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CLASS DEVIATION DETERMINATION AND FINDINGS FOR REVISED FEDERAL ACQUISITION REGULATION (FAR) PROVISION FOR SAM.GOV REGISTRATION

FINDINGS:

1. FAR Subpart 4.11, System for Award Management, prescribes policies and procedures for requiring contractor registration in the System for Award Management (SAM) to: (a) Increase visibility of vendor sources (including their geographical locations) for specific supplies and services; and (b) Establish a common source of vendor data for the Government. FAR 4.1102, Policy, requires Offerors and quoters to be registered in SAM at the time an offer or quotation is submitted in order to comply with the annual representations and certifications requirements (with certain exceptions referenced in FAR 4.1102(a)).
2. FAR 4.1105(a)(1) directs the insertion of such provision in FAR 52.204-7, System for Award Management, in all solicitations, unless certain exceptions apply.
3. FAR 52.204-7 was revised in 2018. The 2016 version of FAR 52.204-7(b)(1) provided that by submission of an offer, the Offeror acknowledges the requirement that a prospective awardee shall be registered in the SAM database prior to award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from the solicitation.
4. The 2018 revised FAR 52.204-7(b)(1) provides that an Offeror is required to be registered in SAM when submitting an offer or quotation and shall continue to be registered until time of award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from the solicitation.
5. FAR 52.204-7, System for Award Management, as revised during 2018, does not prescribe an outcome for failing to comply with SAM continuous registration requirement until the time of award.
6. To ensure the efficiency of the procurement system through this Class Deviation, the SAM continuous registration requirement is removed from FAR 52.204-7. The Contracting Officer will have the authority to make a reasonable determination in documenting the validity of SAM registrations at the time of offer or quotation submission and at the time of award. This alleviates any need to ensure compliance with the text stating, “continue to be registered until award”.

DEVIATION LANGUAGE: (Note: *emphasis added for changes*)

52.204-7 System for Award Management.

As prescribed in [4.1105\(a\)\(1\)](#), use the following provision:

SYSTEM FOR AWARD MANAGEMENT (AUG 2023) (DEVIATION)

(a) Definitions. As used in this provision—

"Electronic Funds Transfer (EFT) indicator means a four-character suffix to the unique entity identifier. The suffix is assigned at the discretion of the commercial, nonprofit, or Government entity to establish additional System for Award Management records for identifying alternative EFT accounts (see [subpart 32.11](#)) for the same entity.

Registered in the System for Award Management (SAM) means that—

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(1) The Offeror has entered all mandatory information, including the unique entity identifier and the EFT indicator, if applicable, the Commercial and Government Entity (CAGE) code, as well as data required by the Federal Funding Accountability and Transparency Act of 2006 (see [subpart 4.14](#)) into SAM

(2) The offeror has completed the Core, Assertions, and Representations and Certifications, and Points of Contact sections of the registration in SAM;

(3) The Government has validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS). The offeror will be required to provide consent for TIN validation to the Government as a part of the SAM registration process; and

(4) The Government has marked the record "Active".

Unique entity identifier means a number or other identifier used to identify a specific commercial, nonprofit, or Government entity. See www.sam.gov for the designated entity for establishing unique entity identifiers.

(b)

(1) An Offeror is required to be registered in SAM when submitting an offer or quotation, ***and shall continue to be registered until at the*** time of award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation. ***A failure to register in SAM or a lapse in SAMs registration may be treated by the Contracting Officer as a correctable matter of responsibility.***

(2) The Offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "Unique Entity Identifier" followed by the unique entity identifier that identifies the Offeror's name and address exactly as stated in the offer.

The Offeror also shall enter its EFT indicator, if applicable. The unique entity identifier will be used by the Contracting Officer to verify that the Offeror is registered in the SAM.

(c) If the Offeror does not have a unique entity identifier, it should contact the entity designated at www.sam.gov for establishment of the unique entity identifier directly to obtain one. The Offeror should be prepared to provide the following information:

(1) Company legal business name.

(2) Tradestyle, doing business, or other name by which your entity is commonly recognized.

(3) Company physical street address, city, state, and Zip Code.

(4) Company mailing address, city, state and Zip Code (if separate from physical).

(5) Company telephone number.

(6) Date the company was started.

(7) Number of employees at your location.

(8) Chief executive officer/key manager.

(9) Line of business (industry).

(10) Company headquarters name and address (reporting relationship within your entity).

(d) Processing time should be taken into consideration when registering. Offerors who are not registered in SAM should consider applying for registration immediately upon receipt of this solicitation. See <https://www.sam.gov> for information on registration.

DETERMINATION:

Based upon the findings, I hereby determine that SAM registration requirements pursuant to FAR 52.204-7, System for Award Management, are in need of revision for DOE procurements. This class deviation is effective upon the date of signature and remains in effect indefinitely or until there are further changes to the provision at FAR 52.204-7.

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APPROVAL:

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