

**PROPOSAL CERTIFICATIONS**

IN SUPPORT OF THE ATTACHED PROPOSAL, OFFEROR MAKES THE FOLLOWING CERTIFICATIONS

**1. WAGE DETERMINATION CERTIFICATION**

**(Applicable to proposals for service or construction orders that incorporate a Wage Determination.)**

The Offeror certifies that:

- (a)  The proposal is based on compliance with the applicable Wage Determination, including base rates and fringe benefits, for this procurement action, or
- (b)  The proposal is based on compliance with applicable collective bargaining agreement provisions, if any, including base rates and fringe benefits

Union \_\_\_\_\_  
 Local \_\_\_\_\_  
 Purchase Order No. \_\_\_\_\_

Or

- (c)  Neither a Wage Determination nor a collective bargaining agreement is available at this time for the work required under this procurement action. Offeror agrees that any resultant purchase order may be modified to include any subsequent Wage Determination at such change in price as may be mutually agreed upon by Seller and BMPC.

**2. BUY AMERICAN ACT CERTIFICATE  
(FAR 52.225-2)**

**("Applicable to proposals for the furnishing of supplies and end products, as covered in FAR 52.225-1")**

- (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 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. The terms "component", "domestic end product", "end product", "foreign end product", and "United States" are defined in the Buy American Act clause with the General Provisions clause of this solicitation.

- (b) Foreign End Products:

Only list items below if:

- *cost of foreign components exceeds 50% of the total cost, including shipping, of all components, or*
- *the product is not listed in FAR 25.104 as being a "non-available item", or*
- *the product is not a commercial Information Technology item*

Line Item No. \_\_\_\_\_

Country of Origin:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

BMPC will evaluate offers in accordance with the policies and procedures of Part 25 of the Federal Acquisition Regulation.

(c) Check if the foreign end product is from a Qualifying Country as identified in DFAR 225.872-1, or is manufactured in a Qualifying Country and the cost of the Qualifying Country components exceed 50% of the cost of all components (including shipping)

Yes: \_\_\_\_\_

No: \_\_\_\_\_

**3. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (FAR 52.203-11)**

- (a) The definitions and prohibitions contained in the clause, at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in paragraph (b) of this certification.
- (b) The Offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief as of December 23, 1989, that
- (1) 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 his or her behalf in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement;
  - (2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) 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 his or her behalf in connection with this solicitation, the Offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to BMPC; and
  - (3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.
- (c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form 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.

**4. SUBSTANCE ABUSE PROGRAM (DEAR 970.5223-4)**

**(Applicable to proposals for on-site effort when Form 76080, Model Substance Abuse Program, is invoked.)**

The Offeror certifies, by signing this form, that it has adopted the Model Substance Abuse Program as its own program or that it has in effect, at a minimum, an equivalent Substance Abuse Program.

5. **CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING (FAR 52.223-13)**

**(Not applicable to Commercial Items--see FAR Part 2 for definition of Commercial Items)**

- (a) Submission of this certification is a prerequisite for making or entering into this contract imposed by Executive Order 12969, August 8, 1995.
- (b) By signing this offer, the Offeror certifies that:
- (1) As the owner or operator of facilities that will be used in the performance of this contract that are subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U. S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the Offeror will file and continue to file for such facilities for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA; or
- (2) None of its owned or operated facilities to be used in the performance of this contract is subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons:

(Check each block that is applicable.)

- (i) The facility does not manufacture, process, or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c);
- (ii) The facility does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);
- (iii) The facility does not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);
- (iv) The facility does not fall within Standard Industrial Classification Code (SIC) designations 20 through 39 as set forth in Section 19.102 of the Federal Acquisition Regulation; or
- (v) The facility is not located within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the United States has jurisdiction.

6. **COST ACCOUNTING STANDARDS. NOTICES AND CERTIFICATION (FAR 52.230-1)**

**(Applicable to proposals priced in excess of \$650,000 from large business concerns. This article does not apply to small business concerns.)**

This notice is in three parts, identified Roman Numerals I through III.

Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant purchase order.

I. **DISCLOSURE STATEMENT .COST ACCOUNTING PRACTICES AND CERTIFICATION**

- (a) Any order in excess of \$650,000 resulting from this solicitation, except orders in which the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation, will be subject to the requirements of 48 CFR Parts 9903 and 9904, except for those orders which are exempt as specified in 48 CFR Subpart 9903.201-1.

- (b) Any Offeror submitting a proposal which, if accepted, will result in an order subject to the requirements of 48 CFR Parts 9903 and 9904 must, as a condition of contracting, submit a Disclosure Statement as required by 48 CFR Subpart 9903.202. The Disclosure Statement must be submitted as a part of the Offeror's proposal under this solicitation unless the Offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the Offeror may satisfy the requirement for submission by providing the information requested in paragraph (c) of Part I of this provision.

CAUTION: In the absence of specific regulations or agreement, a practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting order performance cost data.

- (c) Check the appropriate box below:

- (1) Certificate of Concurrent Submission of Disclosure Statement

The Offeror hereby certifies that, as part of the offer, copies of the Disclosure Statement have been submitted as follows: (i) original and one copy to the cognizant Administrative Contracting Officer (ACO) or cognizant Federal agency official authorized to act in that capacity (Federal official), as applicable; and (ii) one copy to the cognizant Federal auditor.

(Disclosure must be on Form No. CASB DS-1 or CASE DS-2, as applicable. Forms may be obtained from the cognizant ACO or Federal official and/or from the loose-leaf version of the Federal Acquisition Regulation.)

Date of Disclosure Statement \_\_\_\_\_

Name and Address of Cognizant ACO or Federal Official where Filed:

\_\_\_\_\_  
\_\_\_\_\_

The Offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

- (2) Certificate of Previously Submitted Disclosure Statement.

The Offeror hereby certifies that Disclosure Statement was filed as follows:

Date of Disclosure Statement \_\_\_\_\_

Name and Address of Cognizant ACO or Federal Official where Filed:

\_\_\_\_\_  
\_\_\_\_\_

The Offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

- (3) Certificate of Monetary Exemption.

The Offeror hereby certifies that the Offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling more than \$50 million (of which at least one award exceeded \$1 million) in the cost accounting period immediately preceding the period in which this proposal was submitted. The Offeror further certifies that if such status changes before an award resulting from this proposal, the Offeror will advise BMPC immediately.

- (4) Certificate of Interim Exemption.

The Offeror hereby certifies that (i) the Offeror first exceeded the monetary exemption for disclosure, as defined in (3) above, in the cost accounting period immediately preceding the period in which this offer was submitted and (ii) in accordance with 48 CFR Subpart 9903.202-1, the Offeror is not yet required to submit a Disclosure Statement. The Offeror further certifies that if an award resulting from this proposal has not been made within 90 days after the end of that period, the Offeror will immediately submit a revised certificate to BMPC in the form specified under subparagraphs (c)(1) or (c)(2) of Part I of this provision, as appropriate, to verify submission of a completed Disclosure Statement.

CAUTION: Offerors currently required to disclose because they were awarded a CAS-covered prime contract or subcontract of \$50 million or more in the current cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90-day period following the cost accounting period in which the monetary exemption was exceeded.

## II. COST ACCOUNTING STANDARDS - ELIGIBILITY FOR MODIFIED ORDER COVERAGE

If the Offeror is eligible to use the modified provisions of 48 CFR Subpart 9903.201-2(b) and elects to do so, the Offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant order is subject to the Disclosure and Consistency of Cost Accounting Practices article in lieu of the Cost Accounting Standards article.

- (a) The Offeror hereby claims an exemption from the Cost Accounting Standards article under the provisions of 48 CFR Subpart 9903.201-2(b) and certifies that the Offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices article because (i) during the cost accounting period immediately preceding the period in which this proposal was submitted, the Offeror received less than \$50 million in awards of CAS-covered prime contracts and subcontracts, or the Offeror did not receive a single CAS covered award exceeding \$1 million. The Offeror further certifies that if such status changes before an award resulting from this proposal, the Offeror will advise BMPC immediately.

CAUTION: An Offeror may not claim the above eligibility for modified order coverage if this proposal is expected to result in the award of a CAS-covered order of \$50million or more or if, during its current cost accounting period, the Offeror has been awarded a single CAS-covered prime contract or subcontract of \$50 million or more.

## III. ADDITIONAL COST ACCOUNTING STANDARDS APPLICABLE TO EXISTING ORDERS

The Offeror shall indicate below whether award of the contemplated order would, in accordance with subparagraph (a)(3) of the Cost Accounting Standards article, require a change in established cost accounting practices affecting existing orders and subcontracts.

- YES       NO

7. **DEBARMENT, SUSPENSION, PROPOSED DEBARMENT AND OTHER RESPONSIBILITY MATTERS (FAR 52.209-5)**

- (a) (1) The Offeror certifies, to the best of its knowledge and belief that--
- (i) The Offeror and/or any of its principles--
    - (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 3-year period proceeding 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, Local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property; and
    - (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 subdivision 1.i.B above.
  - (ii) The Offeror has ( ) has not ( ) within a 3-year period of time proceeding this offer, had one or more contracts terminated for default by any Federal agency.
- (a) (2) Principals, for the purposes of this certification, means officers; directors; owners; partners; and persons having primary management or supervisory responsibilities within a business entity (e.g. general manager; plant manager; head of a subsidiary, division, or business segment and similar positions).

This certification concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under section 1001, title 18, United States Code.

- (b) The Offeror shall provide immediate written notice to the Buyer 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 circumstance.
- (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 buyer may render the Offeror non-responsible.
- (d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification in addition to other remedies available to the Government, the Buyer may terminate the contract resulting from this solicitation for default.

**8. PLACE OF PERFORMANCE (FAR 52.215-6)**

- (a) The Offeror or Respondent, in the performance of any contract resulting from this solicitation, Intends (  ), Does Not Intend (  ) to use one or more plants or facilities located at a different address from the address of the Offeror or respondent as indicated in this proposal.
- (b) If the Offeror or Respondent checks "Intends" in paragraph (a) of this provision, it shall insert in the following spaces the required information:
- (c) Place of Performance (street address, city, state, country, zip code)
- (d) Name and address of owner and operator of the plant or facility if other than Offeror or Respondent

_____	_____
_____	_____
_____	_____

**9. SIGNATURE/CERTIFICATION**

By signing below, the Bidder/Offeror certifies, under penalty of law, that the representations and certifications are accurate, current and complete, and that there are no technical, administrative, or legal exceptions to the requirements included in the solicitation other than those clearly provided in writing with this proposal. The Bidder/Offeror further certifies that it will notify BMPC of any changes to these representations and certifications. The representations and certification made by the Bidder/Offeror, as contained herein, concern matters within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent representation or certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

BMPC INQUIRY NUMBER: \_\_\_\_\_

SIGNATURE:\* \_\_\_\_\_

TYPED NAME:\* \_\_\_\_\_

TITLE: \_\_\_\_\_

COMPANY: \_\_\_\_\_

DATE: \_\_\_\_\_

\*Authorized officer or employee of Offeror