
REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF OFFERORS OR QUOTERS

For use of this form, see AR 215-4; the proponent agency is ODCSPER

The Offeror represents and certifies as part of the offer that: *(Check or complete all applicable items.)*

1. CONTINGENT FEE REPRESENTATION AND AGREEMENT (FEB 87)

(a) Representation. The offeror represents that, except for full-time bona fide employees working solely for the offeror, the offeror-
(Note: The offeror must check the appropriate boxes. A "bona fide employee" means a person employed by a contractor and subject to the contractor's supervision and control as to time, place and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain NAFI contract(s) through improper influence.)

(1) ___has, ___ has not employed or retained any person or company to solicit or obtain this contract, and

(2) ___has, ___ has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(b) Agreement. The offeror agrees to provide information relating to the above Representation as requested by the Contracting Officer and, when subparagraph (a)(1) or (a)(2) is answered affirmatively, to promptly submit to the Contracting Officer-

(1) A completed Standard Form 119, Statement of Contingent or Other Fees, *(SF 119)*; or

(2) A signed statement indicating that the SF 119 was previously submitted to the same contracting office, including the date and applicable solicitation or contract number, and representing that the prior SF 119 applies to this offer or quotation.

2. TYPE OF BUSINESS ORGANIZATION (FEB 1987)

The offeror or quoter, by checking the applicable box represents that it operates as ___ a corporation incorporated under the laws of the State of _____, ___ an individual, ___ a partnership, ___ a nonprofit organization, or ___ a joint venture.

3. CERTIFICATE OF INDEPENDENT PRICE DETERMINATIONS (FEB 1987)

(Applicable to solicitations for contracts anticipated to exceed \$25,000)

(a) The offeror certifies that-

(1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening *(in the case of a sealed bid solicitation)* or contract award *(in the case of a negotiated solicitation)* unless otherwise required by law; and

(3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory-

(1) Is the person in the offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2)(i) Has been authorized, in writing, to act as agent for the following principal in certifying that those principals have not participated, and will not participate in any action contrary to subparagraph (a)(1) through (a)(3) above _____ *(insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the offeror's organization);*

(ii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above. action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the offeror deletes or modifies subparagraph (a)(2) above, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

4. WALSH-HEALEY PUBLIC CONTRACTS ACT REPRESENTATION (FEB 1987)

(Applicable to solicitations in which the resultant contract will be for the manufacture of materials, supplies, articles or equipment that exceeds or may exceed \$10,000.)

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. CERTIFICATION OF NONSEGREGATED FACILITIES (FEB 1987)

(Applicable to solicitations for contracts which are expected to exceed \$10,000 and are covered by the Equal Opportunity Clause)

(a) "Segregated facilities," as used in this provision, 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.

(b) By the submission of this offer, the offeror 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 offeror agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract.

(c) The offeror 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 subcontractors 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 Nonsegregated 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)*.

6. AFFIRMATIVE ACTION COMPLIANCE (FEB 1987)

(Applicable to solicitations for contracts which are expected to exceed \$10,000 and are covered by the Equal Opportunity Clause)

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.

REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF OFFERORS OR QUOTERS-CONT'D

7. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FEB 1987)

(Applicable to solicitations for contracts which are expected to exceed \$10,000 and are covered by the Equal Opportunity clause)

The offeror represents that ____

(a) 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.

(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 awards

8. CLEAN AIR AND WATER CERTIFICATION (FEB 1987)

(applicable to solicitations where contracts is expected to exceed \$100,000 or where orders under an indefinite quantity contract in any year are anticipated to exceed \$100,000)

The offeror represents that ____

(a) Any facility to be used in the performance of this proposed contract ____ is, ____ is not, listed on the Environmental Protection Agency List of Violating Facilities;

(b) The offeror will immediately notify the Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, (EPA) indicating that any facility that the offeror proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and

(c) The offeror will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

9. BUY AMERICAN ACT-TRADE AGREEMENTS ACT-BALANCE OF PAYMENTS PROGRAM CERTIFICATE (FEB 1987)

(All solicitations under \$150,000 for supplies for use within the US, and for contracts between \$25,000 and \$150,000 for supplies (except perishable subsistence) for use outside the US)

(a) The offeror hereby certifies that each end product, except those listed below, is a domestic end product (as defined in the clause entitled "Buy American Act-Trade Agreements Act-Balance of Payments Program") and that components of unknown origin have been considered to have been mined produced, or manufactured outside the United States or a qualifying country.

EXCLUDED END PRODUCTS

| LINE ITEM NUMBER | COUNTRY OF ORIGIN |
|------------------|-------------------|
| | |
| | |
| | |

(List as necessary)

(b) Offers will be evaluated by giving certain preferences to domestic end products, qualifying country end products, and designated country end products over other end products, in order to obtain such preferences in the evaluation of each excluded end product listed in (a) above, it is necessary that offerors identify and certify, below, those excluded end products identified above that are qualifying country end products or designated country end products, or they will be deemed neither qualifying country end products nor designated country end products. Offerors must certify by inserting the applicable line item number in the appropriate brackets.

(i) The offeror certifies that the following supplies qualify as "participating country end products" as that term is defined in the clause entitled "Buy American Act-Trade Agreement Act-Balance of Payments Program".

(Insert line item number)

(ii) The offeror certifies that the following supplies qualify as "FMS/Offet arrangement country end products" as that term is defined in the clause entitled "Buy American Act-Trade Agreements Act-Balance of Payments Programs," if the NAFI makes the necessary waivers.

(Insert line item number)

(iii) The offeror certifies that the following supplies qualify as "defense cooperation country end products as that term is defined in the the clause entitled "Buy American Act-Trade Agreements Act-Balance of Payments Programs."

(Insert line item number)

(iv) The offeror certifies that the following supplies qualify as "defense cooperation country end products" as that term is defined in the the clause entitled "Buy American Act-Trade Agreements Act-Balance of Payments Programs."

(Insert line item number)

(c) Offers will be evaluated in accordance with the policies and procedures of AR 215-4.

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.