



## ANNUAL SUPPLIER REPRESENTATIONS and CERTIFICATIONS

Procurement of material, services and supplies for a United States Government contract requires that prime contractors, subcontractors and suppliers comply with socioeconomic programs enacted into public law, implemented by Executive Order, and promulgated by Federal Regulations. Representations and Certifications must be completed prior to award of any order(s) to your company and be updated annually.

<b>COMPANY NAME</b>	<input type="text" value="Milpower Source, Inc."/>
<b>ADDRESS</b>	
<b>STREET 1</b>	<input type="text" value="7 Field Lane"/>
<b>STREET 2</b>	<input type="text"/>
<b>City</b>	<input type="text" value="Belmont"/>
<b>STATE</b>	<input style="border-bottom: 1px solid black;" type="text" value="New Hampshire"/>
<b>ZIP</b>	<input type="text" value="03220"/>
<b>ZIP 4</b>	<input type="text" value="03220"/>
<b>COUNTRY</b>	<input style="border-bottom: 1px solid black;" type="text" value="UNITED STATES"/>
<b>PHONE NUMBER</b>	<input type="text" value="6033934072"/>
<b>FAX NUMBER</b>	<input type="text"/>
<b>EMAIL ADDRESS</b>	<input type="text" value="sales@milpower.com"/>
<b><u>CAGE CODE</u></b>	<input type="text" value="0B7R6"/>
<b><u>DUNS NUMBER (FAR 52-204-6)</u></b>	<input type="text" value="022715374"/> (numbers only - no dashes please)
<b>NUMBER OF EMPLOYEES FOR LAST 12 MONTHS(FAR 52.212- 3 (c) (8)(ii)(A)) or</b>	<input type="text" value="76"/> (numbers only - no dashes please)
<b><u>****NAICS****</u></b>	<input type="text" value="335311"/> (numbers only - no dashes or spaces. seperate additional NAICS only with a comma. ie. 123456789,987654321,555555555)

**\*\*Note\*\* if you are certifying more than one NAICS code, you must ensure they are the same business size as certified in Section 2 of this form. If they are not, then you must request and complete a separate form for each business size.**

Please review each statement below and place a check mark in the box that represents your current state of compliance with each requirement.  
**NOTE: DO NOT LEAVE ANY OF THE SECTIONS BLANK.**

**1. TYPE OF BUSINESS ORGANIZATION (Must be on file for each Supplier) – (FAR 52.204-3)(OCT 1998) All Orders**

Taxpayer Identification Number (TIN)

- TIN:
- TIN has been applied for
- TIN is not required because:
- Offeror 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 United States and does not have an office or place of business or a fiscal paying agent in the United States;
  - Offeror is an agency or instrumentality of a foreign government;
  - Offeror is an agency or instrumentality of the Federal Government.

The offeror, by checking the applicable box, represents that it operates as- -

- Corporate Entity (not tax-exempt)
- Corporate Entity (tax-exempt)
- a sole proprietorship
- a government entity (Federal, State, or local)
- a foreign entity, registered for business in  (country)
- If a foreign entity, is work being completed in the U.S.?  (state)
- a partnership
- an International organization per 26 CFR 1.6049-4 or
- a joint venture between
- an individual

Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.

Name and TIN of common parent:

Name:

TIN:

**REPORTING EXECUTIVE COMPENSATION AND FIRST TIER SUBCONTRACT AWARDS (FAR 52.204-10) (JUN 2020) - \$30,000**

1) In the previous tax year, was your company's gross income from all sources under \$300,000?

- Yes
- No

(If your response to item 1 is 'Yes', please skip questions 2 and 3 below and go to Section 2)

2) In your preceding completed fiscal year, did you receive:

1) 80% or more of annual gross revenues from U.S. Federal contracts (and subcontracts), subcontracts, loans, grants (and subgrants), subgrants, and/or cooperative agreements, and other forms of Federal financial assistance; and

2) \$25,000,000 or more in annual gross revenues from U.S. Federal contracts (and subcontracts), subcontracts, loans, grants (and subgrants), subgrants, and/or cooperative agreements and other forms of Federal financial assistance; and

3) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>)

- Yes
- No

(If your response to item 2 above is 'No', please skip item 3 below and go to section 2)

3) Does the public have access to information about the compensation of the senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

- Yes
- No

Yes (if your response to item 3 is 'Yes', go to section 2)

No (if your response to item 3 is 'No', complete compensation information as indicated below)

Name:	<input type="text"/>	Position:	<input type="text"/>	Salary: (US dollar)	<input type="text"/>
Name:	<input type="text"/>	Position:	<input type="text"/>	Salary: (US dollar)	<input type="text"/>
Name:	<input type="text"/>	Position:	<input type="text"/>	Salary: (US dollar)	<input type="text"/>
Name:	<input type="text"/>	Position:	<input type="text"/>	Salary: (US dollar)	<input type="text"/>

Name:

Position:

Salary: (US dollar)

(End of provision)

## 2. SMALL BUSINESS PROGRAM REPRESENTATIONS (FAR 52.219-1)(MAR 2020) - All Orders.

### NOTICE OF PENALTY

Under [15 U.S.C. 645\(d\)](#), any person who misrepresents a firm's status as a business concern that is small, HUBZone small, small disadvantaged, service-disabled veteran-owned small, economically disadvantaged women-owned small, or women-owned small eligible under the WOSB Program in order to obtain a contract to be awarded under the preference programs established pursuant to section 8, 9, 15, 31, and 36 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 the authority of the Act (FAR 52.219-1(d)(2)).

- SMALL BUSINESS (SB) – (FAR 52.219.1)(MAR 2020)** “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 qualifies as a small business under the criteria in 13 CFR Part 121 and the size standard identified by the NAIC Code identified in above.
- WOMEN-OWNED SMALL (WOSB) (FAR 52.219-1)(MAR 2020)** – “Women-Owned Small Business Concern” means a small business concern (i) that which is at least 51% owned by one or more women; or, in the case of any publicly owned business, at least 51% of the stock of which is owned by one or more women and (ii) whose management and daily business operations are controlled by one or more women. “Women-owned small business (WOSB) concern eligible under the WOSB Program” (in accordance with 13 CFR part 127), 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
- HISTORICALLY BLACK COLLEGE OR UNIVERSITY AND MINORITY INSTITUTION REPRESENTATION(HBCU) (FAR 52.226.2)(OCT 2014)** – "Historically Black College or University" means an institution determined by the Secretary of Education to meet the requirements of 34 CFR 608.2. For the Department of Defense, the National Aeronautics and Space Administration, and the Coast Guard, the term also includes any nonprofit research institution that was an integral part of such a college or university before November 14, 1986.
- MINORITY INSTITUTION (MI) (FAR 52.226-2)(OCT 2014)** "Minority Institution" means an institution of higher education meeting the requirements of Section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k), includes a Hispanic-serving institution of higher education as defined in Section 502(a) of the Act (20 U.S.C.1101a))
- SMALL DISADVANTAGED (SDB) (FAR 52.219-1)(MAR 2020)** – “Small Disadvantage Business Concern” [whether or not also women-owned] means a small business concern that –
  - (1) at least 51 percent unconditionally and directly owned (as defined at 13 CFR 124.105) by -
    - (i) One or more socially disadvantaged (as defined at 13 CFR 124.103) and economically disadvantaged (as defined at 13 CFR 124.104) individuals who are citizens of the United States, and
    - (ii) Each individual claiming economic disadvantage has a net worth not exceeding \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and

(2) The management and daily business operations of which are controlled (as defined at 13 CFR 124.106) by individuals who meet the criteria in paragraphs (1)(i) and (ii) of this definition.

HUB Zone Small Business Certified (HUB Zone SB) (FAR 52.219.1)(MAR 2020) “*HUB Zone Small Business Concern*” must be a small business according to the definition of FAR 52.219-1 and the NAICS Code size standards, be 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, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126.

ii) It  is,  is not a HUBZone joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (c)(8)(i) of this provision is accurate for each HUBZone small business concern participating in the HUBZone joint venture. [The offeror shall enter the names of each of the HUBZone small business concerns participating in the HUBZone joint venture: .]

Each HUBZone small business concern participating in the HUBZone joint venture shall submit a separate signed copy of the HUBZone representation.

**A copy of the offeror’s current Small Business Administration (SBA) certification letter and a copy of the CCR profile may be requested.**

VETERAN-OWNED SMALL BUSINESS (VOSB)(FAR 52.219-8)(MAR 2020) “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 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 (ii) the management and daily business operations of which are controlled by one or more veterans.

SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS (SDVOSB)(FAR 52.219-8)(MAR 2020) – “Service-Disabled Veteran-Owned Small Business concern” means a small business concern (i) 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).

ALASKA NATIVE CORPORATION (ANC)(FAR 19.701) – “Alaskan Native Corporation” means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq), and which is considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C. 1626(e)(1). This definition also includes ANC direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2) .

INDIAN TRIBE (FAR 52.226-1)(JUN 2000) – “Indian Tribe” means any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act (43 U.S.C 1601, et seq.), that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs in accordance with 25 U.S.C. 1452 (c) . This definition also includes Indian-Owned economic enterprises that meet the requirements of 25 U.S.C. 1452(e)

ECONOMICALLY DISADVANTAGED WOMEN-OWNED SMALL BUSINESS (FAR 52.219-1)(MAR 2020) “Economically disadvantaged women-owned small business (EDWOSB) 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. It automatically qualifies as a women-owned small business concern eligible under the WOSB Program.

NON-PROFIT ORGANIZATION

LARGE BUSINESS (LB)

ALASKA NATIVE CORPORATION (ANC)(FAR 19.701) – “Alaskan Native Corporation” means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq), and which is considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C. 1626(e)(1). This definition also includes ANC direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2 ).

INDIAN TRIBE (FAR 52.226-1)(JUN 2000) – “Indian Tribe” means any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act (43 U.S.C 1601, et seq.), that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs in accordance with 25 U.S.C. 1452 (c ). This definition also includes Indian-Owned economic enterprises that meet the requirements of 25 U.S.C. 1452(e)

GOVERNMENT AGENCY/ENTITY Explain:

**MINORITY OWNERSHIP: IF OFFEROR HAS REPRESENTED ITSELF AS A DISADVANTAGED BUSINESS, PLEASE CHECK THE APPROPRIATE CATEGORY OF OWNERSHIP: (FAR 52.219-1 Alt.I)(SEP 2015)**

A. Black American

B. Hispanic American

C. Native American: (American Indians, Eskimos, Aleuts, or Native Hawaiians)

D. Asian-Pacific American: persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu or Nauru

E. Subcontinent Asian (Asian-Indian) American: (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal)

F. Individual/concern, other than one of the preceding. Explain:

Clear Selection

**\*\*SECTION 2 ONLY\*\***

**ELECTRONIC SIGNATURE AGREEMENT**

This signature is only for section 2. If you choose not to electronically sign this section along with the final signature at the end of the form, you must print and manually sign both areas of the form. The form must then be returned to the division and buyer indicated in your email invitation.

I Accept Electronic Signature for Section 2

I Do Not Accept Electronic Signature for Section 2

**Signed By (Name):**

**Title:**

**Date:**

(End of provision)

### 3. OFFEROR REPRESENTATIONS AND CERTIFICATIONS – COMMERCIAL ITEMS (FAR 52.212-3)(MAR 2020)

A. Buy American Act Certificate. (FAR 52.225-2)(MAY 2014) (Applies only if the clause at FAR 52.225-1, Buy American Act – Supplies, is included)

(a) The offeror certifies that each end product, except those listed in paragraph (b) of this provision, is a domestic end product and that the 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, i.e., an end product that is not a COTS item and does not meet the component test in paragraph (2) of the definition of “domestic end product.” The terms “commercially available off-the-shelf (COTS) item” “component,” “domestic end product,” “end product,” “foreign end product,” and “United States” are defined in the clause entitled “Buy American Act – Supplies.”

(b) Foreign End Products: Line Item Number: Country of Origin (List as necessary)

Item Number:	<input type="text"/>	Country of Origin:	<input type="text" value="-Select a Country-"/>	▼
Item Number:	<input type="text"/>	Country of Origin:	<input type="text" value="-Select a Country-"/>	▼
Item Number:	<input type="text"/>	Country of Origin:	<input type="text" value="-Select a Country-"/>	▼
Item Number:	<input type="text"/>	Country of Origin:	<input type="text" value="-Select a Country-"/>	▼
Item Number:	<input type="text"/>	Country of Origin:	<input type="text" value="-Select a Country-"/>	▼

(c) The Government will evaluate offers in accordance with the policies and procedures of PART 25 of the Federal Acquisition Regulation.

### 4. EXPORT/IMPORT CERTIFICATIONS FOR PROCUREMENT

**Milpower Source requires that its suppliers certify the following information to ensure compliance with the U.S. Government export/import laws and regulations including the U.S. Department of State, Directorate of Defense Trade Controls (DDTC), International Traffic in Arms Regulations (ITAR) and the U.S. Department of Commerce, Bureau of Industry and Security (BIS), Export Administration Regulations (EAR).**

*ITAR 22 CFR 120.15 and EAR 15 CFR Part 772 define a U.S. person as a person who is a lawful permanent resident as defined by 8 U.S.C.1101(a)(20) or who is a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any corporation, business association, partnership, society, trust, or any other entity, organization or group that is incorporated to do business in the United States. It also includes any governmental (federal, state or local) entity.*

A. OFFEROR  is,  is not a "U.S. Person" as defined in the ITAR 22 CFR Part 120.15 and EAR 15 CFR 772.

*Any person who engages in the United States in the business of either manufacturing or exporting ITAR controlled defense articles or furnishes defense services is required to register with the Directorate of Defense Trade Controls (DDTC) unless exempted by one of the four conditions*

*listed in ITAR 22 CFR Part 122.1. Milpower cannot enter into any procurement contract with a supplier within the United States that involves the acquisition of ITAR controlled defense articles or provision of defense services until the supplier has certified that it is registered with DDTTC.*

***This registration requirement does not apply to manufacturers of EAR controlled articles and/or services.***

B. **OFFEROR** meets one of the following conditions

- Does Not manufacture or export ITAR controlled defense articles or furnish defense services
  
- Manufactures or exports ITAR controlled defense articles or furnishes defense services and is registered to do so. - Expiration Date of Registration:  e.g. MM/DD/YYYY
  
- Is exempt from registration, based upon one of the following exemptions:
  - Officers and employees of the United States Government acting in an official capacity.
  - Persons whose pertinent business activity is confined to the production of unclassified technical data only.
  - Persons all of whose manufacturing and export activities are licensed under the Atomic Energy Act of 1954, as amended.
  - Persons who engage only in the fabrication of articles for experimental or scientific purpose, including research and development.
  
- Not registered with the U.S. Department of State, Directorate of Defense Trade Controls per ITAR 22 CFR Part 122.1 (a) and (b).

C. The supplier is responsible for the protection of any controlled technical data or defense articles provided to them by Milpower Source to assist in the manufacture of a defense article or provision of a defense service. The release of this data by the supplier to a Foreign Person employee or its transfer to another Foreign Person for the purpose of Off-Shore Procurement is defined as an export (ITAR 22 CFR Parts 120.17 and 124.13 and EAR 15 CFR Part 734.2(b)(2)(ii)) and Supplements 1 and 2 or Part 774 and subject to the licensing requirements of the ITAR and EAR as applicable.

- a. OFFEROR  **will** obtain the necessary export authorization prior to the release of controlled technical data or other defense articles provided by Milpower Source for the purpose of procurement to any Foreign Person in or outside of the United States.

\*Above section is certifying that in the event the OFFEROR is required to export or release controlled technical data or defense articles, they will do so in accordance with applicable import/export regulations.

(End of Provision)

## **5. BIOBASED PRODUCT CERTIFICATION (FAR 52.223-1) (MAY 2012)**

As required by the Farm Security and Rural Investment Act of 2002 and the Energy Policy Act of 2005 (7 U.S.C. 8102(c) (3)), the offeror certifies, by signing this offer, that biobased products (within categories of products listed by the United States Department of Agriculture in 7 CFR part 3201, subpart B) to be used or delivered in the performance of the contract, other than biobased products that are not purchased by the offeror as a direct result of this contract, will comply with the applicable specifications or other contractual requirements.

(End of Provision)

## **6. CERTIFICATION REGARDING KNOWLEDGE OF CHILD LABOR FOR LISTED END PRODUCTS (FAR 52.222-18)(FEB 2001)**



- \$3,000

[An award will not be made to an OFFEROR unless the Offeror, by checking the appropriate block, certifies to either paragraph A or B of this provision.

A.  OFFEROR will not supply any end product listed in paragraph C that was mined, produced, or manufactured in a corresponding country as listed for that end product.

B.  OFFEROR may supply an end product listed in paragraph C that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that is 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 that it is not aware of any such use of child labor.

C. Listed End Product

Listed Countries of Origin

(End of Provision)

#### 7. RECOVERED MATERIAL CERTIFICATION (FAR 52.223-4)(MAY 2008)

As required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(c )(3)(A)(i)), the offeror certifies, by signing this offer, that the percentage of recovered materials content for EPA-designated items to be delivered or used in the performance of the contract will be at least the amount required by the applicable contract specifications or other contractual requirements.

(End of Provision)

#### 8. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FAR 52.222-22)(FEB 1999) - \$10,000

A. OFFEROR  **has**,  **has not** participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation; and

B. OFFEROR  **has**,  **has not**, filed all required compliance reports and move to Section C.

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

(End of Provision)

#### 9. CERTIFICATION OF AFFIRMATIVE ACTION COMPLIANCE (FAR 52.222-25)(APR 1984) - \$10,000

A. OFFEROR  **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 in 41 CFR 60-1 and 60-2; or

B. OFFEROR  **has not** previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

(End of Provision)

**10. EQUAL OPPORTUNITY (FAR 52.222-26)(SEP 2016) - \$10,000**

The OFFEROR represents that it is in agreement with the subject clause and the Executive Order 11246, as amended, and the rules, regulations, and Orders of the Secretary of Labor pertaining to Equal Opportunity.

**11. PROTECTING THE GOVERNMENTS INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (FAR 52.209-6) (MAR 2020) - \$35,000**

A. Definitions omitted

B. The Government suspends or debars Contractors to protect the Government's interests. Other than a subcontract for a commercially available off-the-shelf item, the Contractor shall not enter into any subcontract, in excess of the threshold specified in FAR 9.405-2(b) on the date of subcontract award, with a Contractor that is debarred, suspended, or proposed for debarment by any executive agency unless there is a compelling reason to do so.

C. The Contractor shall require each proposed first-tier subcontractor, whose subcontract will exceed the threshold specified in FAR 9.405-2(b) on the date of subcontract award, \$35,000, other than a subcontractor providing a commercially available off-the-shelf item, to disclose to the Contractor, in writing, whether as of the time of award of the subcontract, the subcontractor, or its principals, is or is not debarred, suspended, or proposed for debarment by the Federal Government.

D. A corporate officer or a designee of the Contractor shall notify the Contracting Officer, in writing, before entering into a subcontract with a party (other than a subcontractor providing a commercially available off-the-shelf item) that is debarred, suspended, or proposed for debarment (See FAR 9.404 for information on the Systems for Award Management (SAM) Exclusions). The notice must include the following:

1. The name of the subcontractor
2. The Contractor's knowledge of the reasons for the subcontractor being listed with an exclusion in SAM.
3. The compelling reason(s) for doing business with the subcontractor notwithstanding its being listed with an exclusion in SAM.
4. The systems and procedures the Contractor has established to ensure that it is fully protecting the Government's interests when dealing with such subcontractor in view of the specific basis for the party's debarment, suspension, or proposed debarment.

E. Subcontracts. Unless this is a contract for the acquisition of commercial items, the Contractor shall include the requirements of this clause, including this paragraph (e) (appropriately modified for the identification of the parties), in each subcontract that—

- (1) Exceeds the threshold specified in FAR 9.405-2(b) on the date of subcontract award; and
- (2) Is not a subcontract for commercially available off the-shelf items.

(End of Provision)

**12. CERTIFICATION REGARDING RESPONSIBILITY MATTERS (FAR 52.209-5)(OCT 2015) - \$150,000**

(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 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 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;

C. **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 paragraph (a)(1)(i)(B) of this provision.

D. **Have**  **have not**  , within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds \$3,500 for which the liability remains unsatisfied.

(1) 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.

(2) Examples.

(i) The taxpayer has received a statutory notice of deficiency, under I.R.C. § 6212, which entitles the taxpayer to seek Tax Court review of a proposed tax deficiency. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek Tax Court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(ii) The IRS has filed a notice of Federal tax lien with respect to an assessed tax liability, and the taxpayer has been issued a notice under I.R.C. § 6320 entitling the taxpayer to request a hearing with the IRS Office of Appeals contesting the lien filing, and to further appeal to the Tax Court if the IRS determines to sustain the lien filing. In the course of the hearing, the taxpayer is entitled to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek tax court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(iii) The taxpayer has entered into an installment agreement pursuant to I.R.C. § 6159. The taxpayer is making timely payments and is in full compliance with the agreement terms. The taxpayer is not delinquent because the taxpayer is not currently required to make full payment.

(iv) The taxpayer has filed for bankruptcy protection. The taxpayer is not delinquent because enforced collection action is stayed under 11 U.S.C. 362 (the Bankruptcy Code).

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

(2) “Principal,” for the purposes of this certification, means an officer; director; owner; partner; or a person 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 the Contracting Officer if, at any time prior to contract 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 the Contracting Officer 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, the Contracting Officer may terminate the contract resulting from this solicitation for default.

(End of Provision)

### **13. WOMEN-OWNED BUSINESS (OTHER THAN SMALL BUSINESS) (FAR 52.204-5)(OCT 2014) - \$100,000**

[Complete only if the offeror is a women-owned business concern and has not represented itself as a small business concern in paragraph (b) (1) of FAR 52.219-1, Small Business Program Representations]

- A. The OFFEROR represents that it is  ,is not  a women-owned business concern.

(End of Provision)

### **14. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (FAR 52.203-11)(SEP 2007) - \$150,000**

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

(End of Provision)

## **15. INFORMATION REGARDING RESPONSIBILITY MATTERS (FAR 52.209-7) (OCT 2018) - \$550,000**

(a) Definitions omitted

(b) The offeror  has,  **does not** have current active Federal contracts and grants with total value greater than \$10,000,000.

(c) If the offeror checked "has" in paragraph (b) of this provision, the offeror represents, by submission of this offer, that the information it has entered in the Federal Awardee Performance and Integrity Information System (FAPIIS) is current, accurate, and complete as of the date of submission of this offer with regard to the following information:

(1) Whether the offeror, and/or any of its principals, has or has not, within the last five years, in connection with the award to or performance by the offeror of a Federal contract or grant, been the subject of a proceeding, at the Federal or State level that resulted in any of the following dispositions:

i. In a criminal proceeding, a conviction.

ii. In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more.

iii. In an administrative proceeding, a finding of fault and liability that results in—

(A) The payment of a monetary fine or penalty of \$5,000 or more; or

(B) The payment of a reimbursement, restitution, or damages in excess of \$100,000.

iv. In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the Contractor if the proceeding could have led to any of the outcomes specified in paragraphs (c)(1)(i), (c)(1)(ii), or (c)(1)(iii) of this provision.

(2) If the offeror has been involved in the last five years in any of the occurrences listed in (c)(1) of this provision, whether the offeror has provided the requested information with regard to each occurrence.

(d) The offeror shall post the information in paragraphs (c)(1)(i) through (c)(1)(iv) of this provision in FAPIIS as required through maintaining an active registration in the System for Award Management, which can be accessed via [\(see 52.204-7\)](#).

(End of Provision)

## **16. PROHIBITION ON CONTRACTING WITH ENTITIES ENGAGING IN CERTAIN ACTIVITIES OR TRANSACTIONS RELATING TO IRAN-REPRESENTATION AND CERTIFICATION (FAR 52.225-25) (JUN 2020) - ALL ORDERS**

(a) Definitions omitted.

(b) The offeror shall e-mail questions concerning sensitive technology to the Department of State at CISADA106@state.gov.

(c) Except as provided in paragraph (d) of this provision or if a waiver has been granted in accordance with 25.703-4, by submission of its offer, the offeror

(1) Represents, to the best of its knowledge and belief, that the offeror does not export any sensitive technology to the government of Iran or any entities or individuals owned or controlled by, or acting on behalf or at the direction of, the government of Iran;

(2) Certifies that the offeror, or any person owned or controlled by the offeror, does not engage in any activities for which sanctions may be imposed under section 5 of the Iran Sanctions Act. These sanctioned activities are in the areas of development of the petroleum resources of Iran, production of refined petroleum products in Iran, sale and provision of refined petroleum products to Iran, and contributing to Iran's ability to acquire or develop certain weapons or technologies; and

(3) Certifies that the offeror, and any person owned or controlled by the offeror, does not knowingly engage in any transaction that exceeds \$3,500 with Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates, the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C.1701 et seq.) (see OFAC's Specially Designated Nationals and Blocked Persons List at ).

(d) Exception for trade agreements. The representation requirement of paragraph (c)(1) and the certification requirements of paragraphs (c)(2) and (c)(3) of this provision do not apply if

(1) This solicitation includes a trade agreements notice or certification (e.g., 52.225-4, 52.225-6, 52.225-12, 52.225-24, or comparable agency provision); and

(2) The offeror has certified that all the offered products to be supplied are designated country end products or designate country construction material.

(End of Provision)

17. "Certificate of Compliance with Laws on Human Trafficking and Slavery" This certificate states that the undersigned is familiar with the laws on human trafficking and slavery in the country or countries in which it does business and complies with all such laws. The undersigned further certifies that the materials incorporated into products delivered to Milpower Source comply with the laws regarding slavery and human trafficking of the country or countries in which it does business. [List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor \(Executive Order 13126\)](#)

(End of Provision)

## 18. EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES (FAR 52.222-36) (JUN 2020) -

(a) Equal opportunity clause. The Contractor shall abide by the requirements of the equal opportunity clause at 41 CFR 60-741.5(a), as of March 24, 2014. This clause prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by the Contractor to employ and advance in employment qualified individuals with disabilities.

(b) Subcontracts. The Contractor shall include the terms of this clause in every subcontract or purchase order in excess of \$15,000 unless exempted by rules, regulations, or orders of the Secretary, so that such provisions will be binding upon each subcontractor or vendor. The Contractor shall act as specified by the Director, Office of Federal Contract Compliance Programs of the U.S. Department of Labor, to enforce

the terms, including action for noncompliance. Such necessary changes in language may be made as shall be appropriate to identify properly the parties and their undertakings.

(End of Provision)

**19. PROHIBITION ON CONDUCTING RESTRICTED BUSINESS OPERATIONS IN SUDAN – CERTIFICATION (52.225-20) (AUG 2009)**

(a) Definitions. As used in this provision— “Business operations” means engaging in commerce in any form, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce. “Marginalized populations of Sudan” means—

- (1) Adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act (Pub. L. 109-344) (50 U.S.C. 1701 note); and
- (2) Marginalized areas in Northern Sudan described in section 4(9) of such Act.

“Restricted business operations” means business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, as those terms are defined in the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110-174). Restricted business operations do not include business operations that the person (as that term is defined in Section 2 of the Sudan Accountability and Divestment Act of 2007) conducting the business can demonstrate—

- (1) Are conducted under contract directly and exclusively with the regional government of southern Sudan;
  - (2) Are conducted pursuant to specific authorization from the Office of Foreign Assets Control in the Department of the Treasury, or are expressly exempted under Federal law from the requirement to be conducted under such authorization;
  - (3) Consist of providing goods or services to marginalized populations of Sudan;
  - (4) Consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;
  - (5) Consist of providing goods or services that are used only to promote health or education; or
  - (6) Have been voluntarily suspended.
- (b) Certification. By submission of its offer, the offeror certifies that the offeror does not conduct any restricted business operations in Sudan.

(End of Provision)

**20. REPRESENTATIONS OF USE OF CLOUD COMPUTING (252.239-7009) (SEP 2015)**

(a) Definition. “Cloud computing,” as used in this provision, means a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction. This includes other commercial terms, such as on-demand self-service, broad network access, resource pooling, rapid elasticity, and measured service. It also includes commercial offerings for software-as-a-service, infrastructure-as-a-service, and platform-as-a-service.

Is the offeror providing Information Technology Services in the performance of a Government contract?

- Yes
- No

(if your response is No, proceed to section 21)

(b) The Offeror shall indicate by checking the appropriate blank in paragraph (b) of this provision whether the use of cloud computing is anticipated under the resultant contract.

(c) Representation. The Offeror represents that it--

- Does anticipate that cloud computing services will be used in the performance of any contract or subcontract resulting from this solicitation.
- Does not anticipate that cloud computing services will be used in the performance of any contract or subcontract resulting from this solicitation.

(End of Provision)

## **21. COMBATING TRAFFICKING IN PERSONS (52.222-50) (JAN 2019) - \$500,000**

Certification. If any subcontractor is required by this clause to submit a certification, the Contractor shall require submission prior to the award of the subcontract and annually thereafter. Annually after receiving an award, the Contractor shall submit a certification to the Contracting Officer that—

(i) It has implemented a compliance plan to prevent any prohibited activities identified at paragraph (b) of this clause and to monitor, detect, and terminate any agent, subcontract or subcontractor employee engaging in prohibited activities; and

(ii) After having conducted due diligence, either—

- (A) To the best of the Contractor's knowledge and belief, neither it nor any of its agents, subcontractors, or their agents is engaged in any such activities; or (B) If abuses relating to any of the prohibited activities identified in paragraph (b) of this clause have been found, the Contractor or subcontractor has taken the appropriate remedial and referral actions.

(iii) Subcontracts.

(1) The Contractor shall include the substance of this clause, including this paragraph (i), in all subcontracts and in all contracts with agents. The requirements in paragraph (h) of this clause apply only to any portion of the subcontract that-

- (A) Is for supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States; and
- (B) Has an estimated value that exceeds \$500,000.

(2) If any subcontractor is required by this clause to submit a certification, the Contractor shall require submission prior to the award of the subcontract and annually thereafter. The certification shall cover the items in paragraph (h)(5) of this clause

(End of Provision)

## **22. Public Disclosure of Greenhouse Gas Emissions and Reduction Goals – Representation (FAR 52.223-22) (DEC 2016)**

(a) This representation shall be completed if the Offeror received \$7.5 million or more in Federal contract awards in the prior Federal fiscal year. The representation is optional if the Offeror received less than \$7.5 million in Federal contract awards in the prior Federal fiscal year.

(b) Representation. [Offeror is to check applicable blocks in paragraphs (b)(1) and (2).]



- (1) The Offeror (itself or through its immediate owner or highest-level owner)  does,  **does not** publicly disclose greenhouse gas emissions, i.e., make available on a publicly accessible Web site the results of a greenhouse gas inventory, performed in accordance with an accounting standard with publicly available and consistently applied criteria, such as the Greenhouse Gas Protocol Corporate Standard.
- (2) The Offeror (itself or through its immediate owner or highest-level owner)  does,  **does not** publicly disclose a quantitative greenhouse gas emissions reduction goal, i.e., make available on a publicly available Web site a target to reduce absolute emissions or emissions intensity by a specific quantity or percentage.
- (3) A publicly accessible Web site includes the Offeror’s own Web site or a recognized, third-party greenhouse gas emissions reporting program.

(c) If the Offeror checked “does” in paragraphs (b)(1) or (b)(2) of this provision, respectively, the Offeror shall provide the publicly accessible Web site(s) where greenhouse gas emissions and/or reduction goals are reported:

(End of Provision)

**23. Prohibition on Contracting With Entities That Require Certain Internal Confidentiality Agreements or Statements – Representation (FAR 52.203-19) (JAN 2017)**

- (a) Definition. As used in this provision— Internal confidentiality agreement or statement, subcontract, and subcontractor, are defined in the clause at 52.203–19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements.
- (b) In accordance with section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113–235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions), Government agencies are not permitted to use funds appropriated (or otherwise made available) for contracts with an entity that requires employees or subcontractors of such entity seeking to report waste, fraud, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
- (c) The prohibition in paragraph (b) of this provision does not contravene requirements applicable to Standard Form 312, (Classified Information Nondisclosure Agreement), Form 4414 (Sensitive Compartmented Information Nondisclosure Agreement), or any other form issued by a Federal department or agency governing the nondisclosure of classified information.
- (d) Representation. By submission of its offer, the Offeror represents that it will not require its employees or subcontractors to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting waste, fraud, or abuse related to the performance of a Government contract to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information (e.g., agency Office of the Inspector General).

(End of Provision)

**24. CERTIFICATION OF SAFEGUARDING COVERED DEFENSE INFORMATION AND CYBER INCIDENT REPORTING (252.204-7012) (DEC 2019)**

You (Seller-offeror) are receiving this certification form because you are expected to receive Covered Defense Information (CDI) subject to the requirements of DFARS 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting (the “DFARS clause”), in support of bid and proposal activities of Milpower Source.

In order to receive CDI, you must agree to handle the CDI in accordance with the requirements of the DFARS clause. If you are selected as a subcontractor to Milpower Source under a related U.S. Government prime contract, the subcontract is expected to contain the DFARS clause as a mandatory flow down.

The DFARS clause requires that all contractors at every tier under a government prime contract implement “adequate security measures” (as defined in the DFARS clause) to safeguard CDI, which is defined to include unclassified controlled technical information or other information, as described in the Controlled Unclassified Information (CUI) Registry at <http://www.archives.gov/cui/registry/category-list.html>, that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and Government-wide policies.

The DFARS clause also requires that contractors and subcontractors report to <http://dibnet.dod.mil> within 72 hours of discovery certain “cyber incidents” that result in an actual or potentially adverse effect on CDI. To submit such reports, you must acquire and maintain a DoD-approved medium assurance certificate. Information on obtaining a DoD-approved medium assurance certificate is available at: <http://iase.disa.mil/pki/eca/Pages/index.aspx>.

You agree to the following notification requirements as an express condition of receiving CDI from Milpower Source:

- Within 30 days of award of an Order from Milpower Source, you agree to notify the DoD Chief Information Officer (CIO), via email at [osd.dibcsia@mail.mil](mailto:osd.dibcsia@mail.mil), with a copy to Milpower Source's authorized representative, of any security requirements specified by NIST SP 800-171 not implemented at the time of Order award.
- You agree to notify Milpower Source in writing when submitting any request to vary from a NIST SP 800-171 security requirement to the Contracting Officer, for consideration by the DoD CIO.
- You agree to immediately inform Milpower Source in writing if, after the date this certification was executed, there is any change in your company’s circumstances that causes this certification to be untrue, inaccurate, or misleading.

**Exceptions:**

- Supplier is a provider to Buyer of only COTS products (Note – COTS should not be construed to mean commercial items as defined in FAR 2.101)
- No CDI has been provided by Buyer as of the date of the signature on these Reps & Certs. Should Buyer need to provide Supplier CDI, Supplier shall not accept such CDI until it becomes compliant IAW DFARS 252.204-7012

**CERTIFICATION**

By the signature of its authorized representative below, Seller-offeror certifies that either (i) it has implemented adequate security as required by the DFARS Clause on its information systems that, at a minimum, complies with the security requirements of the current revision to the National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, **OR** (ii) it is in the process of and will complete implementation of adequate security as soon as practical, but not later than December 31, 2017. If Seller-offeror is not selected as a subcontractor to perform the work for which it received the CDI, Seller-offeror agrees to dispose/destroy any CDI it received from Milpower Source in a manner consistent with the requirements of the DFARS clause.

(End of Provision)

**25. FAR 52.204-26, COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICE REPRESENTATION**

- (a) Definitions. As used in this provision, “covered telecommunications equipment or services” has the meaning provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment
- (b) Procedures. The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

(c) Representation. The Offeror represents that it  **does**,  , does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.

(End of Provision)

## **26. FAR 52.204-24 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT**

NA: The representation in FAR 52.204-26 says "Does Not".

The Offeror shall not complete the representation in this provision if the Offeror has represented that it “does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument” in the provision at 52.204-26, Covered Telecommunications Equipment or Services-Representation, or in paragraph (v) of the provision at 52.212-3, Offeror Representations and Certifications-Commercial Items.

(a) Definitions. As used in this provision—

“Covered telecommunications equipment or services”, “critical technology”, and “substantial or essential component” have the meanings provided in clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) Prohibition. Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, 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. Contractors are not prohibited from providing—

(1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements;

Or

(2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(b) Prohibition. Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, 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. Contractors are not prohibited from providing—

(c) Procedures. The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

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

(e) Disclosures. If the Offeror has represented in paragraph (d) of this provision that it “will” provide covered telecommunications equipment or services”, the Offeror shall provide the following information as part of the offer—

(1) A description of 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 equipment and services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b) of this provision;

(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); and

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

## **27. DFARS 252.204-7016, COVERED DEFENSE TELECOMMUNICATIONS EQUIPMENT OR SERVICES REPRESENTATION**

(a) Definitions. As used in this provision, “covered defense telecommunications equipment or services” has the meaning provided in the clause 252.204-7018, Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services.

(b) Procedures. The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov/>) for entities excluded from receiving federal awards for “covered defense telecommunications equipment or services”.

(c) Representation. The Offeror represents that it  **does**,  does not provide covered defense telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.

## **28. DFARS 252.204-7017, PROHIBITION ON ACQUISITION OF COVERED DEFENSE TELECOMMUNICATION EQUIPMENT OR SERVICES REPRESENTATION**

NA: The representation in DFARS 252.204-7016 says "Does Not".

The Offeror is not required to complete the representation in this provision if the Offeror has represented in the provision at 252.204-7016, Covered Defense Telecommunications Equipment or Services—Representation, that it “does not provide covered defense telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.”

(a) Definitions. “Covered defense telecommunications equipment or services,” “covered mission,” “critical technology,” and “substantial or essential component,” as used in this provision, have the meanings given in the 252.204-7018 clause, Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services, of this solicitation.

(b) Prohibition. Section 1656 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115-91) prohibits agencies from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service to carry out covered missions that uses covered defense telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(c) Procedures. The Offeror shall review the list of excluded parties in the System for Award Management (SAM) at <https://www.sam.gov> for entities that are excluded when providing any equipment, system, or service to carry out covered missions that uses covered defense telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless a waiver is granted.

(d) Representation. If in its annual representations and certifications in SAM the Offeror has represented in paragraph (c) of the provision at 252.204-7016, Covered Defense Telecommunications Equipment or Services—

Representation, that it “does” provide covered defense telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument, then the Offeror shall complete the following additional representation:

The Offeror represents that it  **will**,  will not provide covered defense telecommunications equipment or services as a part of its offered products or services to DoD in the performance of any award resulting from this solicitation.

(e) Disclosures. If the Offeror has represented in paragraph (d) of this provision that it “will provide covered defense telecommunications equipment or services,” the Offeror shall provide the following information as part of the offer:

(1) A description of all covered defense telecommunications equipment and services offered (include brand or manufacturer; product, such as model number, original equipment manufacturer (OEM) number, manufacturer part number, or wholesaler number; and item description, as

applicable).

(2) An explanation of the proposed use of covered defense telecommunications equipment and services and any factors relevant to determining if such use would be permissible under the prohibition referenced in paragraph (b) of this provision.

(3) For services, the entity providing the covered defense telecommunications services (include entity name, unique entity identifier, and Commercial and Government Entity (CAGE) code, if known).

(4) For equipment, the entity that produced or provided the covered defense telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known).

## **29. AMS 3.6.4-24, COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES REPRESENTATION**

(a) Definitions. As used in this provision, “covered telecommunications equipment or services” has the meaning per the clause 3.6.4-23 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment”.

(b) Procedures. The offeror must review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for covered telecommunications equipment or services.

(c) Representation. The offeror represents that it  **does**,  does not provide covered telecommunications equipment or services as part of its offered products or services to the Government in the performance of any contract, subcontract, to other contractual instrument.

## **30. AMS 3.6.4-22, REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT**

NA: The representation in AMS 3.6.4-24 says “Will Not”.

The offeror must not complete the representation in this provision if the offeror has represented that it does not provide covered telecommunications equipment or services as part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument in provision AMS 3.6.4-24 “Covered Telecommunications Equipment or Services – Representation”.

(a) Definitions. As used in this provision--

Covered telecommunications equipment or services, Critical technology, and Substantial or essential component have the meanings provided in AMS clause 3.6.4-23 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) Prohibition. Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, 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. Contractors are not prohibited from providing—

(1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) Procedures: The offeror must review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from Federal awards for covered telecommunications equipment or services.

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

(e) Disclosures. If the Offeror has responded affirmatively to the representation in paragraph (c) of this provision, the Offeror must provide the following information as part of the 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 equipment and services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b) of this provision;
- (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); and
- (4) For equipment, the entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known).

**NOTE: Additional Certifications Offerors are hereby advised the additional certifications may be required at the time of acquisition. These certifications are required at certain dollar thresholds if specific Public Laws are incorporated into the terms of the contract (at \$750,000 and above unless the contract dictates a lower threshold). Specifically these include Subcontractor Cost or Pricing Data (FAR 52.215-12) and Cost Accounting Standards(FAR 52.230.-1). In the event these clauses are required contractually, offerors shall submit the required information and associated certifications unless otherwise exempt as specified in the FAR clauses referenced.**

(End of Provision)

### **CERTIFICATION**

I hereby acknowledge an understanding of the United States Government contracting and subcontracting programs and confirm the accuracy of the statements made above. This certification shall apply to all solicitations, agreements, purchase orders or subcontracts received from Milpower Source, and shall be valid for one year from date of execution.

The offeror verifies by submission of this document that the representations and certifications shown above are current, accurate, and complete as of the date executed.

### **ELECTRONIC SIGNATURE AGREEMENT**

If you choose not to electronically sign the form you must print and manually sign the form after clicking the Submit button. The form must then be returned to the division and buyer indicated in your email invitation.

I Accept Electronic Signature       I Do Not Accept Electronic Signature

**Submitted By (Name):**       **Title:**       **Date:**

**Here at Milpower Source, we take your privacy seriously and will only use your personal data to administer your account and/or to provide you the information, products, and services you have requested from us. By filling out and submitting this form, you hereby consent to Milpower Source collecting your information. For further details on how we will use your personal data, please review our [Privacy Policy](#) .After clicking the Submit button you will then have the opportunity to print or save the generated pdf form.**