



## REPRESENTATIONS & CERTIFICATIONS FOR VENDORS/CUSTOMERS

ORGANIZATION: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ MOBILE: \_\_\_\_\_

\_\_\_\_\_ EMAIL: \_\_\_\_\_

WEB ADDRESS: \_\_\_\_\_

The Vendor/Customer represents and certifies, by completing this form, that the following information is current, accurate, and complete.

1. Type of Business Organization: Vendor/Customer operates as:

- |  |   |
|--|---|
| <input type="checkbox"/> a corporation                     | <input type="checkbox"/> an LLC - C corporation |
| <input type="checkbox"/> an S-corporation                  | <input type="checkbox"/> an LLC - S corporation |
| <input type="checkbox"/> an individual/sole proprietorship | <input type="checkbox"/> an LLC partnership     |
| <input type="checkbox"/> a partnership                     | <input type="checkbox"/> a trust/estate         |
| <input type="checkbox"/> a non-profit organization         |   |
| <input type="checkbox"/> a non-U.S. organization           |   |

2. Taxpayer Identification Number (TIN)

TIN: \_\_\_\_\_

TIN has been applied for

TIN is not required because: \_\_\_\_\_

Vendor/Customer is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.

Vendor/Customer is an agency or instrumentality of a foreign government

Vendor/Customer is an agency or instrumentality of the Federal government

Other. State basis: \_\_\_\_\_

3. DUNS number: \_\_\_\_\_

4. Vendor/Customer is is not subject to OMB Circular A-133 audit requirements.

5. **BUSINESS SIZE AND TYPE CLASSIFICATION: VENDOR/CUSTOMER IS:**  
(Check All Appropriate Boxes)

- |  |  |
|--|--|
| <input type="checkbox"/> Small Business (SB)                                 | <input type="checkbox"/> Large Business  |
| <input type="checkbox"/> Women-Owned Small (WOSB)                            | <input type="checkbox"/> Minority Institution (MI)                                       |
| <input type="checkbox"/> *SBA-Certified Small Disadvantaged Bus.             | <input type="checkbox"/> Historically Black College or University                        |
| <input type="checkbox"/> Non-SBA Certified SDB                               | <input type="checkbox"/> Veteran Owned Business (Self-Certifying)                        |
| <input type="checkbox"/> *Historically Underutilized Business Zone (HUBZone) | <input type="checkbox"/> Service-Disabled Veteran-Owned Small Business (Self-Certifying) |

\*Enter SDB/HUBZone Tracking Number here AND attach a copy of Offeror's current Small Business Administration (SBA) SDB certification letter or other proof of certification.

6. Labor Surplus Area: Vendor/Customer will will not, perform the work in an area classified by the Secretary of Labor as (1) section of concentrated unemployment or underemployment, (2) persistent labor surplus area; or (3) substantial labor surplus area.

7. Complete only if Vendor/Customer represented itself as a small business concern in paragraph (3). The Vendor/Customer represents, as part of its offer, that:

- (a) It  is,  is 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 Small Business Administration, and no material change in ownership and control, principal place of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126

**IN ADDITION:** (b) It  is,  is not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (b)(5)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [The Vendor/Customer shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture: \_\_\_\_\_.] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

8. Complete only if Vendor/Customer represented itself as a Veteran-Owned Small Business Concern in paragraph (3). The Vendor/Customer represents, as part of its offer, that:

It  is,  is not Veteran-Owned Small Business Concern. A small business concern that (a) 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 (b) the management and daily business operations of which are controlled by one or more veterans.

**IN ADDITION:** Vendor/Customer represents that is  is,  is not a Service-Disabled Veteran-Owned Small Business Concern. A small business concern that (a) 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 (b) 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. 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).

### NOTICE OF PENALTY

Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small or small disadvantaged business concern 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 specially 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.
9. Previous Contracts and Compliance Reports): [Federal contractors who do not have 50 or more employees and a contract of \$50,000 or more, mark Has Not.] Vend/Cust. represents that it  has,  has not participated in a previous contract or Contract subject either to the Equal Opportunity Clause of this solicitation, the clause originally contained in Section 310 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114, that he  has,  has not, filed all required compliance reports; and that representations indicating submission of required compliance reports, signed by proposed Vend./Customer will be obtained prior to Contract awards.
10. Affirmative Action Compliance [Federal contractors who do not have 50 or more employees and a contract of \$50,000 or more, mark Has Not.] Vend/Custo 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 60-1 and 60-2), or (b) it  has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.
11. Certification on Nonsegregated Facilities: By this submission, Vend/Custo certifies that it does not maintain or provide for its employees any segregated facilities at any of his establishments, and that it does not permit its employees to perform their services at any location, under its control, where

segregated facilities are maintained. Vendor/Customer agrees that a breach of this certification is a violation of the Equal Opportunity Clause in this Contract. As used in this certification, the term "segregated facilities" 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 which 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. Vendor/Customer further agrees that (except where it has obtained identical certifications from proposed lower-tier Contracts for specific time periods) it will obtain identical certifications from proposed lower-tier Subcontractors prior to the award of Contracts exceeding \$10,000 which are not exempt from the provisions of Equal Opportunity Clause; that it will retain such certifications in its files; and that it will forward the following notice to such proposed lower-tier Subcontractors (except where the proposed lower-tier Subcontractors have submitted identical certifications for specific time periods):

A certification of Nonsegregated Facilities must be submitted prior to the award of a Contract exceeding \$10,000, which is not exempt from the provisions of the Equal Opportunity Clause. The certification may be submitted either for each Contract or for all Contracts during a period (i.e. quarterly, semi-annually, or annually). (Note: The penalty for making false statements in offers in prescribed in 1 8 U.S.C. 1001.

12. Equal Opportunity Compliance: By submission of this offer, Vendor/Customer represents that, to the best of its knowledge and belief, except as noted below up to the date of this offer, no written notice such as a show cause letter, a letter indicating probable cause, or any other formal written notification citing specific deficiencies, has been received by the Vendor/Customer from any Federal Government agency or representative thereof that the Vendor/Customer or any of its divisions or affiliates or known first-tier subcontractor is in violation of any of the provisions of Executive Order 11246 of September 24, 1965, Executive Order 11375 of October 13, 1967, or rules and regulations of the Secretary of Labor and specifically as to not having an acceptable affirmative action program or being in noncompliance with any other aspect of the Equal Employment Opportunity Program. It is further agreed that should there be any change (i) in Vendor/Customer's status or circumstances between this date and the date of expiration of this offer, or any extension thereof, or (ii) during any contract or extension thereof resulting from this solicitation, AUI/NRAO, will be notified promptly.
13. Certification regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters :
  - (a) (1) The Vendor/Customer certifies, to the best of its knowledge and belief, that—
    - (i) The Vendor/Customer 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 Contract; 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, or receiving stolen property; and

(C) Are /are not  presently indicted for, or otherwise criminally or civil charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision.

(ii) The Vendor has /has not , within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

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 Under section 1001, Title 18, United States Code.

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

14. Vendor/Customer agrees to immediately advise AUI/NRAO of any event that affects the accuracy of the information contained in the declaration provided herein

**Certification Signature**

Signature: \_\_\_\_\_ Organization: \_\_\_\_\_

Typed Name: \_\_\_\_\_ Address: \_\_\_\_\_

Title: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Date: \_\_\_\_\_ Telephone: \_\_\_\_\_