Subpart 4.11 - System for Award Management

Parent topic: Part 4 - Administrative and Information Matters

4.1100 Scope.

This subpart 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.

4.1101 Definition.

As used in this subpart-

Agreement means basic *agreement*, basic ordering *agreement*, or blanket purchase *agreement*.

4.1102 Policy.

(a) *Offerors* and quoters are required 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 except for—

(1) Purchases under the *micro-purchase* threshold that use a Governmentwide commercial purchase card as both the purchasing and payment mechanism, as opposed to using the purchase card for payment only;

(2) Classified contracts (see 2.101) when registration in SAM, or use of SAM data, could compromise the safeguarding of *classified information* or national security;

(3) Contracts awarded by–

(i) Deployed *contracting officers* in the course of military operations, including, but not limited to, *contingency operations* as defined in 10 U.S.C. 101(a)(13) or *humanitarian or peacekeeping operations* as defined in 10 U.S.C. 3015(2);

(ii) *Contracting* officers located outside the *United States* and its *outlying areas*, as defined in 2.101, for work to be performed in support of diplomatic or developmental operations, including those performed in support of foreign assistance programs overseas, in an area that has been designated by the Department of State as a danger pay post (see https://aoprals.state.gov/);or

(iii) *Contracting* officers in the conduct of *emergency* operations, such as responses to natural or environmental disasters or national or civil *emergencies*, *e.g.,* Robert T. Stafford Disaster Relief and *Emergency* Assistance Act (42 U.S.C. 5121);

(4) Contracts with individuals for performance outside the *United States* and its *outlying areas*;

(5) Contracts awarded without providing for *full and open competition* due to unusual or compelling urgency (see 6.302-2);

(6) Contract actions at or below $40,000 awarded to foreign vendors for work performed outside the *United States*, if it is impractical to obtain SAM registration; and

(7) *Micro-purchases* that do not use the *electronic funds transfer (EFT*) method for payment and are not required to be reported (see subpart 4.6).

(b) If practical, the *contracting officer shall* modify the contract or *agreement* awarded under paragraph (a)(3) of this section to require SAM registration.

(c) *Contracting* officers *shall* use the legal business name or "doing business as" name and physical address from the contractor's SAM registration for the provided *unique entity identifier* to identify the contractor in section A of the contract schedule, similar sections of non-uniform contract formats and *agreements*, and all corresponding forms and data exchanges. *Contracting officers shall* make no changes to the data retrieved from SAM.

(d)

(1)

(i) If a contractor has legally changed its business name or "doing business as" name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and *change-of-name agreements* in subpart 42.12, the contractor is required to provide the responsible *contracting officer* a minimum of one business *day*'s written notification of its intention to change the name in SAM, comply with the requirements of subpart 42.12, and agree *in writing* to the timeline and procedures specified by the responsible *contracting officer*. Along with the notification, the contractor is required to provide the *contracting officer* sufficient documentation to support the legally changed name.

(ii) If the contractor fails to comply with the requirements of paragraph (d)(1)(i) of the clause at 52.204-13, *System for Award Management* Maintenance, or fails to perform the *agreement* at 52.204-13, paragraph (d)(1)(i)(C), and, in the absence of a properly executed novation or change-of-name *agreement*, the SAM information that shows the contractor to be other than the contractor indicated in the contract will be considered to be incorrect information within the meaning of the "*Suspension* of Payment" paragraph of the EFT clause of the contract.

(2) The contractor *shall* not change the name or address for *electronic funds transfer* payments (EFT) or manual payments, as appropriate, in the SAM record to reflect an assignee for the purpose of *assignment of claims* (see subpart 32.8, Assignment of *Claims*).

(3) Assignees *shall* be separately registered in SAM. Information provided to the contractor’s SAM record that indicates payments, including those made by EFT, to an ultimate recipient other than that contractor will be considered to be incorrect information within the meaning of the "*Suspension* of payment" paragraph of the EFT clause of the contract.

4.1103 Procedures.

(a) Unless the *acquisition* is exempt under 4.1102(a), the *contracting officer*—

(1) *Shall* verify that the *offeror* or quoter is registered in SAM (see paragraph (b) of this section) at the time an *offer* or quotation is submitted;

(2) *Should* use the *unique entity identifier* to verify SAM registration–

(i) Via https://www.sam.gov; or

(ii) As otherwise provided by agency procedures; or

(3) Need not verify SAM registration before placing an order or call if the contract or *agreement* includes the clause at 52.204-13, *System for Award Management* Maintenance, or a similar agency clause, except when use of the Governmentwide commercial purchase card is contemplated as a method of payment. (See 32.1108(b)(2).)

(b) If the contract action is being awarded in accordance with 4.1102(a)(5), the contractor is required to be registered in SAM within 30 days after contract award, or at least three days prior to submission of the first *invoice*, whichever occurs first.

(c) Agencies *shall* protect against improper disclosure of information contained in SAM.

(d) The *contracting officer shall*, on contractual documents transmitted to the payment office, provide the *unique entity identifier*, or, if applicable, the *Electronic Funds Transfer* indicator, in accordance with agency procedures.

4.1104 Disaster Response Registry.

Contracting officers shall consult the *Disaster Response Registry* via https://www.sam.gov, Search Records, Advanced Search, *Disaster Response Registry* Search when *contracting* for debris removal, distribution of *supplies*, reconstruction, and other disaster or *emergency* relief activities inside the *United States* and *outlying areas*. (See 26.205).

4.1105 Solicitation provision and contract clauses.

(a)

(1) Insert the provision at 52.204-7, *System for Award Management*, in all *solicitations* except when the conditions in 4.1102(a) apply.

(2) Insert the provision at 52.204-7, *System for Award Management*, with its *Alternate* I when the *solicitation* is anticipated to be awarded in accordance with 4.1102(a)(5).

(b) Insert the clause at 52.204-13, *System for Award Management* Maintenance, in *solicitations* that contain the provision at 52.204-7, and resulting contracts.