**REPRESENTATIONS & CERTIFICATIONS**

The following representation & certification provisions, including Appendix A, must be completed and this form must be signed and returned as part of the Consultant’s proposal to Lawrence Livermore National Security, LLC (“LLNS”). **Please note that the Consultant must also sign and return Appendix A to LLNS.**

INDEX

|  |  |
| --- | --- |
| 1. | Consultant Information |
| 2. | Affiliate Relationship |
| 3. | Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions |
| 4. | Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters |
| 5. | Certification Regarding Violation of Arms Control Treaties or Agreements |
| 6. | Representation Regarding Foreign Government Talent Recruitment Programs and Foreign Compensation |
| 7. | Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment |
| Appendix A | Small Business Program Representations |
| Appendix A-1 | Small Business Program Representations Definitions |
|  |  |

1. CONSULTANT INFORMATION

Consultant’s Name:       .

Consultant’s Address:

 Street City, State Zip+4 Country

Dun & Bradstreet D-U-N-S® Number:       SAM Unique Entity Identifier:

Annual Revenue - Less than $15 million: [ ]  Yes [ ]  No Number of employees:        .

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

 [ ]  Foreign location [ ]  Other US address:

 City State Zip+4

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.; Amentum (formerly the 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 DEBARMENT, SUSPENSION, PROPOSED DEBARMENT AND OTHER RESPONSIBILITY MATTERS

(a) (1) The Consultant certifies, to the best of his or her knowledge and belief, that:

(i) The Consultant:

(A) Is [ ] , is not [ ] , presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts or subcontracts by any federal agency;

(B) Has [ ] , has 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, violating Federal criminal tax laws, or receiving stolen property;

1. Is [ ] , is 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; and
2. Has [ ] , has not [ ] , within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds the threshold at [FAR 9.104-5(a)(2)](https://www.acquisition.gov/far/9.104-5#FAR_9_104_5) for which the liability remains unsatisfied.

Federal taxes are considered delinquent if both of the following criteria apply:

(i) The tax liability is finally determined. The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.

(ii) *The taxpayer is delinquent in making payment*. A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.

See FAR 52.209-5 for additional information, including examples.

(ii) The Consultant 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.

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 Consultant shall provide immediate written notice to LLNS if, at any time prior to agreement award, the Consultant 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 Consultant’s responsibility. Failure of the Consultant to furnish a certification or provide such additional information as requested by LLNS may render the Consultant 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 a Consultant 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 Consultant knowingly rendered an erroneous certification, in addition to other remedies available to the Government or LLNS, LLNS may terminate the agreement resulting from this solicitation for default.

*(FAR 52.209-5; AUG 2020)*

5. certification regarding violation of arms control treaties or agreements

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

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

[ ]  The Consultant certifies that:

(1) s/he 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/bureaus-offices/under-secretary-for-arms-control-and-international-security-affairs/bureau-of-arms-control-verification-and-compliance/>; and

(2) no entity owned or controlled by the Consultant 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/bureaus-offices/under-secretary-for-arms-control-and-international-security-affairs/bureau-of-arms-control-verification-and-compliance/>; or

[ ]  The Consultant is providing separate information with his/her offer in accordance with (d)(2) of FAR 52.209-13; or

[ ]  N/A (i.e., commercial products/services or non-commercial products/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 Consultant 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 agreement resulting from the false certification.

*(FAR 52.209-13; NOV 2021)*

**6. REPRESENTATIONS REGARDING FOREIGN GOVERNMENT TALENT RECRUITMENT PROGRAMS AND FOREIGN COMPENSATION**

 (a) *Definitions.* As used in this provision,

 (1) “Compensation” could take many forms including but not limited to cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or any other type of renumeration or compensation, including in-kind compensation.

 (2) “Demonstration Subcontract” refers to a subcontract for the performance of work that involves a project designed to determine the technical feasibility or economical potential of a technology on either a pilot or prototype scale.

 (3) “Foreign Government Talent Recruitment Program,” refers to an effort directly or indirectly organized, managed, or funded by a foreign government to recruit science and technology professionals or students(regardless of citizenship or national origin, and whether having a full-time or part-time position). The term is fully defined in Attachment 2 of DOE Order 486.1.

 (4) “R&D Subcontract” refers to a subcontract for the performance of work that involves efforts and scientific and technological work of scientists, researchers, and engineers involving research activities, both basic and applied, and all development activities. The term research also includes activities involving the training of individuals in research techniques where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function.

 (5) “Foreign Country of Risk” refers to any foreign country determined to be of risk by the U.S. Government which includes Russia, Iran, China, and North Korea; and is subject to change.

 (b) *Representation.* In furtherance of DOE Order 486.1A, the Consultant shall select the appropriate option below.

[ ]  The Consultant represents that it does not participate in a Foreign Government Talent Recruitment Program or receive any Compensation from a Foreign Country of Risk; or

[ ]  The Consultant does participate in a Foreign Government Talent Recruitment Program or receive Compensation from a Foreign Country of Risk.

 Foreign Country of Risk Talent Recruitment Program/Compensation Type

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

*(DOE O 486.1A; SEP 2020)*

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

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

1. The Consultant represents that s/he will [ ] , will not [ ]  **use** covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system in the performance of a contract, subcontract or other contractual instrument that would result from this solicitation.
2. If the answer is “will” to either (a) or (b), the Consultant shall provide the following information as part of his/her offer and **designate** whether s/he will **provide** or **use** the covered equipment or services:
3. For covered equipment:

(i) The entity that produced the covered telecommunications equipment [include entity name, unique entity identifier, Commercial and Government Entity (CAGE) code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known]:

(ii) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable:

(iii) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibitions in paragraphs (b)(1) or (b)(2) of FAR 52.204-24:

1. For covered services:

(i) If the service is related to item maintenance, a description of all covered telecommunication services offered (include on the item being maintained: brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable):

(ii) If the service is not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining such use would be permissible under the prohibitions in paragraphs (b)(1) or (b)(2) of FAR 52.204-24:

**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 critical 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.

See FAR 52.204-25 for definitions of “c*ritical technology*” and “*substantial or essential component*.”

*(FAR 52.204-24; NOV 2021)*

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

Name:

Signature:

Date:

**APPENDIX A**

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 541690, Other Scientific and Technical Consulting Services .

(2) The small business size standard is $19M .

(b) The Consultant represents as part of its offer that (for general statistical purposes):

(1) It is [ ] , is not [ ] , a small disadvantaged business (SDB) concern. *(If SDB, indicate which socio-economic categories apply.)*

(i) [ ]  Alaskan-Native Corporation [ ]  American Indian Owned [ ]  Asian-Pacific American Owned

 [ ]  Black American Owned [ ]  Hispanic American Owned [ ]  Native American Owned

 [ ]  Native Hawaiian Organization [ ]  Subcontinent Asian-American Owned

(2) It is [ ] , is not [ ] , a women-owned small business concern.

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

(4) It is [ ] , is not [ ] , a veteran-owned small business concern.

(5) It is [ ] , is not [ ] , a service-disabled veteran-owned small business concern.

(6) 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:

(7) 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) The meaning of the terms used in this clause shall be as defined in FAR 2.101.

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

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

Name:

Signature:

Date:

**Appendix A-1 Small Business Program Representations Definitions**

As used in the Appendix A 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.