

REPRESENTATION AND CERTIFICATIONS

OFFEROR NAME: _____ DUNS NO.: _____

INSTRUCTIONS

- I. **All proposals – any value.** Offeror shall certify, under penalty of law, that the representation required by Clause 1 is accurate, current and complete.
- II. **Proposals exceedings \$10,000.** If Offeror's proposal exceeds \$10,000, in addition to Clause I, Offeror shall certify, under penalty of law, that the representations and certifications required by Clauses 2 – 8 are accurate, current and complete, except where Clauses 7 and 8 state they do not apply.

CLAUSE NO. 1. REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (FAR 52.204-24)

- (a) **Definitions.** As used in this provision —
Covered telecommunications equipment or services, Critical technology, and Substantial or essential component have the meanings provided in FAR 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2019).
- (b) **Prohibition.** Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Offerors are not prohibited from providing —
 - (1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
 - (2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.
- (c) **Representation.** The Offeror represents that —
It **will**, **will not** provide covered telecommunications equipment or services to the Company in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation.
- (d) **Disclosures.** If the Offeror has responded affirmatively to the representation in paragraph (c) of this clause, the Offeror shall provide the following information to the Company Procurement Representative as part of the offer —
 - (1) All covered telecommunications equipment and services offered (include brand; model number, such as original equipment manufacturer (OEM) number, manufacturer part number, or wholesaler number; and item description, as applicable);
 - (2) Explanation of the proposed use of covered telecommunications equipment and services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b) of this provision;
 - (3) For services, the entity providing the covered telecommunications services (include entity name, unique entity identifier, and Commercial and Government Entity (CAGE) code, if known); and
 - (4) For equipment, the entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known).

CLAUSE NO. 2. ON-LINE REPRESENTATIONS AND CERTIFICATIONS APPLICATIONS

The Offeror has completed the annual representations and certifications electronically via the SAM website at <https://www.sam.gov/portal/public/SAM/>. After reviewing the SAM database information, the offeror represents by submission of this offer that the representations and certifications currently entered electronically via the SAM website at <https://www.sam.gov/portal/public/SAM/>, are: (1) current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer; and (2) have been entered or updated in the last 12 months. The representations and certifications are incorporated in this offer by reference (see FAR [4.1201](#)).

CLAUSE NO. 3. OFFEROR SMALL BUSINESS REPRESENTATION

(Based upon the NAICS listed in solicitation).

The Offeror represents that it is a:

- | | | | |
|---|----------------------------|--------------------------------------|--------------------------------|
| <input type="checkbox"/> OTSB | Other Than Small Business | <input type="checkbox"/> VO | Veteran-Owned Small Business |
| <input type="checkbox"/> HUBZone | Hub Zone Small Business | <input type="checkbox"/> SDB | Small Disadvantaged Business |
| <input type="checkbox"/> SB | Small Business | <input type="checkbox"/> SDVO | Service-Disabled Veteran-Owned |
| <input type="checkbox"/> WO | Woman-Owned Small Business | <input type="checkbox"/> 8(a) | 8(a) Participant |

CLAUSE NO. 4. ANTI-KICKBACK

By submission of this offer, the Offeror certifies that it has not provided, attempted to provide, offered to provide, solicited, accepted or attempted to accept any kickback; and has not included, directly or indirectly, that amount of any kickback in the offer. "Kickback" means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind that is provided, directly or indirectly, to any prime contractors of the Company, prime Contractor employee, subcontractor at any tier, or employee of a subcontractor at any tier, for the purpose of improperly obtaining or regarding favorable treatment in connection with a Government prime contractor in connection with a subcontract at any tier relating to a Government prime contract.

CLAUSE NO. 5. BUY AMERICAN

(a) The Offeror certifies that each end product except those listed in paragraph (b) of this provision is a domestic end product and that the Offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States.

(b) Foreign end products:

Line Item No.: _____ Country of Origin: _____

(c) Company will evaluate offers in accordance with the applicable policies and procedures of Part 25 of the Federal Acquisition Regulation.

CLAUSE NO. 6 CERTIFICATION OF ENROLLMENT IN E-VERIFY (52.222-54)

Enrollment information on registration found at <https://www.uscis.gov/e-verify>.

E-Verify is Not Applicable based upon FAR 52.222-54 (e).

Offeror certifies that it is currently enrolled in the E-Verify Program for employment verification or will enroll within 30 days of subcontract award, and will continue to be enrolled, if awarded a subcontract, for the entire term of such subcontract.

REPRESENTATION AND CERTIFICATIONS

CLAUSE NO. 7 EQUAL OPPORTUNITY: PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FAR 52.222-22) *(This Clause does not apply to Agreements that use Company Terms and Conditions (a) COTS or (b) CI for the purchase of commercial items, but this Clause does apply where CI is used to purchase commercial services or a combination of commercial items and services.)*

The Offeror represents that-

- (a) It **has**, **has not** participated in a previous contract or subcontract subject to the Equal Opportunity clause (FAR 52.222-26) of this solicitation, or the clause contained in Executive Order No. 11246;
- (b)(1) It **has** filed all required compliance reports; or
 - (2) It is not required by regulations of the Office of Federal Contract Compliance Programs at 41 CFR 60-1 to file compliance reports because —
 - It has less than 50 employees, or
 - It does not have a Government contract or first-tier subcontract of \$50,000 or more, or
 - It does not have a Government contract of \$50,000 or more below the first tier for construction work at the site of construction, or
- (3) It **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.

CLAUSE NO. 8 AFFIRMATIVE ACTION COMPLIANCE (FAR 52.222-25) *(This Clause does not apply to Agreements that use Company Terms and Conditions (a) COTS; (b) CI for the purchase of commercial items, but this Clause does apply where CI is used to purchase commercial services or a combination of commercial items and services; (c) CON; or (d) DBCON.)*

- (a) The Offeror represents that-
 - (1) It **has** developed and has 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);
 - (2) It **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
 - (3) It **has not** previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor because it has not had 50 or more employees and a Government contract or subcontract of \$50,000 or more.
- (b) If the Offeror has not developed and does not have on file a written affirmative action program required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or if the Offeror has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor, then the Offeror represents that it will develop a written affirmative action program if Offeror has 50 or more employees and this Agreement exceeds \$50,000 within 120 days from the commencement of this Agreement.

By signing below, the Offeror certifies, under penalty of law, that the representations and certifications above are accurate, current and complete.

OFFEROR: _____
(Insert Offeror's Legal Name)

SIGNATURE: _____
(Printed Name of Signer)

TITLE: _____ **DATE:** _____