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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4 and 52

[FAC 2005-89; Item V; Docket No. 2016-0052; Sequence No. 3]

Federal Acquisition Regulation; Technical Amendments

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: Effective: [INSERT DATE OF PUBLICATION IN THE **FEDERAL REGISTER.**]

FOR FURTHER INFORMATION CONTACT: Ms. Hada Flowers, Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405, 202-501-4755. Please cite FAC 2005-89, Technical Amendments.

SUPPLEMENTARY INFORMATION:

In order to update certain elements in 48 CFR parts 4 and 52 this document makes editorial changes to the FAR.

List of Subjects in 48 CFR Parts 4 and 52

Government procurement.

Dated: June 30, 2016.

William Clark,
Director,
Office of Government-wide
Acquisition Policy,
Office of Acquisition Policy,
Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 4 and 52, as set forth below:

1. The authority citation for 48 CFR parts 4 and 52 continues to read as follow:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 4—ADMINISTRATIVE MATTERS

2. Amend section 4.1801 by revising the definition of "Commercial and Government Entity (CAGE) code" to read as follows:

4.1801 Definitions.

* * * * *

Commercial and Government Entity (CAGE) code means-

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

3. Amend section 4.1803 by revising paragraph (b) to read as follows:

4.1803 Verifying CAGE codes prior to award.

* * * * *

(b) For entities not required to be registered in SAM, the contracting officer shall validate the CAGE code using the CAGE code search feature at <https://cage.dla.mil>.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Amend section 52.204-16 by—

- a. Revising the date of the provision;
- b. In paragraph (a), revising the definition of “Commercial and Government Entity (CAGE) code”;

c. Removing from paragraph (c) (1) the word "Contractor" and adding "Commercial" in its place; and

d. Revising paragraphs (c) (2) and (3), and (d).

The revisions read as follows:

52.204-16 Commercial and Government Entity Code Reporting.

* * * * *

COMMERCIAL AND GOVERNMENT ENTITY CODE REPORTING ([INSERT ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION IN THE FEDERAL REGISTER])

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Commercial and Government Entity (CAGE) code means-

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

(c) * * *

(2) The DLA Commercial and Government Entity (CAGE) Branch. If registration in SAM is not required for the subject procurement, and the offeror does not otherwise register in SAM, an offeror located in the United States or its outlying areas may request that a CAGE code be assigned by submitting a request at <https://cage.dla.mil>.

(3) The appropriate country codification bureau. Entities located outside the United States and its outlying areas may obtain an NCAGE code by contacting the Codification Bureau in the foreign entity's country if that

country is a member of NATO or a sponsored nation. NCAGE codes may be obtained from the NSPA at <https://eportal.nspa.nato.int/AC135Public/scage/CageList.aspx> if the foreign entity's country is not a member of NATO or a sponsored nation. Points of contact for codification bureaus, as well as additional information on obtaining NCAGE codes, are available at <http://www.nato.int/structur/AC/135/main/links/contacts.htm>

(d) Additional guidance for establishing and maintaining CAGE codes is available at <https://cage.dla.mil>.

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5. Amend section 52.204-17 by-

- a. Revising the date of the provision; and
- b. In paragraph (a), revising the definition of

"Commercial and Government Entity (CAGE) code".

The revisions read as follows:

52.204-17 Ownership or Control of Offeror.

* * * * *

OWNERSHIP OR CONTROL OF OFFEROR ([INSERT ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION IN THE FEDERAL REGISTER])

* * * * *

Commercial and Government Entity (CAGE) code means-

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA

Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

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6. Amend section 52.204-18 by-

- a. Revising the date of the clause;
- b. In paragraph (a), revising the definition of "Commercial and Government Entity (CAGE) code";
- c. Removing from paragraph (b) the word "DLA Contractor" and adding "DLA Commercial" in its place; and
- d. Revising paragraphs (c) through (e);

The revisions read as follows:

52.204-18 Commercial and Government Entity Code Maintenance.

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COMMERCIAL AND GOVERNMENT ENTITY CODE MAINTENANCE ([INSERT ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION IN THE FEDERAL REGISTER])

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Commercial and Government Entity (CAGE) code means-

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and

maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

* * * * *

(c) Contractors located in the United States or its outlying areas that are not registered in SAM shall submit written change requests to the DLA Commercial and Government Entity (CAGE) Branch. Requests for changes shall be provided at <https://cage.dla.mil>. Change requests to the CAGE master file are accepted from the entity identified by the code.

(d) Contractors located outside the United States and its outlying areas that are not registered in SAM shall contact the appropriate National Codification Bureau (points of contact available at <http://www.nato.int/structur/AC/135/main/links/contacts.htm>) or NSPA at <https://eportal.nspa.nato.int/AC135Public/scage/CageList.aspx> to request CAGE changes.

(e) Additional guidance for maintaining CAGE codes is available at <https://cage.dla.mil>.

7. Amend section 52.204-20 by-

- a. Revising the date of the provision; and
- b. In paragraph (a), revising the definition

"Commercial and Government Entity (CAGE) code".

The revisions read as follows:

52.204-20 Predecessor of Offeror.

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PREDECESSOR OF OFFEROR ([INSERT ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION IN THE FEDERAL REGISTER])

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Commercial and Government Entity (CAGE) code means-

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Commercial and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support and Procurement Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Commercial and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as a NATO CAGE (NCAGE) code.

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8. Amend section 52.212-3 by revising the date of the provision, and removing from the introductory text "Web site accessed through <http://www.acquisition.gov>" and adding "Website located at <https://www.sam.gov/portal>" in its place.

The revision reads as follows:

**52.212-3 Offeror Representations and Certifications—
Commercial Items.**

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OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL ITEMS ([**INSERT
ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION IN THE FEDERAL
REGISTER**])

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