

SECTION K – REPRESENTATIONS, CERTIFICATIONS & OTHER STATEMENTS OF OFFERORS OR RESPONDENTS

NFC 04-8 ANNUAL REPRESENTATIONS AND CERTIFICATIONS (JAN 2014)

(a) The North American Industry Classification System (NAICS) code for this acquisition is 236220.

(b)(1) If the provision at NFC 04-7, System for Award Management, is included in this solicitation, paragraph (d) of this provision applies.

(2) If the provision at NFC 04-7 is not included in this solicitation, and the offeror is currently registered in System for Award Management (SAM), and has completed the Representations and Certifications section of SAM electronically, 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:

(X) Paragraph (d) applies.

() 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) NFC 03-2, 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 simplified acquisition procedures;

(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.

NFC 03-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. This provision applies to solicitations expected to exceed \$150,000.

(ii) NFC 04-3, Taxpayer Identification. This provision applies to solicitations that do not include the provision at NFC 04-7, System for Award Management.

(iii) NFC 04-5, 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) NFC 09-5, Certification Regarding Responsibility Matters. This provision applies to solicitations where the contract value is expected to exceed the simplified acquisition threshold.

(vii) NFC 14-14, 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.

(viii) NFC 15-6, Place of Performance. This provision applies to solicitations unless the place of performance is specified by the NAFL.

(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.

(xi) NFC 22-22, Previous Contracts and Compliance Reports. This provision applies to solicitations that include the clause NFC 22-26, Equal Opportunity.

(xii) NFC 22-25, Affirmative Action Compliance. This provision applies to solicitations, other than those for construction, when the solicitation includes the clause NFC 22-26, Equal Opportunity.

(xiii) NFC 22-38, 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 items.

(xiv) NFC 23-1, Biobased Product Certification. This provision applies to solicitations that require the delivery or specify the use of USDA-designated items; or include the clause NFC 23-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts.

(xv) NFC 23-4, Recovered Material Certification. This provision applies to solicitations that are for, or specify the use of, EPA-designated items.

(xvi) NFC 25-2, Buy American Act Certificate. This provision applies to solicitations containing the clause NFC 25-1.

(xvii) NFC 25-4, Buy American Act--Free Trade Agreements--Israeli Trade Act Certificate. (Basic, Alternates I, II, and III.) This provision applies to solicitations containing the clause NFC 25-3.

(A) If the acquisition value is less than \$25,000, the basic provision applies.

(B) If the acquisition value is \$25,000 or more but is less than \$50,000, the provision with its Alternate I applies.

(C) If the acquisition value is \$50,000 or more but is less than \$79,507, the provision with its Alternate II applies.

(D) If the acquisition value is \$79,507 or more but is less than \$100,000, the provision with its Alternate III applies.

(xviii) NFC 25-6, Trade Agreements Certificate. This provision applies to solicitations containing the clause NFC 25-5.

(xix) NFC 25-20, Prohibition on Conducting Restricted Business Operations in Sudan-- Certification. This provision applies to all solicitations.

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

(xxi) NFC 26-2, Historically Black College or University and Minority Institution Representation. This provision applies to--

(E) Solicitations for research, studies, supplies, or services of the type normally acquired from higher educational institutions; and

(F) For DoD, NASA, and Coast Guard acquisitions, solicitations that contain the clause NFC 19-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns.

(2) The following certifications are applicable as indicated by the Contracting Officer: (Contracting Officer check as appropriate.)

(A) Basic.

(B) Alternate I.

(i) NFC 22-18, Certification Regarding Knowledge of Child Labor for Listed End Products.

(ii) NFC 22-48, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment Certification.

(iii) NFC 22-52, Exemption from Application of the Service Contract Act to Contracts
Certain
for Services--Certification.

(iv) NFC 23-9, with its Alternate I, Estimate of Percentage of Recovered Material Content for EPA--Designated Products (Alternate I only).

(v) NFC 27-6, Royalty Information.

(A) Basic.

(B) Alternate I.

(ii) NFC 22-18, Certification Regarding Knowledge of Child Labor for Listed End Products.

(iii) NFC 22-48, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment Certification.

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(v) NFC 23-9, with its Alternate I, Estimate of Percentage of Recovered Material Content for EPA—Designated Products (Alternate I only).

(vi) NFC 27-6, Royalty Information.

(A) Basic.

(B) Alternate I.

(vii) NFC 27-15, Representation of Limited Rights Data and Restricted Computer Software.

(d) The offeror has completed the annual representations and certifications electronically via the SAM website accessed through <https://www.acquisition.gov>. After reviewing the SAM database 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; 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.

NFC Clause	Title	Date	Change

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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.