

52.204-8 Annual Representations and Certifications.

As prescribed in 4.1202(a), insert the following provision:

Annual Representations and Certifications (Dec 2022)

(a)

(1) The North American Industry Classification System (NAICS) code for this *acquisition* is _____ [*insert NAICS code*].

(2) The small business size standard is _____ [*insert size standard*].

(3) The small business size standard for a concern that submits an *offer*, other than on a *construction* or *service acquisition*, but proposes to furnish an end item that it did not itself manufacture, process, or produce is 500 employees if the *acquisition*—

(i) Is set aside for small business and has a value above the *simplified acquisition threshold*;

(ii) Uses the *HUBZone* price evaluation preference regardless of dollar value, unless the *offeror* waives the price evaluation preference; or

(iii) Is an 8(a), *HUBZone*, service-disabled veteran-owned, economically disadvantaged women-owned, or women-owned small business set-aside or sole-source award regardless of dollar value.

(b)

(1) If the provision at 52.204-7, *System for Award Management*, is included in this *solicitation*, paragraph (d) of this provision applies.

(2) If the provision at 52.204-7, *System for Award Management*, is not included in this *solicitation*, and the *Offeror* has an active registration in the *System for Award Management (SAM)*, the *Offeror* may choose to use paragraph (d) of this provision instead of completing the corresponding individual representations and certifications in the *solicitation*. The *Offeror* shall indicate which *option* applies by checking one of the following boxes:

(i) Paragraph (d) applies.

(ii) Paragraph (d) does not apply and the *offeror* has completed the individual representations and certifications in the *solicitation*.

(c)

(1) The following representations or certifications in SAM are applicable to this *solicitation* as indicated:

(i) 52.203-2, Certificate of Independent Price Determination. This provision applies to *solicitations* when a firm-fixed-price contract or fixed-price contract with economic price adjustment is contemplated, unless-

(A) The *acquisition* is to be made under the *simplified acquisition procedures* in part 13;

(B) The *solicitation* is a request for technical proposals under two-step sealed bidding procedures; or

(C) The *solicitation* is for utility services for which rates are set by law or regulation.

(ii) 52.203-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. This provision applies to *solicitations* expected to exceed \$150,000.

(iii) 52.203-18, Prohibition on *Contracting* with Entities that Require Certain Internal Confidentiality Agreements or Statements-Representation. This provision applies to all *solicitations*.

(iv) 52.204-3, Taxpayer Identification. This provision applies to *solicitations* that do not include the provision at 52.204-7, *System for Award Management*.

(v) 52.204-5, Women-Owned Business (Other Than Small Business). This provision applies to *solicitations* that-

(A) Are not set aside for small business concerns;

(B) Exceed the *simplified acquisition threshold*; and

(C) Are for contracts that will be performed in the *United States* or its *outlying areas*.

(vi) 52.204-26, Covered Telecommunications Equipment or Services-Representation. This provision applies to all *solicitations*.

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

(viii) 52.209-5, Certification Regarding Responsibility Matters. This provision applies to *solicitations* where the contract value is expected to exceed the *simplified acquisition threshold*.

(ix) 52.209-11, Representation by Corporations Regarding Delinquent Tax Liability or a Felony *Conviction* under any Federal Law. This provision applies to all *solicitations*.

(x) 52.214-14, Place of Performance-Sealed Bidding. This provision applies to invitations for bids except those in which the place of performance is specified by the Government.

(xi) 52.215-6, Place of Performance. This provision applies to *solicitations* unless the place of performance is specified by the Government.

(xii) 52.219-1, Small Business Program Representations (Basic, *Alternates I*, and *II*). This provision applies to *solicitations* when the contract is for *supplies* to be delivered or services to be performed in the *United States* or its *outlying areas*, or when the *contracting officer* has applied part 19 in accordance with 19.000(b)(1)(ii).

(A) The basic provision applies when the *solicitations* are issued by other than DoD,

NASA, and the Coast Guard.

(B) The provision with its *Alternate I* applies to *solicitations* issued by DoD, NASA, or the Coast Guard.

(C) The provision with its *Alternate II* applies to *solicitations* that will result in a *multiple-award contract* with more than one NAICS code assigned.

(xiii) 52.219-2, Equal Low Bids. This provision applies to *solicitations* when *contracting* by sealed bidding and the contract is for *supplies* to be delivered or services to be performed in the *United States* or its *outlying areas*, or when the *contracting officer* has applied part 19 in accordance with 19.000(b)(1)(ii).

(xiv) 52.222-22, Previous Contracts and Compliance Reports. This provision applies to *solicitations* that include the clause at 52.222-26, Equal Opportunity.

(xv) 52.222-25, Affirmative Action Compliance. This provision applies to *solicitations*, other than those for *construction*, when the *solicitation* includes the clause at 52.222-26, Equal Opportunity.

(xvi) 52.222-38, Compliance with Veterans' Employment Reporting Requirements. This provision applies to *solicitations* when it is anticipated the contract award will exceed the *simplified acquisition threshold* and the contract is not for *acquisition* of *commercial products* or *commercial services*.

(xvii) 52.223-1, *Biobased Product* Certification. This provision applies to *solicitations* that require the delivery or specify the use of USDA-designated items; or include the clause at 52.223-2, *Affirmative Procurement of Biobased Products Under Service and Construction Contracts*.

(xviii) 52.223-4, *Recovered Material* Certification. This provision applies to *solicitations* that are for, or specify the use of, EPA-designated items.

(xix) 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation. This provision applies to *solicitations* that include the clause at 52.204-7.)

(xx) 52.225-2, Buy American Certificate. This provision applies to *solicitations* containing the clause at 52.225-1.

(xxi) 52.225-4, Buy American-Free Trade Agreements-Israeli Trade Act Certificate. (Basic, *Alternates II* and *III*.) This provision applies to *solicitations* containing the clause at 52.225-3.

(A) If the *acquisition* value is less than \$50,000, the basic provision applies.

(B) If the *acquisition* value is \$50,000 or more but is less than \$92,319, the provision with its *Alternate II* applies.

(C) If the *acquisition* value is \$92,319 or more but is less than \$100,000, the provision with its *Alternate III* applies.

(xxii) 52.225-6, Trade Agreements Certificate. This provision applies to *solicitations* containing the clause at 52.225-5.

(xxiii) 52.225-20, Prohibition on Conducting Restricted Business Operations in Sudan-

Certification. This provision applies to all *solicitations*.

(xxiv) 52.225-25, Prohibition on *Contracting* with Entities Engaging in Certain Activities or Transactions Relating to Iran-Representation and Certifications. This provision applies to all *solicitations*.

(xxv) 52.226-2, *Historically Black College or University and Minority Institution* Representation. This provision applies to *solicitations* for research, studies, *supplies*, or services of the type normally acquired from higher educational institutions.

(2) The following representations or certifications are applicable as indicated by the *Contracting Officer*:

[*Contracting Officer check as appropriate.*]

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

__ (ii) 52.204-20, Predecessor of *Offeror*.

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

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

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

__ (vi) 52.223-9, with its *Alternate I*, Estimate of Percentage of *Recovered Material* Content for EPA-Designated *Products* (*Alternate I* only).

__ (vii) 52.227-6, Royalty Information.

__ (A) Basic.

__ (B) *Alternate I*.

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

(d) The *offeror* has completed the annual representations and certifications electronically in SAM website accessed through <https://www.sam.gov>. After reviewing the SAM information, the *offeror* verifies by submission of the *offer* that the representations and certifications currently posted electronically that apply to this *solicitation* as indicated in paragraph (c) of this provision have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this

solicitation (including the business size standard applicable to the NAICS code referenced for this *solicitation*), as of the date of this *offer* and are incorporated in this *offer* by reference (see FAR [4.1201](#)); except for the changes identified below [*offeror to insert changes, identifying change by clause number, title, date*]. These amended representation(s) and/or certification(s) are also incorporated in this *offer* and are current, accurate, and complete as of the date of this *offer*.

FAR Clause # Title Date Change

Any changes provided by the *offeror* are applicable to this *solicitation* only, and do not result in an update to the representations and certifications posted on SAM.

(End of provision)

Alternate I (SEP 2021). As prescribed in [4.1202\(a\)](#), substitute the following paragraph (a) for paragraph (a) of the basic provision:

(a)(1) The North American Industry Classification System (NAICS) codes and corresponding size standards for this *acquisition* are as follows; the categories or portions these NAICS codes are assigned to are specified elsewhere in the *solicitation*:

NAICS Code

Size standard

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[*Contracting Officer to insert NAICS codes and size standards*].

(2) The small business size standard for a concern that submits an *offer*, other than on a *construction* or *service acquisition*, but proposes to furnish an end item that it did not itself manufacture, process, or produce, (i.e., nonmanufacturer), is 500 employees if the *acquisition*—

- (i) Is set aside for small business and has a value above the *simplified acquisition threshold*;
- (ii) Uses the *HUBZone* price evaluation preference regardless of dollar value, unless the *offeror* waives the price evaluation preference; or
- (iii) Is an 8(a), *HUBZone*, service-disabled veteran-owned, economically disadvantaged women-

owned, or women-owned small business set-aside or sole-source award regardless of dollar value.

Parent topic: [52.204 \[Reserved\]](#)