, and Standard Carrier Alpha Code (SCAC) (see 41 CFR 101-41.310-2(d)) of each carrier placed in temporary nonuse status;

(2) The duration and scope of the temporary nonuse status;

(3) The cause for imposing temporary nonuse, and the facts which demonstrate the existence of such a cause;

(4) Information and arguments in opposition to the imposition of temporary nonuse period submitted by the carrier or his/her representative; and