

# SAM Registration & FAR Clauses

Presented by:





# Introduction and Participant Guide

- NH PTAC –
- Stuff to know before we start
  - Muting
  - Chat function
  - Slides will be posted at [www.NHEconomy.com/ptac](http://www.NHEconomy.com/ptac) under Training Presentations
  - Session is being recorded
  - We will post the recording as soon as we're able




# What to Expect from Today's Webinar

- ▶ Tips on using login.gov
- ▶ SAM-Scams – they just won't go away
- ▶ DUNS #, UEID, address stuff, NH Secretary of State & IRS Consistency
- ▶ Email addresses – they're really important
- ▶ SAM Roles
- ▶ Timely renewal (2 weeks before expiration)
- ▶ MPIN, MPIN changing
- ▶ Size = 3 or 5-year revenue (includes ALL), # of employees
- ▶ NAICS & PSC; primary NAICS selection
- ▶ Small Disadvantaged Business (you might be, but probably aren't one)
- ▶ Points of Contact – (POC)
- ▶ SBA Dynamic Small Business Search (DSBS)
- ▶ Reps & Certs - those darned FAR and DFARS clauses



# Now for the Really Important But Incredibly Boring Part - FAR Clauses

- ▶ These come at the end of SAM registration, when you're almost exhausted
- ▶ There are lots of them
- ▶ We're going to take a quick run through them now – not at the end.
- ▶ Strategy suggestion: pick out any that apply to you and revisit them in detail. Ask NH PTAC for help if you like.
- ▶ Be alert for new clauses – they pop up from time to time
- ▶ Scan our monthly newsletter – we often talk about significant adds or changes.



**READ ONLY PROVISIONS** - The following FAR and DFARS provisions are provided for you to read. They do not require completion of any data. Select the provision number to expand and review the full text. When certifying to the information on this page, you are also certifying that you have read each one of these provisions.

FAR 52.203-11: Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions **Prohibits lobbying with federal \$\$**


FAR 52.203-18: Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements-Representation **Requires that you not prohibit whistleblowing**

FAR 52.222-38: Compliance with Veterans' Employment Reporting Requirements **Must file VETS 4212 annually by 9/30 if any contract over \$150,000**

FAR 52.222-56: Certification Regarding Trafficking in Persons Compliance Plan. **Must submit certification that you have Compliance Plan and have conducted due diligence if contract is for supplies other than COTS acquired outside the US, or services performed outside the US and value of the contract or portion of the contract that exceeds \$550,000**

FAR 52.223-1: Biobased Product Certification **Check list at 7 CFR 3201(B)**

FAR 52.225-20 Prohibition on Conducting Restricted Business Operations in Sudan- Certification **If you conduct business in Sudan, read the details.**



FAR 52.225-25: Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran - Representation and Certifications **If you conduct business with or in IRAN, read the details.**

FAR 52.227-6: Royalty Information **If you are charging for royalties over \$250, read this.**


DFARS 252.225-7031: Secondary Arab Boycott of Israel **If you're a foreign person, you're not participating in or complying with this boycott.**

DFARS 252.225-7042: Authorization to Perform **You're authorized to do business in any country you are doing business in.**

DFARS 252.225-7050: Disclosure of Ownership or Control by the Government of a Country that is a State Sponsor of Terrorism **Self-explanatory**

DFARS 252.229-7012: Tax Exemptions (Italy)-Representation. **US government is exempt from these taxes – don't include them in your price.**

DFARS 252.229-7013: Tax Exemptions (Spain)-Representation. **US government is exempt from these taxes – don't include them in your price.**



**USER COMPLETED PROVISIONS - The FAR and DFARS provisions shown below have been populated based on data you provided earlier in your registration. Please open and review each provision before you proceed from this page. If you need to correct any data, a link will be provided to the relevant page for editing.**

By maintaining an active entity registration in SAM, the entity complied with requirements to report proceedings data in accordance with FAR 52.209-7 Information Regarding Responsibility Matters and with requirements to report executive compensation data in accordance with FAR 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards.

FAR 52.203-2: Certificate of Independent Price Determination. **1) No collusion or price fixing, 2) authorized signatory**

FAR 52.204-3: Taxpayer Identification **Corporate “family tree” by ownership or control**

FAR 52.204-5: Women-Owned Business (Other Than Small Business) **Women owned but not small**

FAR 52.204-17: Ownership or Control of Offeror **“Immediate Owner”**



FAR 52.204-20: Predecessor of Offeror **Successor by acquisition of the assets of a predecessor with a CAGE**

FAR 52.204-26: Covered Telecommunications Equipment or Services – Representation **Do not sell or use covered Telcom equipment (Huawei, etc. on the EPL)**

FAR 52.209-2: Prohibition on Contracting with Inverted Domestic Corporations-Representation **Cannot be “inverted” or a subsidiary of an inverted firm**

FAR 52.209-5: Certification Regarding Responsibility Matters **Offeror & Principals not debarred, suspended; no past or pending legal issues, no delinquent taxes.**

FAR 52.209-11: Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law. **Same as above for Corporations**

FAR 52.212-3: Offeror Representations and Certifications - Commercial Products and Commercial Services (Nov 2021)

**You should read this if you provide commercial products or services.**

*If no NAICS table is displayed, this registrant may not be considered a small business.*





FAR 52.214-14: Place of Performance-Sealed Bidding **Must disclose where you're going to do the work if not at the bid address**

FAR 52.215-6: Place of Performance – **Same as above**

FAR 52.219-1: Small Business Program Representations (Alternate I) **Essentially all of the SB self certification and certifications.**

*If no NAICS table is displayed, this registrant may not be considered a small business.*


FAR 52.219-2: Equal Low Bids **Applies to labor Surplus Areas**

FAR 52.222-18: Certification Regarding Knowledge of Child Labor for Listed End Products **Table of listed end products and countries of origin**

FAR 52.222-22: Previous Contracts and Compliance Reports **Equal Employment Opportunity compliance**

FAR 52.222-25: Affirmative Action Compliance **Self explanatory**

FAR 52.222-48: Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Certification. **This is where you certify your exempt status for certain specific types of services.**



FAR 52.222-52: Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Certification. **This is where you certify your exempt status for certain other types of services.**

FAR 52.223-4: Recovered Material Certification **Must meet any standard specified in a contract**

FAR 52.223-9: Estimate of Percentage of Recovered Material Content for EPA-Designated Items (Alternate I) **Must certify that products meet applicable EPA specs.**

FAR 52.223-22: Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation. **Required if contracts total more than \$7,500,000 in prior year; optional otherwise**

FAR 52.225-2: Buy American Certificate – **Must list all Foreign end products; if not 100% domestic, check the definitions.**

FAR 52.225-4: Buy American-Free Trade Agreements-Israeli Trade Act Certificate – **List all non-domestic end products and certify those from TAA treaty countries.**

FAR 52.225-6: Trade Agreements Certificate **Certify that products are US-made or Trade Agreement countries**



FAR 52.226-2: Historically Black College or University and Minority Institution Representation **Are you an HBCU?**

FAR 52.227-15: Representation of Limited Rights Data and Restricted Computer Software **If selling data or software, you must assert any limitation on data rights**

DFARS 252.204-7016: Covered Defense Telecommunications Equipment or Services-Representation **You don't provide prohibited telcom equipment or services.**

DFARS 252.209-7002: Disclosure of Ownership or Control by a Foreign Government **Self explanatory**

DFARS 252.216-7008: Economic Price Adjustment-Wage Rates or Material Prices Controlled by a Foreign Government-Representation. **Self explanatory**

DFARS 252.225-7000: Buy American--Balance of Payments Program Certificate. **Country of origin data required for items that are not domestic end products, certify products from qualifying countries.**

DFARS 252.225-7020: Trade Agreements Certificate. **Explains DoD loopholes for non-qualifying foreign products.**



DFARS 252.225-7035: Buy American Act--Free Trade Agreements--Balance of Payments Program Certificate **More DoD-specific foreign origin provisions.**

DFARS 252.225-7049: Prohibition on Acquisition of Commercial Satellite Services from Certain Foreign Entities--Representations. **Self-explanatory**

DFARS 252.247-7022: Representation of Extent of Transportation by Sea **If you transport by sea- must usually use U.S. flag vessels.**

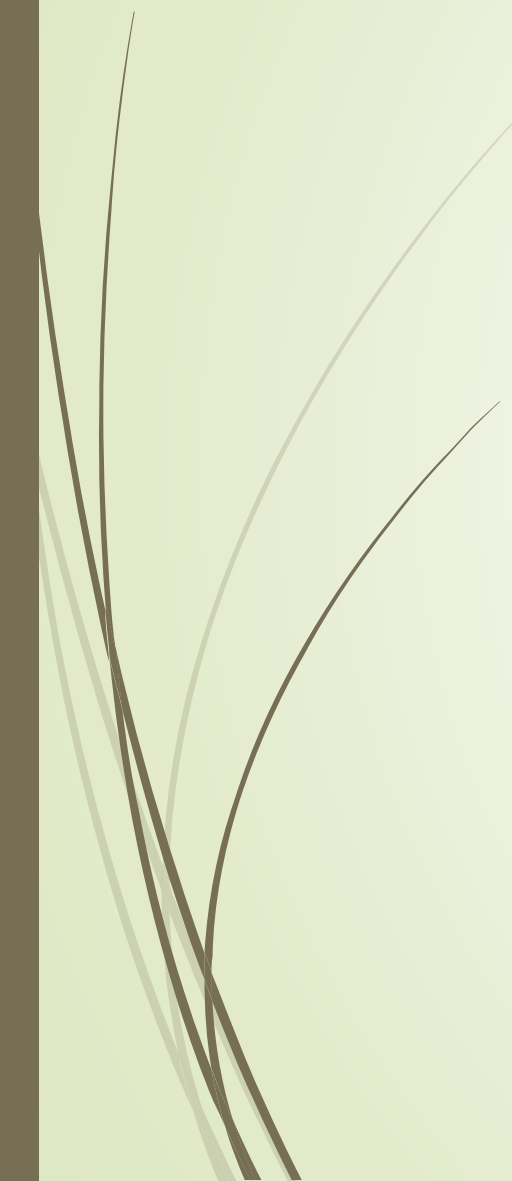
That wasn't so bad, was it?



# Back to SAM Basics



# Tips on using login.gov

- Keep your email address current!
  - Establish multiple two-factor authentication pathways
    - Text(s)
    - Phone(s)
    - Emails(s)
    - App
  - Multiple people should have login.gov accounts.
- 



# SAM-Scams – they just won't go away

- ▶ Look at the email address – if it's not from a .gov or .mil address, it's probably a scam.
- ▶ Read the fine print.
- ▶ If they ask for a credit card number, **run!**
- ▶ When in doubt, forward the email to [govcontracting@livefree.nh.gov](mailto:govcontracting@livefree.nh.gov) . We'll give you a professional opinion.



# DUNS #, UEID & Address Consistency Concerns

DUNS #s will be gone from SAM by April 4, 2022

A replacement for this identifier – UEID – is in place now.

Close agreement with Postal Service, IRS and State (NH) is still important.





# Email addresses – they're really important:

- Changing your email address, for whatever reason, should set off alarm bells in your head. Who do you have to notify? **Everybody.**
- A key email address may change when someone **leaves the business.**



# SAM Roles

- Every SAM account has an Entity Administrator
  - Appointed by management
  - Documented in a **notarized letter**
  - Can update SAM
  - Can appoint others and bestow privileges
  - Should appoint a successor



Timely renewal (2 weeks before expiration)

Need we say more?



# MPIN, MPIN changing

## ➤ **Don't lose your MPIN**

- You don't need it very often - when updating SAM, applying for WOSB.
- You can reset it in SAM, but often you can't when you most need to.

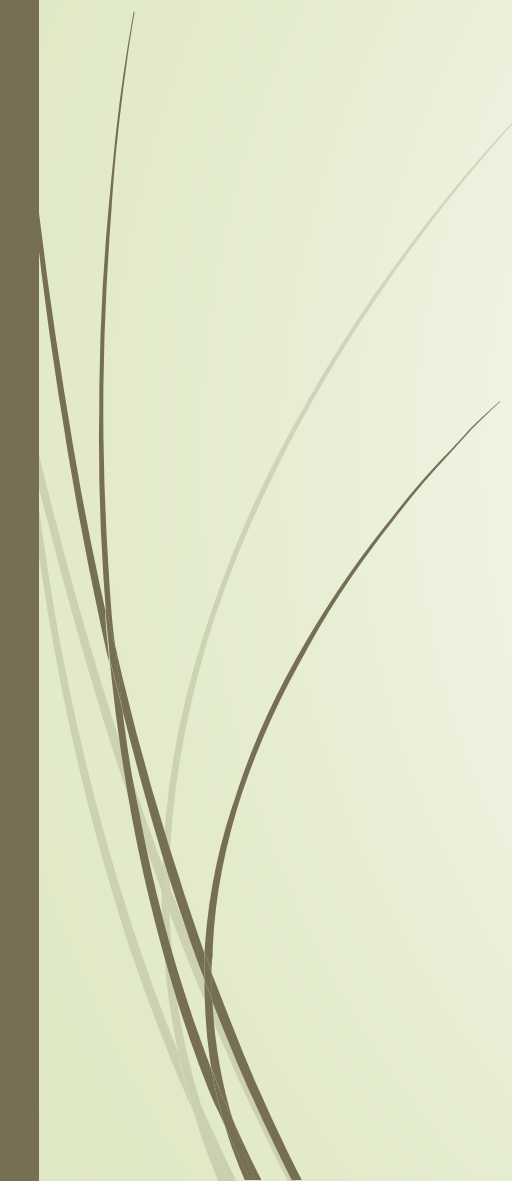


# Size Matters in SAM

- ▶ SAM makes a determination of your business size  
It generally uses one of two criteria:
  - ▶ Number of Employees (12 month average)
  - ▶ Average annual revenue (5 year average)
  - ▶ Moved to 5 year average this year
- ▶ SAM compares these data to the size standards for each of your NAICS codes.



# NAICS & PSC; primary NAICS selection

- Look up your NAICS codes [here](#). Choose as many as make sense for your products/services.
  - Don't rely on the wholesale or retail codes – they're not supposed to be used in government contracting.
  - Pick your **primary** – the one that best describes where the largest component of your revenue comes from.
  - Pick your PSC code(s) [here](#).
- 



# Small Disadvantaged Businesses (SDB)

- About half of all businesses that think they are SDBs actually don't qualify
- Most of them meet the economic disadvantage criteria,

**but:**

- **You also must be socially disadvantaged.**
- Women-owned and veteran-owned businesses **are not** on the socially-disadvantaged list.



# Points of Contact


- Ideally, have at least two different POCs.
- You can use the clever “copy” feature to populate the different POC fields.





# Dynamic Small Business Search (DSBS)

- SBA provides this separate, but attached database
- Its purpose is to enable searches for small businesses that are registered in SAM
- You can search by:
  - Geography
  - Certifications -
  - NAICS codes **or keywords**
  - Sector (manufacturer, construction etc.)
  - Bonding, QA, Size
  - DUNS, CAGE, Name, **UEID?**
- Important to fill this out, particularly the **Capabilities Narrative**
- **FREE ADVERTISING!**



# SAM FAR Clauses from Main Body of SAM

## CORE DATA SECTION

Proceedings: FAR 52.209-7 Contracts totaling more than \$10,000,000?

FAR 52.209-9 Federal Awardee Performance and Integrity Information System (FAPIIS)

2 CFR 200 Appendix XII (for Grants)

## REPS & CERTS SECTION

FAR Response 1

**FAR 52.214-14, 52.215.6 Work done at other than the bidder's given address**

FAR 52.223-4, FAR 52.223-9: Recovered Material Content:



FAR Response 2

FAR 52.219-2 Labor Surplus Area

**FAR 52.204-3 Common Parent**

FAR 52.212-3 (first of many) Full manual Reps & Certs if not done in SAM

**FAR 52.227-15 Limited rights data or restricted computer software**

FAR Response 3

FAR 52.222-18 Child Labor Certification

<https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-products-print>



FAR 52.212-3 full manual Reqs & Certs if not done in SAM (again)

**FAR 52.225-2 Buy American, Foreign (nondomestic) end products**

**FAR 52.225-4 BAFTA, Israeli Trade Act**

**FAR 52.225-6 Trade Agreements Act**



DFARS 252.225-7000 Buy American – Balance of Payments Program Certificate

DFARS 252.225-7020 Trade Agreements Act Certificate

DFARS 252.225-7035 Buy American – Balance of Payments Program Certificate

FAR 52.212-3 Commercial Items Reps & Certs – (again)

FAR 52.222-48 SCA Exemption – Maintenance, Calibration & Repair of certain equipment




## FAR Response 4

### Services as provided in FAR 22.1003-4(d)(1)

#### Exempts:


- (i) Automobile or other vehicle (e.g., aircraft) maintenance
- (ii) Financial services involving the issuance and servicing of cards
- (iii) Hotel/motel services for conferences
- (iv) Maintenance, calibration, repair, and/or installation
- (v) Transportation by common carrier of persons
- (vi) Real estate services, related to housing Federal agencies or disposing of real property owned by the Government.
- (vii) Relocation services to assist Federal employees or military personnel; shall not include actual moving or storage of household goods and related services).



FAR 52.212-3 full manual Reqs & Certs if not done in SAM (again)

**FAR 52.222-52 May be Exempt from Service Contract Act if:**

- (1) The services under the contract are offered and **sold regularly to non-Governmental customers**, and are provided by the offeror (or subcontractor in the case of an exempt subcontract) to the general public in substantial quantities in the course of normal business operations;
- (2) The contract services are **furnished at prices that are, or are based on, established catalog or market prices.**
- (3) Each service employee who will perform the services under the contract will spend only a small portion of his or her time (a monthly average of less than 20 percent of the available hours on an annualized basis, or less than 20 percent of available hours during the contract period if the contract period is less than a month) servicing the Government contract; and
- (4) The offeror uses the same compensation (wage and fringe benefits) plan for all service employees performing work under the contract as the offeror uses for these employees and for equivalent employees servicing commercial customers.



Inverted – US Company that moved HQ overseas after 1992, presumably to avoid taxation in the US.

### Covered Telecommunications Equipment:

**FAR 52.204-26** “Covered telecommunications equipment or services” means–

(1) Telecommunications equipment produced by **Huawei Technologies Company or ZTE Corporation** (or any subsidiary or affiliate of such entities);

(2) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced **by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company** (or any subsidiary or affiliate of such entities);

(3) Telecommunications or video surveillance services provided by such entities or using such equipment; or

(4) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country (PRC)





FAR 52.212-3 Full manual reps & certs (yet again)

**DFARS 252.204-7016 Covered defense  
telecommunications equipment or services – *Not only  
can you not sell it to the DoD, you can't use it.***



# Shameless Commercial:

- NH PTAC offers free assistance with all this & more.
- You must have a physical presence in New Hampshire.
- You have to sign up online.
- To continue “active client” status, you have to use us as a resource.

# How do I get started with NH PTAC?

- Go to the website and answer our questionnaire ([www.nheconomy.com/ptac](http://www.nheconomy.com/ptac))
- Give us a call at (603) 271-7581
- email us at: [govcontracting@livefree.nh.gov](mailto:govcontracting@livefree.nh.gov)
- Meet with us in Concord (currently via Zoom)
- Request a site visit – we'll come to you.

