

# OFFEROR REPRESENTATIONS AND CERTIFICATIONS

## Vendor Information

Type or print information clearly

Vendor Name:

Doing Business As (dba):

Business Address:

City:

State:

Zip:

- Country:

Payment Remittance Address:

Remit to Email:

City:

State:

Zip:

- Country:

Sales Contact:

Phone:

Email:

Billing Contact:

Phone:

Email:

State Incorporated/Organized:

Cage Code:

UEI (SAM ) #

## ACH Payment Information

## Domestic (US) Payment

Bank Name:

Name on Account:

Account No.:

ABA (ACH) No.:

Apply to: ☐ Checking ☐ Savings

<sup>3</sup> Payment Reference – (Optional) Addenda reference field, used to identify deposits.

## Wire Payment Information

## International (Non-US) Payment

Bank Name:

Name on Account:

IBAN/Acct.:

SWIFT Code:

Sort Code:

Intermediary (Receiving) Bank Name:

Intermediary (Receiving) SWIFT:

**\*\*\*A current W-9 / W-8 BEN (E) is required in addition to this form for tax purposes\*\*\***

## Business Classification

Definitions appear on page 2 of this document

### Select One:

Small Business / Individual (SB)

Large Business (LB)

Government Agency (GA)

Non-Profit Business (NPB)

Foreign Business (FB)

Alaska Native (ANC) or Indian Tribe NOT a Small Business

Educational Institution (EI)

### If Small Business / Individual, check all applicable:

Small Disadvantaged Business (SDB) includes Minority Owned

Woman-Owned Small Business (WOSB)

Veteran-Owned Small Business (VOSB)

Service Disabled Veteran-Owned Small Business (SDVOSB)

Historically Underutilized Business Zone (HUBZone)

Alaska Native Corporation (ANC) or Indian Tribe not certified by SBA as Small Disadvantaged Business

**If Educational Institution, check no more than one:**

Historically Black College or University (HBCU)

Minority Institution (MI)

## Primary Business Purpose

Provide key words below to best describe your products/services. APL will use these words to create a search engine to increase our ability to identify your company for future purchase needs.

☐ I certify that the information contained in this form is true and correct to the best of my knowledge and I am authorized to make these certifications and representations on behalf of my organization. I recognize that JHU/APL may forward this certification to the U.S. Government. The penalty for making false statements is prescribed in 15 U.S.C. 645(d); punishment includes imposition of a fine, imprisonment, or both, and possible administrative remedies including suspension and debarment. I hereby acknowledge that my organization is responsible for updating the information contained herein when changes occur and/or annually hereafter in order to continue to be eligible to do business with JHU/APL.

### CONSENT TO USE OF ELECTRONIC SIGNATURES

☐ BY CHECKING HERE, I AGREE TO THE USE OF ELECTRONIC SIGNATURES AS VALID, LEGALLY BINDING SUBSTITUTES FOR ORIGINAL, HANDWRITTEN SIGNATURES ON THIS DOCUMENT.

Company

Name (Signature)

Name (Printed)

Title

Date of Execution

**DEFINITIONS:** Terms used in these representations and certifications are defined in paragraph (a) of FAR 52.212-3.

## 1. NAICS CODES

North American Industry Classification System (NAICS) Code(s) (primary and tertiary)	NAICS Code	NAICS Code	NAICS Code	NAICS Code	NAICS Code	NAICS Code
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## 2. FAR 52.204-24 & 52.204-25 (NOV 2021) REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT

(Applicable when telecommunications or video surveillance services or equipment will be rendered.)

(a) *Definitions.* As used in this provision, "covered telecommunications equipment or services" and "reasonable inquiry" have the meaning provided in the clause at 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) *Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for "covered telecommunications equipment or services".

(c) *Representation.* The Offeror represents that—

(1) It provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds "will" in paragraph (d)(1) of this section; and

(2) After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that—  
It use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds "does" in paragraph (d)(2) of this section.

## 3. EXPORT CONTROL CERTIFICATION

(This certification must be completed if your company would like to be considered for any PO or subcontract awards.

Note: You will not be disqualified from awards solely because you are not registered with DDTC.)

Some technology, technical data, or hardware to which your organization may have access (or that your organization will supply) while working with The Johns Hopkins Applied Physics Laboratory are controlled under the International Traffic in Arms Regulations, 22 C.F.R. Parts 120-130 ("the ITAR") or the Export Administration Regulations, 15 C.F.R. Parts 730-774 ("the EAR"). In accordance with the ITAR, any person engaged in the business of either exporting or manufacturing (whether exporting or not) defense articles or furnishing defense services is required to register with the United States Office of Defense Trade Controls (DDTC). Accordingly, we will only share such controlled technology, technical data, or hardware with your organization if it can certify that it is registered or will register with the Office of Defense Trade Controls (unless covered by one of the exemptions set forth in 22 C.F.R. 122.1) as required by the ITAR.

(a) Offeror certifies that it registered with DDTC.

If registered, expiration date of registration is required: Month: \_\_\_\_\_ Year: \_\_\_\_\_

(b) If your company is not registered with DDTC, does your company have a Technology Control Plan (TCP) in place to receive and safeguard export-controlled technical data subject to the Export Administration Regulations (EAR) — including data classified under Export Control Classification Numbers (ECCNs) such as 3E611, 3A001, 9E515, or 5E991 — to prevent unauthorized access by foreign persons? ☐ YES ☐ NO

(c) If you answered "NO" to question (b) above, does your company accept data that is EAR99 (not subject to a specific ECCN) and not otherwise restricted by the EAR? ☐ YES ☐ NO

**IF OFFEROR WOULD LIKE TO BE CONSIDERED ONLY FOR ORDERS \$10,000 OR LESS, THIS CERTIFICATION IS COMPLETE; OTHERWISE CONTINUE.**

**IF OFFEROR WOULD LIKE TO BE CONSIDERED FOR ANY COST REIMBURSABLE [TIME & MATERIAL, COST-PLUS-FIXED-FEE, OR COST-NO-FEE] PO OR SUBCONTRACT AWARDS, COMPLETE 4, 5, & 6.**

## 4. ACCOUNTING, BILLING AND PROPERTY SYSTEM ADEQUACY

(This certification must be completed if your company would like to be considered for any cost reimbursable [Time & Material, Cost-Plus-Fixed-Fee, or Cost-No-Fee] PO or subcontract awards.)

Offeror certifies that, to the best of its knowledge and belief, Offeror's Accounting, Estimating and/or Property System and related internal control systems are considered adequate based on the following:

Offeror's Accounting System has been reviewed by:	Report No: <input type="checkbox"/> DCAA <input type="checkbox"/> DCMA <input type="checkbox"/> Other Government Agency Audit <input type="checkbox"/> Independent Audit by a CPA firm and deemed adequate for cost-reimbursable Audit performed was <input type="checkbox"/> Pre-Award (SF1408) <input type="checkbox"/> Post-Award (DFARS Criteria) <input type="checkbox"/> No Audit has been performed on the Offeror's Accounting System
Offeror's Estimating System has been reviewed by:	Report No: <input type="checkbox"/> DCAA <input type="checkbox"/> DCMA <input type="checkbox"/> Other Government Agency Audit <input type="checkbox"/> Independent Audit by a CPA firm and deemed adequate for cost-reimbursable <input type="checkbox"/> No Audit has been performed on the Offeror's Estimating System
Offeror's Property System has been reviewed by:	Report No: <input type="checkbox"/> DCAA <input type="checkbox"/> DCMA <input type="checkbox"/> Other Government Agency Audit <input type="checkbox"/> Independent Audit by a CPA firm and deemed adequate for cost-reimbursable <input type="checkbox"/> No Audit has been performed on the Offeror's Property System

## 5. AUDITS OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS (Single Audit)

(This certification must be completed only by non-profit organizations.)

Offeror has completed its annual audit in compliance with the Office of Management and Budget (OMB) Circular for the year ending \_\_\_\_\_

To comply with Single Audit reporting requirements:

We hereby notify the Johns Hopkins University Applied Physics Laboratory (JHU/APL) as a pass-through entity, that there were no audit findings related to JHU/APL programs at our institution.

Attached is a copy of the independent auditors' reports which present instances of non-compliance with federal laws and regulations which bear directly on the performance or administration of this agreement with JHU/APL, along with copies of responses to auditors' reports and a plan for corrective action.

## 6. INCURRED COST SUBMISSION

(This certification must be completed if your company would like to be considered for any cost reimbursable [Time & Material, Cost-Plus-Fixed-Fee, or Cost-No-Fee] PO or subcontract awards.)

Pursuant to FAR Part 42.705-1(b) and the requirements of this solicitation, Offeror's last final indirect cost rate proposal was submitted on: \_\_\_\_\_

## 7. FAR 52.204-10 EXECUTIVE COMPENSATION CERTIFICATION (JUN 2020)

(This certification must be completed if your company would like to be considered for any federally funded PO, subcontract or grant sub awards greater than \$30,000.)

In accordance with Public Law 109-282 and FAR 52.204-10, Reporting Executive Compensation for First-Tier Subcontract Awards (JUL 2010), you are required to provide certain information pertaining to compensation of executives in order to be eligible for this subcontract award. Please answer the following question(s) in connection with this requirement:

1. Did your company receive 80% or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements, and other forms of Federal financial assistance in the preceding fiscal year?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Did your company receive \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontract), loans, grants (and subgrants) and cooperative agreements, and other forms of Federal financial assistance in the preceding fiscal year?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Does the public have access to information about the compensation of your company's executives through periodic reports filed under 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 filing at <a href="http://www.sec.gov/answers/excomp.htm">http://www.sec.gov/answers/excomp.htm</a> .)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If the answers to questions 1 and 2 are "Yes" and the answer to 3 is "No" then you are required to provide the names and total compensation of each of the five most highly compensated executives in your organization as part of this certification, and on an annual basis for the life of this subcontract. Provide this compensation information below.

	Name	Total Compensation (as defined in FAR 52.204-10(a))
Executive 1		
Executive 2		
Executive 3		
Executive 4		
Executive 5		

**8. DFARS 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting (MAY 2024)  
DFARS 252.204-7019, Notice of NIST SP 800-171 DoD Assessment Requirements (NOV 2023); and  
DFARS 252.204-7020, NIST SP 800-171 DoD Assessment Requirements (NOV 2023)**

☐ Offeror certifies that they sell solely commercial-off-the-shelf (COTS) items.

☐ Offeror certifies that they provide other than COTS items, and their organization's NIST 800-171 implementation HAS been assessed.

Organization Conducting Assessment:

Date Assessed:

Date Submitted to SPRS:

☐ Offeror provides other than COTS items and their organization's NIST 800-171 implementation HAS NOT been assessed.

**9. SYSTEM FOR AWARD MANAGEMENT (SAM)**

☐ Offeror represents that Offeror has an active registration in the U.S. Government System for Award Management (SAM) database (see FAR 52.204-7). [www.sam.gov](http://www.sam.gov). Offeror agrees to maintain registration in SAM during contract performance and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement. Offeror is responsible for the currency, accuracy and completeness of the data within SAM, and for any liability resulting from the JHU/APL's reliance on inaccurate or incomplete data as of the date of offer.

☐ Offeror represents that they do not have an active registration in the U.S. Government System for Award Management (SAM) database.

☐ Offeror represents that they are not fully registered in SAM.GOV, but have obtained a UEI # to be considered for any federally funded PO, subcontract or grant sub award greater than \$30,000.

☐ Offeror represents that they DO have an active registration in the U.S. Government System for Award Management (SAM) database AND have their profile not visible to the public.

**IF OFFEROR CERTIFIED IN #9 ABOVE THAT THEY ARE REGISTERED IN SAM.GOV OFFEROR DOES NOT NEED TO CONTINUE COMPLETING THE FOLLOWING REPRESENTATIONS AND CERTIFICATIONS. APL WILL INCORPORATE OFFEROR'S SAM.GOV RECORDS INTO AWARDS MADE UTILIZING U.S. GOVERNMENT FUNDING.**

**10. FAR 52.203-18 PROHIBITION ON CONTRACTING WITH ENTITIES THAT REQUIRE CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS OR STATEMENTS-REPRESENTATION (JAN 2017)**

By submission of its offer, the Offeror represents that it will not require its employees or subcontractors to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting waste, fraud, or abuse related to the performance of a Government contract to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information (e.g., agency Office of the Inspector General).

**11. FAR 52.209-10 PROHIBITION ON CONTRACTING WITH INVERTED DOMESTIC CORPORATIONS (NOV 2015)**

(1) 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.

(2) *Representation*. By submission of its offer, the Offeror represents that it is not an inverted domestic corporation and is not a subsidiary of one.

## 12. FAR 52.225-20 RESTRICTED BUSINESS OPERATIONS IN SUDAN (AUG 2009)

By submission of its offer, the Offeror certifies that the Offeror does not conduct any restricted business operations in Sudan.

## 13. FAR 52.225-25 PROHIBITION ON CONTRACTING WITH ENTITIES ENGAGING IN CERTAIN ACTIVITIES OR TRANSACTIONS RELATING TO IRAN (JUN 2020)

(1) The Offeror shall email questions concerning sensitive technology to the Department of State at [CISADA106@state.gov](mailto:CISADA106@state.gov).

(2) *Representation and certifications.* Unless a waiver is granted or an exception applies as provided in paragraph (3) of this provision, by submission of its offer, the Offeror—

(i) 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;

(ii) 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; and

(iii) Certifies that the Offeror, and any person owned or controlled by the Offeror, does not knowingly engage in any transaction that exceeds the threshold at FAR [25.703-2\(a\)\(2\)](#) 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 <https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>).

(3) The representation and certification requirements of paragraph (2) of this provision do not apply if—

(i) This solicitation includes a trade agreements certification (e.g., [52.225-4](#), [52.225-6](#), [52.225-12](#), [52.225-24](#) or a comparable agency provision); and

(ii) The Offeror has certified that all the offered products to be supplied are designated country end products or designated country construction material.

## 14. FAR 52.222-22 PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FEB 1999)

(This certification must be completed by U.S. companies that would like to be considered for federally funded PO or subcontract awards over \$10,000.)

The Offeror represents that—

(a) It participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;

(b) filed all required compliance reports; and

(c) ☐ Offeror is exempt from EO requirements because Offeror has fewer than 50 employees.

(d) ☐ Offeror is exempt from EO requirements because work will be performed outside the U.S. by employees who are not recruited within the U.S.

(e) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

## 15. DFARS 252.225-7042 AUTHORIZATION TO PERFORM (APR 2003)

The Offeror represents that it has been duly authorized to operate and to do business in the country or countries in which the contract is to be performed.

## 16. FAR 52.222-25 AFFIRMATIVE ACTION COMPLIANCE (APR 1984)

(This certification must be completed by U.S. companies that would like to be considered for federally funded PO or subcontract awards greater than \$10,000.)

The Offeror represents that

(a) it 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.

## 17. FAR 52.203-11 CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (SEP 2024)

(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 this 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 this solicitation entitled "Limitation on



Payments to Influence Certain Federal Transactions” (52.203-12) are hereby incorporated by reference in this provision.

(c) *Certification.* The Offeror, by signing its offer, hereby 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 this contract.

(d) *Disclosure.* If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the Offeror with respect to this contract, the Offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The Offeror need not report regularly employed officers or employees of the 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 this contract imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required to be filed or amended by this provision, shall be subject to civil penalties as provided in [31 U.S.C. 1352](#). An imposition of a civil penalty does not prevent the Government from seeking any other remedy that may be applicable.

## **18. DFARS 252.225-7050 DISCLOSURE OF OWNERSHIP OR CONTROL BY THE GOVERNMENT OF A COUNTRY THAT IS A STATE SPONSOR OF TERRORISM (DEC 2022)**

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

“Government of a country that is a state sponsor of terrorism” includes the state and the government of a country that is a state sponsor of terrorism, as well as any political subdivision, agency, or instrumentality thereof.

“Significant interest” means—

(1) Ownership of or beneficial interest in 5 percent or more of the firm’s or subsidiary’s securities. Beneficial interest includes holding 5 percent or more of any class of the firm’s securities in “nominee shares,” “street names,” or some other method of holding securities that does not disclose the beneficial owner;

(2) Holding a management position in the firm, such as a director or officer;

(3) Ability to control or influence the election, appointment, or tenure of directors or officers in the firm;

(4) Ownership of 10 percent or more of the assets of a firm such as equipment, buildings, real estate, or other tangible assets of the firm; or

(5) Holding 50 percent or more of the indebtedness of a firm.

“State sponsor of terrorism” means a country determined by the Secretary of State, under section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (Title XVII, Subtitle B, of the National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115-232), to be a country the government of which has repeatedly provided support for acts of international terrorism. As of the date of this provision, state sponsors of terrorism include Iran, North Korea, Sudan, and Syria.

(b) *Prohibition on award.* In accordance with 10 U.S.C. 4871, unless a waiver is granted by the Secretary of Defense, no contract may be awarded to a firm if the government of a country that is a state sponsor of terrorism owns or controls a significant interest in—

(1) The firm;

(2) A subsidiary of the firm; or

(3) Any other firm that owns or controls the firm.

(c) *Representation.* Unless the Offeror submits with its offer the disclosure required in paragraph (d) of this provision, the Offeror represents, by submission of its offer, that the government of a country that is a state sponsor of terrorism does not own or control a significant interest in—

(1) The Offeror;

(2) A subsidiary of the Offeror; or

(3) Any other firm that owns or controls the Offeror.

(d) *Disclosure.*

(1) The Offeror shall disclose in an attachment to its offer if the government of a country that is a state sponsor of terrorism owns or controls a significant interest in the Offeror; a subsidiary of the Offeror; or any other firm that owns or controls the Offeror.

(2) The disclosure shall include—

(i) Identification of each government holding a significant interest; and

(ii) A description of the significant interest held by each government.

## **19. FAR 52.209-5 CERTIFICATION REGARDING RESPONSIBILITY MATTERS (AUG 2020)**

**(This certification must be completed if your company would like to be considered for any federally funded PO or subcontract awards over \$250,000.)**

(a)(1) The Offeror certifies, to the best of its knowledge and belief, that—

(i) The Offeror and/or any of its Principals—

(A) presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) 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 52.209-7, if included in this solicitation);

(C) 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;

(D) , within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds \$10,000 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 I.R.C. § 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. § 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. § 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) The Offeror) , within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

(2) "Principal," for the purposes of this certification, 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).

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 Contracting Officer 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 Contracting Officer may render the Offeror nonresponsible.

(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 Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

## **20. FAR 52.222-38 COMPLIANCE WITH VETERANS' EMPLOYMENT REPORTING (FEB 2016)**

By submission of its offer, the Offeror 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.

## **21. FAR 52.222-56 CERTIFICATION REGARDING TRAFFICKING IN PERSONS COMPLIANCE PLAN (OCT 2020)**

The represents that—

(1) It 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 the contract with a subcontractor engaging in prohibited activities identified at paragraph (b) of the clause at [52.222-50](#), Combating Trafficking in Persons; and

(2) After having conducted due diligence, either—

(i) To the best of the Offeror's knowledge and belief, neither it nor any of its proposed agents, subcontractors, or their agents is engaged in any such activities; or

(ii) If abuses relating to any of the prohibited activities identified in [52.222-50](#)(b) have been found, the Offeror or proposed subcontractor has taken the appropriate remedial and referral actions.



## BUSINESS SIZE DEFINITIONS ARE OUTLINED BELOW:

**Small Business** means a concern, including its affiliates, that is independently owned and operated, not dominant in the field(s) of operation in which it is bidding on government contracts, and qualified as a small business under the criteria and size standards in 13 C.F.R. 121. (If in doubt, consult with the Small Business Administration Office in your area.)

**Individual** is any citizen of the United States or an alien lawfully admitted for permanent residence in business for himself as a consultant, a corporation, or a sole proprietorship.

**Disadvantaged Small Business** is a small business which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, of which at least 51 percent of the stock is owned by one or more socially and economically disadvantaged individuals; and whose management and daily business operations are controlled by one or more of such individuals. Socially and economically disadvantaged individuals include: Black Americans; Hispanic Americans; Native Americans (American Indians, Eskimos, Aleuts and native Hawaiians); Asian-Pacific Americans (U.S. citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan); Asian Indian Americans (U.S. citizens whose origins are from India, Pakistan, and Bangladesh); and other minorities, or any individuals found to be disadvantaged by the Small Business Administration.

**Woman-Owned Small Business** is a small business, which is at least 51 percent, owned by a woman or women who are U.S. citizens and who also control and operate the business. "Control" in this context means exercising the power to make policy decisions. "Operate" is defined as actively involved in the day-to-day management.

**Veteran-Owned Small Business** is a small business not less than 51% of which is owned by one or more veterans or, in the case of any publicly owned business, not less than 51% of the stock of which is owned by one or more veterans.

**Service-Disabled Veteran-Owned Small Business** is a small business not less than 51% of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51% of the stock of which is owned by one or more service-disabled veterans.

**HUB Zone** must be located in a "historically underutilized business zone" or HUB Zone. A HUB Zone is an area that is located in one or more of the following: a qualified census tract (as defined in section 42 (d) (5) (C) (i) (I) of the Internal Revenue Code of 1986); a qualified "non-metropolitan county" (as defined in section 143 (k) (2) (B) of the Internal Revenue Code of 1986) with a median household income of less than 80 % of the State median household income or with an unemployment rate of not less than 140% of the statewide average, based on US Department of Labor recent data; or lands within the boundaries of federally recognized Indian reservations. Per FAR 19.703 and the clause at 52.219-9 to clarify that prime contractors must confirm that an Offeror representing itself as a Historically Underutilized Business Zone (HUB Zone) small business concern is certified, consistent with the requirements of 15 U.S.C. 632 et seq., as amended.

**Indian tribe** means any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601 et seq.), that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs in accordance with 25 U.S.C. 1452(c). This definition also includes Indian-owned economic enterprises that meet the requirements of 25 U.S.C. 1452(e).

**Alaska Native Corporation (ANC)** means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq.) and which is considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C. 1626(e)(1). This definition also includes ANC direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2).

**Large Business** concern is one, which exceeds the size standards, to qualify as a small business, in FAR 19.102 stated by NAICS, number of employees or annual receipts in millions of dollars. The size standards can also be found in 13 CFR 121.

**Government Agency** has the same meaning as the term 'agency' in section 551 (l) title 5, United States Code:

- (1) An agency of The Government of the United States of America;
- (2) The Executive Branch of the Government;
- (3) The Departments, Independent Offices and Establishments of The Executive Branch of the Government.

**Non-Profit Business** is an institution, corporation, trust, association, cooperative or other organization which:

- (1) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;
- (2) Is not organized primarily for profit;
- (3) Uses its net proceeds to maintain, improve, and/or expand its operations;
- (4) Is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity;
- (5) Of which no substantial part of the activities is carrying on propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office; and
- (6) Which are exempt from federal income taxation under section 501 of the Internal Revenue Code.

**Foreign Business and Foreign Persons:** Foreign Persons shall mean any natural person who is not a lawful permanent resident as defined by 8 U.S.C. 1101(a)(20) or who is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any foreign corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g. diplomatic missions).

**Primary Business Purpose:** Briefly describe your primary business purpose, i.e. legal services, engineering services, royalties, real property leasing, manufacturing, sale of commercial-off-the-shelf items, etc.

**Educational Institution** is any public or private post-secondary school, junior college, College University, or other degree granting educational entity

- (1) That is located in the United States, its possessions, and Puerto Rico; and
- (2) That has an accredited education program approved by an appropriate accrediting body.

**Historically Black College or University** as prescribed in 34 CFR 608.2 is an institution of higher learning that must; be a historically black college or university; have been established before 1964; have a principal mission that was, and is, the education of Black Americans; and be and have been for five academic years preceding the academic year for which it seeks a grant.

**Minority Institution** means an institution of higher education whose enrollment of a single minority, 25 percent Hispanic, or a combination of minorities (excluding Asian-Americans) exceeds 50 percent of the total enrollment, as prescribed in 20 U.S.C. 1101a (5)(A) and (B). Minority means American Indian, Alaskan Native, Black Americans, Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), Pacific Islander or other ethnic group under-represented.