

October 22, 2003

AGAR ADVISORY

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT
PROCUREMENT POLICY DIVISION
AGAR ADVISORY NO. 59

CENTRAL CONTRACTOR REGISTRATION (CCR)

INTRODUCTION: The purpose of this Agriculture Acquisition Regulation (AGAR) Advisory is to disseminate initial implementation information on the requirements for contractors to register in the CCR Database.

SUMMARY: Federal Acquisition Circular 2001-16, dated October 1, 2003, revised the Federal Acquisition Regulation (FAR) to require contractor registration in the CCR database prior to award of any contract, basic agreement, basic ordering agreement, or blanket purchase agreement on or after October 1, 2003. Contracting officers are required to modify existing contracts whose period of performance extends beyond December 31, 2003, to require contractors to register in the CCR database by December 31, 2003.

SPECIFIC ISSUES:

GENERAL INFORMATION

- CCR is a Government-wide initiative to house data on contractors selling to the Government in a single database.
- The purposes of CCR are to increase the visibility of vendor sources and to establish a common source of vendor data for the Government. The centralization of data is not related to security or restrictions on privacy. It is intended to make electronic contracting faster, easier, cheaper, and less error prone for all.
- The information in CCR is entered and maintained by each contractor, and is stored for all Federal agencies to use. Contractors are responsible for the accuracy and currency of their information.

REQUIREMENTS

New Awards

- Pursuant to FAR 4.11 – Central Contractor Registration, effective October 1, 2003, prospective contractors shall be registered in the CCR database prior to award of a contract, basic agreement (BA), basic ordering agreement (BOA) or blanket purchase

agreement (BPA), except for:

- Purchases that use a Governmentwide commercial purchase card as both the purchasing and payment mechanism, as opposed to using the purchase card only as a payment method;
- Classified contracts (see FAR 2.101) when registration in the CCR database, or use of CCR data, could compromise the safeguarding of classified information or national security;
- Contracts awarded by –
 - Deployed contracting officers in the course of military operations, including, but not limited to, contingency operations as defined in 10 U.S.C. 101(a)(13) or humanitarian or peacekeeping operations as defined in 10 U.S.C. 2302(7); or
 - Contracting officers in the conduct of emergency operations, such as responses to natural or environmental disasters or national or civil emergencies, e.g. Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121);
- Contracts to support unusual or compelling needs (see FAR 6.302-2);
- Awards made to foreign vendors for work performed outside the United States, if it is impractical to obtain CCR registration; and
- Micro-purchases that do not use the electronic funds transfer (EFT) method for payment and are not required to be reported (see FAR subpart 4.6).
- Prior to awarding a contract, BA, BOA or BPA, the contracting officer shall verify that the prospective contractor is registered in the CCR database. The DUNS number should be used to verify registration. This can be done on-line at the CCR Internet website (<http://www.ccr.gov>) at the link titled “Search CCR.”

Existing Contracts, BAs, BOAs, BPAs

- Contracting officers must modify contracts, BAs, BOAs, and BPAs whose period of performance extends beyond December 31, 2003, and which do not already include the requirement to register in the CCR database. Once registered, the vendor must maintain the registration until final payment. The contractors must be registered by December 31, 2003; therefore, modifications must be completed in sufficient time to permit registration by this date.
- A sample modification which can be used for this purpose is attached. This modification template incorporates the new clause 52.204-7 and revised clause 52.232-33.
- Contracting officers may want to consider inserting December 31, 2003 in the blank in clause 52.204-7 as the date by which the contractor must be registered in CCR to provide

the maximum time to affected contractors.

- Also attached is a sample transmittal letter which explains the modification and highlights the need for the contractor to return the modification with the applicable DUNS number indicated in Block 8 of the modification. Additional information concerning CCR, such as that provided by OPPM Memorandum of July 18, 2003 or the CCR Handbook may be added to the letter.
- For contracts for commercial items, a modification must be issued similar to the sample cited above, to add an addendum to 52.212-4, Contract Terms and Conditions – Commercial Items. That change requires that the contractor be registered in the CCR database by December 31, 2003, and maintain registration until final payment.

Solicitations

- For solicitations issued prior to FAC 2001-16, without the appropriate CCR provisions and clauses, contracting officers should amend the solicitations.

VENDOR NOTIFICATION ISSUES AND EXCEPTIONS

- In September 2003 USDA wrote letters to its contractors advising them of the pending CCR registration requirement. The National Finance Center working with the Office of Procurement and Property Management and the Office of the Chief Financial Officer started a mass mail out of these letters. Several of the mission areas have also written similar letters. The USDA and mission area registration efforts have reached both the intended contractors and unintended parties. The USDA mass mail out, which was based on the FFIS VEND file, was cancelled because of the numbers of unintended parties who were receiving these letters.
- Businesses, organizations and individuals selling goods and services to the Federal Government under FAR-based purchase orders, contracts, BAs, BPAs and BOAs should register as soon as practical.
- If a contractor is uncertain as to whether registration in CCR is required and chooses not to do so at this time, there will be later opportunities to register. For example, if, in verifying contractor registration in CCR, the contracting officer finds that the proposed awardee is not registered, the proposed awardee is to be notified of the registration requirement and provided time to register in CCR.
- The requirement to register in CCR applies to acquisitions executed pursuant to the FAR. It therefore, does not, *at this time* apply in the following circumstances.
 - Grants, cooperative agreements and real property leases;
 - Timber Sale contracts;
 - USDA Farm Assistance Programs such as: Conservation Reserve Program, Wetland Reserve Program, Forestry Incentives Program, Wildlife Habitat Incentives Program, and similar programs.
 - USDA provided inspection and testing services (such as provided at airports,

- seaports, food facilities, to veterinary practices, etc.), special use permits and similar services for which USDA is paid by an individual, business or organization.
- Type 60 orders which are not executed pursuant to the FAR.

REFERENCE MATERIAL

- A copy of the CCR Handbook and vendor registration template is available at the CCR website (<http://www.ccr.gov>) under the tab marked “CCR Handbook.” This template and the handbook are useful in understanding what information is required to be provided by contractors, and in addressing questions that may be received from contractors.
- While registration via the World Wide Web is the preferred method, contractors without such Internet access or who would prefer not to register in on-line, can register by submitting the registration template to the Department of Defense, Central Contractor Registration, 74 Washington Ave., N., Suite 7, Battle Creek, MI 49017-3084. Contractors may obtain the paper copy registration template and CCR Handbook from the CCR Customer Assistance described below.
- The CCR Customer Assistance Center can be contacted toll free at telephone number 1-888-227-2423 or by email to ccr@dlis.dla.mil.

LESSONS LEARNED

- Based on questions received by OPFM to date, contractors have required the most assistance with determining NAICS and SIC codes. The NAICS website at <http://www.census.gov/epcd/naics02/naicod02.htm> has a search feature which is useful, and additionally cross-references the appropriate SIC code.
- Contractors are required to enter financial information into CCR. The purpose of the financial information is to facilitate payments. This financial information is only accessible by authorized Government representatives and the contractors themselves. Upon registration each contractor receives a Trading Partner Identification Number (TPIN) which is his/her secure password, which along with the DUNS number, enables the contractor to access his/her data. Please emphasize to contractors that this is their secure password to access their information, including financial information, in the CCR database, and is required when updating their information in the CCR database. This TPIN number should not be released outside the contractor’s organization.
- The contractor information needed for CCR registration includes information which is contractor confidential, and proper security must be maintained for that information. The contractor is responsible for entering and maintaining the correct information in the CCR database. If contractors request assistance with CCR registration because they do not have access to a computer to register on-line at the CCR website, contractors should be advised to submit a written registration application to the CCR office (see information in “Reference Material, above) for actual input of the information into the CCR database. While contracting officers and other Federal employees should not do the on-line registration for the contractors, they may assist contractors by downloading the registration template, CCR handbook and other information from the CCR website and

providing paper copies of that material to the contractors that do not have Internet access.

PAYMENT ISSUES

- OPPM will continue to work with the OCFO regarding the FAR clause 52.232-33 (Payment by Electronic Funds Transfer – Central Contractor Registration (Oct 2003)) concerning payments. At this time the interface between CCR and FFIS is not available. As the interface issues are addressed by OCFO, OPPM will provide information

If you have questions regarding this advisory, please contact Todd Repass, Chief, PPD via email at Todd.Repass@da.usda.gov or by phone at (202) 690-1060; or send an email to procurement.policy@da.usda.gov.

EXPIRATION DATE: Effective until canceled.

[END]

Sample Forwarding Letter for Contractors

Contractor Name
Contractor Address

Dear _____ :

Subject: Contract/PO # _____, Modification _____

Enclosed is a modification incorporating the requirements for registration in the Central Contractor Registration (CCR) database. This modification is being issued unilaterally as an administrative change. Your signature is not required. This registration requirement described in this modification became effective October 1, 2003. Contracts extending beyond December 31, 2003, are being modified to incorporate this requirement. Please return a copy of the modification to this office with your DUNS number entered in block 8.

The CCR database is the primary Government repository for contractor information required to conduct business with the Federal Government. It is designed to be highly secure, with contractors able to register identifying company information; including electronic funds transfer (EFT) data. The contractor controls the accuracy of its own business information and registers one time in CCR. That information is then used by all Federal agencies.

If your firm is already registered in CCR, please provide your DUNS number in block 8 of the attached modification, and return to the contracting office (address in block 6). The DUNS number will be used to verify your registration in CCR.

If your firm is not currently registered, please register in CCR and then enter your DUNS number in block 8 of the attached modification and return to the contracting office (address in block 6). There are basically 2 steps to registration:

1. Obtain a DUNS number by calling Dun and Bradstreet at 1-866-705-7511 (additional information is contained in FAR clause 52.204-7, attached to the enclosed modification).
2. Register in CCR. The preferred method for registration is via the World Wide Web at <http://www.ccr.gov>. The CCR Handbook and a registration template are available at that site, under the tab titled "CCR Handbook." Registration assistance, including a paper copy of the registration forms, may be obtained from the CCR Customer Assistance Center at toll free 1-888-227-2423, commercial 269-961-5757 or by email to ccr@dlis.dla.mil.

Once you have registered in CCR a Trading Partner Identification Number (TPIN) is mailed to the individual identified by you as the CCR point of contact. The TPIN is the secure password for access to your firm's confidential information in the CCR database. You will use the TPIN to access and change the registration data in your profile. It is your responsibility to enter and maintain your information in the CCR database.

Sincerely,

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE OF PAGES 1
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2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
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6. ISSUED BY CODE	7. ADMINISTERED BY (If other than Item 6) CODE
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8. NAME AND ADDRESS OF CONTRACTOR (No. Street, county, State and ZIP: Code)	(4)	9A. AMENDMENT OF SOLICITATION NO.
		9B. DATED (SEE ITEM 11)
		10A. MODIFICATION OF CONTRACT/ORDER NO.
		10B. DATED (SEE ITEM 13)

DUNS Number: _____
CODE

FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offerors must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning one (1) copy of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATA SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and data specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(4)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT/ORDER NO. IN ITEM 10A.
X	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER: Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return 2 originals to the issuing office with your bid.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The contract/order is modified to incorporate Central Contractor Registration (CCR) requirements as follows:

Add: FAR Clause 52.204-7, Central Contractor Registration, Alternate I (OCT 2003) - Attached

Delete: FAR Clause 52.232-34, Payment by Electronic Funds Transfer – Other Than Central Contractor Registration (MAY 1999)

Add: FAR Clause 52.232-33, Payment by electronic Funds Transfer – Central Contractor Registration (OCT 2003) - Attached

In accordance with FAR 52.204-7(b)(2), the contractor shall enter in Block 8, above, its DUNS or DUNS +4 number. This will be used by the Contracting Officer to verify that the Contractor is registered in the CCR database.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remain unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
_____ (Signature of person authorized to sign)		By: _____	

52.204-7 Central Contractor Registration – Alternate I (Oct 2003)

(a) Definitions. As used in this clause—

“Central Contractor Registration (CCR) database” means the primary Government repository for Contractor information required for the conduct of business with the Government.

“Data Universal Numbering System (DUNS) number” means the 9-digit number assigned by Dun and Bradstreet, Inc. (D&B) to identify unique business entities.

“Data Universal Numbering System +4 (DUNS+4) number” means the DUNS number assigned by D&B plus a 4-character suffix that may be assigned by a business concern. (D&B has no affiliation with this 4-character suffix.) This 4-character suffix may be assigned at the discretion of the business concern to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see the FAR at Subpart 32.11) for the same parent concern.

“Registered in the CCR database” means that—

(1) The Contractor has entered all mandatory information, including the DUNS number or the DUNS+4 number, into the CCR database; and

(2) The Government has validated all mandatory data fields and has marked the record “Active”.

(b)(1) The Contractor shall be registered in the CCR database by _____ [*Contracting Officer shall insert a date no later than December 31, 2003*]. The Contractor shall maintain registration during performance and through final payment of this contract.

(2) The Contractor shall enter, in the block with its name and address on the cover page of the SF 30, Amendment of solicitation/Modification of Contract, the annotation “DUNS” or “DUNS +4” followed by the DUNS or DUNS +4 number that identifies the Contractor’s name and address exactly as stated in this contract. The DUNS number will be used by the Contracting Officer to verify that the Contractor is registered in the CCR database.

(c) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

(1) An offeror may obtain a DUNS number—

(i) If located within the United States, by calling Dun and Bradstreet at 1-866-705-5711 or via the Internet at <http://www.dnb.com>; or

(ii) If located outside the United States, by contacting the local Dun and Bradstreet office.

(2) The offeror should be prepared to provide the following information:

(i) Company legal business.

(ii) Tradestyle, doing business, or other name by which your entity is commonly recognized.

(iii) Company Physical Street Address, City, State, and Zip Code.

(iv) Company Mailing Address, City, State and Zip Code (if separate from physical).

(v) Company Telephone Number.

(vi) Date the company was started.

(vii) Number of employees at your location.

(viii) Chief executive officer/key manager.

(ix) Line of business (industry).

(x) Company Headquarters name and address (reporting relationship within your entity).

(d) If the Offeror does not become registered in the CCR database in the time prescribed by the Contracting Officer, the Contracting Officer will proceed to award to the next otherwise successful registered Offeror.

(e) Processing time, which normally takes 48 hours, should be taken into consideration when registering. Offerors who are not registered should consider applying for registration immediately upon receipt of this solicitation.

(f) The Contractor is responsible for the accuracy and completeness of the data within the CCR database, and for any liability resulting from the Government’s reliance on inaccurate or incomplete data.

To remain registered in the CCR database after the initial registration, the Contractor is required to review and update on an annual basis from the date of initial registration or subsequent updates its information in the CCR database to ensure it is current, accurate and complete. Updating information in the CCR does not alter the terms and conditions of this contract and is not a substitute for a properly executed contractual document.

(g) (1) (i) If a Contractor has legally changed its business name, “doing business as” name, or division name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in Subpart 42.12, the Contractor shall provide the responsible Contracting Officer a minimum of one business day’s written notification of its intention to (A) change the name in the CCR database; (B) comply with the requirements of Subpart 42.12 of the FAR; and (C) agree in writing to the timeline and procedures specified by the responsible Contracting Officer. The Contractor must provide with the notification sufficient documentation to support the legally changed name.

(ii) If the Contractor fails to comply with the requirements of paragraph (g)(1)(i) of this clause, or fails to perform the agreement at paragraph (g)(1)(i)(C) of this clause, and, in the absence of a properly executed novation or change-of-name agreement, the CCR information that shows the Contractor to be other than the Contractor indicated in the contract will be considered to be incorrect information within the meaning of the “Suspension of Payment” paragraph of the electronic funds transfer (EFT) clause of this contract.

(2) The Contractor shall not change the name or address for EFT payments or manual payments, as appropriate, in the CCR record to reflect an assignee for the purpose of assignment of claims (see FAR Subpart 32.8, Assignment of Claims). Assignees shall be separately registered in the CCR database. Information provided to the Contractor’s CCR record that indicates payments, including those made by EFT, to an ultimate recipient other than that Contractor will be considered to be incorrect information within the meaning of the “Suspension of payment” paragraph of the EFT clause of this contract.

(h) Offerors and Contractors may obtain information on registration and annual confirmation requirements via the internet at <http://www.ccr.gov> or by calling 1-888-227-2423, or 269-961-5757.

(End of clause)

52.232-33 Payment by Electronic Funds Transfer – Central Contractor Registration (Oct 2003)

(a) *Method of payment.* (1) All payments by the Government under this contract shall be made by electronic funds transfer (EFT), except as provided in paragraph (a)(2) of this clause. As used in this clause, the term “EFT” refers to the funds transfer and may also include the payment information transfer.

(2) In the event the Government is unable to release one or more payments by EFT, the Contractor agrees to either—

(i) Accept payment by check or some other mutually agreeable method of payment; or

(ii) Request the Government to extend the payment due date until such time as the Government can make payment by EFT (but see paragraph (d) of this clause).

(b) *Contractor's EFT information.* The Government shall make payment to the Contractor using the EFT information contained in the Central Contractor Registration (CCR) database. In the event that the EFT information changes, the Contractor shall be responsible for providing the updated information to the CCR database.

(c) *Mechanisms for EFT payment.* The Government may make payment by EFT through either the Automated Clearing House (ACH) network, subject to the rules of the National Automated Clearing House Association, or the Fedwire Transfer System. The rules governing Federal payments through the ACH are contained in 31 CFR part 210.

(d) *Suspension of payment.* If the Contractor’s EFT information in the CCR database is incorrect, then the Government need not make payment to the Contractor under this contract until correct EFT

information is entered into the CCR database; and any invoice or contract financing request shall be deemed not to be a proper invoice for the purpose of prompt payment under this contract. The prompt payment terms of the contract regarding notice of an improper invoice and delays in accrual of interest penalties apply.

(e) *Liability for uncompleted or erroneous transfers.* (1) If an uncompleted or erroneous transfer occurs because the Government used the Contractor's EFT information incorrectly, the Government remains responsible for—

- (i) Making a correct payment;
- (ii) Paying any prompt payment penalty due; and
- (iii) Recovering any erroneously directed funds.

(2) If an uncompleted or erroneous transfer occurs because the Contractor's EFT information was incorrect, or was revised within 30 days of Government release of the EFT payment transaction instruction to the Federal Reserve System, and—

(i) If the funds are no longer under the control of the payment office, the Government is deemed to have made payment and the Contractor is responsible for recovery of any erroneously directed funds; or

(ii) If the funds remain under the control of the payment office, the Government shall not make payment, and the provisions of paragraph (d) of this clause shall apply.

(f) *EFT and prompt payment.* A payment shall be deemed to have been made in a timely manner in accordance with the prompt payment terms of this contract if, in the EFT payment transaction instruction released to the Federal Reserve System, the date specified for settlement of the payment is on or before the prompt payment due date, provided the specified payment date is a valid date under the rules of the Federal Reserve System.

(g) *EFT and assignment of claims.* If the Contractor assigns the proceeds of this contract as provided for in the assignment of claims terms of this contract, the Contractor shall require as a condition of any such assignment, that the assignee shall register separately in the CCR database and shall be paid by EFT in accordance with the terms of this clause. Notwithstanding any other requirement of this contract, payment to an ultimate recipient other than the Contractor, or a financial institution properly recognized under an assignment of claims pursuant to Subpart 32.8, is not permitted. In all respects, the requirements of this clause shall apply to the assignee as if it were the Contractor. EFT information that shows the ultimate recipient of the transfer to be other than the Contractor, in the absence of a proper assignment of claims acceptable to the Government, is incorrect EFT information within the meaning of paragraph (d) of this clause.

(h) *Liability for change of EFT information by financial agent.* The Government is not liable for errors resulting from changes to EFT information made by the Contractor's financial agent.

(i) *Payment information.* The payment or disbursing office shall forward to the Contractor available payment information that is suitable for transmission as of the date of release of the EFT instruction to the Federal Reserve System. The Government may request the Contractor to designate a desired format and method(s) for delivery of payment information from a list of formats and methods the payment office is capable of executing. However, the Government does not guarantee that any particular format or method of delivery is available at any particular payment office and retains the latitude to use the format and delivery method most convenient to the Government. If the Government makes payment by check in accordance with paragraph (a) of this clause, the Government shall mail the payment information to the remittance address contained in the CCR database.

(End of clause)