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ANNUAL REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF OFFERORS FOR PROCUREMENT AND CONTRACTS

Certain Federal Acquisition Registry (FAR) representations and certifications are required by the Offeror or Contractor hereinafter referred to as the "Offeror" and must be submitted, as appropriate. The signature by an authorized agent of the Offeror on the last page of this document constitutes the execution of all applicable representations and certifications.

Please complete the following:

_____	_____
Offeror Name	Offeror Title
_____	_____
Mailing Address 1	Mailing Address 2
_____	_____
Email Address	Phone Number
_____	
Federal Tax ID Number	

Type of Business Organization

The offeror, by checking the applicable box, represents that It operates as:

☐ a corporation incorporated under the laws of the State of _____,
☐ a partnership,
☐ a nonprofit organization, or
☐ a joint venture

A. ***Definitions.***

1. The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

2. "Service-disabled veteran-owned small business concern"

   Means a small business concern:

   a) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

   b) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability,

the spouse or permanent caregiver of such veteran.

c) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

3. "Small business concern"

Means a concern, including its affiliates that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

4. "Veteran-owned small business concern"

Means a small business concern:

a) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

b) The management and daily business operations of which are controlled by one or more veterans.

5. "Women-owned small business concern" as used in this provision,

Means a small business concern:

a) Which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

b) Whose management and daily business operations are controlled by one or more women?

B. ***Notice.***

1. If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.

2. Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall—

(i) Be punished by imposition of fine, imprisonment, or both;
(ii) Be subject to administrative remedies, including suspension and debarment; and
(iii) Be ineligible for participation in programs conducted under the authority of the Act.

C. ***Representations:***

FAR 52.219-1

Small Business Program Representations (Apr 2011)

General:

1. The North American Industry Classification System code (NAICS) code for this acquisition is _____ *[insert NAICS code]*.
2. The small business size standard is _____ [insert size standard].
3. The offeror represents as part of its offer that ☐ **it is** ☐ **is not** a small business concern.

Complete only if the offeror represented itself as a small business concern in paragraph (C)(3) of this provision

4. The offeror represents, for general statistical purposes, that: ☐ **it is** ☐ **is not**, a small disadvantaged business concern as defined in 13 CFR 124.1002.

(**Note:** *Attach disadvantaged status certification from the Small Business Administration or documentation verifying request for certification, if the Offeror represents that it is a small disadvantaged business concern.*)

5. The offeror represents as part of its offer that: ☐ **it is** ☐ **is not**, a women-owned small business concern.
6. The offeror represents as part of its offer that ☐ **it is** ☐ **is not,** a veteran-owned small business concern.
7. The offeror represents, as part of its offer, that-

   (i) ☐ **It is** ☐ **is not** a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and

   (ii) ☐ **It is** ☐ **is not** a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (b) (6) (i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [***The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture: ___ _____ _____*** .] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(End of provision)

Alternate I (Apr 2002). As prescribed in 19.308(a) (2), add the following paragraph (b) (7) to the basic provision:

[Complete if offeror represented itself as disadvantaged in paragraph (c) (4) of this provision.] The offeror shall check the category in which its ownership falls:

☐ Black American

☐ Hispanic American

☐ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians)

☐ Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

☐ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal)

☐ Individual/concern, other than one of the preceding

(End of provision)

FAR 52.209-5

Certification Regarding Responsibility Matters (Apr 2010)

8. The Offeror certifies, to the best of its knowledge and belief, that:
   a) The Offeror and/or any of its Principals:
      i. ☐ **Are** ☐ **Are not**, presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;
      ii. ☐ **Have** ☐ **Have not, within a three-year period preceding this offer or contract,** been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
      iii. ☐ **Are** ☐ **Are not,** presently indicted for or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (8)(a)(ii) of this provision.

iv. ☐ **Have** ☐ **Have not,** within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds $3,000 for which the liability remains unsatisfied.

Federal taxes are considered delinquent if both of the following criteria apply:

- **The tax liability is finally determined.** The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.
- **The taxpayer is delinquent in making payment.** A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.

Examples.

- The taxpayer has received a statutory notice of deficiency, under I.R.C. 6212, which entities the taxpayer to seek Tax Court review of a proposed tax deficiency. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek Tax Court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

- The IRS has filed a notice of Federal tax lien with respect to an assessed tax liability, and the taxpayer has been issued a notice under I.R.C. 6320 entitling the taxpayer to request a hearing with IRS Office of Appeals contesting the lien filing, and to further appeal to the Tax Court if the IRS determines to sustain the lien filing. In the course of the hearing, the taxpayer is entitled to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer see tax court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

- The taxpayer has entered into an installment agreement pursuant to I.R.C. 6159. The taxpayer is making timely payments and is in full compliance with the agreement terms. The taxpayer is not delinquent because the taxpayer is not currently required to make full payment.

- The taxpayer has filed for bankruptcy protection. The taxpayer is not delinquent because enforced collection action is stayed under 11 U.S.C. 362 (the Bankruptcy Code).

b) **The Offeror** ☐ **Has** ☐ **Has not**, within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

c) "Principal," for the purpose of this certification, means officer; director; owner; partner; or person having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This certification concerns a matter within the jurisdiction of any agency of the United States, and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Section 1001, Title 18, United States Code.

9. The Offeror shall provide immediate written notice to DESC if, at any time prior to subcontract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reasons of changed circumstances.
10. A certification that any of the items in paragraph (A) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by DESC may render the Offeror non-responsible.
11. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (A) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
12. The certification in paragraph (A) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, DESC, may terminate the subcontract resulting from this solicitation for default.

Non-Profit Organization

The Offerer certifies that ☐ **it is** ☐ **is not**, a non-profit or charitable organization, institution, university, federal, state or local government.

FAR 52.222-21

Prohibition of Non-segregated Facilities (Feb 1999)

By execution of this document the offerer certifies that it is in full compliance with the provisions set forth in FAR 52.222-21.

FAR 52.222-22

Previous Contracts and Compliance Reports (Feb 1999)

The offeror represents that:

a) ☐ **It has** ☐ **It has not,** participated in a previous contract or subcontract subject the Equal Opportunity clause of this solicitation;

b) ☐ **It has** ☐ **It has not,** filed all required compliance reports; and

Representations indicating submission of required compliance reports, signed by a proposed 2nd tier subcontractor, will be obtained before subcontract awards and will be forwarded to the **DESC** procurement point of contact.

FAR 52.222-25

Affirmative Action Compliance (Apr 1984)

The Offeror represents that:

a) ☐ **it has** developed and has on file ☐ **it has not,** developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2) or

b) ☐ **It has** ☐ **It has not,** previously had contracts/subcontracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

FAR *52.222-35

Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sep 2010)

By execution of this document the offerer certifies that it is in full compliance with the provisions set forth in far 52.222-35.

FAR 52.222-36

Affirmative Action for Workers with Disabilities (Oct 2010)

By execution of this document the offerer certifies that it is in full compliance with the provisions set forth in FAR 52.222-36.

FAR 52.222-37

Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Oct 2010)

By execution of this document the offerer certifies that it is in full compliance with the provisions set forth in FAR 52.222-37.

Sales Taxes

Please indicate, by checking the appropriate box (es), the states or districts in which your company is authorized to collect sales tax:

☐ All

☐ Alabama
☐ Alaska
☐ Arizona
☐ Arkansas
☐ California
☐ Colorado
☐ Connecticut
☐ Delaware
☐ District of Columbia
☐ Florida
☐ Georgia
☐ Hawaii
☐ Idaho
☐ Illinois
☐ Indiana
☐ Iowa
☐ Kansas
☐ Kentucky
☐ Louisiana
☐ Maine
☐ Maryland
☐ Massachusetts
☐ Michigan
☐ Minnesota
☐ Mississippi
☐ Missouri

☐ None

☐ Montana
☐ Nebraska
☐ Nevada
☐ New Hampshire
☐ New Jersey
☐ New Mexico
☐ New York
☐ North Carolina
☐ North Dakota
☐ Ohio
☐ Oklahoma
☐ Oregon
☐ Pennsylvania
☐ Rhode Island
☐ South Carolina
☐ South Dakota
☐ Tennessee
☐ Texas
☐ Utah
☐ Vermont
☐ Virginia
☐ Washington
☐ West Virginia
☐ Wisconsin
☐ Wyoming

THE UNDERSIGNED OFFEROR CERTIFIES THAT THE INFORMATION CONTAINED WITHIN THIS DOCUMENT IS TRUE AND ACCURATE TO THE BEST OF ITS KNOWLEDGE.

BY THE EXECUTION OF THIS DOCUMENT, THE UNDERSIGNED OFFEROR AGREES TO PROVIDE IMMEDIATE WRITTEN NOTICE TO DESC AT ANY TIME DURING THE EFFECTIVE PERIOD OF THIS DOCUMENT; THE UNDERSIGNED OFFEROR LEARNS THAT THIS DOCUMENT WAS ERRONEOUS WHEN SUBMITTED OR HAS BECOME ERRONEOUS BY REASON OF CHANGED CIRCUMSTANCES.

** The effective period of this document is through June 30th of the following year or same year from date of signature.

_____
Signature

_____
Printed Name of Signatory

_____
Title of Signatory

_____
Date

* Exempt if work is to be performed outside the U.S. by employees who were not recruited within the U.S.

**Annual certifications will be effective beginning July 1st through June 30th of the next year. For certifications obtained during the year, the certification is considered effective from the date of execution to June 30th of the same year. The effective period of certifications will not exceed one year.

Offerors and Contractors can also register at www.SAM.gov and complete Representation and Certification.

Return response via email to Procurement@detempsol.org. ***Include in the Subject Line***: Reps and Certs Submission.

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