

Annual Representations, Certifications and Statements of Offerors

This is an annual representation and certification form, valid for 12 months from the date of execution.

All sections must be completed and returned to:

VT Group
 Attn: Small Business Liaison Officer
 448 Viking Drive, Suite 350
 Virginia Beach, Virginia 23452
 vtpurchasing@vt-group.com

GENERAL

Supplier Name: _____	Contact Name: _____
Address 1: _____	Phone No.: _____
Address 2: _____	Fax No.: _____
City, State & Zip: _____	Email Address: _____
Primary NAICS: _____	Add'l NAICS: _____

The company/individual identified on the last page (hereafter referred to as "OFFEROR") certifies/represents that:
 (Check or complete all applicable boxes or blanks.)

Registration in System for Award Management (SAM) at www.sam.gov? YES NO

A. CERTIFICATION OF BUSINESS SIZE

OFFEROR represents that it (check one):

IS IS NOT a Large Business

"Small Business" means an independently owned and operated business, not dominant in the field of operation in which it is bidding, and does not exceed the limitation of number of employees and dollar of sales as defined under the Federal Acquisition Regulation (FAR) clause 52.210-1 or 13 CFR 121.

B. BUSINESS SIZE AND OWNERSHIP FAR 52.219-1

OFFEROR represents that it (check one for each line):

- IS IS NOT a Small Business
- IS IS NOT a Disadvantaged Business
- IS IS NOT a Women-owned Business
- IS IS NOT a Minority Institution
- IS IS NOT a Historically Black College or University
- IS IS NOT a HUBZone Business
- IS IS NOT a Veteran-Owned Business
- IS IS NOT a Service-Disabled Veteran-Owned Business
- IS IS NOT an Alaska Native Corporation (ANC) and American Indian Tribe

This representation must be in compliance with Federal definitions contained in the Code of Federal Regulations/Federal Acquisition Regulations (CFR/FAR). These definitions are available upon request from the cognizant VT Milcom buyer or VT Milcom Small Business Administrator or at www.arnet.gov.

C. OWNERSHIP CATEGORY

- 1) Caucasian American (U.S. Citizen)
- 2) Black American (U.S. Citizen)
- 3) Hispanic American (U.S. Citizen with origins from South America, Central America, Mexico, Cuba, The Dominican Republic, Puerto Rico, Spain or Portugal)
- 4) Native American (American Indians, Eskimos, Aleuts or Native Hawaiians, including Indian tribes or native Hawaiian organizations)
- 5) Asian-Pacific American (U.S. Citizen 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)

- 6) Subcontinent Asian American (Asian-Indian) (U.S. Citizen with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands or Nepal)
- 7) Individual/Concern other than the preceding. (Please indicate) _____

D. AFFIRMATIVE ACTION (check only one block) FAR 52.222-25

The OFFEROR represents that:

- (a) It IS exempt (less than 50 employees and no government contract over \$50,000 in 12-month period)

- or -

- (b) 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 -

- (c) it HAS NOT previously had a contract subject to the written affirmative action program requirements of the rules and regulations of the Secretary of Labor and will develop a program within 120 days of the start of any contract issued as a result of this request.

E. EQUAL OPPORTUNITY (Previous Contract and Compliance Reports) FAR 52.222-22

The OFFEROR represents that:

- (a) It is EXEMPT (less than 50 employees);

- or -

- (b) It HAS HAS NOT participated in a previous contract or subcontract subject to the Equal Opportunity clause;

AND It HAS, HAS NOT filed all required compliance reports;

If representation indicates required reports have not been filed, CONTRACTOR must submit said reports within 30 days of the date of any contract issued.

F. PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION FAR 52.222-24

If a contract in the amount of \$10 million or more will result from a VT Milcom solicitation, the Offeror and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective contractor and subcontractors to be in compliance with Executive Order 11246.

G. CERTIFICATE OF ETHICAL CONTRACTING

The OFFEROR certifies that it has not, nor has any of its employees, subcontractors or subcontractors' employees, received, or offered, to any person or entity, any gratuities, kickbacks, or anything of value, relevant to any aspect of such Contract, or any subtier contract(s) released under such Contract. Further, OFFEROR agrees to notify VT Milcom of any such action that it becomes aware of during the performance of any contract with VT Milcom.

H. SAFETY CERTIFICATION

The OFFEROR certifies that it HAS, DOES NOT HAVE outstanding safety violations with OSHA, a Federal Agency or any other contract or subcontract safety regulation. If violations are outstanding, Offeror shall identify and submit for evaluation by VT Milcom prior to any award.

I. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS FAR 52.209-5

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

- 1) The Offeror and/or any of its principals:

ARE ARE NOT presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

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 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, or receiving stolen property;

ARE ARE NOT presently indicted for, or otherwise criminally or civilly charged by a Government entity with commission of any of the offenses enumerated above.

- 2) 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.

- 3) The Offeror shall provide immediate written notice to the cognizant VT Milcom 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.

- 4) "Principals," for the purposes of this certification, means officers, directors, owners, partners, and persons having primary management or supervisory responsibilities within a business entity (e.g., general manager, plant manager, head of a subsidiary, division, or business segment, and similar positions).

J. SMALL BUSINESS SUBCONTRACTING PLAN (if applicable)

Offerors other than small businesses must submit a Small Business Subcontracting Plan (The Plan) and submit Subcontracting Reports for Individual Contracts (SF 294) and Summary Subcontract Reports (SF 295) if the response to a VT Milcom solicitation exceeds \$700,000 (\$1,500,000 for construction). The Plan shall be in accordance with FAR 52.219-9.

K. CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING FAR 52.223-13

The OFFEROR hereby certifies that:

- (1) As the owner or operator of facilities that will be used in the performance of a VT Milcom subcontract that is subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA)(42 U.S.C. 13106), the Offeror:

(Check one of the following blocks, plus complete paragraph 2 if exempt.)

Files and will continue to file for such facilities, the Toxic Chemical Release Inventory Form (FORM R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA, or

Is exempt as identified in paragraph 2 below;

- (2) None of its owned or operated facilities to be used in the performance of a VT Milcom subcontract are subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons:

(Check each block that is applicable)

(i) The facility does not manufacture, process, or otherwise use any toxic chemicals listed 40 CFR 372.65;

(ii) The facility does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

(iii) The facility does not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);

(iv) The facility does not fall within Standard Industrial Classification Code (SIC) codes or their corresponding North American Industry Classification System sectors:

(a) Major group code 10 (except 1011, 1081, and 1094.

(b) Major group code 12 (except 1241)

(c) Major group codes 20 through 39.

(d) Industry code 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce).

(e) Industry code 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C (42 U.S.C. 6921, et seq.), or 5169, or 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis; or

(v) The facility is not located within any State of the U.S., the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the U.S. has jurisdiction.

L. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS FAR 52.203-11

- (1) The definitions and prohibitions contained in the clause at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions are hereby incorporated by reference into this Certification.

- (2) The Offeror, by signing this form, hereby certifies to the best of its knowledge and belief, that:

(a) 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, or the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement;

(b) 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 offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities.

(c) Offeror 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 a contract 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 \$100,00, for each such failure.

M. TAXPAYER IDENTIFICATION FAR 52.204-3

(1) All Offerors are required to submit the information required in paragraphs (a) through (c) in order to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d) reporting requirements of 26 U.S.C. 6041, 6041A and 6050M and implementing regulations issued by the Internal Revenue Service (IRS). If a resulting contract is subject to the payment reporting requirements described in FAR 4.904, the failure or refusal by the Offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

(a) Taxpayer Identification Number (TIN)

- TIN: _____
- TIN has been applied for
- TIN is not required because:
- Offeror is a nonresident alien, foreign corporation, or a foreign partnership that does not have income effectively connected with the conduct of a trade of business in the U.S. and does not have an office or place of business or a fiscal payment agent in the U.S. or;
- Offeror is an agency or instrumentality of a foreign government or;
- Other, state basis:

(b) Type of organization:

- Sole proprietorship;
- Partnership;
- Corporate entity (not tax-exempt);
- Corporate entity (tax-exempt);
- Government entity (Federal, State, or local);
- Foreign Government;
- International organization per 26 CFB 1.6049-4;
- Other

(c) Common Parent

- Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this clause
- Name and TIN of common parent:
 Name _____
 TIN _____

N. OTHER PROVISIONS INCORPORATED BY REFERENCE

<u>FAR Ref.</u>	<u>Title and Date</u>
52.222-21	Prohibition of Segregated Facilities
52.204-10	Federal Funding Accountability and Transparency Act (FFATA) 2012

<u>DFARS Ref.</u>	<u>Title and Date</u>
252.209-7001	Disclosure or Control by the Government of a Terrorist Country
252.209-7002	Disclosure or Ownership or Control by a Foreign Government
252.247-7023	Transportation of Supplies by Sea (May 2002)
252.203-7001	Prohibition on Persons Convicted of Fraud or Other Defense – Contract-related Felonies
252.227-7017	Identification and Assertion of Use, Release, or Disclosure Restrictions
252.227-7028	Technical Data or Computer Software Previously Delivered to the Government
252.246-7007	Counterfeit Parts Detection and Avoidance

O. SIGNATURE

By signature hereto, or to an offer incorporating these representations and certifications, the Offeror certifies that they are accurate, current, and complete and that it is aware of the penalty prescribed in 18 U.S.C. 1001 for making false statements in offers.

Supplier Name _____

Signature _____

Printed Name _____

Title _____

Date _____