REPRESENTATIONS & CERTIFICATIONS

The following representation & certification solicitation provisions must be completed and this form must be signed and returned with the Offeror’s Proposal to Lawrence Livermore National Security, LLC (“LLNS”).

As used herein, the term “Subcontract” shall also mean “Purchase Order,” the term “Offer” shall also mean “Bid”, “Proposal”, and “Quotation”, and the term “Offeror” shall also mean “Bidder”, “Proposer, and “Quoter”, as applicable.

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1. OFFEROR INFORMATION *(Check and Complete all that Apply.)*

Company Name:

Company Address:

 Street City, State Zip+4 Country

Taxpayer Identification Number (TIN):       (Social Security or Employer Identification Number)

Dun & Bradstreet D-U-N-S® Number:

Annual Revenue:       Number of employees:        *(If other than a government entity)*

Primary Performance Location: *Check one* [ ]  Same address as above [ ]  LLNL Site 200 (Livermore) [ ]  LLNL Site 300 (Tracy)

 [ ]  Foreign location [ ]  Other US address:

 City State Zip+4

Parent Entity Name (if applicable):       Parent Entity DUNS No. (if applicable):

If any Services to be performed in California: [ ]  Offeror has office in California

 [ ]  Offeror registered to do business in California

[ ]  Individual or Sole Proprietorship: *Check one* ([ ]  U.S. citizen [ ]  Resident alien [ ]  Non-resident alien)

[ ]  Partnership: *Check one* ([ ]  U.S. citizens [ ]  Resident aliens [ ]  Non-resident aliens)

[ ]  Corporation: *Check one* ([ ]  Domestic Other [ ]  Domestic Legal/Medical/Healthcare [ ]  Foreign)

[ ]  Limited Liability Company (LLC): *Check one* ([ ]  Domestic [ ]  Foreign)

[ ]  Other Non-U.S. Company, Institution, or Organization *(describe)*:

[ ]  Educational Institution [ ]  Other Non-Profit Organization

[ ]  Foreign Government Entity [ ]  U.S. Government Entity (Federal, State, or Local)

[ ]  International Organization (per 22 U.S. Code 288)

[ ]  Other *(describe)*:

2. Affiliate Relationship

(a) The Offeror certifies, to the best of its knowledge and belief, that it is [ ] , is not [ ] , affiliated with one or more of the following companies or their known affiliates: Bechtel National, Inc.; The Regents of the University of California; BWXT Government Group, Inc.; URS, an AECOM company; Battelle Memorial Institute; GEM Technology International Corporation; Professional Project Services, Inc. (Pro2Serve®); and Texas A&M University System. The term “affiliate” shall have the meaning as defined at FAR. 2.101.

(b) If the answer to (a) above is “it is affiliated with one or more”, the Offeror represents that it is affiliated with the following named company(ies) (*identify*):

3. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS

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

(c) *Certification.* The Offeror, by signing its offer, hereby 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 this contract.

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

*(FAR 52.203-11; SEP 2007)*

4. CERTIFICATION REGARDING KNOWLEDGE OF CHILD LABOR FOR LISTED END PRODUCTS

1. *Definition.* As used in this provision, “Forced or indentured child labor”, is defined as all work or service-
2. Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance for which the worker does not offer himself voluntarily; or
3. Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.
4. *Certification.* The Offeror, by signing its offer, hereby certifies to the best of its knowledge and belief that if it supplies any end product listed in the List of Products Requiring Contract Certification as to Forced or Indentured Child Labor that was mined, produced or manufactured in the corresponding country as listed for that product, the Offeror has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture such end product. On the basis of those efforts, the Offeror certifies it is not aware of any such use of child labor. The List of Products Produced by Forced or Indentured Child Labor is available at http://www.dol.gov/ilab/reports/child-labor/list-of-products/.

*(FAR 52.222-18)*

5. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT AND OTHER RESPONSIBILITY MATTERS

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

(i) The 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 or subcontracts by any Federal agency;

(B) Have [ ] , have not [ ] , within the 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, or receiving stolen property;

1. 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 subdivision (a)(1)(i)(B) of this provision.

(ii) The Offeror has [ ] , has not [ ] , within a three-year period preceding this offer, had one or more contracts or subcontracts terminated for default by any Federal agency or Government contractor.

(2) “Principals”, for the purposes of this certification, means officers, directors, owners, partners, and, persons 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 under section 1001, Title 18, united States Code.

(b) The Offeror shall provide immediate written notice to LLNS if, at any time prior to Subcontract award, the 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 this solicitation. However, the certification will be considered in connection with a determination of the Offeror’s responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by LLNS may render the Offeror nonresponsible.

(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 the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government or LLNS, LLNS may terminate the Subcontract resulting from this solicitation for default.

*(FAR 52.209-5; APR 2010)*

6. SMALL BUSINESS PROGRAM REPRESENTATIONS

*(Applicable if any performance will be inside the United States, its territories or possessions, Puerto Rico, the District of Columbia, or the Trust Territory of the Pacific islands.)*

(a) (1) The North American Industry Classification System (NAICS) Code for this acquisition is 334111 'Electronic Computer Manufacturing' .

*(Should be the same NAICS Code as indicated in the solicitation, if applicable.)*

(2) The small business size standard is : (i) 1,250 employess or fewer if the Offeror is an original equipment manufacturer (OEM); or (ii) 500 employees or fewer if the Offeror is a reseller/distributor . *(Should be the same size standard as indicated in the solicitation, if applicable.)*

(b) Representations.

(1) The Offeror represents as a part of its offer that it is [ ] , is not [ ] , a small business concern.

*(Complete (2), (3), (4), (5), (6), (7), and (8) below, as applicable, only if Offeror represented itself as a small business concern in block (b)(1) of this provision.)*

(2) The Offeror represents, for general statistical purposes, it is [ ] , is not [ ] , a small disadvantaged business (SDB) concern as defined in 13 CFR 124.1002. *(If SDB, indicate which socio-economic categories apply.)*

(i) [ ]  Asian-Pacific American Owned [ ]  Black American Owned [ ]  Hispanic American Owned

 [ ]  Subcontinent Asian-American Owned

(ii) [ ]  Native American Owned *(select one below)*

 [ ]  Alaskan-Native Owned [ ]  American Indian Owned [ ]  Native Hawaiian Owned

(3) The Offeror represents as part of its offer that it is [ ] , is not [ ] , a women-owned small business concern.

(4) The Offeror represents as part of its offer that it is [ ] , is not [ ] , an economically-disadvantaged women-owned small business concern.

(5) The Offeror represents as part of its offer that it is [ ] , is not [ ] , a veteran-owned small business concern.

(6) The Offeror represents as part of its offer that it is [ ] , is not [ ] , a service-disabled veteran-owned small business concern.

(7) The Offeror represents as part of its offer that it is [ ] , is not [ ] , an 8(a) certified small business concern. If certified, list certificate number       effective/start date       expiration/end date

(8) The Offeror represents as part of its offer that:

(i) 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 office of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and

1. It is [ ] , is not [ ] , a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (b)(6)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture.

[*The Offeror 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.

(c) Definitions. As used in this provision:

1. “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 Government contracts and subcontracts, and qualified as a small business under the criteria in 13 CFR 121 and the size standard in paragraph (a) of this provision.

(2) “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

1. Whose management and daily business operations are controlled by one or more women.

(3) “Economically-disadvantaged women-owned small business 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.

(4) “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 in 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.

(5) “Service-disabled veteran-owned small business concern”, means a small business concern

1. 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 service-disabled 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).

(6) “8(a)” is a business development program created by the SBA that is designed to help small disadvantaged businesses compete in the marketplace. The SBA certifies a company for the 8(a) program.

(d) Notice.

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

(2) Under 15 U.S.C. 645(d), any person who misrepresents a firm’s status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract or subcontract 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 (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 authority of the Act.

*(FAR 52.219-1; MAY 2004, Modified)*

7. COMPLIANCE with Veterans’ Employment Reporting Requirements

*(Applicable to non-commercial item/services exceeding $150,000.)*

The Offeror represents by submission of its offer, if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., if it has any contract containing Federal Acquisition Regulation clause 52.222-37, Employment Reports on Veterans), it has submitted the most recent VETS-100A Report required by that clause.

*(FAR 52.222-38; SEP 2010)*

8. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS

*(Not applicable to performance on Indian Reservations or outside the U.S. by employees not recruited from the U.S.)*

The Offeror represents that:

(a) It has [ ] , has not [ ] , participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation; and

(b) It has [ ] , has not [ ] , filed all required compliance reports.

If the answer to (a) above is “has participated” and the answer to (b) above is “has not filed all required compliance reports,” the Offeror certifies as the applicable reason that: it has less than fifty employees [ ] ; it does not have a Federal Government prime contract or first-tier-subcontract amounting to $50,000 or more [ ] ; or other [ ]  (*explain*):

      .

*(FAR 52.222-22; FEB 1999, Modified)*

9. AFFIRMATIVE ACTION COMPLIANCE

*(Not applicable to construction or performance on Indian Reservations or outside the U.S. by employees not recruited from the U.S.)*

The 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 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 [ ] .

If the answer to (a) above is “has not developed and does not have on file”, the Offeror certifies as the applicable reason that: it has less than fifty employees [ ] ; it does not have a Federal Government prime contract or first-tier subcontract amounting to $50,000 or more [ ] ; or other [ ]  (*explain*):

      .

*(FAR 52.222-25; APR 1984, Modified)*

10. BUY AMERICAN ACT CERTIFICATE

*(Not applicable to Solicitations for Construction Services.)*

The Offeror certifies that each end product to be delivered, except those listed below, is a domestic end product as defined in FAR clause 52.225-1 entitled *Buy American Act ‑ Supplies*, and that, for other than COTS items, 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.

 Foreign End Products Country of Origin

|  |  |  |
| --- | --- | --- |
|       |  |       |
|       |  |       |

 (List as necessary)

(*Note: LLNS will take into consideration applicable provisions of Part 25 of the Federal Acquisition Regulation in evaluating offers for foreign end products.*)

*(FAR 52.225-2; FEB 2009)*

11. REPRESENTATION OF LIMITED RIGHTS DATA AND RESTRICTED COMPUTER SOFTWARE

(a) This solicitation sets forth the work to be performed if a Subcontract award results, and LLNS’/DOE’s known delivery requirements for data (as defined in DEAR 927.409). Any resulting Subcontract may also provide LLNS/DOE the option to order additional data under the Additional Data Requirements clause at 52.227-16 of the FAR, if included in the Subcontract. Any data delivered under the resulting Subcontract will be subject to the Rights in Data - General clause that is to be included in the Subcontract. Under the latter clause, a Subcontractor may withhold from delivery data that qualify as limited rights data or restricted computer software, and deliver form, fit, and function data in lieu thereof. The latter clause also may be used with its Alternates II and/or III to obtain delivery of limited rights data or restricted computer software, marked with limited rights or restricted rights notices, as appropriate. In addition, use of Alternate V with this latter clause provides LLNS/DOE the right to inspect such data at the Subcontractor’s facility.

(b) The Offeror shall complete the representation in paragraph (c) of this provision to either state that none of the data qualify as limited rights data or restricted computer software, or identify, to the extent feasible, which of the data qualifies as limited rights data or restricted computer software. Any identification of limited rights data or restricted computer software in the Offeror’s response is not determinative of the status of such data should a Subcontract be awarded to the Offeror.

(c) Offeror has reviewed the requirements for the delivery of data, including computer software, and states:

(*Check appropriate block*)

[ ]  None of the data proposed for fulfilling such requirements qualifies as limited rights data or restricted computer software.

[ ]  Data proposed for fulfilling such requirements qualify as limited rights data or restricted computer software and are identified as follows:

|  |
| --- |
|       |
|       |
|       |

**NOTE**: The terms “data”, “limited rights data”, “restricted computer software”, “computer software”, and “form, fit, and function data” are defined in DEAR 927.409 as follows:

*Data* means recorded information, regardless of form or the media on which it may be recorded. The term includes technical data and computer software. The term does not include data incidental to the administration of the subcontract, such as financial, administrative, cost and pricing, or management information.

*Limited rights data* means data, other than computer software, developed at private expense that embody trade secrets or are commercial or financial and confidential or privileged. (The Government’s rights to use, duplicate, or disclose limited rights data are as set forth in the Limited Rights Notice of the Rights in Data - General clause.)

*Restricted computer software* means computer software developed at private expense and that is a trade secret; is commercial or financial and is confidential or privileged; or is published copyrighted computer software, including minor modifications of any such computer software. (The Government’s rights to use, duplicate, or disclose restricted computer software are as set forth in the Restricted Rights Notice of the Rights in Data - General clause.)

*Computer software* means (i) computer programs which are data comprising a series of instructions, rules, routines, or statements, regardless of the media in which recorded, that allow or cause a computer to perform a specific operation or series of operations, and (ii) data comprising source code listings, design details, algorithms, processes, flow charts, formulae, and related material that would enable the computer program to be produced, created, or compiled. The term does not include computer data bases.

*Form, fit, and function data* means data relating to items, components, or processes that are sufficient to enable physical and functional interchangeability, as well as data identifying source, size, configuration, mating, and attachment characteristics, functional characteristics, and performance requirements; except that for computer software it means data identifying source, functional characteristics, and performance requirements but specifically excludes the source code, algorithm, process, formulae, and flow charts of the software.

*(FAR 52.227-15; DEC 2007)*

12. certification regarding violation of arms control treaties or agreements

*(Applicable to non-commercial item/services exceeding $250,000.)*

(a) The Offeror shall check the appropriate block below:

[ ]  The Offeror certifies that:

i) it does not engage and has not engaged in any activity that contributed to or was a significant factor in the President's or Secretary of State's determination that a foreign country is in violation of its obligations undertaken in any arms control, nonproliferation, or disarmament agreement to which the United States is a party, or is not adhering to its arms control, nonproliferation, or disarmament commitments in which the United States is a participating state. The determinations are described in the most recent unclassified annual report provided to Congress pursuant to section 403 of the Arms Control and Disarmament Act ([22 U.S.C. 2593a](https://www.govregs.com/uscode/22/2593a)). The report is available via the internet at https://www.state.gov/t/avc/rls/rpt/; and

(ii) no entity owned or controlled by the Offeror has engaged in any activity that contributed to or was a significant factor in the President's or Secretary of State's determination that a foreign country is in violation of its obligations undertaken in any arms control, nonproliferation, or disarmament agreement to which the United States is a party, or is not adhering to its arms control, nonproliferation, or disarmament commitments in which the United States is a participating state. The determinations are described in the most recent unclassified annual report provided to Congress pursuant to section 403 of the Arms Control and Disarmament Act ([22 U.S.C. 2593a](https://www.govregs.com/uscode/22/2593a)). The report is available via the internet at https://www.state.gov/t/avc/rls/rpt/; or

[ ]  The Offeror is providing separate information with its offer in accordance with (d)(2) of FAR 52.209-13; or

[ ]  N/A (i.e., commercial item/services or non-commercial item/services less than or equal to $250,000).

(b) 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 Offeror knowingly submitted a false certification, in addition to other remedies available to the Government or LLNS, such as suspension or debarment, LLNS may terminate any subcontract resulting from the false certification.

*(FAR 52.209-13; JUN 2018)*

13. representation regarding certain telecommunications and video surveillance services or equipment

(a) The Offeror represents that it will [ ] , will not [ ]  provide covered telecommunications equipment or services to the Government or LLNS in the performance of any of any contract, subcontract or other contractual instrument resulting from this solicitation.

(b) If the answer to (a) above is “will”, the Offeror shall provide the following information as part of its 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 services and any factors relevant to determining if such use would be permissible under paragraph (b) of FAR 52.204-24:

      .

(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:

      .

(4) For equipment, the entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, and Commercial and Government Entity (CAGE) code, and whether the entity was the OEM or a distributor, if known):

      .

**NOTE**: The terms “Covered telecommunications equipment or services” and “Covered foreign country” are defined in FAR 52.204-25 as follows:

*Covered telecommunications equipment or services* means (1) telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); (2) for the purpose of public safety, security of Government facilities, physical security surveillance of infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary of affiliate of such entities); (3) telecommunications or video surveillance services provided by such entities or using such equipment; or (4) telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

*Covered foreign country* means The People’s Republic of China.

*(FAR 52.204-24; AUG 2019)*

***I certify that, to the best of my knowledge, the above information is accurate as of the date of my signature.***

Solicitation Number:  B640169 Signature:

Signer’s Name:       Title:

Company:        Date: