



Headquarters Policy Flash

FLASH 2004-02

DATE: February 11, 2004
TO: Procurement Directors
FROM: Office of Procurement and Assistance Policy, ME-61
Office of Procurement and Assistance Management
SUBJECT: **Proposed Rulemaking - Electronic Representations and Certifications**

SUMMARY: This Policy Flash transmits summary information regarding the proposed rulemaking published in the Federal Register at 69 FR 4012 on January 27, 2004. This rule is intended to amend the FAR to requiring offerors to submit representations and certifications electronically via the Business Partner Network (BPN), unless exceptions apply. Contracting personnel should review the details of this proposed rulemaking in full text.

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As discussed in Policy Flash 2003-05, the BPN, an element under the Integrated Acquisition Environment (IAE) which is part of the e-government initiative, is a grouping of systems that track vendor data. Online Representations and Certifications (ORCA) is another application to the BPN, similar to the Central Contractor Registration (CCR), and the Federal Procurement Data System-Next Generation (FPDS-NG). This electronic application replaces the paper based Representations and Certifications (reps. and certs.) process.

Also, ORCA is designed to eliminate the administrative burden on contractors who are required to provide reps. and certs. information to various contracting offices as many times as an offer is submitted. The usefulness of the Online Representations and Certifications allows Federal government procurement offices to access contractor information which already exists within the CCR database. Therefore, this requirement only applies to offerors required to register in the CCR database.

In addition, this proposed rulemaking seeks to amend FAR Part 12, Acquisition of Commercial Items, Part 14, Sealed Bidding, Part 15, Contracting By Negotiation, and Part 52 Solicitation Provisions and Contract Clauses.

Written comments to the proposed rulemaking are due in this office on or before March 22, 2004. This will allow us time to prepare a consolidated response to the General Services Administration, as necessary. The notice of proposed rulemaking is available via the internet at <http://www.acqnet.gov/far/ProposedRules/2002-024.pdf>

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