

SECTION K - REPRESENTATIONS, CERTIFICATION, AND OTHER STATEMENTS OF OFFERORS OR QUOTERS

K-1 The offeror represents and certifies as part of the offer that (check or complete all applicable items.)

K-2 CONTINGENT FEE REPRESENTATION AND AGREEMENTS (FEB 87)

(a) Representation. The offeror represents that, except for the full-time bona fide employees working solely for the offeror, the offeror--(Note: The offeror must check the appropriate boxes. A "bona fide employee" means a person employed by a Contractor and subject to the Contractor's supervision and control as to time, place and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain NAFL contract(s) through improper influence.)

(1) ___ has, ___ has not employed or retained any person or company to solicit or obtain this contract, and

(2) ___ has, ___ has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(b) Agreement. The Offeror agrees to provide information relating to the above Representation as requested by the Contracting Officer and, when subparagraph (a)(1) or (a)(2) is answered affirmatively, to promptly submit to the Contracting Officer -

(1) A completed Standard Form 119, Statement of Contingent or Other Fees, (SF119); or

(2) A signed statement indicating that the SF 119 was previously submitted to the same contracting office, including the date and applicable solicitation or contract number, and representing that the prior SF 119 applies to this offer or quotation.

K-3 TYPE OF BUSINESS ORGANIZATION (FEB 1987)

(Applicable to solicitations for contracts anticipated to exceed \$25,000)

(a) The Offeror certifies that --

consultation, communication, or agreement with any other offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii) the methods or factors used to calculate the prices offered:

(2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law: and

(3) No attempt has been made or will be made by the Offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory --

(1) Is the person in the offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2)(i) Has been authorized, in writing, to act as agent for the following principal in certifying that those principals have not participated, and will not participate in any action contrary to subparagraph (a)(1) through (1)(3) above _____ (insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the offeror' organization);

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the offeror deletes or modifies subparagraph (a)(2) above, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

K-4 WALSH-HEALEY PUBLIC CONTRACTS ACT REPRESENTATION (FEB 1987)

(Applicable to solicitations in which the resultant contract will be for the manufacture of materials, supplies, articles or equipment that exceeds or may exceed \$10,000).

The offeror represents as a part of this offer that the offeror is ___ or is not ___ a regular dealer in, or is ___ or is not ___ a manufacturer of, the supplies offered.

K-5 CERTIFICATION OF NON SEGREGATED FACILITIES (FEB 1987)

(Applicable to solicitations for contracts that are expected to exceed \$10,000 and are covered by the Equal Opportunity Clause)

(a) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash room, restaurants and other eating areas, time clocks, locker room, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that 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.

(b) By the submission of this offer, the offeror certifies that it does not and will not maintain or provide for its employees any segregated facilities any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The offeror agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract.

(c) The offeror further agrees that (except where it has obtained identical certifications from proposed subContractors for specific time periods) it will --

(1) Obtain identical certifications from proposed subContractors before the award of subcontracts under which the subContractor will be subject to the Equal Opportunity clause;

(2) Retain the certifications in the files; and

(3) Forward The following notice to the proposed subContractors (except if the proposed subContractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENTS FOR CERTIFICATIONS OF NON SEGREGATED FACILITIES.

A Certification of Non segregated Facilities must be submitted before the award of a subcontract under which the subContractor will be subject to the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

K-6 AFFIRMATIVE ACTION COMPLIANCE (FEB 1987). (Applicable to solicitations for contracts that are expected to exceed \$10,000 and are covered by the Equal Opportunity clause). 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 subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

K-7 PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FEB 1987) (Applicable to solicitations for contracts which are expected to exceed \$10,000 and are covered by the Equal Opportunity clause). The offeror represents that ---

a. It ___ has, ___ has not participated in a previous ___ contract or subcontract 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.

b. It ___ has ___ has not filed all required compliance reports; and

c. Representations indicating submission of required compliance reports, signed by proposed subContractors, will be obtained before subcontract awards.

K-8 CLEAN AIR AND WATER CERTIFICATION (FEB 1987) (Applicable to solicitations where contracts are expected to exceed \$100,000 or where orders under an indefinite quantity contract in any year are anticipated to exceed \$100,000) The offeror represents that --

a. Any facility to be used in the performance of this proposed contract ___ is, ___ is not, listed on the Environmental Protection Agency List of Violating Facilities;

b. The offeror will immediately notify the Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, (EPA) indicating that any facility that the offeror proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and

c. The offeror will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

K-9 EQUAL EMPLOYMENT OPPORTUNITY. Before award may be determined, MCCS will submit a pre-award request to the Office of Federal Contract Compliance Program (FCCP) for the prospective Contractor. Offeror will complete the information requested below for this purpose. Upon award, MCCS will provide the Contractor with "Equal Opportunity Is the Law" poster. Contractor and subContractors (if any) shall post these posters in a conspicuous place.

K-9.1 Contractor shall list their name, address, and telephone number and the name, address, and telephone number of any corporate affiliate at which work is to be performed:

a. _____

b. _____

c. _____

K-9.2 Name, address, and telephone number of each proposed first-tier subContractor with a proposed subcontract estimated at \$1 million or more.

a. _____

b. _____

c. _____

K-9.3. Information as to whether the Contractor and first-tier subContractors have previously held any Government contracts or subcontracts.

K-9.4 Place or places of contract performance and first-tier subcontracts estimated at \$1 million or more, if known.

K-9.5 The estimated dollar amount of the contract and each first-tier subcontract, if known.

K-10 LOCATION OF CONTRACTOR'S FACILITIES. The Contractor shall furnish the following information:

K-10.1 Name(s) and Location(s) of principal producing facilities of items to be furnished.

(Name) (Street) (City, State, Zip Code)

(Name) (Street) (City, State, Zip Code)

K-10.2 Name(s) and Location(s) of principal warehouse facilities for items to be furnished if different than Section K-10.1 above.

(Name) (Street) (City, State, Zip Code)

(Name) (Street) (City, State, Zip Code)

K-10.3 Name(s) and Location(s) of the firm(s) or person(s) owning or operating the facility in Section K-10.1 above, if other than the offeror.

(Name) (Street) (City, State, Zip Code)

(Name) (State) (City, State, Zip Code)

K-11 CERTIFICATION: Read carefully, then complete the information requested below.

"I certify that the information provided is true and may be relied upon in determining my responsibility. If the information is incorrect, incomplete, or misleading, I understand and agree that sufficient basis exists to determine me non-responsible for the performance of the contract, or, if the contract has been awarded, to terminate the contract for cause based upon fraud or misrepresentation at its inception.

I certify that the equipment described by me in the contract requirements will be provided by me without substitution, unless the prior approval of the Contracting Officer modifying the contract requirement is obtained.

I certify that the wages and fringe benefits specified by the current Wage Rate Determination issued by the US Department of Labor for the service and location identified in the contract have been considered in the preparation of my proposal. If awarded the contract, compensation to employees performing the contract will fully comply with the current Wage Rate Determination and all other requirements of the Service Contract Act and applicable regulations and laws.

I certify that (a) my proposal or any change to my proposal is made without consultation, communication, or agreement for the purpose of restricting competition or manipulating awards; (b) my proposal has not been and will not be disclosed to other Offerors or potential Offerors prior to award; and (c) I have not used another Offeror's proprietary information to prepare my offer.

I certify that, to the best of my knowledge and belief, all of my statements are true, correct, complete, and made in good faith. A false statement on any part of this form may be considered a violation of US Code, Title 18, Section 1001, which carries criminal penalties."

COMPLETE BUSINESS NAME & ADDRESS:

NAME & TITLE OF OFFEROR:

Signature: _____
Date: _____