



www.ngsservices.com/

ANNUAL OFFEROR REPRESENTATIONS AND CERTIFICATIONS

REFS: CODE OF FEDERAL REGULATIONS (CFR); FEDERAL ACQUISITION REGULATION (FAR); ET AL.

Offeror: As a Federal Prime Contractor, National Government Services is required to gather and maintain certain registration data from all Offerors. National Government Services must also gather additional representations and certifications from Offerors who do (or want to) provide goods or services in support of a U.S. Government (USG) contract. This form is designed to efficiently and effectively gather both the required registration information and, when applicable, the additional representations and certifications.

- (1) All Offerors, regardless of business size, solicitation type or dollar amount, must complete Section A.1. and Section C in their entirety.
(a) In addition to Section A.1. and Section C, all Small Business Offerors must also complete Section A.2;
and
(2) Any Offerors who do (or want to) provide National Government Services with goods or services in support of a USG contract must also complete Section B.

Note: Some of the certifications and representations herein are similar to those solicited via the USG's representations and certifications database (e.g., SAM.gov). However, an Offeror's USG representations and certifications may not be used in lieu of this form. Additionally, certain other solicitation-specific and procurement-specific policies and procedures may require additional representations and certifications from Offeror.

SECTION A.: GENERAL BUSINESS INFORMATION
A.1. PART I: BUSINESS NAME AND CONTACT INFORMATION
Business Name: DBA or Division (if applicable):
Contact Name: Contact Title:
Contact Phone Number:: Contact Email Address:
Company Website (as applicable): Tax ID Number:
Type of Products or Services Offered:
Type of Products or Services Offered (continued):
Primary NAICS Code1: Secondary NAICS Code:

1 Reference http://www.census.gov/eos/www/naics/ for NAICS codes.



www.ngsservices.com/

ANNUAL OFFEROR REPRESENTATIONS AND CERTIFICATIONS

REFS: CODE OF FEDERAL REGULATIONS (CFR); FEDERAL ACQUISITION REGULATION (FAR); ET AL.

A.1. PART II: BUSINESS INFORMATION

(a) Offeror: You must provide your Data Universal Numbering System (DUNS) Number AND your Parent Company's DUNS Number (applicable only if Offeror has a Parent Company). DUNS Numbers are issued by Dun & Bradstreet (800) 234-3867:

Offeror's DUNS Number (required): - -

Offeror's Parent Company DUNS Number² - -

(b) Offeror is (is not) registered with the U.S. Government's System for Award Management at www.SAM.gov (or any successor USG database).

All Offerors registered with the SAM database must provide their assigned 5-character Commercial And Government Entity (CAGE):

CAGE Code: _____

(c) Provide Offeror's physical business location information:

Business Name:

d/b/a or Division (if applicable)

Offeror's Physical Location Address (Number, Street, or Suite):

City, County, and State:

Congressional District (if applicable)

Country: Zip+4 or Postal Code:

Telephone: Facsimile:

(d) Is Offeror's physical business location different from Offeror's primary performance location?

Yes No

If Yes, complete (e) and (f) below, before proceeding to (g).

If No, Offeror is not required to answer or complete (e) and (f) below, and should proceed directly to (g).

² Required if applicable.



www.ngsservices.com/

ANNUAL OFFEROR REPRESENTATIONS AND CERTIFICATIONS

REFS: CODE OF FEDERAL REGULATIONS (CFR); FEDERAL ACQUISITION REGULATION (FAR); ET AL.

A.1. PART II: BUSINESS INFORMATION (CONTINUED)

(e) Provide Offeror's primary performance location information:

Business Name:

d/b/a or Division (if applicable):

Offeror's Physical Location Address (Number, Street, or Suite):

City, County, and State:

Congressional District (if applicable)

Country:

Zip+4 or Postal Code:

Telephone:

Facsimile:

(f) Does Offeror have multiple performance locations in addition to the location provided above?

Yes No

If Yes, Offeror acknowledges and agrees to provide National Government Services, in Offeror's proposal at the time of solicitation, with the actual performance location address applicable to each Subcontract or Purchase Order issued by National Government Services.

(g) Offeror's Business Status:

Individual/Sole Proprietor Corporation Partnership Trust/Estate

Government Agency Non-Profit Organization Private Foundation Non-US Entity

For Non-Profit Organizations Only

Offeror represents that:

It is organized as a 501(c)(3) 501(c)(4) 501(c)(6) Other

It does (does not) engage in lobbying.

(h) Offeror represents and certifies that is as a (check only one):

Large Business OR Non-US Entity OR Small Business, as defined at www.sba.gov, (Small Business Offerors must also complete the representations in Section A.2., below);

A.1. PART II: BUSINESS INFORMATION (CONTINUED)

(i) **U.S. Department of State Directorate of Defense Trade Controls (“DDTC”) Registration Representation** (see Code of Federal Regulations Title 22, Part 122 (22 CFR part 122) and Part 129 (22 CFR part 129))

Offeror engages in the business of manufacturing, brokering, or exporting defense articles or furnishing defense services (check only one box):

Yes No

If Yes, does Offeror have a current registration on file within the DDTC (check only one box):

Yes No

If No, provide reason why (22 CFR 122.1(b) and/or 22 CFR 129.6(b)):

(j) Offeror is ISO certified (check only one box): Yes No

If Yes, indicate specific ISO Certification(s): _____

If No, provide the following:

Quality Manager's name: _____

Quality Level: _____

(k) Offeror's email address: _____

A.2.: APPLICABLE ONLY TO SMALL BUSINESS OFFERORS

In addition to the annual representations required by this Section A.2., below:

Offeror hereby acknowledges and agrees that it shall certify its business size and, if appropriate, its small business status, by means of a confirming entry in the System for Award Management (SAM) at <https://www.sam.gov/portal/public/SAM/>, and that such entry in SAM.gov shall be current, accurate and complete as of the date of any Offeror proposal to National Government Services. If Offeror fails to check this box, National Government Services will not consider Offeror to be a small business concern for any potential Subcontract or Purchase Order that National Government Services may solicit.

Offeror hereby acknowledges and agrees that Offeror's signature in Section C, "Authorized Signature of Offeror", below, is applicable to all of the representations of Offeror set forth in this Section A.2. If Offeror fails to check this box, National Government Services will not consider Offeror to be a small business concern for any potential Subcontract or Purchase Order that National Government Services may solicit.

A.2.1.: SMALL BUSINESS PROGRAM REPRESENTATIONS - FAR 52.219-1 (OCT 2014) (TAILORED)

(a) (1) Offeror hereby acknowledges and agrees that for each specific future proposal Offeror submits to National Government Services, in order for National Government Services to consider Offeror to be a small business concern:

Offeror must provide National Government Services with the North American Industry Classification System (NAICS) code(s) applicable to that specific proposal in accordance with the requirements of the Small Business Jobs and Credit Act of 2010, as amended; **AND**

Offeror must acknowledge said NAICS code(s) by an accompanying authorized signature of Offeror in accordance with the requirements of the Small Business Jobs and Credit Act of 2010, as amended.

(2) The Small business size standard that applies to the representations of Offeror, below, are as defined by 13 CFR part 121.

A.2.1.: SMALL BUSINESS PROGRAM REPRESENTATIONS - FAR 52.219-1 (OCT 2014) (TAILORED) (CONTINUED)

(3) 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.

(b) **Representations:**

- (1) Offeror represents that as part of its offer that it is (is not) a **small business concern**.
- (2) *[Complete only if the Offeror represented itself as a small business concern in paragraph (b)(1) of this provision.]* The Offeror represents that it is (is not) a **small disadvantaged business concern** as defined in 13 CFR 124.1002.
- (3) *[Complete only if the Offeror represented itself as a small business concern in paragraph (b)(1) of this provision.]* The Offeror represents as part of its offer that it is (is not) a **women-owned small business concern**.
- (4) **Women-owned small business (WOSB) concern** eligible under the **WOSB Program**. *[Complete only if the Offeror represented itself as a women-owned small business concern in paragraph (b)(3) of this provision.]*

The Offeror represents as part of its offer that—

- (i) It is (is not) a **WOSB concern** eligible under the **WOSB Program**, has provided all the required documents to the **WOSB Repository**, and no change in circumstances or adverse decisions have been issued that affects its eligibility; and
- (ii) It is (is not) a **joint venture** that complies with the requirements of 13 CFR part 127, and the representation in paragraph (b)(4)(i) of this provision is accurate for each **WOSB concern** eligible under the **WOSB Program** participating in the **joint venture**. *[The Offeror shall enter the name or names of the WOSB concern eligible under the WOSB Program and other small businesses that are participating in the joint venture: _____.]*
Each **WOSB concern** eligible under the **WOSB Program** participating in the **joint venture** shall submit a separate signed copy of the **WOSB** representation.
- (5) **Economically disadvantaged women-owned small business (EDWOSB)**. *[Complete only if the Offeror represented itself as a women-owned small business concern eligible under the WOSB Program in (b)(4) of this provision.]* The Offeror represents as part of its offer that--
 - (i) It is (is not) a **EDWOSB concern** eligible under the **WOSB Program**, has provided all the required documents to the **WOSB Repository**, and no change in circumstances or adverse decisions have been issued that affects its eligibility; and
 - (ii) It is (is not) a **joint venture** that complies with the requirements of 13 CFR part 127, and the representation in paragraph (b)(5)(i) of this provision is accurate for each **EDWOSB concern** participating in the **joint venture**. *[The Offeror shall enter the name or names of the EDWOSB concern and other small businesses that are participating in the joint venture: _____.]*

Each **EDWOSB concern** participating in the **joint venture** shall submit a separate signed copy of the **EDWOSB** representation.
- (6) *[Complete only if the Offeror represented itself as a small business concern in paragraph (b)(1) of this provision.]* The Offeror represents as part of its offer that it is (is not) a **veteran-owned small business concern**.
- (7) *[Complete only if the Offeror represented itself as a veteran-owned small business concern in paragraph (b)(6) of this provision.]* The Offeror represents as part of its offer that it is (is not) a **service-disabled veteran-owned small business concern**.

A.2.1.: SMALL BUSINESS PROGRAM REPRESENTATIONS - FAR 52.219-1 (OCT 2014) (TAILORED) (CONTINUED)

(8) *[Complete only if the Offeror represented itself as a small business concern in paragraph (b)(1) of this provision.]* 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 changes in ownership and control, principal office, or **HUBZone** employee percentage have occurred since it was certified in accordance with 13 CFR part 126; and
- (ii) It is (is not) a **HUBZone joint venture** that complies with the requirements of 13 CFR part 126, and the representation in paragraph (b)(8)(i) of this provision is accurate for each **HUBZone small business concern** participating in the **HUBZone joint venture**. *[The Offeror shall enter the names of each of the HUBZone small business concerns participating in the HUBZone joint venture: _____.]*

Each **HUBZone small business concern** participating in the **HUBZone joint venture** shall submit a separate signed copy of the **HUBZone** representation.

(c) **Definitions.** As used in this provision -

- (1) “Economically disadvantaged women-owned small business (EDWOSB) concern” means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States and who are economically disadvantaged in accordance with 13 CFR part 127. It automatically qualifies as a women-owned small business concern eligible under the WOSB Program.
- (2) “Service-disabled veteran-owned small business concern” means a small business concern –
 - (i) 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**
 - (ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.
- (3) “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).
- (4) “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 National Government Services subcontracts, and qualified as a small business under the criteria in 13 CFR part 121 and the size standard in paragraph (a) of this provision.
- (5) “Small disadvantaged business concern, consistent with 13 CFR 124.1002,” means a small business concern under the size standard applicable to the acquisition, that --
 - (a) Is at least 51 percent unconditionally and directly owned (as defined at 13 CFR 124.105) by --
 - (i) One or more socially disadvantaged (as defined at 13 CFR 124.103) and economically disadvantaged (as defined at 13 CFR 124.104) individuals who are citizens of the United States, and
 - (ii) Each individual claiming economic disadvantage has a net worth not exceeding \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and
 - (b) The management and daily business operations of which are controlled (as defined at 13 CFR 124.106) by individuals who meet the criteria in paragraph (a) of this definition.

A.2.1.: SMALL BUSINESS PROGRAM REPRESENTATIONS - FAR 52.219-1 (OCT 2014) (TAILORED) (CONTINUED)

- (6) "Veteran-owned small business concern" means a small business concern –
 - (i) 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**
 - (ii) The management and daily business operations of which are controlled by one or more veterans.
- (7) "Women-owned small business concern" means a small business concern –
 - (i) That 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**
 - (ii) Whose management and daily business operations are controlled by one or more women.
- (d) **Notice Regarding Misrepresentations.** Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a business concern that is small, HUBZone small, small disadvantaged, service-disabled veteran-owned small, economically disadvantaged women owned small, or women-owned small eligible under the WOSB Program in order to obtain a Subcontract or Purchase Order pursuant to the Small Business Act or any other provision of Federal law, may be subject to penalties and remedies imposed by the United States Government as described below --
 - (1) Be punished by imposition of fine, imprisonment, or both;
 - (2) Be subject to administrative remedies, including suspension and debarment; **and**
 - (3) Be ineligible for participation in programs conducted under the authority of the Act.

NOTE REGARDING DEFINITIONS AND REPRESENTATIONS: The definitions and requirements for the Federal small and disadvantaged business (SADBUS) program are summarized on this form for your convenience. However, your certification indicates compliance with the program's complete definitions and requirements, more information on which can be found in the Federal Acquisition Regulations (FAR) at <http://acquisition.gov/far/current/html/FARMTOC.html>, in particular FAR [Part 2.101](#) and [Part 19.3](#), and in the SBA regulations at <http://ecfr.gpoaccess.gov>, in particular [13 CFR 121](#) and [13 CFR 125](#).

A.2.2.: SMALL BUSINESS PROGRAM REPRESENTATIONS - FAR 52.219-1 ALTERNATE I (SEP 2015)

If Offeror represented itself as a small disadvantaged business concern in Section A.2.1.(b)(2), above, indicate the category in which Offeror's 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, 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.

SECTION B.: ADDITIONAL REQUIREMENTS AND CERTIFICATIONS REQUIRED FOR WORK UNDER U. S. GOVERNMENT PRIME CONTRACTS

B.1.: CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS - FAR 52.203-11 (SEP 2007)

- Offeror's designated representative hereby certifies that he or she has read and understands (a)-(e), below.
- (a) Definitions. As used in this provision—"Lobbying contact" has the meaning provided at 2 U.S.C. 1602(8). The terms "agency," "influencing or attempting to influence," "officer or employee of an agency," "person," "reasonable compensation," and "regularly employed" are defined in the FAR clause of the solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12).
- (b) Prohibition. The prohibition and exceptions contained in the FAR clause of the solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12) are hereby incorporated by reference in this provision.
- (c) Certification. **Offeror**, certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on its behalf in connection with the awarding of a Subcontract or Purchase Order, or the prime contract it is awarded under.
- (d) Disclosure. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of **Offeror** with respect to a Subcontract or Purchase Order, or the prime contract it is awarded under, **Offeror** shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. **Offeror** need not report regularly employed officers or employees of **Offeror** to whom payments of reasonable compensation were made.
- (e) Penalty. Submission of this certification and disclosure is a prerequisite for making or entering into a Subcontract or Purchase Order imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under FAR 52.203-11 or who fails to file or amend the disclosure required to be filed or amended by FAR 52.203-11, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

B.2.1.: REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS - FAR 52.204-10 (OCT 2016)

Offeror: If a Subcontract or Purchase Order award to **Offeror** has an expected value of \$30,000 or more in support of a prime contract, National Government Services must, subject to certain exceptions, gather and publicly report information regarding the award in accordance with FAR 52.204-10.

Has **Offeror** had gross income under \$300,000 in the previous tax year?

Yes No

If **Yes**, **Offeror** is **not** required to complete Section B.2.2., below, and should proceed directly to Section B.3.

If **No**, **Offeror** must proceed to Section B.2.2., below, before continuing to Section B.3.

B.2.2.: TOTAL COMPENSATION OF OFFEROR'S EXECUTIVES

- (a) Definitions. As used in this provision—"Executive" means officers, managing partners, or any other employees in management positions of **Offeror**. "First-tier subcontract" means a Subcontract or Purchase Order awarded directly by National Government Services to **Offeror** to furnish supplies or services (including construction) for performance of a prime contract. "Total Compensation" means the cash and noncash dollar value earned by the Executive during **Offeror's** preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
- (1) Salary and bonus.

B.2.2.: TOTAL COMPENSATION OF OFFEROR'S EXECUTIVES (CONTINUED)

- (2) Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Financial Accounting Standards Board's Accounting Standards Codification (FASB ASC) 718, Compensation-Stock Compensation.
- (3) Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of Executives, and are available generally to all salaried employees.
- (4) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- (5) Above-market earnings on deferred compensation which is not tax-qualified.
- (6) Other compensation, if the aggregate value of all such other compensation (e.g., severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the Executive exceeds \$10,000.

- (b) In Offeror's preceding fiscal year, did Offeror receive 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements, and other forms of Federal financial assistance?

Yes No

If Yes, proceed to (c), below.

If No, Offeror is not required to complete the remainder of this Section B.2.2. and may proceed directly to Section B.3.

- (c) In Offeror's preceding fiscal year, did Offeror receive \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements, and other forms of Federal financial assistance?

Yes No

If Yes, proceed to (d), below.

If No, Offeror is not required to complete the remainder of this Section B.2.2. and may proceed directly to Section B.3.

- (d) Does the public have access to information about the compensation of the Executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986? (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

Yes No

If Yes, Offeror is not required to complete the remainder of this Section B.2.2 and may proceed directly to Section B.3.

If No, proceed to (e), below.

B.2.2.: TOTAL COMPENSATION OF OFFEROR'S EXECUTIVES (CONTINUED)

(e) Offeror must provide in the space below the names and total compensation of each of Offeror's five most highly compensated Executives for Offeror's completed fiscal year preceding the date specified in Section C below. If National Government Services awards Offeror a Subcontract or Purchase Order, Offeror shall update the information in this Section B.2.2 for Offeror's fiscal year preceding the date of award of such Subcontract or Purchase Order:

| | <u>Executive Name</u> | <u>Executive Total Compensation</u> |
|-----|-----------------------|-------------------------------------|
| (1) | _____ | _____ |
| (2) | _____ | _____ |
| (3) | _____ | _____ |
| (4) | _____ | _____ |
| (5) | _____ | _____ |

(f) Offeror hereby acknowledges and agrees that Offeror shall, at the time of a subcontract award that is subject to FAR 52.204-10, provide National Government Services the Offeror's applicable and current information which National Government Services is required by law to report to the US Government and which information will be made available to the public.

B.3.: PROHIBITION ON CONTRACTING WITH INVERTED DOMESTIC CORPORATIONS-REPRESENTATION - FAR 52.209-2 (Nov 2015)

- (a) Definitions. Inverted domestic corporation" and "subsidiary" have the meaning given in the clause of this contract entitled Prohibition on Contracting with Inverted Domestic Corporations (52.209-10).
- (b) Government agencies are not permitted to use appropriated (or otherwise made available) funds for contracts with either an inverted domestic corporation, or a subsidiary of an inverted domestic corporation, unless the exception at 9.108-2(b) applies or the requirement is waived in accordance with the procedures at 9.108-4.
- (c) Representation. The Offeror represents that—
 - (1) It is (is not) an inverted domestic corporation; and
 - (2) It is (is not) a subsidiary of an inverted domestic corporation.

B.4.: CERTIFICATION REGARDING RESPONSIBILITY MATTERS - FAR 52.209-5 (OCT 2015)

Offeror: Read each provision, below, and check the appropriate box where required.

- (a) (1) The Offeror certifies, to the best of its knowledge and belief, that --
 - (i) The Offeror and/or any of its Principals --
 - (A) Are (Are not) presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;
 - (B) Have (Have not), within a three-year period preceding this offer, 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, violating Federal criminal tax laws, or receiving stolen property (if Offeror checks "have", the Offeror shall also see FAR 52.209-7);

B.4.: CERTIFICATION REGARDING RESPONSIBILITY MATTERS - FAR 52.209-5 (OCT 2015) (CONTINUED)

- (C) 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 (a)(1)(i)(B) of this provision; and
- (D) Have (Have not), within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds \$3,500 for which the liability remains unsatisfied.
- (1) Federal taxes are considered delinquent if both of the following criteria apply:
- (i) 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.
- (ii) 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.
- (2) Examples:
- (i) The taxpayer has received a statutory notice of deficiency, under Internal Revenue Code (I.R.C.) section 6212, which entitles 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.
- (ii) 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. section 6320 entitling the taxpayer to request a hearing with the 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 seek Tax Court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.
- (iii) The taxpayer has entered into an installment agreement pursuant to I.R.C. section 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.
- (iv) 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).
- (ii) Offeror has (has not) within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

B.4.: CERTIFICATION REGARDING RESPONSIBILITY MATTERS - FAR 52.209-5 (OCT 2015) (CONTINUED)

- (2) "Principal" for the purposes of this certification, means officer; director; owner; partner; and, or a 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 an 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.

- (b) The **Offeror** shall provide immediate written notice to National Government Services if, at any time prior to Subcontract or Purchase Order award, **Offeror** learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under a solicitation. However, the certification will be considered in connection with a determination of **Offeror's** responsibility. Failure of **Offeror** to furnish a certification or provide such additional information as requested by National Government Services may render **Offeror** non-responsible.
- (d) 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.
- (e) 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 **Offeror** knowingly rendered an erroneous certification, in addition to other remedies available to National Government Services, National Government Services may terminate the Subcontract or Purchase Order resulting from a solicitation for default.

B.5.: INFORMATION REGARDING RESPONSIBILITY MATTERS - FAR 52.209-7 (JUL 2013)

Offeror: Read each provision, below, and check the appropriate box where required.

- (a) **Definitions:**

"Administrative proceeding" means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative Proceedings, Civilian Board of Contract Appeals Proceedings, and Armed Services Board of Contract Appeals Proceedings). This includes administrative proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include agency actions such as contract audits, site visits, corrective plans, or inspection of deliverables.

"Federal contracts and grants with total value greater than \$10,000,000" means—

- (1) The total value of all current, active contracts and grants, including all priced options; and
- (2) The total value of all current, active orders including all priced options under indefinite-delivery, indefinite-quantity, 8(a), or requirements contracts (including task and delivery and multiple-award Schedules).

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

- (b) **Offeror** has (does not have) current active Federal contracts and grants with total value greater than \$10,000,000.

B.5.: INFORMATION REGARDING RESPONSIBILITY MATTERS - FAR 52.209-7 (JUL 2013) (CONTINUED)

- (c) If **Offeror** checked "has" in paragraph (b) of this provision, **Offeror** represents that the information it has entered in the Federal Awardee Performance and Integrity Information System (FAPIIS) is current, accurate, and complete as of the date of submission of this form with regard to the following information:
- (1) Whether **Offeror**, and/or any of its principals, has or has not, within the last five years, in connection with the award to or performance by **Offeror** of a Federal contract or grant, been the subject of a proceeding, at the Federal or State level that resulted in any of the following dispositions:
 - (i) In a criminal proceeding, a conviction.
 - (ii) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more.
 - (iii) In an administrative proceeding, a finding of fault and liability that results in—
 - (A) The payment of a monetary fine or penalty of \$5,000 or more; or
 - (B) The payment of a reimbursement, restitution, or damages in excess of \$100,000.
 - (iv) In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the Contractor if the proceeding could have led to any of the outcomes specified in paragraphs (c)(1)(i), (c)(1)(ii), or (c)(1)(iii) of this provision.
 - (2) If **Offeror** has been involved in the last five years in any of the occurrences listed in (c)(1) of this provision, whether **Offeror** has provided the requested information with regard to each occurrence.
- (d) **Offeror** shall post the information in paragraphs (c)(1)(i) through (c)(1)(iv) of this provision in FAPIIS as required through maintaining an active registration in the System for Award Management database via <https://www.acquisition.gov> (see 52.204-7).

B.6.: REPRESENTATION BY CORPORATIONS REGARDING DELINQUENT TAX LIABILITY OR A FELONY CONVICTION UNDER ANY FEDERAL LAW - FAR 52.209-11 (FEB 2016)

- (a) As required by sections 744 and 745 of Division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235), and similar provisions, if contained in subsequent appropriations acts, the Government will not enter into a contract with any corporation that-
- (1) Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless an agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government; or
 - (2) Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless an agency has considered suspension or debarment of the corporation and made a determination that this action is not necessary to protect the interests of the Government.
- (b) The **Offeror** represents that-
- (1) It is (is not) a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
 - (2) It is (is not) a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

B.7.: PREVIOUS CONTRACTS AND COMPLIANCE REPORTS - FAR 52.222-22 (FEB 1999)

Offeror represents that:

- (a) It has (has not) participated in a previous contract or subcontract subject to the Equal Opportunity clause of a solicitation;
- (b) It has (has not) filed all required compliance reports; and
- (c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before Subcontract or Purchase Order awards.

B.8.: AFFIRMATIVE ACTION COMPLIANCE - FAR 52.222-25 (APR 1984)

Offeror represents that:

- (a) It has developed and has on file (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 parts 60-1 and 60-2); OR
- (b) It has not previously had contracts or subcontracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

B.9.: COMPLIANCE WITH VETERANS' EMPLOYMENT REPORTING REQUIREMENTS - FAR 52.222-38 (FEB 2016)

Offeror hereby represents that if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., if it has any contract containing Federal Acquisition Regulation clause 52.222-37, Employment Reports on Veterans), it has filed the most recent VETS-4212 Report required by that clause.

B.10.: SERVICE CONTRACT LABOR STANDARDS - FAR 52.222-41 (MAY 2014)

- (a) The Offeror shall check the following certification:

CERTIFICATION

The Offeror does (does not) certify by submission of its offer and award of any resultant Subcontract or Purchase Order that is subject to FAR 52.222-41, Service Contract Act ("SCA") of 1965, as amended, that—

- (1) Neither it nor any person or firm who has a substantial interest in the Offeror's firm is a person or firm ineligible to be awarded Government contracts by virtue of the sanctions imposed under 41 U.S.C. 6706.
- (2) No part of any resultant Subcontract or Purchase Order from its offer shall be subcontracted to any person or firm ineligible for award of a Government contract under 41 U.S.C. 6706.

Note: The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

B.11.: EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR MAINTENANCE, CALIBRATION, OR REPAIR OF CERTAIN EQUIPMENT-CERTIFICATION - FAR 52.222-48 (MAY 2014)

- (a) The Offeror shall check the following certification:

CERTIFICATION

The Offeror does (does not) certify that -

- (1) The items of equipment to be serviced under this contract are used regularly for other than Government purposes, and are sold or traded by the Offeror (or subcontractor in the case of an exempt subcontractor) in substantial quantities to the general public in the course of normal business operations;

B.11.: EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR MAINTENANCE, CALIBRATION, OR REPAIR OF CERTAIN EQUIPMENT-CERTIFICATION - FAR 52.222-48 (MAY 2014) (CONTINUED)

- (2) The services will be furnished at prices which are, or are based on, established catalog or market prices for the maintenance, calibration, or repair of equipment.
 - (i) An "established catalog price" is a price included in a catalog, price list, schedule, or other form that is regularly maintained by the manufacturer or the **Offeror**, is either published or otherwise available for inspection by customers, and states prices at which sales currently, or were last, made to a significant number of buyers constituting the general public.
 - (ii) An "established market price" is a current price, established in the usual course of trade between buyers and sellers free to bargain, which can be substantiated from sources independent of the manufacturer or **Offeror**; and
- (3) The compensation (wage and fringe benefits) plan for all service employees performing work under the contract are the same as that used for these employees and equivalent employees servicing the same equipment of commercial customers.
- (b) Certification by the **Offeror** as to its compliance with respect to the contract also constitutes its certification as to compliance by its subcontractor if it subcontracts out the exempt services. If the **Offeror** certifies to the conditions in paragraph (a) of this provision, and the Contracting Officer determines in accordance with FAR 22.1003-4(c)(3) that the Service Contract Labor Standards statute-
 - (1) Will not apply to this **Offeror**, then the Service Contract Labor Standards clause in this solicitation will not be included in any resultant contract to this **Offeror**; or
 - (2) Will apply to this **Offeror**, then the clause at 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements, in this solicitation will not be included in any resultant contract awarded to this **Offeror**, and the **Offeror** may be provided an opportunity to submit a new offer on that basis.
- (c) If the **Offeror** does not certify to the conditions in paragraph (a) of this provision-
 - (1) The clause in this solicitation at 52.222-51, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements, will not be included in any resultant contract awarded to this **Offeror**; and
 - (2) The **Offeror** shall notify the Contracting Officer as soon as possible, if the Contracting Officer did not attach a Service Contract Labor Standards wage determination to the solicitation.
- (d) The Contracting Officer may not make an award to the **Offeror**, if the **Offeror** fails to execute the certification in paragraph (a) of this provision or to contact the Contracting Officer as required in paragraph (c) of this provision.

B.12.: EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR CERTAIN SERVICES-CERTIFICATION - FAR 52.222-52 (MAY 2014)

- (a) The **Offeror** shall check the following certification:

CERTIFICATION

The **Offeror** does (does not) certify that -

 - (1) The services under the contract are offered and sold regularly to non-Governmental customers, and are provided by the **Offeror** (or subcontractor in the case of an exempt subcontract) to the general public in substantial quantities in the course of normal business operations;

B.12.: EXEMPTION FROM APPLICATION OF THE SERVICE CONTRACT LABOR STANDARDS TO CONTRACTS FOR CERTAIN SERVICES-CERTIFICATION - FAR 52.222-52 (MAY 2014) (CONTINUED)

- (2) The contract services are furnished at prices that are, or are based on, established catalog or market prices. An "established catalog price" is a price included in a catalog, price list, schedule, or other form that is regularly maintained by the manufacturer or the **Offeror**, is either published or otherwise available for inspection by customers, and states prices at which sales currently, or were last, made to a significant number of buyers constituting the general public. An "established market price" is a current price, established in the usual course of ordinary and usual trade between buyers and sellers free to bargain, which can be substantiated from sources independent of the manufacturer or **Offeror**;
 - (3) Each service employee who will perform the services under the contract will spend only a small portion of his or her time (a monthly average of less than 20 percent of the available hours on an annualized basis, or less than 20 percent of available hours during the contract period if the contract period is less than a month) servicing the Government contract; and
 - (4) The **Offeror** uses the same compensation (wage and fringe benefits) plan for all service employees performing work under the contract as the **Offeror** uses for these employees and for equivalent employees servicing commercial customers.
- (b) Certification by the **Offeror** as to its compliance with respect to the contract also constitutes its certification as to compliance by its subcontractor if it subcontracts out the exempt services. If the **Offeror** certifies to the conditions in paragraph (a) of this provision, and the Contracting Officer determines in accordance with FAR 22.1003-4(d)(3) that the Service Contract Labor Standards statute-
- (1) Will not apply to this **Offeror**, then the Service Contract Labor Standards clause in this solicitation will not be included in any resultant contract to this **Offeror**; or
 - (2) Will apply to this **Offeror**, then the clause at FAR 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements, in this solicitation will not be included in any resultant contract awarded to this offer, and the **Offeror** may be provided an opportunity to submit a new offer on that basis.
- (c) If the offeror does not certify to the conditions in paragraph (a) of this provision-
- (1) The clause of this solicitation at 52.222-53, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements, will not be included in any resultant contract to this **Offeror**; and
 - (2) The **Offeror** shall notify the Contracting Officer as soon as possible if the Contracting Officer did not attach a Service Contract Labor Standards wage determination to the solicitation.
- (d) The Contracting Officer may not make an award to the **Offeror**, if the **Offeror** fails to execute the certification in paragraph (a) of this provision or to contact the Contracting Officer as required in paragraph (c) of this provision.

B.13.: CERTIFICATION REGARDING TRAFFICKING IN PERSONS COMPLIANCE PLAN - FAR 52.222-56 (MAR 2015) (TAILORED)

Offeror provides supplies manufactured or acquired outside the United States or services performed outside the United States (check only one box):

- Yes No

If **Yes**, the following certification may be applicable to the solicitation and procurement and must be agreed to by **Offeror**.

- Offeror** hereby certifies before award of any Subcontract or Purchase Order (i) for supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States and (ii) has an estimated value that exceeds \$500,000 that:

**B.13.: CERTIFICATION REGARDING TRAFFICKING IN PERSONS COMPLIANCE PLAN - FAR 52.222-56 (MAR 2015) (TAILORED)
(CONTINUED)**

- (a) Offeror has implemented a compliance plan to prevent any prohibited activities identified in paragraph (b) of the clause at 52.222-50, Combating Trafficking in Persons, and to monitor, detect, and terminate any agent, subcontract or Offeror employee engaging in prohibited activities identified at paragraph (b) of the clause at 52.222-50; and
- (b) After having conducted due diligence—
 - (1) To the best of the Offeror's knowledge and belief, neither it nor any of its agents, subcontractors, or their agents is engaged in any such activities; **or**
 - (2) If abuses relating to any of the prohibited activities identified in 52.222-50 paragraph (b) have been found, the Offeror or its subcontractor has taken the appropriate remedial and referral actions.

Through its acceptance of any such awarded Subcontract or Purchase Order, Offeror hereby renews the above certification annually during its performance of such awarded Subcontract or Purchase Order, unless Offeror otherwise provides written notice to the contrary to the National Government Services representative to whom this document was originally provided.

B.14.: BIOBASED PRODUCT CERTIFICATION – FAR 52.223-1 (MAY 2012)

As required by the Farm Security and Rural Investment Act of 2002 and the Energy Policy Act of 2005 (7 U.S.C. 8102(c)(3)), the Offeror does (does not) certify, by signing its offer, that biobased products (within categories of products listed by the United States Department of Agriculture in 7 CFR part 3201, subpart B) to be used or delivered in the performance of the contract, other than biobased products that are not purchased by the Offeror as a direct result of this contract, will comply with the applicable specifications or other contractual requirements.

B.15.: RECOVERED MATERIAL CERTIFICATION – FAR 52.223-4 (MAY 2008)

As required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(c)(3)(A)(i)), the Offeror does (does not) certify, by signing this offer, that the percentage of recovered materials content for EPA-designated items to be delivered or used in the performance of the contract will be at least the amount required by the applicable contract specifications or other contractual requirements.

**B.16.: Prohibition on Conducting Restricted Business Operations in Sudan--Certification – FAR 52.225-20
(Aug 2009)**

- (a) Definitions. As used in this provision—

"Business operations" means engaging in commerce in any form, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

"Marginalized populations of Sudan" means—

- (1) Adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act (Pub. L. 109-344) (50 U.S.C. 1701 note); and
- (2) Marginalized areas in Northern Sudan described in section 4(9) of such Act.

"Restricted business operations" means business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, as those terms are defined in the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110-174). Restricted business operations do not include business operations that the person (as that term is defined in Section 2 of the Sudan Accountability and Divestment Act of 2007) conducting the business can demonstrate—

**B.16.: Prohibition on Conducting Restricted Business Operations in Sudan--Certification – FAR 52.225-20
(AUG 2009) (CONTINUED)**

- (1) Are conducted under contract directly and exclusively with the regional government of southern Sudan;
- (2) Are conducted pursuant to specific authorization from the Office of Foreign Assets Control in the Department of the Treasury, or are expressly exempted under Federal law from the requirement to be conducted under such authorization;
- (3) Consist of providing goods or services to marginalized populations of Sudan;
- (4) Consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;
- (5) Consist of providing goods or services that are used only to promote health or education; or
- (6) Have been voluntarily suspend.
- (b) CERTIFICATION. By submission of its offer, the Offeror does (does not) certify that the Offeror does not conduct any restricted business operations in Sudan.

**B.17.: Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—
Representation and Certification – FAR 52.225-25 (Oct 2015)**

- (a) Definitions. As used in this provision—
 - Person--
 - (1) Means--
 - (i) A natural person;
 - (ii) A corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise; and
 - (iii) Any successor to any entity described in paragraph (1)(ii) of this definition; and
 - (2) Does not include a government or governmental entity that is not operating as a business enterprise.
 - Sensitive technology—
 - (1) Means hardware, software, telecommunications equipment, or any other technology that is to be used specifically—
 - (i) To restrict the free flow of unbiased information in Iran; or
 - (ii) To disrupt, monitor, or otherwise restrict speech of the people of Iran; and
 - (2) Does not include information or informational materials the export of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).
- (b) The Offeror shall email questions concerning sensitive technology to the Department of State at CISADA106@state.gov
- (c) Except as provided in paragraph (d) of this provision or if a waiver has been granted in accordance with 25.703-4, by submission of its offer, the Offeror--
 - (1) Represents, to the best of its knowledge and belief, that the Offeror does not export any sensitive technology to the government of Iran or any entities or individuals owned or controlled by, or acting on behalf or at the direction of, the government of Iran;

**B.17.: Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—
Representation and Certification – FAR 52.225-25 (OCT 2015) (CONTINUED)**

- (2) Certifies that the **Offeror**, or any person owned or controlled by the **Offeror**, does not engage in any activities for which sanctions may be imposed under section 5 of the Iran Sanctions Act. These sanctioned activities are in the areas of development of the petroleum resources of Iran, production of refined petroleum products in Iran, sale and provision of refined petroleum products to Iran, and contributing to Iran's ability to acquire or develop certain weapons or technologies; and
- (3) Certifies that the **Offeror**, and any person owned or controlled by the **Offeror**, does not knowingly engage in any transaction that exceeds \$3,500 with Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates, the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (see OFAC's Specially Designated Nationals and Blocked Persons List at <http://www.treasury.gov/ofac/downloads/t11sdn.pdf>).
- (d) Exception for trade agreements. The representation requirement of paragraph (c)(1) and the certification requirements of paragraphs (c)(2) and (c)(3) of this provision do not apply if—
 - (1) This solicitation includes a trade agreements notice or certification (e.g., 52.225-4, 52.225-6, 52.225-12, 52.225-24, or comparable agency provision); and
 - (2) The **Offeror** has certified that all the offered products to be supplied are designated country end products or designated country construction material.

B.18.: Representation of Limited Rights Data and Restricted Computer Software – FAR 52.227-15 (DEC 2007)

- (a) This solicitation sets forth the Government's known delivery requirements for data (as defined in the clause at 52.227-14, Rights in Data-General). Any resulting contract may also provide the Government the option to order additional data under the Additional Data Requirements clause at 52.227-16, if included in the contract. Any data delivered under the resulting contract will be subject to the Rights in Data-General clause at 52.227-14 included in this contract. Under the latter clause, a Contractor may withhold from delivery data that qualify as limited rights data or restricted computer software, and deliver form, fit, and function data instead. The latter clause also may be used with its Alternates II and or III to obtain delivery of limited rights data or restricted computer software, marked with limited rights or restricted rights notices, as appropriate. In addition, use of Alternate V with this latter clause provides the Government the right to inspect such data at the Contractor's facility
- (b) By completing the remainder of this paragraph, the **Offeror** represents that it has reviewed the requirements for the delivery of technical data or computer software and states [Offeror check appropriate block]-
 - (1) None of the data proposed for fulfilling such requirements qualifies as limited rights data or restricted computer software; or
 - (2) Data proposed for fulfilling such requirements qualify as limited rights data or restricted computer software and are identified as follows:

[If Item 2 is checked, Offeror shall provide a separate listing of proposed data as part of its offer.]
- (c) Any identification of limited rights data or restricted computer software in the **Offeror's** response is not determinative of the status of the data should a contract be awarded to the **Offeror**.

B.19.: GOVERNMENT PROPERTY CERTIFICATION

- Offeror** hereby acknowledges and agrees that with respect to any subcontract or Purchase Order awarded to **Offeror** by National Government Services in support of and charged to a U.S. Government Prime Contract or subcontract thereunder when Government Property is acquired by or is in the possession or control of **Offeror**, **Offeror** shall comply with the applicable Government Property requirements set out in FAR 52.245-1.



www.ngsservices.com/

ANNUAL OFFEROR REPRESENTATIONS AND CERTIFICATIONS

REFS: CODE OF FEDERAL REGULATIONS (CFR); FEDERAL ACQUISITION REGULATION (FAR); ET AL.

B.20.: SUPPLIER CODE OF CONDUCT REPRESENTATION

National Government Services is committed to conducting its business fairly, impartially, and in an ethical and proper manner. Our expectation is that our partners, subcontractors, suppliers, and/or vendors also will conduct business fairly, impartially, and in an ethical and proper manner. The Offeror represents that--

(a) [] It has read and understands the NGS Supplier Code of Conduct, and that Offeror has not participated in any conduct in connection with its offer that violates the NGS Supplier Code of Conduct.

and

(b) (1) [] It has and enforces a corporate code of conduct that is as comprehensive as the NGS Supplier Code of Conduct.; or

(2) [] It agrees to comply with NGS Supplier Code of Conduct.

The NGS Supplier Code of Conduct is found at www.ngsservices.com/suppliercode.html.

SECTION C.: AUTHORIZED SIGNATURE OF OFFEROR

Certification of Offeror or Offeror's Authorized Representative:

By submitting this information, I am attesting to the accuracy of the information contained herein. I understand that I may be subject to penalties imposed by the United States Government³ if I misrepresent any of the representations or certifications herein. Offeror further acknowledges that National Government Services shall rely on the information provided by Offeror herein and that if any of Offeror's representations herein change during the period of performance, Offeror shall provide immediate written notice to the National Government Services Procurement Representative to whom this document was originally provided.

Signature of Offeror (or Offeror's Authorized Representative)
Offeror Firm/Company Name
Address:
Printed Name of Signatory
Title of Signatory
Date
Telephone:
Facsimile:
Email:

3 Note: 18 U.S.C. § 1001 makes it a crime to knowingly or willfully make false statements in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States.