

"Suspension And Debarment: FY 2025 By The Numbers," *Law360*

Publications

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By: David Robbins

Partner David Robbins co-authored an article for *Law360* analyzing federal suspension and debarment activity during fiscal year 2025, marking the 10th anniversary of his annual study tracking government enforcement trends in this area.

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David's analysis reveals a striking decline in exclusion actions in a subset of federal agencies, with only 258 total exclusions across major federal agencies in FY 2025—down from 415 in FY 2024 and representing the lowest level in the decade-long study. Small US-based firms continue to be excluded far more frequently than large firms.

The article examines the evolving nature of suspension and debarment practice, noting that agencies increasingly engage with contractors through pre-notice communications before formal exclusion actions. While this approach supports the Federal Acquisition Regulation's policy of awarding contracts only to responsible contractors, David raises important questions about whether declining exclusion numbers might eventually lead policymakers to consolidate these functions with contracting officers' existing responsibility determinations.

David and his co-author also analyze emerging enforcement trends under the current administration, including the risk of more robust use of debarment as a policy tool. He examines new FAR deviation language that shifts the burden of demonstrating responsibility to contractors, requiring contracting officers to make nonresponsibility determinations absent clear affirmative evidence.

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