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5404 Wisconsin Avenue, Suite 800, Chevy Chase, MD 20815  
[www.unc-chs.com](http://www.unc-chs.com)

## REQUEST FOR PROPOSALS

RFP SOLICITATION NUMBER: FY24-RFP01-G005

Quality Improvement/Quality Management Learning Material Development for the  
USAID Quality Services for Health Activity

Date of Issue: 4 October 2023

**Date of Amendment: 7 November 2023**

Closing Time and Date for Proposals:

**5:00pm (EST) 1 December 2023**

Proposals must be emailed to: [emoroney@unc-chs.com](mailto:emoroney@unc-chs.com)

**Deadline for Questions: 5:00pm (EST) 17 November 2023**

Questions by email ONLY to: [emoroney@unc-chs.com](mailto:emoroney@unc-chs.com)

**Deadline for Notice of Intent to Submit Proposal: 5:00pm (EST) 27 November 2023**

CONTACT PERSON: Erica Moroney, Associate Director, Regional Operations

Issuance of this RFP does not constitute a contract commitment on the part of URC nor does it commit URC or the US Government to pay for costs incurred in the submission of a proposal. Furthermore, URC reserves the right to reject any and all proposals, or to award a contract without further discussion or negotiations if it is considered to be in the best interests of the project and URC.

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## **LIST OF ACRONYMS**

CHMC	Community-based Health Management Committees
CPA	Certified Public Accountant
G&A	General & Administrative
GHS	GHS
GoG	Government of Ghana
LOE	Level of Effort
M&IE	Miscellaneous and Incidental Expenses
MoH	Ministry of Health
NHQS	National Health Quality Strategy
NICRA	Negotiated Indirect Cost Rate Agreement
Q4H	Quality Services for Health
QI	Quality Improvement
QM	Quality Management
RFP	Request for Proposal
STTA	Short-Term Technical Assistance
TOR	Terms of Reference
TRP	Technical Review Panel
TWG	Technical Working Group
UEI	Unique Entity Identifier
URC	University Research Co., LLC
USAID	United States Agency for International Development
USG	United States Government
ZOI	Zone of Influence

## THE QUALITY SERVICES FOR HEALTH (Q4H) PROJECT

The USAID Q4H Activity seeks to support the GOG to strengthen its institutional capacity to improve the availability and provision of quality health services in public and private health sectors for improved health outcomes in Ghana, with a focus on poor and vulnerable populations. This is to be achieved through the following three strategic objectives:

**Objective 1:** Strengthen national, regional, and district leadership and governance of quality management (QM) structures and processes.

**Objective 2:** Institute processes to empower and capacitate local leaders and teams to identify and address systemic or local QM challenges, including improving the use of data in public and private service delivery points.

**Objective 3:** Strengthen the capacity of CHMCs to coordinate and promote a culture of quality.

The Activity is being implemented at the national, regional, and district levels, focusing on the 17 USAID ZOI districts in the Northern, North East, Upper East, and Upper West Regions and nine districts in the Oti, Volta, and Western Regions

### 1. PURPOSE AND FOCUS

#### 2.1 CONTEXT AND STATEMENT OF NEED

##### National Health Quality Strategy

A core component of Q4H's mandate is to support the Ministry of Health (MoH) and its agencies to implement the National Health Quality Strategy (NHQS) 2017-2021.

The NHQS's specific goals of the strategy are to:

- Continuously improve health outcomes in the population health priority areas
- Develop a coordinated quality health care system in the areas of quality planning, quality control and quality improvement – including improved use of data for decision making
- Improve client experience being responsive to the health needs and aspirations of the patient and the community

To advance these goals, the NHQS 2017-2021 focuses on seven strategic interventions; two of which are:

- Establish structures at all levels of the health system (national, regional, district) to lead quality across planning, control/assurance, and improvement – *Quality Governance Structure*.
- Improve quality culture in health workers/Staff/students through training in the requisite clinical skills and in quality improvement (QI) methods and incorporation of quality-related performance indicators in their job descriptions – *Incorporation of QI in pre-service and in-service training*.

To achieve these two strategic interventions, the Q4H Activity has supported the MOH to develop standardized QI/QM training materials and course for Quality Management Teams, Quality Improvement Coaches and Work Improvement Teams for national use as part of effort to standardize QM/QI training. These QI/QM training materials have been used to train and establish regional, district and facility QM/QI teams through in-person training.

## **2.2 PURPOSE OF THE RFP**

The Q4H Activity anticipates issuing a subcontract to further develop the aforementioned QI/QM training materials and collaborate with Q4H as well as the MOH and GHS to guide and work with the Q4H, MOH and GHS Teams to develop and deploy online courses for QM/QI that will continue to drive QI/QM and leadership systems at all levels of care and protect the public against harm and improve the quality of care. The type of subcontract will be determined based on negotiation with the successful offeror.

## **2.3 OVERVIEW OF ACTIVITIES**

Activities will be done through a combination of virtual technical assistance from the Offeror's location and in country short term technical assistance (STTA).

The subcontractor shall develop a facilitator and participant training materials for healthcare workers and students (pre-service) of the Ministry of Health and its agencies for Quality Management, Quality Improvement Coaches and Work Improvement teams. The developed courses will be self-paced and accredited by professional regulatory agencies of the country.

### Specific Activities:

*Specifically, the subcontractor shall work with Q4H Team and the Q4H Activity Actors to*

1. Review and finalize the training materials and courses for Quality Management, Quality Improvement Coaches and Work Improvement Teams.
2. Develop training facilitator guides for Quality Management, Quality Improvement Coaches and Work Improvement Teams.
3. Develop online versions of facilitator trainings for Quality Management, Quality Improvement Coaches and Work Improvement Teams.
4. If feasible, support the deployment of online training materials.
5. Establish systems for offline utilization of facilitator trainings.
6. Establish systems to monitor use and troubleshoot issues.

## **2.4 IMPLEMENTATION PROCESS, ACTIVITIES AND DELIVERABLES**

These activities will be done through a combination of virtual technical assistance from the Offeror's location and in country STTA. All activities will be done in close collaboration with Q4H staff and local counterparts at the MOH and its agencies, particularly GHS.

1. Develop an inception report/concept note, drawing on existing literature (both national and international) and experiences with QI/QM trainings and online learning to be integrated into national policy and guidelines for Ghana. This should include a proposed schedule of activities to be completed.
  - Review guidance and information disseminated from the NHQS.
  - Attend briefings (in person in Ghana) with officials from the Ministry of Health and its agencies and implementing partners, as needed to discuss progress made to date in the development in the development of the QI/QM training materials.
  - Conduct at least one STTA trip to Ghana for briefings and initial technical working group meetings.

2. Support MOH to initiate the small working group process, including development of the terms of reference (TOR), action plan, and timeline for a materials development working group. The timeline should take place over a period not to exceed six months.
3. QI/QM Instructional Design:
  - Analyze QI competencies and training needs and develop an expanded competency model that takes into consideration abilities required for each competency and which focuses on activities to be undertaken by key stakeholders.
    - As this first step will necessitate many meetings and debrief from various stakeholders within MOH and its agencies (including GHS), URC requires that this be done in person in Ghana.
  - Based on the competency assessment and inception report/concept note detailed in the first step of this section, collaborate with MOH to adapt existing training materials including the following:
    - Training objectives
    - Training agenda
    - Description of roles in each section
    - Intended outcomes and skills addressed
    - Knowledge assessment questionnaires
    - Handouts
    - Power Points
    - Other workshop materials as necessary
  - Advise on the development of appropriate learning assessments for competencies targeted in the modules.
  - Guide user testing of the training modules/materials in select locations to inform improvements prior to finalization (to be done on location in Ghana).
  - Incorporate lessons learned from the pre-test phase to finalize training materials.

In addition to these deliverables, the Offeror will submit a matrix detailing technical assistance provided virtually. This matrix will detail the name of the staff member providing assistance, dates, and a short description of what assistance was provided.

#### **Deliverables**

- Inception report/Concept note, drawing on existing literature and experiences in QI/QM at both the national and international levels.
- Final versions of all training materials based upon field testing and stakeholder feedback in Ghana.
- Draft training facilitator guides for Quality Management, Quality Improvement Coaches and Work Improvement Teams.
- Draft online and downloadable versions of facilitator trainings for Quality Management, Quality Improvement Coaches and Work Improvement Teams.
- Final online versions of trainings based upon pilot testing.
- Final report containing incorporating lessons learned and recommendations as well as sustainability plan.

## **2.5 TYPE OF CONTRACTING**

The Q4H Activity anticipates issuing a subcontract to the successful offeror to implement the scope in this RFP. A preference will be given to a fixed price award. The award will be made to the successful offeror whose offer presents the best value considering technical merits and price. Trade-off between technical merits and price may take place. Accordingly, the award may not be made to the lowest price. The cost proposal will be reviewed for cost reasonableness and efficiency.

## **2.6 ANTICIPATED CONTRACT DURATION**

This contract will have a performance period of January 15, 2024 – March 30, 2025

## **2.7 WHO SHOULD PARTICIPATE:**

Firms that are interested in participating in this RFP should meet the following requirements:

- Must be a US-based small business in one or more of the following set-aside categories: small disadvantaged, historically underutilized business zones, and/or service-disabled veteran-owned small business;
- Must have at least five years of experience carrying out scopes of similar size and complexity in Ghana and/or elsewhere in sub-Saharan Africa;
- Demonstrated strong experience in QI in healthcare;
- Familiarity with health capacity development and facilitation of trainings;
- Sufficient level of trained and experienced professionals who will be committed to the development of in-person and virtual training materials;
- A verifiable reputation of integrity, competence and successful performance as verified by past performance references.

## **2. INSTRUCTIONS FOR OFFERORS:**

Offerors are encouraged to review in detail the following eligibility requirements, preparation and submission instructions. Offerors requiring clarification should send their written questions in English to [emoroney@urc-chs.com](mailto:emoroney@urc-chs.com) by 5:00pm EST on **17 November 2023**, referencing the RFP Solicitation Number in the subject line of the email. The deadline for submission of the Technical and Cost Proposals is 5:00pm EST on **1 December 2023**.

### **3.1 TECHNICAL PROPOSAL INSTRUCTIONS (10 PAGES MAXIMUM)**

The Technical Proposal should contain the following sections in the order shown, using clear and concise language. The proposals should take into account the technical evaluation criteria found in Section 4.

#### **3.1.1 EXECUTIVE SUMMARY AND PROJECT CONTEXT (1 PAGE MAXIMUM)**

This section should include a general overview of the proposed approach to this activity.

#### **3.1.2 TECHNICAL APPROACH (7 PAGES MAXIMUM)**

This section should include:

1. A brief description of the Offeror's technical and strategic approach to implementing the activities and producing the deliverables required.

2. Demonstrated understanding of the Ghanaian health system.
3. Implementation workplan with timeline for discrete activities, milestones and deliverables.

### **3.1.3 ORGANIZATIONAL CAPACITY (2 PAGES MAXIMUM)**

This section should briefly describe the capacity of the Offeror's organization with respect to:

1. **Previous organizational experience** in implementing **similar** activities, developing in-person and virtual training approaches and facilitating trainings in Ghana and/or sub-Saharan Africa in the health sector of similar size and scope;
2. **Personnel experience and capability.** The Offeror will propose a team with specific roles, responsibilities, and qualifications of each member. Each team member will have a thorough understanding and demonstrated experience of similar assignments. The Offeror should propose at least 1 senior level team member to function as the team lead.

### **3.1.4 ANNEXES TO THE TECHNICAL PROPOSAL**

**Annex 1: In a separate annex,** the Offeror should provide past performance references for three prior contracts, grants and/or cooperative agreements, which the Offeror organization has received. References for USAID or other USG financed projects are preferred. Also preferred are references for projects on subject matter related to this RFP. The format for these references is shown in **Appendix A.**

**Annex 2: In a separate annex,** the Offeror should provide CVs for each named team member (limit of 3 pages).

### **3.1.5 COST PROPOSAL INSTRUCTIONS**

The Cost Proposal must be submitted in a separate document in Microsoft Excel format (with formulas) at the same time as the technical proposal is submitted, but under separate cover and in a separate email from the technical proposal. The Offeror must propose a detailed budget according to the instructions in **Appendix B** of this RFP and utilizing the Offeror's standard budget templates. The detailed budget should allow price analysis of the various budget elements to determine its reasonableness. In addition, the offeror should propose a schedule of milestones and payments should a fixed priced award be made. The detailed budget, once negotiated and approved, will be the successful Offeror's budget to manage the project, should an award other than a fixed price one be made.

The proposed budget cannot exceed **\$450,000 USD** and should not include any costs associated with local trainings, workshops and meetings in Ghana as those will be covered directly by Q4H/URC.

A **Budget Narrative** in Microsoft Word or searchable PDF document should accompany the excel portion of the Cost Proposal. The budget narrative should include a description of costs and how they were determined or calculated for each cost element in the budget. Offerors should review and confirm that all amounts and formulas are correct and in US dollars and state the exchange rate (if applicable) for the day of submission.

Certifications and Representations detailed in **Appendix C** should be completed, signed, and submitted with the Cost Proposal.

If the offeror is charging indirect costs, it shall submit a Negotiated Indirect Cost Rates Agreement "NICRA" established by its cognizant U.S. Government agency (if applicable). If offeror does not have a NICRA, the proposal must include either Audited Financial Statements or Reviewed Financial Statements for the last three (3) fiscal years, as defined below:



- Audited Financial Statements: In an audited financial statement, the auditor issues a report that states that the audit was conducted in accordance with auditing standards generally accepted in the USA (GAAS), the financial statements are the responsibility of management, provides an opinion that the financial statements present fairly in all material respects the financial position of the company and the results of operations are in conformity with the applicable financial reporting framework (or issues a qualified opinion if the financial statements are not in conformity with the applicable financial reporting framework. The auditor may also issue a disclaimer of opinion or an adverse opinion if appropriate).
- Reviewed Financial Statements: The statement provide a certified CPA accountant's (referred to as "Accountant" or "CPA" herein) review; the accountant is not aware of any material modifications that should be made to the financial statements for the statements to be in conformity with the applicable federal financial reporting framework. During a review engagement, the Accountant obtains limited assurance that there are no material modifications that should be made to the financial statements.

### 3.2 SUBMISSION INSTRUCTIONS

Proposals must be submitted in English to [emoroney@urc-chs.com](mailto:emoroney@urc-chs.com) by 5:00pm EST on **December 1, 2023**.

1. The proposal must be divided into two parts, the Technical Proposal and the Cost Proposal. The two parts should be submitted at the same time in separate emails.
2. The Technical Proposal should be typed in a 12 point font and not exceed 10 pages (not including Cover Page, Table of Contents, List of Acronyms, or Appendices).
3. The Technical Proposal should be submitted in the below order.
  - a. Cover Page
  - b. Table of Contents
  - c. List of Acronyms
  - d. Executive Summary
  - e. Technical Approach
  - f. Organizational Capacity
  - g. Appendices to the Technical Proposal to include the following:
    - i. Past performance references
    - ii. CVs and biodatas from proposed personnel
    - iii. Letters of commitment from proposed personnel
4. The Cost Proposal should be sent as a Microsoft Excel document.
5. A Budget Narrative should be submitted in Microsoft Word or searchable PDF format. The Budget Narrative should be sent together with the Cost Proposal and NICRA or appropriate documentation to support indirect rates (if applicable).
6. Incomplete submissions that do not include the items required in this RFP and any amendment/modification or late submissions may be excluded from further consideration.
7. Modifications to the RFP may be made at any time prior to the Proposal submission deadline. Deadline for submission may be extended depending on the scope of a modification. Modifications after the deadline for proposals will be communicated only to those Offerors who

submitted proposals. URC will not have any responsibility if an Offeror is not aware of a posted modification or an update.

## **4 EVALUATION CRITERIA AND SELECTION PROCESS**

### **4.1 EVALUATION CRITERIA FOR PROPOSAL**

The complete technical proposal will be reviewed by a Technical Review Panel (TRP) convened by Q4H and evaluated against the following criteria which are listed in a descending order based on its importance:

1. Technical Approach/Timeline
  - a. Technical approach reflects knowledge and expertise in QI/QM instructional design and online learning.
  - b. Proposed timeline is realistic and reflects a good comprehension of the activities presented in this RFP.
  - c. Technical approach is clearly articulated and presents a thorough understanding of how to operationalize this work in Ghana.
2. Qualifications of Proposed Personnel
  - a. Proposed personnel have demonstrated experience in TWG facilitation and collaborative development of in-person and online training materials in Ghana and/or sub-Saharan Africa.
  - b. Experience and qualifications of personnel are appropriate relative to their respective roles on the team.
3. Organizational Capacity/Past Performance
  - a. Strong capability of the Offeror to successfully conduct all aspects of proposed SOW, determined by past successful implementation of similar activities.
  - b. Clear description of the roles and responsibilities of each key team member
  - c. Proposed personnel have the qualifications necessary to successfully complete the work detailed in the RFP.
  - d. Verified quality of work from past performance references.

#### **Evaluation of Cost Proposal**

Cost Proposal shall not be scored. The evaluation will be based upon the cost proposal and the supporting narrative provided by the Offeror. Proposed costs shall be evaluated for cost realism, completeness, reasonableness. An overall evaluated price of proposed costs and all proposed fees will be determined and will be used as part of the tradeoff analysis in determining the best value selection. The evaluated cost will be based on the payment schedule that is tied to the milestones that are meaningful and determined to be advantageous to Q4H that will be considered the best value. Proposals that have significant cost realism issues may, at the discretion of Q4H be eliminated from consideration for award.

## **ADMINISTRATION OF AWARD**

### **1.1 KNOWLEDGE SHARING**

All assessments conducted during this activity will be submitted to URC to be disseminated among Government of Ghana counterparts and partners, as determined USAID and the Q4H Activity.

### **1.2 FISCAL CONTROLS**

The award will be fixed-price and involve payments tied to the completion of deliverables. Appropriate accounting for expenditures is required with adherence to USAID regulations for eligible costs and for their compliance with standard accounting procedures and with USAID regulations.

## **2. MANAGEMENT ISSUES AND POLICIES**

1. Issuance of this RFP does not commit URC/Q4H or the USG to pay for costs incurred in the submission of a Proposal. Furthermore, URC reserves the right to reject any and all proposals, or to issue a purchase order without further discussion or negotiations if it is considered to be in the best interests of the project.
2. The Offeror must commit to begin implementation immediately upon issuance of a purchase order.
3. Any reports or publications produced with funding from Q4H must follow the Branding Strategy and Marking Plan, which will be provided to the Offeror upon award.
4. The Offeror must obtain a valid UEI number prior to award and provide it to URC. Requirements for UEI numbers can be found here - <https://sam.gov/content/duns-uei>

## **3. APPENDICES TO THIS RFP**

Appendix A: Format for Past Performance References

Appendix B: Cost Proposal/Budget Instructions

Appendix C: Certifications and Representations

**APPENDIX A: FORMAT FOR PAST PERFORMANCE REFERENCES**

**NAME OF YOUR ORGANIZATION**

<b>1. Name of the Awarding Organization:</b> e.g., USAID
<b>2. Award Number:</b> INSERT AWARD NUMBER, E.g., AID-442-C-17-00001
<b>3. Activity Title:</b> INSERT PROGRAM/ACTIVITY TITLE
<b>4. Brief Description of the Activity:</b> Include short description of the work performed. What was the goal of the project and what was the role of your organization. Include numbers of beneficiaries, information on project impact.
<b>Relevancy of Work:</b> Briefly describe why this work is relevant to the TB Free Uzbekistan program.
<b>Location of Work:</b> Insert location(s)
<b>5. Period of Performance:</b> Insert start and end dates of award
<b>6. Award Amount:</b> \$XX,XXX,XXX.XX
<b>7. Reports and Findings From Any Audits Performed in the Last Three Years:</b> Report on any audit findings, if any. If none, state none.
<b>8. Name of at least two (2) updated professional contacts who most directly observed the work at the organization for which the service was performed with complete current contact information including telephone number, and e-mail address for each proposed individual.</b>
1. NAME, TITLE, ORGANIZATION, PHONE, EMAIL
2. NAME, TITLE, ORGANIZATION, PHONE, EMAIL
<b>9. Problems and Corrective Actions Taken:</b> Describe here or put "N/A"

## APPENDIX B: BUDGET INSTRUCTIONS AND TEMPLATE

### 1. Provide a Summary Budget in US dollars in EXCEL format with the following categories:

- a. Personnel
- b. Fringe Benefits
- c. Consultants
- d. Travel
- e. Other Direct Costs
- f. Indirect Costs (if supported by NICRA)
- g. Total costs

Please be sure to review and confirm that all amounts and **formulas are correct and in US dollars**. Please state the exchange rate for the day of submission.

### 2. Provide a Detailed Line Item Budget in US dollars as follows:

**Personnel:** Please list each person separately, including their title/position. The personnel line item must clearly indicate that person's salary or daily rate and their anticipated level of effort (LOE) by year. LOE is the number of work days or percentage of overall work time that will be dedicated and charged to the purchase order. While proposed daily rates must be in accordance with the actual level of compensation for proposed individuals, compensation of these rates shall not be in excess of the USAID Contractor Salary Threshold rate, currently \$720.38.

**Fringe Benefits:** Fringe benefits are additional personnel costs that are either required by local law or are provided according to common practice and your organization's written policies applicable to all staff. Examples include mandatory contributions to the national health and social insurance fund; severance pay accruals; private health and accident insurance; expatriate staff allowances. The fringe benefits may be shown as a percent of labor costs, per approved NICRA letter.

**Consultants:** Please list all local and international consultants in this line item.

**Travel:** Please include all costs for travel to be charged under this purchase order including airfare, lodging, and M&IE. Per diem rates must be consistent with your organizations' policies applicable to all projects and may not exceed the Department of State rates found at [http://aoprals.state.gov/content.asp?content\\_id=184&menu\\_id=81](http://aoprals.state.gov/content.asp?content_id=184&menu_id=81)

**Other Direct Costs:** Other direct costs of the program include bank fees, printing costs, postage, and telecommunications costs related to the completion of the activities detailed in this RFP.

**Indirect Costs:** Please include any indirect charges (e.g. overhead or General and Administrative (G&A) showing the rate(s) and the base to which the rates are applied. Please include how the indirect rates were determined (e.g., USG approved NICRA rates). If you have approved NICRA rates, these must be used and please submit your NICRA in your Cost Proposal. If the applicant does not have NICRA, please see section 3.1.5. all costs should be directly billable and included in the appropriate line items in the budget for direct costs



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## APPENDIX C: CERTIFICATIONS AND REPRESENTATIONS

**\*NOTE: Please complete and submit this section with the initial proposal. Offerors with an active SAM registration may choose to provide a printed version of their annual representations and certifications.**

### NOTICE LISTING CONTRACT CLAUSES INCORPORATED BY REFERENCE

FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1)

NUMBER	TITLE	DATE
52.203-11	52.203-12 Limitation on Payments to Influence Certain Federal Transactions.	SEPT 2007
52.203-18	Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements-Representation.	JAN 2017
52.204-16	Commercial and Government Entity Code Reporting	AUG 2020
52.204-18	Commercial and Government Entity Code Maintenance	AUG 2020
52.204-19	Incorporation by Reference of Representations and Certifications	DEC 2014
52.222-22	Previous Contracts and Compliance Reports	FEB 1999
52.222-25	Affirmative Action Compliance	APR 1984
52.225-25	Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran - Representation and Certifications.	JUN 2020

(End of Provision)

#### C.1 52.204-8 ANNUAL REPRESENTATIONS AND CERTIFICATIONS (MAR 2023)

- (a) (1) The North American Industry Classification System (NAICS) code for this acquisition is 541990  
(2) The small business size standard is \$19.5.  
(3) The small business size standard for a concern that submits an offer, other than on a construction or service acquisition, but proposes to furnish an end item that it did not itself manufacture, process, or produce is 500 employees, or 150 employees for information technology value-added resellers under NAICS code 541519 if the acquisition—  
(i) Is set aside for small business and has a value above the simplified acquisition threshold.  
(ii) Uses the HUBZone price evaluation preference regardless of dollar value, unless the offeror waives the price evaluation preference; or  
(iii) Is an 8(a), HUBZone, service-disabled veteran-owned, economically disadvantaged women-owned, or women-owned small business set-aside or sole-source award regardless of dollar value.
- (b) (1) If the provision at [52.204-7](#), System for Award Management, is included in this solicitation, paragraph (d) of this provision applies.  
(2) If the provision at [52.204-7](#), System for Award Management, is not included in this solicitation, and the Offeror has an active registration in the System for Award Management (SAM), the Offeror may choose to use paragraph (d) of this provision instead of completing the corresponding individual representations and certifications in the solicitation. The Offeror shall indicate which option applies by checking one of the following boxes:  
(i)  Paragraph (d) applies.  
(ii)  Paragraph (d) does not apply, and the offeror has completed the individual representations and

certifications in the solicitation.

(c) (1) The following representations or certifications in SAM are applicable to this solicitation as indicated:

(i) [52.203-2](#), Certificate of Independent Price Determination. This provision applies to solicitations when a firm-fixed-price contract or fixed-price contract with economic price adjustment is contemplated, unless–

(A) ) The acquisition is to be made under the simplified acquisition procedures in [part 13](#);

(B) ) The solicitation is a request for technical proposals under two-step sealed bidding procedures; or

(C) ) The solicitation is for utility services for which rates are set by law or regulation.

(ii) [52.203-11](#), Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. This provision applies to solicitations expected to exceed \$150,000.

(iii) [52.203-18](#), Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements-Representation. This provision applies to all solicitations.

(iv) [52.204-3](#), Taxpayer Identification. This provision applies to solicitations that do not include the provision at [52.204-7](#), System for Award Management.

(v) [52.204-5](#), Women-Owned Business (Other Than Small Business). This provision applies to solicitations that–

(A) Are not set aside for small business concerns;

(B) ) Exceed the simplified acquisition threshold; and

(C) Are for contracts that will be performed in the United States or its outlying areas.

(vi) [52.204-26](#), Covered Telecommunications Equipment or Services-Representation. This provision applies to all solicitations.

(vii) [52.209-2](#), Prohibition on Contracting with Inverted Domestic Corporations-Representation.

(viii) [52.209-5](#), Certification Regarding Responsibility Matters. This provision applies to solicitations where the contract value is expected to exceed the simplified acquisition threshold.

(ix) [52.209-11](#), Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law. This provision applies to all solicitations.

(x) [52.214-14](#), Place of Performance-Sealed Bidding. This provision applies to invitations for bids except those in which the place of performance is specified by the Government.

(xi) [52.215-6](#), Place of Performance. This provision applies to solicitations unless the place of performance is specified by the Government.

(xii) [52.219-1](#), Small Business Program Representations (Basic, Alternates I, and II). This provision applies to solicitations when the contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the contracting officer has applied [part 19](#) in accordance with [19.000\(b\)\(1\)\(ii\)](#).

(A) ) The basic provision applies when the solicitations are issued by other than DoD, NASA, and the Coast Guard.

(B) ) The provision with its Alternate I applies to solicitations issued by DoD, NASA, or the Coast Guard.

(C) ) The provision with its Alternate II applies to solicitations that will result in a multiple-award contract with more than one NAICS code assigned.

(xiii) [52.219-2](#), Equal Low Bids. This provision applies to solicitations when contracting by sealed bidding and the contract is for supplies to be delivered or services to be performed in the United States or its outlying areas, or when the contracting officer has applied [part 19](#) in accordance with [19.000\(b\)\(1\)\(ii\)](#).

(xiv) [52.222-22](#), Previous Contracts and Compliance Reports. This provision applies to solicitations that include the clause at [52.222-26](#), Equal Opportunity.

(xv) [52.222-25](#), Affirmative Action Compliance. This provision applies to solicitations, other than those for construction, when the solicitation includes the clause at [52.222-26](#), Equal Opportunity.

(xvi) [52.222-38](#), Compliance with Veterans' Employment Reporting Requirements. This provision applies to solicitations when it is anticipated the contract award will exceed the simplified acquisition threshold and the contract is not for acquisition of commercial products or commercial services.

(xvii) [52.223-1](#), Biobased Product Certification. This provision applies to solicitations that require the delivery or specify the use of USDA–designated items; or include the clause at [52.223-2](#), Affirmative Procurement of Biobased Products Under Service and Construction Contracts.

(xviii) [52.223-4](#), Recovered Material Certification. This provision applies to solicitations that are for, or specify the

use of, EPA–designated items.

(xix) [52.223-22](#), Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation. This provision applies to solicitations that include the clause at [52.204-7](#).)

(xx) [52.225-2](#), Buy American Certificate. This provision applies to solicitations containing the clause at [52.225-1](#).

(xxi) [52.225-4](#), Buy American-Free Trade Agreements-Israeli Trade Act Certificate. (Basic, Alternates II and III.) This provision applies to solicitations containing the clause at [52.225-3](#).

(A) If the acquisition value is less than \$50,000, the basic provision applies.

(B) If the acquisition value is \$50,000 or more but is less than \$92,319, the provision with its Alternate II applies.

(C) If the acquisition value is \$92,319 or more but is less than \$100,000, the provision with its Alternate III applies.

(xxii) [52.225-6](#), Trade Agreements Certificate. This provision applies to solicitations containing the clause at [52.225-5](#).

(xxiii) [52.225-20](#), Prohibition on Conducting Restricted Business Operations in Sudan-Certification. This provision applies to all solicitations.

(xxiv) [52.225-25](#), Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran-Representation and Certifications. This provision applies to all solicitations.

(xxv) [52.226-2](#), Historically Black College or University and Minority Institution Representation. This provision applies to solicitations for research, studies, supplies, or services of the type normally acquired from higher educational institutions.

(2) The following representations or certifications are applicable as indicated by the Contracting Officer:

(i) [52.204-17](#), Ownership or Control of Offeror.

(ii) [52.204-20](#), Predecessor of Offeror.

(iii) [52.222-18](#), Certification Regarding Knowledge of Child Labor for Listed End Products.

(iv) [52.222-48](#), Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment- Certification.

(v) [52.222-52](#), Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Certification.

(vi) [52.223-9](#), with its Alternate I, Estimate of Percentage of Recovered Material Content for EPA– Designated Products (Alternate I only).

(vii) [52.227-6](#), Royalty Information.

(A) Basic.

(B) Alternate I.

(viii) [52.227-15](#), Representation of Limited Rights Data and Restricted Computer Software.

(d ) The offeror has completed the annual representations and certifications electronically in SAM website accessed through <https://www.sam.gov>. After reviewing the SAM information, the offeror verifies by submission of the offer that the representations and certifications currently posted electronically that apply to this solicitation as indicated in paragraph (c) of this provision have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR [4.1201](#)); except for the changes identified below [*offeror to insert changes, identifying change by clause number, title, date*]. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.



FAR Clause #	Title	Date	Change

Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on SAM.

(End of provision)

*Alternate I* (MAR 2023). As prescribed in [4.1202](#)(a), substitute the following paragraph (a) for paragraph (a) of the basic provision:

(a)(1) The North American Industry Classification System (NAICS) codes and corresponding size standards for this acquisition are as follows; the categories or portions these NAICS codes are assigned to are specified elsewhere in the solicitation:

NAICS Code	Size standard
<u>541990</u>	<u>\$19.5 million</u>

(2) The small business size standard for a concern that submits an offer, other than on a construction or service acquisition, but proposes to furnish an end item that it did not itself manufacture, process, or produce, (i.e., on-manufacturer), is 500 employees, or 150 employees for information technology value-added resellers under NAICS code 541519, if the acquisition—

- (i) Is set aside for small business and has a value above the simplified acquisition threshold.
- (ii) Uses the HUBZone price evaluation preference regardless of dollar value, unless the offeror waives the price evaluation preference; or
- (iii) Is an 8(a), HUBZone, service-disabled veteran-owned, economically disadvantaged women-owned, or women-owned small business set-aside or sole-source award regardless of dollar value.

(End of provision)

**C.2 52.204-24 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (NOV 2021)**

The Offeror shall not complete the representation at paragraph (d)(1) of 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 paragraph (c)(1) in the provision at 52.204-26, Covered Telecommunications Equipment or Services—Representation, or in paragraph (v)(2)(i) of the provision at 52.212-3, Offeror Representations and Certifications-Commercial Products or

Commercial Services. The Offeror shall not complete the representation in paragraph (d)(2) of this provision if the Offeror has represented that it "does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services" in paragraph (c)(2) of the provision at 52.204-26, or in paragraph (v)(2)(ii) of the provision at 52.212-3.

(a) Definitions. As used in this provision—

Backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component have the meanings provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) Prohibition. (1) 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. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

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

(2) Section 889(a)(1)(B) 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, 2020, from entering into a contract or extending or renewing a contract with an entity that uses 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. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a federal contract. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

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

(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—

(1) 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. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds "will" in paragraph (d)(1) of this section; and

(2) After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that— It  does,  does not use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds "does" in paragraph (d)(2) of this section.

(e) Disclosures. (1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Offeror has responded "will" in the representation in paragraph (d)(1) of this provision, the Offeror shall provide the following

information as part of the offer:

(i) For covered equipment—

(A) ) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);

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

(C) ) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(ii) For covered services—

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

(B) If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

(2) Disclosure for the representation in paragraph (d)(2) of this provision. If the Offeror has responded "does" in the representation in paragraph (d)(2) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) ) 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);

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

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

(ii) For covered services—

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

(B) If not associated with maintenance, the PSC of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

(End of provision)

### **C.3 52.204-26 COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES-REPRESENTATION. OCT 2020**

(a) *Definitions.* As used in this provision, "covered telecommunications equipment or services" and "reasonable inquiry" have 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) (1) *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.

(2) After conducting a reasonable inquiry for purposes of this representation, the offeror represents that it  does,

does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services.

(End of provision)

#### **C.4 52.209-2 PROHIBITION ON CONTRACTING WITH INVERTED DOMESTIC CORPORATIONS- REPRESENTATION (NOV 2015)**

a) *Definitions.* "Inverted domestic corporation" and "subsidiary" have the meaning given in the clause of this contract entitled Prohibition on Contracting with Inverted Domestic Corporations ( [52.209-10](#)).

(b) Government agencies are not permitted to use appropriated (or otherwise made available) funds for contracts with either an inverted domestic corporation, or a subsidiary of an inverted domestic corporation, unless the exception at [9.108-2\(b\)](#) applies or the requirement is waived in accordance with the procedures at [9.108-4](#).

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

(1) It  is,  is not an inverted domestic corporation; and

(2) It  is,  is not a subsidiary of an inverted domestic corporation.

(End of provision)

#### **C.5 52.209-5 CERTIFICATION REGARDING RESPONSIBILITY MATTERS. (AUG 2020)**

(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 (if offeror checks "have", the offeror shall also see [52.209-7](#), if included in this solicitation);

(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 the threshold at [9.104-5\(a\)\(2\)](#) 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).

(ii) 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 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 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 Contracting Officer may terminate the contract resulting from this solicitation for default.

(End of provision)

## **C.6 52.209-7 INFORMATION REGARDING RESPONSIBILITY MATTERS (OCT 2018)**

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

*Administrative proceeding* means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative Proceedings, Civilian Board of Contract Appeals Proceedings, and Armed Services Board of Contract Appeals Proceedings). This includes administrative

proceedings at the Federal and State level but only in connection with performance of a federal contract or grant. It does not include agency actions such as contract audits, site visits, corrective plans, or inspection of deliverables. *Federal contracts and grants with total value greater than \$10,000,000* means—

- (1) The total value of all current, active contracts and grants, including all priced options; and
- (2) The total value of all current, active orders including all priced options under indefinite-delivery, indefinite-quantity, 8(a), or requirements contracts (including task and delivery and multiple-award Schedules).

*Principal* 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 division or business segment; and similar positions).

(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 (FAPIS) 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 FAPIS as required through maintaining an active registration in the System for Award Management, which can be accessed via <https://www.sam.gov> (see 52.204-7).

(End of provision)

#### **C.7 52.209-11 REPRESENTATION BY CORPORATIONS REGARDING DELINQUENT TAX LIABILITY OR A FELONY CONVICTION UNDER ANY FEDERAL LAW (FEB 2016)**

(a) As required by sections 744 and 745 of Division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235), and similar provisions, if contained in subsequent appropriations acts, the Government will not enter into a contract with any corporation that—

(1) Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless an agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government; or

(2) Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless an agency has considered suspension or debarment of the

corporation and made a determination that this action is not necessary to protect the interests of the Government.

(b) ) The Offeror represents that—

(1) It is  is not  a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and

(2) It is  is not  a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

(End of Provision)

### **C.8 52.209-12 CERTIFICATION REGARDING TAX MATTERS (OCT 2020)**

(a) ) This provision implements section 523 of Division B of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235), and similar provisions, if contained in subsequent appropriations acts.

(b) If the Offeror is proposing a total contract price that will exceed \$5.5 million (including options), the Offeror shall certify that, to the best of its knowledge and belief, it

(1) Has  filed all Federal tax returns required during the three years preceding the certification.

(2) Has not  been convicted of a criminal offense under the Internal Revenue Code of 1986; and

(3) Has not , more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(End of provision)

### **C.9 52.209-13 VIOLATION OF ARMS CONTROL TREATIES OR AGREEMENTS-CERTIFICATION (NOV 2021)**

(a) ) This provision does not apply to acquisitions at or below the simplified acquisition threshold or to acquisitions of commercial products and commercial services as defined in Federal Acquisition Regulation [2.101](#).

(b) *Certification. [Offeror shall check either (1) or (2).]*

\_\_\_ (1) The Offeror certifies that—

(i) It does not engage and has not engaged in any activity that contributed to or was a significant factor in the President's or Secretary of State's determination that a foreign country is in violation of its obligations undertaken in any arms control, nonproliferation, or disarmament agreement to which the United States is a party, or is not adhering to its arms control, nonproliferation, or disarmament commitments in which the United States is a participating state. The determinations are described in the most recent unclassified annual report provided to Congress pursuant to section 403 of the Arms Control and Disarmament Act ( [22 U.S.C. 2593a](#)). The report is available at <https://www.state.gov/bureaus-offices/under-secretary-for-arms-control-and-international-security-affairs/bureau-of->

[arms-control-verification-and-compliance/](#); and

(ii) No entity owned or controlled by the Offeror has engaged in any activity that contributed to or was a significant factor in the President's or Secretary of State's determination that a foreign country is in violation of its obligations undertaken in any arms control, nonproliferation, or disarmament agreement to which the United States is a party, or is not adhering to its arms control, nonproliferation, or disarmament commitments in which the United States is a participating state. The determinations are described in the most recent unclassified annual report provided to Congress pursuant to section 403 of the Arms Control and Disarmament Act ( [22 U.S.C. 2593a](#)). The report is available at <https://www.state.gov/bureaus-offices/under-secretary-for-arms-control-and-international-security-affairs/bureau-of-arms-control-verification-and-compliance/>; or

\_\_\_ (2) The Offeror is providing separate information with its offer in accordance with paragraph (d)(2) of this provision.

(c) Procedures for reviewing the annual unclassified report (see paragraph (b)(1) of this provision). For clarity, references to the report in this section refer to the entirety of the annual unclassified report, including any separate reports that are incorporated by reference into the annual unclassified report.

(1) Check the table of contents of the annual unclassified report and the country section headings of the reports incorporated by reference to identify the foreign countries listed there. Determine whether the Offeror or any person owned or controlled by the Offeror may have engaged in any activity related to one or more of such foreign countries.

(2) If there may have been such activity, review all findings in the report associated with those foreign countries to determine whether or not each such foreign country was determined to be in violation of its obligations undertaken in an arms control, nonproliferation, or disarmament agreement to which the United States is a party, or to be not adhering to its arms control, nonproliferation, or disarmament commitments in which the United States is a participating state. For clarity, in the annual report an explicit certification of non-compliance is equivalent to a determination of violation. However, the following statements in the annual report are not equivalent to a determination of violation:

- (i) An inability to certify compliance.
- (ii) An inability to conclude compliance.
- (iii) A statement about compliance concerns.

(3) If so, determine whether the Offeror or any person owned or controlled by the Offeror has engaged in any activity that contributed to or is a significant factor in the determination in the report that one or more of these foreign countries is in violation of its obligations undertaken in an arms control, nonproliferation, or disarmament agreement to which the United States is a party, or is not adhering to its arms control, nonproliferation, or disarmament commitments in which the United States is a participating state. Review the narrative for any such findings reflecting a determination of violation or non-adherence related to those foreign countries in the report, including the finding itself, and to the extent necessary, the conduct giving rise to the compliance or adherence concerns, the analysis of compliance or adherence concerns, and efforts to resolve compliance or adherence concerns.

(4) The Offeror may submit any questions with regard to this report by email to [NDAA1290Cert@state.gov](mailto:NDAA1290Cert@state.gov). To the extent feasible, the Department of State will respond to such email inquiries within 3 business days.

(d) Do not submit an offer unless—

(1) A certification is provided in paragraph (b)(1) of this provision and submitted with the offer; or

(2) In accordance with paragraph (b)(2) of this provision, the Offeror provides with its offer information that the President of the United States has

- (i) Waived application under [22 U.S.C. 2593e\(d\)](#) or (e); or
- (ii) Determined under [22 U.S.C. 2593e\(g\)\(2\)](#) that the entity has ceased all activities for which measures were imposed under [22 U.S.C. 2593e\(b\)](#).



(e) Remedies. The certification in paragraph (b)(1) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly submitted a false certification, in addition to other remedies available to the Government, such as suspension or debarment, the Contracting Officer may terminate any contract resulting from the false certification.

(End of provision)

**C.10 52.215-6 PLACE OF PERFORMANCE (OCT 1997)**

(a) The offeror or respondent, in the performance of any contract resulting from this solicitation,  intends,  does not intend [check applicable block] 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 or response to request for information.

(b) If the offeror or respondent checks "intends" in paragraph (a) of this provision, it shall insert in the following spaces the required information:

Place of Performance (Street Address, City, State, County, ZIP Code)	Name and Address of Owner and Operator of the Plant or Facility if Other than Offeror or Respondent
<p style="text-align: center;">_____</p>	<p style="text-align: center;">_____</p>

(End of provision)

**C.11 52.222-22 PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FEB 1999)**

The offeror represents that-

It has, has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation; It has, has not filed all required compliance reports; and

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

(End of provision)

**C.12 52.222-25 AFFIRMATIVE ACTION COMPLIANCE (APR 1984)**

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.

(End of provision)

**C.13 52.222-38 COMPLIANCE WITH VETERANS' EMPLOYMENT REPORTING REQUIREMENTS.**

By submission of its offer, the offeror represents that, if it is subject to the reporting requirements of [38 U.S.C.4212\(d\)](#) (i.e., if it has any contract containing Federal Acquisition Regulation clause [52.222-37](#), Employment Reports on Veterans), it has filed the most recent VETS-4212 Report required by that clause.

(End of provision)

**C.14 52.230-7 PROPOSAL DISCLOSURE-COST ACCOUNTING PRACTICE CHANGES (APR 2005)**

The offeror shall check "yes" below if the contract award will result in a required or unilateral change in cost accounting practice, including unilateral changes requested to be desirable changes.

Yes  No

If the offeror checked "Yes" above, the offeror shall-

- (1) Prepare the price proposal in response to the solicitation using the changed practice for the period of performance for which the practice will be used; and
- (2) Submit a description of the changed cost accounting practice to the Contracting Officer and the Cognizant Federal Agency Official as pricing support for the proposal.

(End of provision)

### C.15 AUTHORIZED NEGOTIATORS

The contractor represents that the following persons are authorized to negotiate on its behalf with the Government in connection with this request for proposals or quotations: [list names, titles and contact information of the authorized negotiators].

Name	Title	Telephone Number

(End of provision)

### C.16 SIGNATURE

By signature hereon, or on an offer incorporating these Representations, Certifications, and Other Statements of Offerors, the Offeror certifies that they are accurate, current, and complete, and that the Offeror is aware of the penalty prescribed in 18 U.S.C. 1001 for making false statements in offers.

Solicitation No. \_\_\_\_\_

Offer/Proposal No. \_\_\_\_\_

SAM UEI: \_\_\_\_\_

Date of Offer \_\_\_\_\_

Name of Offeror \_\_\_\_\_

Typed Name and Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

(End of provision)

