

<p>BUYER INTERNAL USE</p> <p>PROC. AGENT: _____</p> <p>SUPPLIER: _____</p>

ANNUAL REPRESENTATION AND CERTIFICATION

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

Note: All sections must be checked.

1. EQUAL OPPORTUNITY

Not Applicable - Foreign Supplier

A. 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.

B. 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.

2. DEBARMENT, SUSPENSION, AND PROPOSED FOR DEBARMENT

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

3. BUSINESS STATUS

- A. The Offeror represents, pursuant to government law or regulation, that it is: (Check the applicable box or boxes).
1. a large business concern;
 2. a small business concern (FAR 19.001 and FAR 52.219-1(c));
 3. a small business under the size standard applicable to this acquisition; and either-
 - a. 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
 - b. 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);
 4. 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);

5. 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:
 - a. an economically disadvantaged Indian tribe;
 - b. an economically disadvantaged Native Hawaiian organization;
 - c. Black Americans;
 - d. Hispanic Americans;
 - e. Native Americans;
 - f. Asian-Pacific Americans;
 - g. Subcontinent Asian Americans; and/or
 - h. Other (please list): _____;
6. an Indian organization or an Indian-owned economic enterprise (FAR 52.226-1);
7. a woman-owned small business concern (FAR 19.001, FAR 52.219-1(c), and FAR 52.219-8(d));
8. a HUBZone small business concern (FAR 52.219-8);
9. a rural area small business concern (NASA FAR SUPP 18-52.219-74);
10. a Historically Black College or University (34 CFR 608.2);
11. a Minority Institution (34 CFR 607.2);
12. 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
13. 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:
 - a. an economically disadvantaged Indian tribe;
 - b. an economically disadvantaged Native Hawaiian organization;
 - c. Black Americans;
 - d. Hispanic Americans;
 - e. Native Americans;
 - f. Asian-Pacific Americans;
 - g. Subcontinent Asian Americans; and/or
 - h. Other (please list): _____.
14. Veteran owned small business;
15. service disabled Veteran owned small business.

B. 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:

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

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

Signature _____

Name _____

Title _____

Company _____

Address _____

Date of execution