



# ACQUISITION LETTER

This Acquisition Letter is issued under the authority of the Senior Procurement Executives of DOE and NNSA. It is intended for use by procurement professions of DOE and NNSA, primarily Contracting Officers, and other officials of DOE and NNSA that are involved in the acquisition process. Other parties are welcome to its information, but definitive interpretations of its effect on contracts, and related procedures, if any, may only be made by DOE and NNSA Contracting Officers.

**Subject: System for Award Management Continuous Registration Requirement**

**References:**

- FAR Subpart 4.11, System for Award Management**
- FAR 52.204-7, System for Award Management**
- FAR 52.204-8, Annual Representations and Certifications**
- FAR 52.204-13, System for Award Management Maintenance**
- FAR 52.232-33, Payment by Electronic Funds Transfer-System for Award Management**

**When is this Acquisition Letter (AL) effective?**

This AL is effective on the date issued.

**When does this AL expire?**

This AL remains in effect until superseded or canceled.

**Who is the intended audience for this AL?**

Contracting Officers (COs) within Department of Energy (DOE) and the National Nuclear Security Administration (NNSA). Any reference in this guidance to the DOE should be understood to include the NNSA, unless otherwise indicated.

**Who are the points of contact?**

For DOE questions, contact the Contract and Financial Assistance Policy Division at [DOE\\_OAPMPolicy@hq.doe.gov](mailto:DOE_OAPMPolicy@hq.doe.gov).

For NNSA acquisition and financial assistance questions, contact at (505) 845-4337.

For additional information on Acquisition Letters and other issues, visit our website at <https://energy.gov/management/acquisition-letters>.

## **What is the purpose of this AL?**

This AL provides guidance and instructions to COs to verify that all offerors and contractors remain continuously registered in the System for Award Management (SAM) and verify that representations and certification remain current in SAM from submission of offer or quotation to DOE and NNSA through payment of final invoice.

## **What types of contracts are affected by this AL?**

This AL applies to all DOE and NNSA contracts, whether commercial<sup>1</sup> or non-commercial<sup>2</sup> over the micro-purchase threshold.

## **What is the background information?**

The System for Award Management (SAM.gov) is an official website of the U.S. Government, for which there is no cost to use. The SAM.gov site can be used to:

- Register to do business with the U.S. Government.
- Check the status of an entity's registration.
- Search for entity registration and exclusion records.
- Search for assistance listings (formerly CFDA.gov), wage determinations (formerly WDOL.gov), contract opportunities (formerly FBO.gov), and contract data reports (formerly part of FPDS.gov).
- View and submit BioPreferred and Service Contract Reports.
- Access publicly available award data via data extracts and system accounts.

## **What is the guidance/instructions contained in this AL?**

### **I. Guidance:**

COs must regularly check that offerors or quoters remain continuously active in SAM.gov from receipt of offer until contract award is made. After a contract is awarded, the CO must verify at minimum; annually that the contractor remains actively registered and that its annual representations and certifications remain updated and current within SAM.gov to ensure offerors and contractors:

- Remain eligible to receive a contract award;
- Continue to perform the contract as options are exercised and orders are placed; and
- Continue to be paid.

COs must ensure the contractor complies with the following Federal Acquisition Regulation (FAR) requirements to include these clauses as prescribed by FAR 4.1105(a)(1), FAR 4.1105(b), and FAR 4.1202(a):

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<sup>1</sup> Definition of Commercial is defined at: <https://www.acquisition.gov/far/2.101>.

<sup>2</sup> Non-Commercial Products/Services is best defined as solutions not available commercially and developed specifically for government that do not meet the definition of commercial items.

- **FAR 52.204-7, System for Award Management**, paragraph (b)(1) of the clause;
- **FAR 52.204-8, Annual Representations and Certifications**, states that registrants must have entered or updated representations and certifications within the last 12 months to ensure they are kept current, accurate, and complete;
- **FAR 52.204-13, System for Award Management Maintenance, paragraphs (b) and (c) of the clause** put offerors on notice that they must register within SAM when submitting an offer or quotation and shall continue to be registered until time of award, during performance, and through final payment. The registration must be updated at least annually to ensure it is current, accurate and complete; and
- If contractors have not maintained current information within SAM.gov or have not updated their registration within the last 12 months, payments may be suspended under the terms of the clause at **52.232-33, Payment by Electronic Funds Transfer-System for Award Management and DOE Financial Management Handbook, October 2021 paragraph b Chapter 6. Payments and Cash Management Activities; section 2, Requirements.**

## II. Instructions:

COs must check SAM.gov more frequently than the minimum frequency required by the FAR by:

### a. Preaward

- Verifying offeror registration in SAM when proposals are received and obtain written evidence (i.e., uploading portable document format (PDF) of Sam.gov) that the offeror's SAM registration is current and active. The CO shall upload a copy of the written evidence in the Strategic Integrated Procurement Enterprise System (STRIPES) file.
- Obtaining written evidence that each offeror's registration in SAM.gov has been updated whenever offerors are asked to extend eligibility of their proposals before award along with their written agreement to extend its proposal. Written evidence obtained in SAM.gov by the CO and the written agreement to extend the proposal from the offeror shall be uploaded in the STRIPES file.
- Obtaining written evidence for each offeror remaining within the final competitive range that no lapse has occurred in its registration within SAM.gov from the time the original offers were received through contract award. The CO shall upload a PDF copy of the offeror's registration in the STRIPES file.
- Within 5 days of making a contract award, verify offeror registration in SAM.gov and currency of the annual representations and certifications in conjunction with preparing the CO Contractor Responsibility memo. COs shall upload a PDF copy of the offeror's registration in the STRIPES file.

### b. Postaward

- COs must verify contractor registration information and annual representations and certifications have been updated on or before each anniversary of contract award through contract closeout. The CO must verify by checking Sam.gov and uploading the contractors SAM.gov registration as a PDF into the STRIPES file and other SharePoint that has been designated by the HCA of the Site.

## c. Provisions

- The Contracting Officer must include in all preaward Request for Proposals the required FAR provisions and **DOE-L-2002, PROPOSAL PREPARATION INSTRUCTIONS, VOLUME I - OFFER AND OTHER DOCUMENTS (NOV 2021)**, when it is the Government's intent to award a contract without discussions. The Contracting Officer must use the basic provision with its **Alternate I** when it is the Government's intent to award a contract after conducting discussions. **The Contracting Officer may use any combination of Alternate II(OCT, 2015), Alternate III(OCT 2015), Alternate IV(OCT 2015), Alternate V(OCT 2015), and Alternate VI (OCT 2015) with the basic provision or its Alternate I.**
- COs must include **DOE-L- 20XX System for Award Management - Continuous Registration Requirement**

**Prescription:** The Contracting Officer shall insert provision **DOE-L- 20XX System for Award Management - Continuous Registration Requirement (AUG 2023)**, in all commercial or non-commercial solicitations over the micro-purchase threshold.

- **DOE-L-20xx, System for Award Management - Continuous Registration Requirement**  
The Offeror must be registered in the System for Award Management (SAM) website at [www.SAM.gov](http://www.SAM.gov), in full compliance with the requirements of the provision at FAR 52.204-7, System for Award Management, when submitting an offer or quotation, and shall continue to be registered until time of award.