

**DFARS Case 2011-D044
Ownership of Offeror
Draft Final Rule**

PART 204-ADMINISTRATIVE MATTERS

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SUBPART 204.12-ANNUAL REPRESENTATIONS AND CERTIFICATIONS

204.1202 Solicitation provision and contract clause.

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(2) When the provision at FAR 52.204-7, ~~Central Contractor Registration~~**[System for Award Management]**, is included in the solicitation, do not include separately in the solicitation the following provisions, which are included in DFARS [252.204-7007](#):

[(i) 252.204-7012, Ownership of Offeror.]

[Redesignate paragraphs (i) through (xiii) as (ii) through (xiv)]

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SUBPART 204.72-CONTRACTOR IDENTIFICATION

* * * * *

204.7207 Solicitation provision[s].

[(a)] Use the provision at 252.204-7001, Commercial and Government Entity (CAGE) Code Reporting, in solicitations when—

[(1)] ~~(a)~~ The solicitation does not include the **[provision]** clause at FAR 52.204-7, System for Award Management; and

[(2)] ~~(b)~~ The CAGE codes for the potential offerors are not available to the contracting office.

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[(b) Use the provision at 252.204-7012, Ownership of Offeror, in all solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items.]

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PART 212-ACQUISITION OF COMMERCIAL ITEMS

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SUBPART 212.3-SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) * * *

(i) * * *

(vi) **[Use the provision at 252.204-7012 Ownership of Offeror, as prescribed in 204.7207(b).]**

(vi[i]) * * *

Redesignate paragraphs (vi) through (lxii) as (vii) through (lxiii).

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PART 252-SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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SUBPART 252.2-TEXT OF PROVISIONS AND CLAUSES

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252.204-7001 Commercial and Government Entity (CAGE) Code Reporting.

As prescribed in [204.7207\[\(a\)\]](#), use the following provision:

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252.204-7007 Alternate A, Annual Representations and Certifications.

As prescribed in 204.1202, use the following provision:

**ALTERNATE A, ANNUAL REPRESENTATIONS AND CERTIFICATIONS
(MAY 2013[NOV 2013])**

Substitute the following paragraphs (d) and (e) for paragraph (d) of the provision at FAR 52.204-8:

(d)(1) The following representations or certifications in the System for Award Management (SAM) database are applicable to this solicitation as indicated:

(i) [252.204-7012, Ownership of Offeror. Applies to all solicitations.]

(i[**ii**]) * * *

(ii[**iii**]) * * *

(iii[**iv**]) * * *

(iv[**v**]) * * *

(v[**vi**]) * * *

(vi[**vii**]) * * *

(vii[**viii**]) * * *

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[252.204-7012 Ownership of Offeror

As prescribed in 204.7207(b), use the following provision:

OWNERSHIP OF OFFEROR (NOV 2013)

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(a) Definitions. As used in this provision—

“Highest-level owner” means the entity that controls one or more entities that control an immediate owner of the offeror and has no further owner.

“Immediate owner” means an entity that has direct control of the offeror.

“Owner” means an entity, other than the offeror, that controls the offeror, or that controls other entities that control the offeror. The two types of owners, for purposes of this provision, are immediate owners and highest-level owners. Indicators of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, and the common use of employees.

(b) The offeror represents that it has or does not have an owner. When an offeror has more than one immediate owner (such as a joint venture), then the offeror shall respond to paragraphs (c) and, if applicable, paragraph (d) of this provision, for each immediate owner.

(c) If the offeror indicated “has” in paragraph (b) of this provision, enter the following information:

Immediate owner CAGE code: _____

Immediate owner legal name:

(Do not use a “doing business as” name.)

Immediate owner is controlled by another entity: Yes or No.

(d) If the offeror has indicated “yes” in paragraph (c) above, then enter the following information:

Highest-level owner CAGE code: _____

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Highest-level owner legal name:

_____ (Do not use a “doing business as”
name.)

(e) CAGE codes for entities located in the United States may be obtained by registration in the System for Award Management available at <http://www.acquisition.gov>; or by submitting a DD Form 2051 to the address provided on the form. Instructions regarding the assignment of CAGE codes for entities located outside the United States are available at http://www.dlis.dla.mil/forms/form_AC135.asp.

(End of provision)]

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