Brookhaven National Laboratory

ANNUAL REPRESENTATIONS & CERTIFICATIONS

AMS-FORM-050

Offeror: Brookhaven National Laboratory (BNL/BSA) must gather and maintain certain registration data from all **Offerors**. BSA must also gather additional representations and certifications from **Offerors' Authorized Representative** who do currently (or want to) provide goods or services in support of a U.S. Government (USG) Contract. This form is designed to efficiently and effectively gather both the required registration information and, when applicable, the additional representations and certifications.

(1) All **Offerors**, regardless of business size, solicitation type, or dollar amount, must complete **Section A.1.** and **Section C** in completely by an Authorized Representative.

(a) In addition to Section A.1. and Section C, **all Small Business Offerors** must also complete **Section A.2**; **and**

(2) Any **Offerors** who do (or want to) provide BSA with goods or services in support of a USG contract must also complete **Section B**.
Note: Some of the certifications and representations herein are similar to those solicited via the USG's representations and certifications database (e.g., SAM.gov). Additionally, certain other solicitation-specific and procurement-specific policies and procedures may require additional representations and certifications from **Offeror**.

Section A.1.: Business Information

A.1. Part I: Business Name, Address, and Contact Info (**Note:** Business Name, DBA/Division, and Address should match W9 or W8 info)

Business Name: _____

Doing Business As (DBA) or Division (if applicable) _____

Business Address (Number, Street, Apt. or Suite): _____

City, State/Province/Region: _____

Country: _____ Zip+4 or Postal Code: _____

Telephone: _____ Email: _____

Remit Information (complete only if different from business info in left column) _____

Remit to Address (PO Box or Street Address): _____

City, State/Province/Region: _____

Country: _____ Zip+4 or Postal Code: _____

Telephone: _____ Email: _____

A.1. Part II: Additional Business Information

(a) Enter **Offeror's** Unique Entity Identifier Number (if known) as provided by SAM.gov:
Offeror is ☐ (is not ☐) registered with the U.S. Government's or any successor USG database; e.g., the System for Award Management at www.SAM.gov).

(b) Enter **Offeror's** main (parent) NAICS Code:

(c) Provide **Offeror's** physical business location information (complete only if different from Business Address entered in **Section A.1, Part I**):

Physical Location Address (Number, Street, Apt. or Suite): _____

City, State/Province/Region: _____

Country: _____ Zip+4 or Postal Code: _____

Telephone: _____ Email: _____

(d) Provide Offeror's primary performance location information (complete only if different from Business Address entered in **Section A.1, Part I**):

Primary Performance Location Address (Number, Street, Apt. or Suite):

_____

City, State/Province/Region:

_____

Country: _____ Zip+4 or Postal Code: _____

Telephone: _____ Email: _____

(e) Does Offeror have multiple performance locations in addition to the location provided above? ☐ Yes ☐ No

If Yes, Offeror acknowledges and agrees to provide BSA, in Offeror's proposal at the time of solicitation, with the actual performance location address applicable to each Subcontract or Purchase Order issued by BSA.

(f) Offeror represents and certifies that it is a (check only one box):

☐ Large Business ☐ Foreign Entity ☐ Small Business* ☐ Other:
☐ Government Agency ☐ Non-Profit Organization ☐ Educational Institution

* As defined at www.sba.gov.

(g) If **Small Business** was selected above, please select **Small Business subcategory(ies)** (check as many as apply). **Note: Small Business Offerors** must also complete the representations in **Section A.2**.

☐ Woman-Owned ☐ Veteran-Owned ☐ Native American Indian-Owned ☐ HUBZone Located
☐ Small Disadvantaged Business-Owned ☐ Service-Disabled Veteran-Owned ☐ Historical Black College/ University (HBCU) ☐ 8(a)

Section A.2.: Applicable Only to Small Business Offerors

In addition to the annual representations required by this **Section A.2.**:

☐ Offeror hereby acknowledges and agrees that it shall certify its business size and, if appropriate, its small business status, by means of a confirming entry in the System for Award Management (SAM) at https://www.sam.gov. If Offeror fails to check this box, BSA will not consider Offeror to be a small business concern for any potential Subcontract or Purchase Order that BSA may solicit.

☐ Offeror hereby acknowledges and agrees that Offeror's signature in Section C, "Authorized Signature of Offeror," is applicable to all of the representations of Offeror set forth in this Section A.2. If Offeror fails to check this box, BSA will not consider Offeror to be a small business concern for any potential Subcontract or Purchase Order that BSA may solicit.

A.2.1. Reference: FAR 52.219-1 (MARCH 2023) — Small Business Program Representations

(a) (1) Offeror hereby acknowledges and agrees that for each specific future proposal Offeror submits to BSA, in order for BSA to consider Offeror to be a small business concern:

☐ Offeror must provide BSA with the North American Industry Classification System (NAICS) code(s) applicable to that specific proposal in accordance with the requirements of the Small Business Jobs and Credit Act of 2010, as amended; AND

☐ Offeror must acknowledge said NAICS code(s) by an accompanying authorized signature of Offeror in accordance with the requirements of the Small Business Jobs and Credit Act of 2010, as amended.

(2) The Small Business size standard that applies to the representations of Offeror, below, are as defined by 13 CFR part 121.

(3) The Small Business size standard for a concern which submits an offer in its own name, other than on a Construction or Service Contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) Representations:

NAICS Code(s):	Small Business Concern (check if Yes):
_____	☐
_____	☐
_____	☐
_____	☐
_____	☐

(1) Based on NAICS Code(s) entered, indicate your small business subcategory below. Refer to **Section A.2.1 (c)** for definitions/guidance.

(2) Offeror: If you represent yourself as a small business concern in **Section A.2.1 (b)**, indicate for general statistical purposes whether you: ☐ are (☐ are not) a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) Offeror: If you represent yourself as a small business concern in **Section A.2.1 (b)**, represent whether you: ☐ are (☐ are not) a women-owned small business concern.

(4) Offeror: If you represent yourself as a women-owned small business concern in **paragraph (b)(3)** of this provision, above, represent whether you: ☐ are (☐ are not) a women-owned small business (WOSB) concern eligible under the WOSB Program,

(i) Offeror: If you represent yourself as a women-owned small business (WOSB) concern eligible under the WOSB Program in **paragraph (b)(4)** of this provision, above, represent whether you: ☐ have (☐ have not) provided all the required documents to the WOSB Repository, and no change in circumstances or adverse decisions have been issued that affects its eligibility; and

(ii) Offeror: If you represent yourself as a women-owned small business (WOSB) concern eligible under the WOSB Program in paragraph **(b)(4)** of this provision, above, represent whether you: ☐ are (☐ are not) a joint venture that complies with the requirements of 13 CFR part 127, and the representation in **paragraph (b)(4)(i)** of this provision is accurate for each WOSB concern eligible under the WOSB Program participating in the joint venture. Offeror shall enter the name or names of the WOSB concern eligible under the WOSB Program and other small businesses that are participating in the joint venture:

_____.

Each WOSB concern eligible under the WOSB Program participating in the joint venture shall submit a separate signed copy of the WOSB representation.

(5) Offeror: If you represent yourself as a women-owned small business concern eligible under the WOSB Program in **paragraph (b)(4)** of this provision, above, represent whether you: ☐ are (☐ are not) an economically disadvantaged women-owned small business (EDWOSB) concern eligible under the WOSB Program,

(i) Offeror: If you represent yourself as an EDWOSB concern in **paragraph (b)(5)** of this provision, above, represent whether you: ☐ have (☐ have not) provided all the required documents to the WOSB Repository, and no change in circumstances or adverse decisions have been issued that affects its eligibility; and

(ii) Offeror: If you represent yourself as an EDWOSB concern in **paragraph (b)(5)** of this provision, above, represent whether you: ☐ are (☐ are not) a joint venture that complies with the requirements of 13 CFR part 127, and the representation in paragraph (**b)(5)(i)** of this provision is accurate for each EDWOSB concern participating in the joint venture. Offeror shall enter the name or names of the EDWOSB concern and other small businesses that are participating in the joint venture:

_____.

Each EDWOSB concern participating in the joint venture shall submit a separate signed copy of the EDWOSB representation.

(6) Offeror: If you represent yourself as a small business concern in **Section A.2.1 (b)** of this provision, represent whether you: ☐ are (☐ are not) a veteran-owned small business concern.

(7) Offeror: If you represent yourself as a veteran-owned small business concern in **paragraph (b)(6)** of this provision, above, represent whether you:

☐ are (☐ are not) a service-disabled veteran-owned small business concern.

(8) Offeror: If you represent yourself as a small business concern in **Section A.2.1 (b)** of this provision, represent whether you:

(i) ☐ are (☐ are 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 United States Small Business Administration (SBA), and no material changes in ownership and control, principal office, or HUBZone employee percentage have occurred since it was certified in accordance with 13 CFR part 126; and

(ii) ☐ are (☐ are not) a HUBZone joint venture that complies with the requirements of 13 CFR part 126, and the representation in **paragraph (b)(8)(i)** of this provision is accurate for the HUBZone small business concern participating in the joint venture. Offeror shall enter the names of each of the HUBZone small business concerns participating in the HUBZone joint venture:

_____.

Each HUBZone small business concern participating in the HUBZone joint venture must provide BSA with a separate signed copy of the HUBZone representation.

(c) Definitions. As used in this provision –

(1) "Economically disadvantaged women-owned small business (EDWOSB) concern" means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States and who are economically disadvantaged in accordance with 13 CFR part 127. It automatically qualifies as a women-owned small business concern eligible under the WOSB Program.

(2) "Service-disabled veteran-owned small business concern" means a small business concern –

(i) 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

(ii) 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.

(3) "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).

(4) "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 BSA subcontracts, and qualified as a small business under the criteria in 13 CFR part 121 and the size standard in paragraph (a) of this provision.

(5) "Veteran-owned small business concern" means a small business concern –

(i) 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

(ii) The management and daily business operations of which are controlled by one or more veterans.

(6) "Women-owned small business concern" means a small business concern –

(i) 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

(ii) Whose management and daily business operations are controlled by one or more women.

(7) "Women-owned small business (WOSB) concern eligible under the WOSB Program (in accordance with 13 CFR part 127)," means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States.

(ci) Notice.

(1) If a solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in the solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.

(2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a business concern that is small, HUBZone small, small disadvantaged, service-disabled veteran-owned small, economically disadvantaged women owned small, or women-owned small eligible under the WOSB Program in order to obtain a Subcontract or Purchase Order to be awarded in connection with the preference programs established pursuant to section 8, 9, 15, 31, and 36 of the Small Business Act or any other provision of Federal law that specifically 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.

A.2.2. Reference: FAR 52.219-1 Alternate I (SEPTEMBER 2015) — Small Business Program Representations

If Offeror represents itself as a small disadvantaged business concern in **Section A.2.1.(b)(2)**, indicate the category in which Offeror's 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 preceding. List other category (e.g., Alaskan Native Corporation or Historically Black Colleges & Universities/Minority Institutions) here: _____.

Section B: Additional Representations and Certifications Required for Work Under U.S. Government Prime Contracts

B.1. FAR 52.203-11 (SEPTEMBER 2007) — Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions

☐ Offeror's designated representative hereby certifies that he or she has read and understands (a) – (e), below.

(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 the 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 the solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12) are hereby incorporated by reference in this provision.

(c) Certification. Offeror 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 a Subcontract or Purchase Order, or the Prime Contract it is awarded under.

(d) Disclosure. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of Offeror with respect to a Subcontract or Purchase Order, or the Prime Contract it is awarded under, Offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. Offeror need not report regularly employed officers or employees of 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 a Subcontract or Purchase Order imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under FAR 52.203-11 or who fails to file or amend the disclosure required to be filed or amended by FAR 52.203-11, shall be subject to a civil penalty of not less than $10,000, and not more than $100,000, for each such failure.

B.2 FAR 52.204-10 (JUNE 2020) — Reporting Executive Compensation and First-Tier Subcontract Awards

Offeror: If a Subcontract or Purchase Order award to Offeror has an expected value of $30,000 or more in support of a Prime Contract, BSA must, subject to certain exceptions, gather and publicly report information regarding the award in accordance with FAR 52.204-10.

Has Offeror had gross income under $300,000 in the previous tax year?

☐ Yes ☐ No

If **Yes**, **Offeror** is not required to complete **Section B.3.**, below, and should proceed directly to **Section B.4.**

If **No**, **Offeror** must proceed to **Section B.3.**, below, before continuing to **Section B.4.**

B.3 Total Compensation of Offeror's Executives

(a) Definitions. As used in this provision—"Executive" means officers, managing partners, or any other employees in management positions of Offeror. "First-tier subcontract" means a Subcontract or Purchase Order awarded directly by BSA to Offeror to furnish supplies or services (including construction) for performance of a Prime Contract. "Total Compensation" means the cash and non-cash dollar value earned by the Executive during Offeror's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

(1) Salary and bonus.

(2) Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Financial Accounting Standards Board's Accounting Standards Codification (FASB ASC) 718, Compensation-Stock Compensation.

(3) Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of Executives, and are available generally to all salaried employees.

(4) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

(5) Above-market earnings on deferred compensation which is not tax-qualified.

(6) Other compensation, if the aggregate value of all such other compensation (e.g., severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the Executive exceeds $10,000.

(b) In Offeror's preceding fiscal year, did Offeror receive 80 percent or more of its annual gross revenues from Federal Contracts (and Subcontracts), loans, grants (and subgrants), cooperative agreements, and other forms of Federal financial assistance?

☐ Yes ☐ No

If Yes, proceed to **paragraph (c)**.

If **No**, **Offeror** is not required to complete the remainder of this **Section B.3.** and may proceed directly to **Section B.4.**

(c) In Offeror's preceding fiscal year, did Offeror receive $25,000,000 or more in annual gross revenues from Federal Contracts (and Subcontracts), loans, grants (and subgrants), cooperative agreements, and other forms of Federal financial assistance?

☐ Yes ☐ No

If Yes, proceed to **paragraph (d)**.

If No, Offeror is not required to complete the remainder of this **Section B.3.** and may proceed directly to **Section B.4.**

(d) Does the public have access to information about the compensation of the Executives through periodic reports filed under section 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 filings at http://www.sec.gov/answers/execomp.htm.)

☐ Yes ☐ No

If Yes, Offeror is not required to complete the remainder of this **Section B.3.** and may proceed directly to **Section B.4.**

If No, proceed to **paragraph (e)**.

(e) Offeror must provide in the space below the names and Total Compensation of each of Offeror's five most highly compensated Executives for Offeror's completed fiscal year preceding the date specified in **Section C**. If BSA awards Offeror a Subcontract or Purchase Order, Offeror shall update the information in this **Section B.3** for Offeror's fiscal year preceding the date of award of such Subcontract or Purchase Order:

	Executive Name:	Executive Total Compensation:
(1)	_____	_____
(2)	_____	_____
(3)	_____	_____
(4)	_____	_____
(5)	_____	_____

(f) ☐ Offeror hereby acknowledges and agrees that Offeror shall, at the time of a Subcontract award that is subject to 52.204-10, provide BSA the **Offeror's** applicable and current information which BSA is required by law to report to the US Government and which information will be made available to the public..

B.4. FAR 52.209-5 (**AUGUST 2020**) — Certification Regarding Responsibility Matters

Offeror: Read each provision below and check the appropriate box where required.

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

(i) 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 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", see also FAR 52.209-7);

(C) ☐ Are (☐ Are not) 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; and

(D) ☐ Have (☐ Have not), within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds $3,000 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 Internal Revenue Code (I.R.C.) section 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. section 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. section 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) Offeror ☐ has (☐ has not) 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 officer; director; owner; partner; and, or a person 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).

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 Pursuant to 18 U.S.C. 1001.

(b) Offeror shall provide immediate written notice to BSA if, at any time prior to Subcontract or Purchase Order award, 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 a solicitation. However, the certification will be considered in connection with a determination of Offeror's responsibility. Failure of Offeror to furnish a certification or provide such additional information as requested by BSA may render 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 Offeror knowingly rendered an erroneous certification, in addition to other remedies available to BSA may terminate the Subcontract or Purchase Order resulting from a solicitation for default.

B.5. FAR 52.209-7 (OCTOBER 2018) — Information Regarding Responsibility Matters

Offeror: Read each provision, below, and check the appropriate box where required:

(a) Definitions:

"Administrative proceeding" means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative Proceedings, Civilian Board of Contract Appeals Proceedings, and Armed Services Board of Contract Appeals Proceedings). This includes administrative proceedings at the Federal and State level but only in connection with performance of a Federal Contract or Grant. It does not include agency actions such as Contract audits, site visits, corrective plans, or inspection of deliverables.

"Federal Contracts and Grants with total value greater than $10,000,000" means—

(1) The total value of all current, active Contracts and Grants, including all priced options; and

(2) The total value of all current, active orders including all priced options under indefinite-delivery, indefinite-quantity, 8(a), or requirements Contracts (including task and delivery and multiple-award schedules).

"Principal" 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).

(b) Offeror ☐ has (☐does not have) current active Federal Contracts and Grants with total value greater than $10,000,000.

(c) If Offeror checked "has" in **paragraph (b)** of this provision, Offeror represents that the information it has entered in the Federal Awardee Performance and Integrity Information System (FAPIIS) is current, accurate, and complete as of the date of submission of this form with regard to the following information:

(1) Whether Offeror, and/or any of its principals, has or has not, within the last five years, in connection with the award to or performance by Offeror of a Federal Contract or Grant, been the subject of a proceeding, at the Federal or State level that resulted in any of the following dispositions:

(i) In a criminal proceeding, a conviction.

(ii) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(iii) In an administrative proceeding, a finding of fault and liability that results in—

(A) The payment of a monetary fine or penalty of $5,000 or more; or

(B) The payment of a reimbursement, restitution, or damages in excess of $100,000.

(iv) In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the Contractor if the proceeding could have led to any of the outcomes specified in **paragraphs (c)(1)(i), (c)(1)(ii), or (c)(1)(iii)** of this provision.

(2) If Offeror has been involved in the last five years in any of the occurrences listed in **paragraph (c)(1)** of this provision, whether Offeror has provided the requested information with regard to each occurrence.

(ci) Offeror shall post the information in **paragraphs (c)(1)(i) through (c)(1)(iv)** of this provision in FAPIIS as required through maintaining an active registration in the Central Contractor Registration database via https://www.sam.gov (see 52.204-7).

B.6. FAR 52.222-22 (FEBRUARY 1999) — Previous Contracts and Compliance Reports

Offeror represents that:

(a) It ☐ has (☐ has not) participated in a previous Contract or Subcontract subject to the Equal Opportunity clause of a

(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 or Purchase Order awards.

B.7. FAR 52.222-25 (APRIL 1984) — Affirmative Action Compliance

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 parts 60-1 and 60-2); OR

(b) It ☐has not previously had Contracts or Subcontracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

B.8. Government Property Certification

☐ Offeror hereby acknowledges the Government Property requirements and represents that all Contract property acquired by or in the possession or control of Offeror and its Subcontractors has been reported to the buying entity.

B.9. FAR 52.225-1 (OCTOBER 2022) Buy American Supplies, FAR 52.225-9 (OCTOBER 2022) Buy American Construction Materials

The **Offeror** certifies that each end product, except those listed below, is a domestic end product as defined under FAR 52.225-1 for Supplies and FAR 52.225-9 for Construction Materials, and that the **Offeror** has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The **Offeror** shall list as foreign end products those end products manufactured in the United States that do not qualify as domestic end products.

Line Item No. Country of Origin

Section C: Authorized Signature of Offeror

Certification of Offeror or Offeror's Authorized Representative:
By submitting this information, I am attesting to the accuracy of the information contained herein. I understand that I may be subject to penalties imposed by the United States Government if I misrepresent any of the representations or certifications herein. Offeror further acknowledges that BSA shall rely on the information provided by Offeror herein and that if any of Offeror's representations herein change during the period of performance, Offeror shall provide immediate written notice to the BSA representative to whom this document was originally provided.

_____
Signature of Offeror's Authorized Representative

_____
Printed Name and Title of Above Signatory

Date: _____