



**THE BOEING COMPANY SPECIAL PROVISIONS (SP1)
REPRESENTATIONS AND CERTIFICATIONS**

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

| | | |
|---------------------------------|------------------------------|--------------------|
| For Boeing Internal Use: | Boeing Purchasing Agent Name | Site Supplier Code |
|---------------------------------|------------------------------|--------------------|

A. DUNS NUMBER

The Offeror represents that its Data Universal Numbering System (DUNS) number (a nine-digit number assigned by Dun and Bradstreet Information Services) is:

DUNS: _____

See FAR 52.204-6 for definitions and instructions on how to obtain a DUNS number.

B. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND PROPOSED DEBARMENT (Modified FAR 52.209-5)

1. The Offeror certifies, to the best of its knowledge and belief, that the Offeror and/or any of its Principals are not presently debarred, suspended, or proposed for debarment by the Federal Government or by any Federal agency;
2. The Offeror shall provide immediate written notice to the Buyer if the Offeror learns that its certification was erroneous when submitted or if the Offeror and/or any of its Principals has become debarred, suspended, or proposed for debarment by the Federal Government or by any Federal agency.

PARAGRAPHS C THROUGH H OF THESE REPRESENTATIONS AND CERTIFICATIONS ARE NOT APPLICABLE WITH RESPECT TO WORK PERFORMED OUTSIDE OF THE UNITED STATES BY EMPLOYEES WHO WERE NOT RECRUITED WITHIN THE UNITED STATES.

C. NONSEGREGATED FACILITIES REQUIREMENTS (Modified FAR 52.222-21)

1. CERTIFICATION OF NONSEGREGATED FACILITIES (Modified FAR 52.222-21)
 - 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 --
 - i. Obtain identical certifications from proposed subcontractors before the award of subcontracts under which the subcontractor will be subject to the Equal Opportunity clause;
 - ii. Retain the certifications in the files; and
 - iii. Forward the notice appearing in paragraph 2 below to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods).
2. NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATION OF NONSEGREGATED FACILITIES (From FAR 52.222-21)

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).

D. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (Modified FAR 52.222-22)

The Offeror represents that it --

1. has participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation and has filed all required compliance reports; or
2. has participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation but has not filed all required compliance reports; or
3. has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation and therefore no compliance reports have been required.

E. AFFIRMATIVE ACTION COMPLIANCE (Modified FAR 52.222-25)

The Offeror represents that it:

1. a. has developed and has on file, or
- b. 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

2. a. has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor; or
- b. is exempt from the requirements of FAR 52.222-26, Equal Opportunity, of FAR 52.222-25, Affirmative Action Compliance, and from all of the requirements of EO 11246 as defined in FAR 22.801 because of the following:
 - i. the Offeror employs fewer than 50 people; or
 - ii. the contract it may receive from Buyer as a direct result of this solicitation is for \$10,000 or less and the aggregate value of all United States Government prime contracts or subcontracts awarded to the Offeror in any 12-month period can not reasonably be expected to exceed \$10,000; or
 - iii. all work will be performed outside of the United States by employees who were not recruited within the United States; or
 - iv. state other basis of exemption:

If either (1)(b) or (2)(a) is marked, then Offeror represents, by submission of this offer, that it will develop and have on file, at each establishment, a written affirmative action compliance program within 120 days from the commencement of any contract in excess of \$10,000 it receives from Buyer as a direct result of this solicitation.

F. CLEAN AIR AND WATER CERTIFICATION (Modified FAR 52.223-1)

(This clause is not applicable to (1) offers of \$100,000 or under; (2) indefinite quantity contracts where the amount ordered in any year is not projected by the Buyer to exceed \$100,000 as set forth in the solicitation; or (3) commercial items. None of these exemptions apply if the facility to be used is on the EPA List of Violating Facilities for a conviction under the Air Act or the Water Act. See FAR 23.104 (a) and (b).)

The Offeror certifies that --

1. Any facility to be used in the performance of this proposed contract
 is, or is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities.
2. The Offeror will immediately notify the Buyer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, 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
3. The Offeror will include a certification substantially the same as this certification, including this paragraph 3, in every nonexempt subcontract as defined in FAR 23.104.

G. CERTIFICATE OF TOXIC CHEMICAL RELEASE REPORTING (52.223-13) (Applicable only if FAR 52.223-14 is included in the solicitation.)

1. The Offeror certifies that --
 - a. As the owner or operator of facilities that will be used in the performance of this contract that are 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 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the offeror will file and continue to file for such facilities for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA; or
 - b. None of its owned or operated facilities to be used in the performance of this contract is 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 under Section 313(c) of EPCRA, 42 U.S.C. 11023(c);
 - ii. The facility does not have ten (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 (SIC) Code designations 20 through 39 as set in FAR Section 19.102; or
 - v. The facility is not located within any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the United States has jurisdiction.
2. Should the Offeror's status or circumstances change with respect to any of the statements indicated above, Offeror will notify Buyer immediately.

H. BUSINESS STATUS

1. The Offeror represents, pursuant to government law or regulation, that it is: (Check the applicable box or boxes).
- a. a large business concern;
 - b. a small business concern (FAR 19.001 and FAR 52.219-1(c));
 - c. a small business under the size standard applicable to this acquisition; and either-
 - i. it has been certified by the Small Business Administration or a Private Certifier as a small disadvantaged business concern consistent with 13 CFR 124, Subpart B; and (A) No material change in disadvantaged ownership and control has occurred since its certification; (B) Where the concern is owned by one or more disadvantaged individuals, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and (C) It is listed, on the date of this representation, on the register of small disadvantaged business concerns maintained by the Small Business Administration; or
 - ii. it has submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted (FAR 52.219-22);
 - d. a joint venture that complies with the requirements at 13 CFR 124.1002(f) and that the representation in paragraph b. of this provision is accurate for the small disadvantaged business concern that is participating in the joint venture [The Offeror shall enter the name of the small disadvantaged business concern that is participating in the joint venture: _____.] (FAR 52.219-22);
 - e. a small disadvantaged business concern (FAR 19.001, FAR 52.219-1(c), and FAR 52.219-8 (c)) having at least 51% of its stock unconditionally owned by, and which has its management and daily business controlled by, one or more of the following:
 - i. an economically disadvantaged Indian tribe;
 - ii. an economically disadvantaged Native Hawaiian organization;
 - iii. Black Americans;
 - iv. Hispanic Americans;
 - v. Native Americans;
 - vi. Asian-Pacific Americans;
 - vii. Subcontinent Asian Americans; and/or
 - viii. Other (please list): _____;
 - f. an Indian organization or an Indian-owned economic enterprise (FAR 52.226-1);
 - g. a woman-owned small business concern (FAR 19.001, FAR 52.219-1(c), and FAR 52.219-8(d));
 - h. a HUBZone small business concern (FAR 52.219-8);
 - i. a rural area small business concern (NASA FAR SUPP 18-52.219-74);
 - j. a Historically Black College or University (34 CFR 608.2);
 - k. a Minority Institution (34 CFR 607.2);
 - l. a foreign business concern (i.e., a business concern organized or existing under the laws of a country other than the United States or its territories or possessions); and/or
 - m. a large minority business concern having at least 51% of its stock unconditionally owned by, and which has its management and daily business controlled by, one or more of the following:
 - i. an economically disadvantaged Indian tribe;
 - ii. an economically disadvantaged Native Hawaiian organization;
 - iii. Black Americans;
 - iv. Hispanic Americans;
 - v. Native Americans;
 - vi. Asian-Pacific Americans;
 - vii. Subcontinent Asian Americans; and/or
 - viii. Other (please list): _____.
 - n. Veteran owned small business:
 - o. service disabled Veteran owned small business
2. The Offeror is hereby notified that, under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a "small business concern" or a "small business concern owned and controlled by socially and economically disadvantaged individuals" (inclusive of categories a. through j. identified in paragraph L.1 above) in order to obtain a contract to be awarded under the preference programs

established pursuant to sections 8(a), 8(d), 9 or 15 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:

- a. Be punished by imposition of a fine, imprisonment, or both;
- b. Be subject to administrative remedies, including suspension and debarment; and
- c. Be ineligible for participation in programs conducted under the authority of the Act.

I. OFFEROR'S EXECUTION

Offeror's signature below applies to all paragraphs above except that paragraphs C through H of these Representations and Certifications are not applicable with respect to work performed outside of the United States by employees who were not recruited within the United States.

Company _____ Date _____

Address: _____ Phone No. _____
(Offeror's location where performance will occur)

Name (Print or Type): _____ Fax No. _____

Signature _____ Email Address _____

Title _____