

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460



OFFICE OF MISSION SUPPORT

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Onis Glenn, III



**RE: Notice of Continued Suspension and Proposed Debarment
Onis “Trey” Glenn, III, EPA Case No. 18-0941-05**

Dear Mr. Glenn:

By this Notice, I am notifying you (the Respondent) that the EPA has continued the Respondent's suspension and proposed the Respondent for debarment. I have taken this action based on an Action Referral Memorandum submitted to me by the EPA Suspension and Debarment Division Counsel (Debarment Counsel), which is enclosed with this Notice.

The reason(s) for the action:

The Respondent was convicted in the Circuit Court of Jefferson County, Alabama for three counts of receiving a thing of value for purpose of influencing official action in violation of Section 36-25-7(d) of the Alabama Criminal Code, 1975.

The cause(s) relied upon for the action:

2 C.F.R. §§ 180.700(a), 180.800(a)(4): Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the Respondent's present responsibility.

Immediate action:

The facts within the ARM have informed my decision that continued suspension of the Respondent is necessary to protect the Government's interest, pursuant to 2 C.F.R. § 180.700(c), pending the completion of debarment proceedings. The Respondent has had or is reasonably expected to have a business relationship with the Federal Government and the criminal conduct giving rise to the cause for the Respondent's continued suspension and proposed debarment is serious. Moreover, I find that there is a rational connection between the criminal and seriously improper conduct and the Respondent's ability to perform responsibly under a Federal procurement or nonprocurement program.

The EPA's procedures governing suspension or debarment decision-making:

NOTE: During the nationwide response to the COVID-19 health crisis, all contest submissions must be transmitted via email rather than mailed in hardcopy format. If the Respondent is unable to submit documents electronically, please contact the Suspension and Debarment Hearing Officer to discuss alternate arrangements for submitting information in hard copy. Additionally, until normal operations are restored, all meetings will either take place telephonically or via video teleconferencing (if available for all parties to the proceedings).

If the Respondent decides to oppose this action, the Suspension and Debarment Hearing Officer, Debarment Counsel, and I will serve separate functions in the adjudication and resolution of this case.

Requesting the Action Referral Memorandum exhibits: The Action Referral Memorandum is enclosed with this Notice. To request the exhibits cited in the Action Referral Memorandum, please contact the Suspension and Debarment Hearing Officer.

Deadline to contest: Within 30 days of receipt of this Notice, the Respondent or the Respondent's representative should provide the EPA with information in opposition to this action in writing or should contact the Suspension and Debarment Hearing Officer to make arrangements to appear and present information in opposition at a meeting. Failure to do so will result in a debarment by default.

Providing information in opposition in writing: Written submissions should be sent electronically to me, the Suspension and Debarment Hearing Officer, and Debarment Counsel at the email addresses provided below. Please note that emails to the EPA, including any attachments, cannot exceed 25 MB and the filenames of attachments should be 128 characters or less and not include any special characters.

Requesting a meeting: The Respondent may also contact the Suspension and Debarment Hearing Officer to request a meeting with me, called a Presentation of Matters in Opposition (PMIO) meeting. The meeting is conducted in an informal business meeting format. The meeting is recorded by a court reporter and the Respondent may make arrangements to purchase a transcript, once the transcript becomes available. Any information provided orally at the meeting that the Respondent considers important, however, must also be submitted in writing for the official record.

Contents of the Respondent's contest: If the Respondent contests this action, in addition to any information and argument in opposition, the Respondent's contest submission must identify all of the following:

- (a) Specific facts with supporting documentary evidence that contradict the statements contained in this Notice. A general denial is insufficient to raise a genuine dispute over facts material to the suspension or proposed debarment;

(b) All existing, proposed, or prior exclusions under the Federal Acquisition Regulation (FAR) or Nonprocurement Common Rule at 2 C.F.R. Part 180 and all similar actions taken by Federal, State, or local agencies, including administrative agreements that affect only those agencies;

(c) All criminal and civil proceedings not included in this Notice that grew out of facts relevant to the cause(s) stated in this Notice; and

(d) All of the Respondent's affiliates, as defined at 2 C.F.R. § 180.905 or FAR 9.403.

If the Respondent fails to disclose this information, or provide false information, the EPA may seek further criminal, civil, or administrative action against the Respondent, as appropriate.

Contested case procedures: The Suspension and Debarment Hearing Officer will provide Debarment Counsel with an opportunity to respond to the Respondent's information in opposition to this action. The Respondent will then be afforded an opportunity to reply to Debarment Counsel's response(s). When the record is complete, the Suspension and Debarment Hearing Officer will close the record and provide the Respondent with a date when the Respondent may anticipate receiving my decision.

It is important to note that suspension or debarment is not imposed for the purpose of punishment. It is a discretionary measure used to ensure that the Government conducts business with responsible persons. Accordingly, I will consider any information the Respondent wishes to provide that the Respondent believes will assist me in making a determination.

Disclaimers:

Confidential Business Information: It is the Respondent's responsibility to claim information as Confidential Business Information (CBI), when applicable, on any information submitted to or presented to the EPA.

Parallel Proceedings: Information submitted to the EPA in response to this Notice will be part of the official record for the suspension or debarment proceeding, but could also be used in any other administrative, criminal, or civil proceeding.

False Statements: Meetings between the Respondent and the Suspension and Debarment Official are not conducted under oath, but written and oral submissions to the EPA are subject to the U.S. Criminal Code at title 18, section 1001, which provides that knowingly falsifying or concealing a material fact is a felony which may result in fines and/or up to five years in prison.

EPA contact information:

Suspension and Debarment Official:

Duc H. Nguyen

Suspension_Debarment@epa.gov

Suspension and Debarment Hearing Officer:

Lauren Lovett
Lovett.Lauren@epa.gov
202-564-2560

Suspension and Debarment Division Counsel:

Angelia Blackwell
Blackwell.Angelia@epa.gov
404-562-9878

The effect of the issuance of this Notice:

- The Respondent's name continues to be published in the System for Award Management's (www.SAM.gov) exclusion list maintained by the General Services Administration, which contains the names of persons debarred, suspended, proposed for debarment under the FAR, or declared ineligible by any agency of the Federal Government. The exclusion is effective throughout the executive branch of the Federal Government and applies to procurement and nonprocurement programs.
- Offers will not be solicited from, contracts will not be awarded to, existing contracts will not be renewed or otherwise extended, and subcontracts requiring Government consent will not be consented to for the Respondent by any agency in the executive branch of the Federal Government unless the head of the agency taking the contracting action or a designee states in writing the compelling reason for continued business dealings between the Respondent and the agency.
- The Respondent may not conduct business with the Federal Government as an agent or representative of other contractors, nor may the Respondent act as an individual surety for other contractors.
- No Government contractor may award the Respondent a subcontract in excess of \$35,000 unless there is a compelling reason to do so and the contractor first notifies the contracting officer and further complies with the provisions of FAR 9.405-2(b).
- No agency in the executive branch shall enter into, renew, or extend primary or lower-tier covered transactions in which the Respondent is either a participant or principal, unless the head of the agency grants an exception in writing. Covered transactions are defined at 2 C.F.R. Part 180, Subpart B.
- The Respondent may not act as an agent or representative of other participants in federal assistance programs.

- The Respondent's affiliation with or relationship to any organization that reasonably may be expected conduct business with the Government will be carefully examined to determine the impact of those ties on the responsibility of that organization to be a Government contractor or to receive federal assistance.

Debarment period and factors considered:

Debarment generally is for a period not to exceed three years. However, Debarment Counsel, has recommended that I consider a five-year debarment period and I will consider that recommendation. Regardless of whether the Respondent responds to this Notice, I may impose debarment for a longer or shorter period as the circumstances warrant. The length of a debarment, if imposed, will be based on the seriousness of the cause(s) for action. I also will take into account any mitigating or aggravating factors that may apply.

Additional information:

For information about the EPA Suspension and Debarment Program and access to the regulations governing suspension and debarment actions initiated by the EPA, please see <https://www.epa.gov/grants/suspension-and-debarment-program>.

Sincerely,

DUC
NGUYEN
Duc H. Nguyen
EPA Suspension and Debarment Official

Digitally signed by
DUC NGUYEN
Date: 2020.12.11
15:20:20 -05'00'

Enclosures

CC: Official Case File

EPA Debarment Counsel

PRIVACY ACT STATEMENT

The Privacy Act of 1974, as amended, 5 U.S.C. § 552a, requires that you be given this notice. Any information you provide to the Environmental Protection Agency's (EPA) Suspension and Debarment Program will be governed by the Privacy Act and will be included in the EPA Debarment and Suspension Files, a Privacy Act system of records. Collection of the information you provide is authorized by the Federal Property and Administrative Services Act of 1949, 41 U.S.C. § 251 et. seq.; the Office of Federal Procurement Policy Act, 41 U.S.C. § 401 et. seq.; Executive Order 12549 (February 18, 1986); and Executive Order 12689 (August 16, 1989). Providing information to the EPA Suspension and Debarment Program is voluntary. However, if you decide not to provide any information, the Suspension and Debarment Program will base its decisions on the basis of existing information in the record on the matter for which information is being sought from you. Records in this system will be used to ensure that Federal contracts and Federal assistance, loans, and benefits are awarded to responsible business entities and individuals. In addition, records may be disclosed to the General Services Administration for the purposes of compiling a list of parties excluded from federal procurement and nonprocurement programs; to the individuals or organizations suspended, proposed for debarment, or debarred and their legal representatives; to Federal, state, local, or foreign agencies or other entities, as appropriate, in connection with (a) the administration of federal acquisition, assistance, loans, and benefit or regulatory programs, (b) EPA decisions on employment, contracting, and other benefits, (c) relevant law enforcement actions, and (d) verification of an individual's eligibility to participate in federal nonprocurement transactions; in connection with judicial or administrative litigation to which the records are relevant; in response to a subpoena issued by another federal agency; to contractors and others engaged to provide services to the Government who need to access the records to perform those services; in response to inquiries from a member of Congress made at your request; and in connection with authorized records management inspections. This is a summary of the routine uses authorized in the Federal Register notice governing this system of records. For a complete description of the routine uses, please consult the Federal Register notice for this system of records, published initially at 60 Fed. Reg. 51791 on October 3, 1998.