



APPENDIX G

REPRESENTATIONS & CERTIFICATIONS

ORGANIZATION: _____ PHONE: _____

ADDRESS _____ MOBILE: _____

_____ EMAIL: _____

WEB ADDRESS: _____

The Offeror represents and certifies, by completing this form, that the following information is current, accurate, and complete. This form will be made a part of any resultant purchase order or Agreement.

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:

a corporation, incorporated under the laws of the State of _____.

an individual/sole proprietorship

a partnership

a non-profit organization/educational institution, or

a joint venture

Other: _____

3. Taxpayer Identification Number (TIN)

TIN: _____

TIN has been applied for

TIN is not required because: _____

Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.

Offeror is an agency or instrumentality of a foreign government

Offeror is an agency or instrumentality of the Federal government

Other. State basis: _____



4. Regular Dealer-Manufacturer: The Offeror represents as a part of this offer that the Offeror is, or is not, a regular dealer in; or is, or is not, a manufacturer of, the supplies offered.

5. **BUSINESS SIZE AND TYPE CLASSIFICATION: THE OFFEROR IS:** (Check All Appropriate Boxes)

- | | |
|--|--|
| <input type="checkbox"/> Small Business (SB) | <input type="checkbox"/> Large Business |
| <input type="checkbox"/> Women-Owned Small (WOSB) | <input type="checkbox"/> Minority Institution (MI) |
| <input type="checkbox"/> *SBA-Certified Small Disadvantaged (SDB) | <input type="checkbox"/> Historically Black College or University |
| <input type="checkbox"/> Non-SBA-Certified SDB | <input type="checkbox"/> Veteran Owned Business (Self-Certifying) |
| <input type="checkbox"/> Non-Profit Organization | <input type="checkbox"/> Service-Disabled Veteran-Owned Small Business (Self-Certifying) |
| <input type="checkbox"/> *Historically Underutilized Business Zone (“HUBZone”) | |

*Enter SDB/HUBZone Tracking Number here AND attach a copy of Offeror’s current Small Business Administration (SBA) SDB certification letter or other proof of certification.

6. **STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE OR NORTH AMERICAN INDUSTRIAL CLASSIFICATION CODE**

Enter the 4-digit SIC Code or 6-digit NAIC Code that most closely represents the product, commodity or service that Offeror is likely to sell to AUI/NRAO in the calendar year covered by these representations.

SIC Code: __ __ __ __

NAIC Code: __ __ __ __

SIC and NAIC codes are available at <http://www.naics.com/search.htm>.

Definitions – as used in this provision:

“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.

“Small Disadvantaged Business Concern”, means a small business concern that (1) is at least 51 percent unconditionally owned by one or more individuals who are both socially and economically disadvantaged, or a publicly owned business having at least 51 percent of its stock unconditionally owned by one or more socially and economically disadvantaged individuals, and (2) has its management and daily business controlled by one or more such individuals. This term also means a small business concern that is at least 51 percent unconditional owned by one or more of these entities, which has its management and daily business controlled by members of an economically disadvantaged Indian tribe or Native Hawaiian Organization, and which meets the requirements of 13 CFR Part 124.

"Women-Owned Business Concern", means a small business concern 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 (2) whose management and daily business operations are controlled by one or more women.

“Historically Black College or University”, means an institution determined by the Secretary of Education to meet the requirements of 34 CFR 608.2. For the Department of Defense, the National Aeronautics and Space Administration, and the Coast Guard, the term also includes any nonprofit research institution that was an integral part of such a college or university before November 14, 1986.

“Minority Institution”, means an institution of higher education meeting the requirements of Section 1046(3) of the Higher Education Act of 1965 (20 U.S.C.1135d-5(3)) which, for the purpose of this provision, includes a Hispanic-serving institution of higher education as defined in Section 316(b)(1) of the Act (20 U.S.C.1059c(b)(1)).

Complete if Offeror represented itself as disadvantaged in paragraph (3). 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 proceeding

7. Complete only if Offeror represented itself as a small business concern in paragraph (3). The Offeror represents, as part of its offer, that:

- (a) 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 place of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126

IN ADDITION: (b) It is, is not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (b)(5)(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.



8. Complete only if Offeror represented itself as a Veteran-Owned Small Business Concern in paragraph (3). The Offeror represents, as part of its offer, that:

It is, is not Veteran-Owned Small Business Concern. A small business concern that (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.

IN ADDITION: Offeror represents that is is, is not a Service-Disabled Veteran-Owned Small Business Concern. A small business concern that (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. 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).

NOTICE OF PENALTY

Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small or small disadvantaged business concern in order to obtain a contract to be awarded under the preference programs established pursuant to sections 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specially 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.

9. Previous Contracts and Compliance Reports): [Federal contractors who do not have 50 or more employees and a contract of \$50,000 or more, mark Has Not.] The Offeror represents that it has, has not participated in a previous contract or Contract subject either to the Equal Opportunity Clause of this solicitation, the clause originally contained in Section 310 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114, that he has, has not, filed all required compliance reports; and that representations indicating submission of required compliance reports, signed by proposed Offeror will be obtained prior to Contract awards.
10. Affirmative Action Compliance [Federal contractors who do not have 50 or more employees and a contract of \$50,000 or more, mark Has Not.] The 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 60-1 and 60-2), or (b) it has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.
11. Certification on Nonsegregated Facilities: By this submission the Offeror certifies that it does not maintain or provide for its employees any segregated facilities at any of his establishments, and that it does not permit its employees to perform their services at any location, under its control, where



segregated facilities are maintained. The Offeror 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 custom or otherwise. The Offeror further agrees that (except where it has obtained identical certifications from proposed lower-tier Contracts for specific time periods) it will obtain identical certifications from proposed lower-tier Subcontractors prior to the award of Contracts exceeding \$10,000 which are not exempt from the provisions of Equal Opportunity Clause; that it will retain such certifications in its files; and that it will forward the following notice to such proposed lower-tier Subcontractors (except where the proposed lower-tier Subcontractors have submitted identical certifications for specific time periods):

A certification of Nonsegregated Facilities must be submitted prior to the award of a Contract exceeding \$10,000, which is not exempt from the provisions of the Equal Opportunity Clause. The certification may be submitted either for each Contract or for all Contracts during a period (i.e., quarterly, semi-annually, or annually). (Note: The penalty for making false statements in offers in prescribed in 1 8 U.S.C. 1001.

12. Equal Opportunity Compliance: By submission of this offer, the Offeror represents that, to the best of its knowledge and belief, except as noted below up to the date of this offer, no written notice such as a show cause letter, a letter indicating probable cause, or any other formal written notification citing specific deficiencies, has been received by the Offeror from any Federal Government agency or representative thereof that the Offeror or any of its divisions or affiliates or known first-tier subcontractor is in violation of any of the provisions of Executive Order 11246 of September 24, 1965, Executive Order 11375 of October 13, 1967, or rules and regulations of the Secretary of Labor and specifically as to not having an acceptable affirmative action program or being in noncompliance with any other aspect of the Equal Employment Opportunity Program. It is further agreed that should there be any change (i) in the Offeror's status or circumstances between this date and the date of expiration of this offer, or any extension thereof, or (ii) during any contract or extension thereof resulting from this solicitation, AUI/NRAO, will be notified promptly.
13. Certification regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters :
 - (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 Contract; 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, or receiving stolen property; and



(C) Are /are not presently indicted for, or otherwise criminally or civil charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision.

(ii) 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.

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 the Buyer if, at any time prior to contract award, the 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 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 the Buyer may render the 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 the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Buyer and/or the Government, the Buyer may terminate the contract resulting from this solicitation for default.

14. Offeror agrees to immediately advise AUI/NRAO of any event that affects the accuracy of the information contained in the declaration provided herein

Certification Signature

Signature: _____ Organization: _____

Typed Name: _____ Address: _____

Title: _____

Fax: _____ Email: _____

Date: _____ Telephone: _____