Subpart 4.12 - Representations and Certifications

Parent topic: Part 4 - Administrative and Information Matters

4.1200 Scope.

This subpart prescribes policies and procedures for requiring submission and maintenance of representations and certifications via the *System for Award Management (SAM*) to-

(a) Eliminate the administrative burden for contractors of submitting the same information to various *contracting offices*;

(b) Establish a common source for this information to *procurement* offices across the Government; and

(c) Incorporate by reference the contractor's representations and certifications in the awarded contract.

4.1201 Policy.

(a) *Offerors* and quoters are required to complete electronic annual representations and certifications in SAM accessed via https://www.sam.gov as a part of required registration (see FAR 4.1102).

(b)

(1) All registrants are required to review and update the representations and certifications submitted to SAM as necessary, but at least annually, to ensure they are kept current, accurate, and complete. The representations and certifications are effective until one year from date of submission or update to SAM.

(2) A contractors that represented itself as a small business prior to award of a contract *must* update the representations and certifications in SAM in accordance with 52.219-28, A contractor that represented itself as other than small business before contract award and qualifies as a small business *may* update its representations and certifications in SAM in accordance with 52.219-28.

(c) Data in SAM is archived and is electronically retrievable. Therefore, when a prospective contractor has completed representations and certifications electronically in SAM, the *contracting officer must* reference the date of SAM verification in the contract file to satisfy contract file documentation requirements of 4.803(a)(11). However, if an *offeror* identifies changes to SAM data pursuant to the FAR provisions at 52.204-8(d) or 52.212-3(b), the *contracting officer must* include a copy of the changes in the contract file.

(d) The *contracting officer shall* incorporate the representations and certifications by reference in the contract (see 52.204-19, or for *acquisitions* of *commercial products* or *commercial services* see

52.212-4(v)).

4.1202 Solicitation provision and contract clause.

(a) Insert the provision at 52.204-8, Annual Representations and Certifications, in *solicitations*, except for *solicitations* for *commercial products* or *commercial services* issued under part 12. The *contracting officer shall* check the applicable provisions at 52.204-8(c)(2). Use the provision with its *Alternate* I in *solicitations* issued after October 1, 2028, that will result in a *multiple-award contract* with more than one North American Industry Classification System code assigned (see 19.102(b)). When the provision at 52.204-7, *System for Award Management*, is included in the *solicitation*, do not separately include the following representations and certifications:

(1) 52.203-2, Certificate of Independent Price Determination.

(2) 52.203-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.

(3) 52.203-18, Prohibition on *Contracting* with Entities that Require Certain Internal Confidentiality Agreements or Statements-Representation.

(4) 52.204-3, Taxpayer Identification.

(5) 52.204-5, Women-Owned Business (Other Than Small Business).

(6) 52.204-17, Ownership or Control of *Offeror*.

(7) 52.204-20, Predecessor of *Offeror*.

(8) 52.204-26, Covered Telecommunications Equipment or Services-Representation.

(9) 52.209-2, Prohibition on *Contracting* with Inverted Domestic Corporations-Representation.

(10) 52.209-5, Certification Regarding Responsibility Matters.

(11) 52.209-11, Representation by Corporations Regarding Delinquent Tax Liability or a Felony *Conviction* under any Federal Law.

(12) 52.214-14, Place of Performance-Sealed Bidding.

(13) 52.215-6, Place of Performance.

(14) 52.219-1, Small Business Program Representations (Basic, *Alternates* I, and II).

(15) 52.219-2, Equal Low Bids.

(16) [Reserved]

(17) 52.222-18, Certification Regarding Knowledge of Child Labor for Listed *End Products*.

(18) 52.222-22, Previous Contracts and Compliance Reports.

(19) 52.222-25, Affirmative Action Compliance.

(20) 52.222-38, Compliance with Veterans' Employment Reporting Requirements.

(21) 52.222-48, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment–Certification.

(22) 52.222-52, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Certification.

(23) 52.223-1, *Biobased Product* Certification.

(24) 52.223-4, *Recovered Material* Certification.

(25) 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation.

(26) 52.225-2, Buy American Certificate.

(27) 52.225-4, Buy American-Free Trade Agreements-Israeli Trade Act Certificate (Basic, *Alternates* II, and III).

(28) 52.225-6, Trade Agreements Certificate.

(29) 52.225-20, Prohibition on Conducting Restricted Business Operations in Sudan-Certification.

(30) 52.225-25, Prohibition on *Contracting* with Entities Engaging in Certain Activities or Transactions Relating to Iran-Representation and Certifications.

(31) 52.226-2, *Historically Black College or University* and *Minority Institution* Representation.

(32) 52.227-6, Royalty Information (Basic & *Alternate* I).

(33) 52.227-15, Representation of Limited Rights Data and Restricted *Computer Software*.

(b) The *contracting officer shall* insert the clause at 52.204-19, Incorporation by Reference of Representations and Certifications, in *solicitations* and contracts.