

Attachment 4

REPRESENTATIONS, CERTIFICATIONS AND ACKNOWLEDGEMENTS

OFFERORS SHALL COMPLETE ALL PARAGRAPHS AND MUST SIGN ON REVERSE SIDE. The Offeror represents, certifies and acknowledges the following statements are true and correct and are made part of this offer and shall be conditions precedent to the award of subcontract or purchase order:

1. **LABOR SURPLUS AREA:** Offeror ___ will, ___ will not, perform the work in an area classified by the Secretary of Labor as (1) ___ section of concentrated unemployment or underemployment; (2) ___ persistent labor surplus area; or (3) ___ substantial labor surplus area.
2. **TYPE OF BUSINESS ORGANIZATION:** Offeror operates as ___ an individual, ___ a partnership, ___ a non-profit organization, ___ a corporation, incorporated under the laws of the State of _____. Offeror ___ is, ___ is not, owned or controlled by a parent company (enter in the blank below the name and main office address of the parent company).
_____/Federal ID #
3. **REGULAR DEALER-MANUFACTURER** (applicable only to supply contracts exceeding \$10,000): Offeror is a ___ regular dealer in, ___ manufacturer of, the supplies offered.
4. **CONTINGENT FEE:** (a) Offeror ___ has, ___ has not, employed or retained any company or person (other than a full-time, bona fide employee working solely for the offeror) to solicit or secure this contract, and (b) Offeror ___ has, ___ has not, paid or agreed to pay any company or person (other than a full time, bona fide employee working solely for the offeror) any fee, commission, percentage, brokerage fee contingent upon or resulting from the award of this contract, and agrees to furnish information relating to (a) and (b) above, as requested by the Contracting Officer. (For interpretation of the representation, including the term "bona fide employee", see Code of Federal Regulations, Title 41, Subpart 1-1.5).
5. **SMALL BUSINESS, SMALL DISADVANTAGED BUSINESS, AND WOMEN-OWNED SMALL BUSINESS CONCERNS:** Offeror ___ is, ___ is not, a small business concern, ___ a small business concern owned and controlled by socially and economically disadvantaged individuals, ___ a small business concern owned and controlled by women. (Definitions are contained in Section 211, Public Law 95-507, Oct. 24, 1978, and Executive order 12138, May 18, 1979. Questions concerning these definitions or the classification of your concern may be referred to the Federal or State Small Business Administration Representative covering your area.)
6. **CERTIFICATION OF INDEPENDENT PRICE DETERMINATION:**
 - (a) By submission of this offer, the offeror certifies and, in the case of a joint offer, each party thereto certifies as to its own organization, that in connection with this procurement:
 - (1) The prices in this offer have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other offeror or with any competitor;
 - (2) Unless otherwise required by law, prices which have been quoted in this offer have not been knowingly disclosed by the offeror and will not knowingly be disclosed by the offeror prior to opening in the case of an advertised procurement or prior to award in the case of negotiated procurement directly or indirectly to any other offeror or to any competitor; and
 - (3) No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit an offer for the purpose of restricting competition.
 - (b) Each person signing this offer certifies that:
 - (1) They are the person in the offeror's organization responsible within that organization for the decision as to prices being offered herein and that they have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above; or
 - (2) (i) They are not the person in the offeror's organization responsible within that organization for the decision as to the prices being offered herein but that they have been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above, and as their agent does hereby so certify; and (ii) they have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above.
 - (c) An offer will not be considered for award where (a)(1), (a)(3), or (b) of the certification has been deleted or modified. Where (a)(2) of the certification has been deleted or modified, the offer will not be considered for award unless the offeror furnishes with the offer a signed statement which sets forth in detail the circumstances of the disclosure and AUJ, or its designee, determines that such disclosure was not made for the purpose of restricting competition.
7. **EQUAL OPPORTUNITY:**
 - (a) Offeror ___ has, ___ has not, participated in a previous contract or subcontract subject either to the Equal Opportunity Clause herein or the clause originally contained in section 301 of Executive Order 10925, or the clause contained in section 201 of Executive Order 11114; that Offeror ___ has, ___ has not, filed all required compliance reports; and that representation, indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards. (The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.)
 - (b) (THE FOLLOWING CERTIFICATION SHALL BE COMPLETED BY EACH OFFEROR WHOSE OFFER IS \$50,000 OR MORE AND WHO HAS 50 EMPLOYEES OR MORE.):
The offeror certifies that (1) they ___ have, ___ have not, developed and maintained at each of their establishments Equal Opportunity Affirmative Action Programs, pursuant to 41 CFR 60-2, or (2) they ___ have, ___ have not, previously had contracts subject to written affirmative action program requirement of the rules and regulations of the Secretary of Labor.
8. **NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES:** A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity Clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semi-annually, or annually).

"CERTIFICATION OF NONSEGREGATED FACILITIES": (Applicable to contracts, subcontracts, and to agreements with applicants who are themselves performing Federally assisted construction contracts, exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause.)

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that they do not maintain or provide for their employees any segregated facilities at any of their establishments, and that they will not permit employees to perform their services at any location, under their control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity Clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion or national origin, because of habit, local customs or otherwise. They further agree that (except where they have obtained identical certifications from proposed subcontractors for specific time periods) they will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause; that they will retain such certifications in their files and that they will forward the above notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

9. **LISTING OF EMPLOYMENT OPENINGS FOR VETERANS:** Offerors should note that this solicitation includes a provision which will be included in the contract requiring the listing of employment openings with the local office of the State employment service system if the award is for \$2,500 or more.

10. **CERTIFICATE OF CURRENT COST OR PRICING DATA:** A certificate of Current Cost or Pricing Data in the form set out below is mandatory for proposals over \$100,000 and may be required prior to award of any subcontract:

This is to certify that to the best of my knowledge and belief, cost of pricing data submitted in writing, or specifically identified in writing if actual submission of the data is impracticable, to Associated Universities, Inc., in support of _____(proposal or quotation number) are accurate, complete and current as of _____ (date).

Signature/Title

Date _____

Company

11. **CLEAN AIR AND WATER CERTIFICATION:** (applicable if the bid or offer exceeds \$100,000, or AUI has determined that orders under an indefinite quantity subcontract in any year will exceed \$100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857c-8(c)(1)) or the Federal Water Pollution Control Act (33 U.S.C. 1319(c)) and is listed by Environmental Protection Agency, or is not otherwise exempt.)

The Offeror certifies as follows:

- (a) Any facility to be utilized in the performance of this proposed subcontract ___has, ___has not, been listed on the Environmental Protection Agency List of Violating Facilities.
- (b) They will promptly notify AUI, prior to award, of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that any facility which they propose to use for the performance of the subcontract is under consideration to be listed on the EPA List of Violating Facilities.
- (c) They will include substantially this certification, including this paragraph (c), in every non-exempt subcontract.

12. **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS:**

- (a) CONTRACTOR certifies that, to the best of its knowledge and belief, that CONTRACTOR and/or any of its Principals, (as defined in FAR 52.209-5), are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency.
- (b) CONTRACTOR shall provide immediate written notice to AUI/NRAO if, any time prior to award of any contract, it learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (c) THE FOLLOWING CERTIFICATION SHALL BE COMPLETED BY EACH CONTRACTOR WHOSE OFFER IS \$10,000 OR MORE.

This is to certify that to the best of my knowledge and belief, my company and or its principals, are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal Agency.

Signature/Title

Date _____

Company

THE UNDERSIGNED HEREBY ACKNOWLEDGES that he/she is authorized to sign this document on behalf of the offeror and that all of the above Representations, Certifications, and Acknowledgements are true and correct; in the event the amount of the proposed purchase order or subcontract requires additional Representations, Certifications, and Acknowledgements in accordance with the FAR, the offeror agrees to complete such Representations, Certifications, and Acknowledgements before the award of a subcontract or purchase order and to be bound thereby.

Signature/Title

Date _____

Company