PGI 204.18 -COMMERCIAL AND GOVERNMENT ENTITY CODE

Parent topic: PGI Part 204 - ADMINISTRATIVE AND INFORMATION MATTERS

PGI 204.1870 Procedures.

PGI 204.1870-1 Instructions to contracting officers.

Contracting officers shall—

(a) Assist offerors in obtaining the required Commercial and Government Entity (CAGE) codes. Note that if an offeror's facility requires security clearance in accordance with a potential contract, the offeror is required to have a CAGE code assigned to that facility. If the facility is a location other than the offeror's office submitting the proposal, that facility is not required to be separately registered in the System for Award Management (SAM) in order to have a CAGE code assigned. Offerors may be directed to the DLA CAGE Branch (see PGI 204.1870-2 (c) for contact information);

(b) Not deny a potential offeror a solicitation package because the offeror does not have a CAGE code, unique entity identifier, or TIN;

(c) Not require a contractor to register sections or locations of their organization in SAM for reasons not already required by clauses present in their contracts in order to obtain a CAGE code; and

(d) Not require a contractor to obtain new CAGE codes or change CAGE code records assigned to their locations solely for Government administration purposes (such as a result of a Government reorganization, change in Government contracting officer or office) or for distinction in Government systems beyond physical address and Electronic Funds Transfer (EFT) data.

PGI 204.1870-2 Maintenance of the CAGE file.

The following information and procedures are provided to assist contracting officers.

(a) *Assignment of CAGE codes for entities located in the United States or its outlying areas.*

(1) CAGE codes are assigned per legal entity at individual physical addresses (i.e., the same entity at the same physical address will not be assigned two or more CAGE codes). The only exception to this rule is when an entity has a registration in the SAM with multiple EFT addresses identified by multiple EFT indicators. In this case, each EFT indicator record is assigned a separate CAGE code to assist in correct processing of payments.

(2) CAGE codes are not assigned to mailing addresses; a physical address shall be provided. Neither U.S. Post Office boxes nor addresses that can be identified as belonging to commercial mail and/or shipping provider locations will be accepted as physical addresses.

(3) CAGE codes are not assigned to entities where the provided physical address is identified as a short-term virtual location, such as mobile offices, commercial packaging/mailing facilities (e.g., UPS

stores, FedEx stores), mailbox rentals and certain business incubator locations if the majority of the operations are not performed from that incubator location. A sole proprietor, partnership, corporate entity, or other business organization shall have a principal place of business, even if it is a home office, from where the business operates and record books are maintained. In that case, a home address of an officer of the company or board member would be required.

(4) Individuals who register in SAM as sole proprietors are assigned CAGE codes. However, there may not be multiple CAGE codes assigned to the same location even if the entity names are differentiated by establishing a Limited Liability Corporation (LLC) (e.g., "John Smith" and "John Smith, LLC"). Additionally, the standard for the legal business name for sole proprietors, driven by Internal Revenue Service (IRS) standards, is the use of the individual's personal name. Any additional name used for the sole proprietorship should be identified as a doing business as (DBA) name (e.g., "John Smith" is the legal business name, "Smith Construction" is the DBA).

(5) Authorized agents or brokers may be assigned CAGE codes for identification and processing purposes. A single CAGE code will be assigned to the agent or broker entity in addition to any codes assigned to the entities represented by the agent or broker (i.e., only one code will be assigned to a specific agent or broker entity regardless of the number of firms represented by that agent or broker). Codes will not be assigned to an agent or broker in care of the entity being represented or in any way infer that the agent or broker is a separate establishment bearing the name of the entity represented by the agent or broker.

(6) There are some cases where both the owner of real property and a separate legal entity located at the same address as the real property each are required to have CAGE codes assigned. Examples are an office building owner and a tenant in the office building, or a land owner and a company using all or a portion of the land to farm. Additional cases exist where two separate entities may lease office space in the same building and both require CAGE codes. In both of these situations, the most specific physical address will be requested (i.e., specific additions of suites, floors, or room numbers) to distinguish between the two entities. If no more specific physical address is able to be identified, then documentation such as that listed in PGI 204.1870-2 (c)(3)(i)(A) will be requested to ensure that the entities are separate legal entities.

(b) *NCAGE code assignment for entities located outside the United States and its outlying areas managed via established NATO processes*. SAM records received by the CAGE code system for validation shall—

(1) Include an NCAGE that has been received from the NATO Support Agency's (NSPA's) common database. The frequency with which local country code bureaus update the common database differs by the country. While most updates occur within a week, it can take up to a month to process. The CAGE code system will hold a validation request from SAM for three (3) days before rejecting it because the NCAGE does not appear to exist; and

(2) Include a legal business name and physical address that matches the address on the NSPA database in order to be validated.

(c) *Changes of information on the CAGE code record*.

(1) The DLA CAGE Branch accepts written requests for changes to CAGE files from the following sources:

(i) The company, organization, or sole proprietor entity identified by the code, if located in the United States or its outlying areas.

(A) For CAGE records for which there is a corresponding registration in SAM, the entity shall update and submit their SAM registration for validation. If the update includes a change to the entity's legal business name, the additional steps at PGI 204.1870-2 (c)(3)(i)(C) will be necessary.

(B) For CAGE records for which there is not a corresponding registration in SAM, the entity shall use company letterhead to request a change to their CAGE code record. Submit requests for changes to CAGE files, when there is not a corresponding SAM record, at https://cage.dla.mil or using a DD Form 2051 (available at http://dtic.mil/whs/directives/forms/eforms/dd2051.pdf). The form may be emailed to cagemail@dla.mil, or a hard copy mailed to—

DLA CAGE Branch

74 Washington Avenue

Battle Creek, MI 49037

Telephone Number: toll-free 877-352-2255

(ii) The Government contracting office on agency letterhead.

(iii) The Government contract administration office on agency letterhead.

(2) The DLA CAGE branch refers requests for changes to CAGE files from entities located outside the United States and its outlying areas as follows:

(i) Entities located in a NATO or NATO-sponsored nation shall contact their codification bureau. A listing of codification bureaus is found at http://www.nato.int/structur/AC/135/main/links/contacts.htm.

(ii) Entities located in a country that is neither in NATO nor sponsored by NATO shall contact the NATO Support Agency (NSPA) at ncage@nspa.nato.int or request update after searching for their CAGE code at https://eportal.nspa.nato.int/AC135Public/scage/CageList.aspx.

(3) When a request is received by DLA (either directly or via an entity-updated SAM registration submitted for validation) that includes a change to the entity's legal business name as recorded within the CAGE file, the DLA team will contact the entity and process the request in accordance with the following procedure:

(i) If the entity indicates that it does not hold any active federal Government contracts or any outstanding invoices on a physically complete contract, the entity will be asked to provide the following to DLA—

(A) Signed legal documentation that confirms the formal name change and accurately reflects the change requested. Examples of acceptable documentation include: Articles of Incorporation, Articles of Organization, Bill of Sale, Asset Purchase Agreement, Secretary of State documentation, and Legal Merger or Acquisition documentation. DLA will not accept Internal Review Service (IRS) documentation or validation, as the IRS does not require the use of the legal business name. Sole proprietors will need to provide their filings for one of the following: Fictitious Business Name, Assumed Name, Trade Style Name, or Business License. DLA may use information found at state government websites in lieu of requesting documentation from the entity to confirm the name if it is available;

(B) Written statement that they do not have active federal contracts or any outstanding invoices on a

physically complete contract; and

(C) After receipt of the documentation in (A) and (B), DLA will process the change. If the initial request was received from SAM as a part of the CAGE validation process, the processed change will be communicated back to SAM.

(ii) If the entity indicates it does hold active Federal Government contracts, the entity will be asked to provide an indication in writing (may be provided by email) if the change in legal business name is a result of an acquisition, merger, or other situation related to recognition of a successor in interest to Federal Government contracts when contractor assets are transferred, which would necessitate a novation agreement be executed.

(A) If the entity indicates that the change in legal business name is not a result of an acquisition merger or other situation as indicated above; the entity will be asked to confirm, in writing (may be provided by email) that it has advised each of the respective Government contracting officers necessary to process name-change agreements in accordance with FAR Subpart 42.12 requirements. Additionally, DLA will ask the entity to provide a copy of the change-of-name agreement (see FAR 42.1205) signed by the entity. DLA will not process a change to the CAGE file without a copy of the signed change-of-name agreement, or confirmation from the cognizant Government contracting officer that processing a change to the CAGE file prior to the signed change-of-name agreement being completed is permissible. Note that the modification action that incorporates the change-of-name agreement into the contract is an acceptable method of providing the change-of-name agreement. However, if the modification is not able to be issued until the CAGE code information is updated, the change-of-name agreement itself will suffice.

(B) If the entity indicates that the change in legal business name is a result of an acquisition, merger, or other situation as indicated above, DLA will request the entity to provide the Novation Agreement that has been executed by the cognizant Government contracting officer (see FAR 42.1204) as well as the contact information for that contracting officer. DLA may, based on the content of the Novation Agreement, request that the contracting officer provide additional information regarding any Government interest in whether CAGE codes are transferred to the successor in interest. DLA will not process a change to the CAGE file without a copy of the executed Novation Agreement, or confirmation from the cognizant Government contracting officer that processing a change to the CAGE file prior to the novation agreement being completed is permissible. Note that the modification action that incorporates the Novation Agreement into the contract is an acceptable method of providing the Novation Agreement. However, if the modification is not able to be issued until the CAGE code information is updated, the Novation Agreement itself will suffice.

(*1*) When contacted by DLA in relation to a name change resulting from a novation, contracting officers shall provide DLA the following information:

(*i*) Name(s), address(es), and code(s) of the contractor(s) transferring the original contractual rights and obligations (transferor).

(*ii*) Name(s), address(es), and code(s) (if any) of the entity who is the successor in interest (transferee).

(*iii*) Name(s), address(es), and code(s) (if any) of the entity who is retaining or receiving the rights to the technical data.

(*iv*) Description of the circumstances surrounding the novation agreement and especially the

relationship of each entity to the other.

(*2*) Note that if the name change request was received as a part of a registration from SAM update, and this situation applies, the update will be sent back to SAM as rejected by CAGE validation if a copy of the executed Novation Agreement or confirmation from the cognizant Government contracting officer is not available within 10 business days. The entity may resubmit the update in SAM with the changed legal name at such point this information becomes available.

(4) If the initial request was received from SAM as a part of the CAGE validation process, a processed change will be communicated back to SAM.

(5) Note that DLA does not follow the process outlined in (c)(3) above for minor changes in the legal business name received from SAM during validation, such as changing an “and” to “&”; inserting or removing abbreviations, such as changing “Co.” to “Company”; inserting or removing a space between words in an entity’s name; or inserting or removing acronyms or wording identifying a type of incorporated status, such as “Inc.” or “LLC”. These changes are processed and communicated back to SAM.