 

 SUPPLIER CERTIFICATIONS & REPRESENTATIONS

The supplier represents and certifies as part of its proposal/quotation that: (Check or complete all applicable boxes or blocks.)

# Type of Business Organization

The supplier, by checking the applicable box, represents that:

1. It operates as a corporation incorporated under the laws of the State of , an individual, a partnership, a nonprofit organization, or a joint venture.
2. If the supplier or bidder is a foreign entity, it operates as an individual, a partnership, a nonprofit organization, a joint venture, or a corporation, registered for business in (country).

# Certification Regarding Debarment, Suspension, etc.

The supplier certifies, to the best of its knowledge and belief, that:

1. The supplier and/or any of its principals:
	1. Are □, are not □, presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any federal agency;
	2. Have □, have not □ , within a 3‐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, or receiving stolen property; and,
	3. Are □, are not □, presently indicted for, or otherwise criminally or civilly charged by a governmental entity with commission of any of the above offenses.
2. The supplier has □, has not □,within a 3‐year period preceding this offer, had one or more federally‐funded contracts/subcontracts terminated for default.

# Small Business, Woman‐Owned Small Business, and Small Disadvantaged Business, Subcontracting Plan Socio‐Economic Status Certification

The Contractor may be required to submit Small Business, Woman‐Owned Small Business, and Small Disadvantaged Business (SB/WOSB/SDB) Subcontracting Plan to its customer under the prime contract, and the supplier may be required to submit a SB/WOSB/SDB Subcontracting Plan to the Contractor under any proposed subcontract hereunder.

1. With respect to such requirements, the supplier hereby represents and certifies that its socio‐economic status is as follows: (check all applicable boxes).

a. □ Small Business b. □ Large Business

c. □ Non‐Profit Business d. □ Foreign Business (Non‐US)

e. □ Disadvantaged Business f. □ Woman‐Owned Business

g. □ Labor Surplus Area Business

h. □ Historically Black College & University/Minority Institution

i. □ Nonprofit Agency for the Blind and Other Severely Handicapped

j. □ Economically Disadvantaged Indian tribe or Native Hawaiian Organization

**Certification of Non‐Segregated Facilities (FAR 52.222‐21)** (applicable to orders/bids over $10,000)

1. "Segregated facilities," as used herein, 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, that 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.
2. By the submission of this offer, the supplier certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The supplier agrees that a breach of this certification is a violation of the Equal Opportunity clause in the subcontract.
3. The supplier further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will:
	1. Obtain identical certifications from proposed subcontractors before the award of subcontracts under which the subcontractor will be subject to the Equal Opportunity clause;
	2. Retain the certifications in the files; and,
	3. Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

# NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES.

**A Certification of Non‐segregated Facilities must be submitted before the award of a subcontract under which the subcontractor will be subject to the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).**

**Non‐Discrimination in Employment During Performance**

1. The supplier will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, or national origin.
2. The Supplier will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, national origin, sex, age, or handicap, with due regard to their qualification and abilities. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or compensation, and selection for training, including apprenticeship.
3. The Supplier agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of the nondiscrimination clause.
4. The Supplier will, in all solicitations or advertisements for employees placed by or on behalf of the Supplier, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, age, sex or national origin.
5. The Supplier will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Agency Contracting Officer, advising the labor union or workers’ representative of the Supplier’s commitments under the Equal Opportunity Clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
6. The Supplier will comply with all provisions and Executive Order No 11246 of September 24, 1965, as amended by Executive Order No 11375 of October 13, 1967, and of the rules, regulations and relevant orders of the Secretary of Labor.
7. The Supplier will furnish all information and reports required by paragraph (4) above and will permit access to Supplier’s books, records and accounts by the contracting agency and the Secretary of Labor, for purposes of investigation to ascertain compliance with such rules, regulations and orders.
8. In the event of the Supplier’s noncompliance with the nondiscrimination clauses of the contract or with any such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Supplier may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965 as amended by Executive Order 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in said Executive Orders, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
9. The Supplier will include the provisions of these paragraphs (1) through (7) in every subcontractor purchase order unless exempted by rules, regulations or orders of the Secretary of Labor Issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No 11375 of October 13, 1967, so that such provision will be binding upon each subcontractor or vendor. The Supplier will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the Supplier becomes involved in, or is threatened with, litigation with a subcontractor or vendor as the result of such direction by the contraction agency, the Supplier may request the United States to enter into such litigation to protect the interests of the United States.

**Certification Regarding A Drug‐Free Workplace (FAR 52.223‐5)** (applicable to orders/bids over $25,000 for a business concern; or any dollar amount for an individual)

"Drug‐free workplace" means the site(s) for the performance of work done by the subcontractor in connection with a specific subcontract at which employees of the subcontractor are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

1. By submission of its offer, the supplier, if other than an individual, who is making an offer that equals or exceeds $25,000, certifies and agrees that it will, not later than 30 calendar days after subcontract award:
	1. Publish a statement notifying all employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the subcontractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition.
	2. Establish an ongoing drug‐free awareness program to inform employees about the dangers of drug abuse in the workplace; the subcontractor's policy of maintaining a drug‐free workplace; any available drug counseling, rehabilitation, and employee assistance programs; and, the penalties that may be imposed upon employees for drug abuse violations.
	3. Provide all employees with a copy of the statement required above.
	4. Notify all employees, in writing, in the statement required by above, that as a condition of continued employment, the employee must abide by the terms of the statement; and notify the employer, in writing, of the employee's conviction under a criminal drug statute for a violation occurring in the workplace not later than five calendar days after such conviction.
	5. Notify the Contractor in writing within five calendar days after receiving employee notice referred to above, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee.
	6. Within 30 calendar days after receiving employee notice referred to above, take appropriate personnel action against such convicted employee, up to and including termination; or, require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes.
	7. g) Make a good faith effort to maintain a drug‐free workplace through implementation of all items of this provision.
2. By submission of its offer, the supplier, if an individual who is making an offer of any dollar value, certifies and agrees that the supplier will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the performance of the subcontract resulting from this solicitation.
3. Failure of the supplier to provide the certification required by this provision, renders the supplier unqualified and ineligible for award. (See FAR 9.104‐1(g) and 19.602‐1(a)(2)(i)).

**Previous Contracts and Compliance Reports (FAR 52.222‐22)** (applicable to orders/bids over $50,000 and 50 or more employees) The supplier represents that:

1. It has □, has not □, participated in a previous contract or subcontract 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;
2. It has □, has not □, filed all required compliance reports; and,
3. Representations indicating submission of required compliance reports, signed by the supplier's proposed subcontractors, will be obtained before subcontract award.

**Affirmative Action Program** (applicable to orders/bids over $50,000 and 50 or more employees) The supplier represents that:

* 1. 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,
	2. 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.

**Clean Air And Water Certification (FAR 52.223‐1)** (applicable to orders/bids over $100,000) The supplier certifies that:

1. Any facility to be used in the performance of this proposed subcontract is □, is not □listed on the Environmental Protection Agency (EPA) List of Violating Facilities;
2. The supplier will immediately notify the Contractor, before award, of the receipt of any communication from the Administrator, or a designee, of the EPA, indicating that any facility that the supplier proposes to use for the performance of the subcontract is under consideration to be listed on the EPA List of Violating Facilities; and,
3. The supplier will include a certification substantially the same as this certification, including this paragraph in every non‐ exempt sub‐subcontract.

**Certification and Disclosure Regarding Payments To Influence Certain Federal Transactions (FAR 52.203‐11)** (applicable to orders/bids over $100,000)

1. The definitions and prohibitions contained in the clause at FAR 52.203‐12, Limitation on Payments to Influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in paragraph (b) of this certification.
2. The supplier, by signing its offer, hereby certifies, to the best of its knowledge and belief, that on or after December 23, 1989:
	1. 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 his or her behalf, in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan, or cooperative agreement;
	2. If any funds other than federal appropriated funds (including profit or fee received under a covered federal transaction) 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 his or her behalf, in connection with this solicitation, the supplier shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to the Contractor; and,
	3. The supplier will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of $100,000 shall certify and disclose accordingly.
3. Submission of this certification and disclosure is a prerequisite for making or entering into this subcontract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than $10,000, and not more than $100,000, for each such failure.

**Anti‐Kickback Procedures (FAR 52.203‐7)** (applicable to orders/bids over $100,000)

1. "Kickback," as used in this clause, means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime contractor, prime contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contractor in connection with a subcontract relating to a prime contract.
2. The Anti‐Kickback Act of 1986 (41 U.S. C. 51‐58) (the Act), prohibits any person from:
	1. Providing or attempting to provide or offering to provide any kickback;
	2. Soliciting, accepting, or attempting to kickback; or,
	3. Including, directly or indirectly, the amount of any kickback in the contract price charged by a prime contractor to the United States or in the contract price charged by a subcontractor to a prime contractor or higher tier subcontractor.
3. The supplier shall have in place and follow reasonable procedures designed to prevent and detect possible violations described in paragraph 2 of this clause in its own operations and direct business relationships.
4. When the supplier has reasonable grounds to believe that a violation described in paragraph 2 of this clause may have occurred, the supplier shall promptly report in writing the possible violation. Such reports shall be made to the inspector general of the contracting agency, the head contracting agency if the agency does not have an inspector general, or the Department of Justice.

This is to certify, to the best of my knowledge and belief that the representations and certifications made herein are accurate and current as of the date indicated below

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| --- | --- |
| Supplier's Name: |  |
| Address: |  |
| Name of Person |  |
| Title |  |