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.

INDEX

|  |  |
| --- | --- |
| 1. | Offeror Information |
| 2. | Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions |
| 3. | Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters |
| 4. | Small Business Program Representations |
| 5. | Compliance with Veterans’ Employment Reporting Requirements |

1. OFFEROR INFORMATION *(Check and complete all that apply.)*

Firm Name:       .

Firm 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 [ ]  LLNL Site 300

 [ ]  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)

[ ]  Limited Liability Partnership (LLP) [ ]  Professional Limited Liability Partnership (PLLP)

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

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

[ ]  Other *(describe)*:       .

2. 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 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)*

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

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

(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; and

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 its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(c) A certification 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 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 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)*

4. 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       .

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

(2) The small business size standard is       . *(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 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 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 it is [ ] , is not [ ] , a veteran-owned small business concern.

(6) The Offeror represents as part of its offer 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:

(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, which 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)*

5. 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)*

6. 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)*

Solicitation Number:        Signature:

Signer’s Name:       Title:

Firm:        Date: