

Procurement of material, services and supplies for a United States Government contract requires that prime contractors, subcontractors, and suppliers comply with socioeconomic programs enacted into public law, implemented by Executive Order, and promulgated by Federal Regulations. Representations and Certifications are required prior to award of any order(s) to your company and must be updated annually or upon a change to your company’s Representations and Certifications, whichever comes first. Failure to complete this form may result in loss of award.

This form will be made a part of any resultant purchase order or subcontract.

OFFEROR _____

DATE _____

ADDRESS _____

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Unique Entity ID (SAM.gov):

(a) The Offeror represents that its Unique Entity Identification number (a 12-digit number assigned by SAM.gov) is:

UEID _____

Taxpayer Identification (FAR 52.204-3 Oct 1998):

(a) *Definitions*

“Common parent,” as used in this provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the Offeror is a member. “Taxpayer Identification Number (TIN),” as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the Offeror in reporting income tax and other returns. The TIN may be either a Social Security Number or an Employer Identification Number.

(b) All Offeror’s must submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the IRS. If the resulting contract is subject to the payment reporting requirements described in Federal Acquisition Regulation (FAR) 4.904, the failure or refusal by the Offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

(c) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the Offeror’s relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the Offeror’s TIN.

(d) Taxpayer Identification Number (TIN)

TIN: _____

TIN has been applied for.

TIN is not required because:

Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States.

Offeror is an agency or instrumentality of a foreign government.

Offeror is an agency or instrumentality of the Federal Government.

(e) Type of organization

Sole proprietorship;

Partnership;

Corporate entity (not tax-exempt);

Corporate entity (tax-exempt);

Government entity (Federal, State, or local);

Foreign government;

International organization per 26 CFR 1.6049-4;

Other _____

(f) Common parent

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

Name and TIN of common parent:

Name _____

TIN _____

Import/Export Certifications for Procurement

The Moog Inc. Standard Terms and Conditions of Purchase requires that suppliers certify the following information to ensure compliance with U.S. Government export/import laws and regulations including the U.S. Department of State, Directorate of Defense Trade Controls (DDTC), International Traffic in Arms Regulations (ITAR) and the U.S. Department of Commerce, Bureau of Industry and Security (BIS), Export Administration Regulations (EAR). Further, part 122 of the ITAR requires all manufacturers of defense items and providers of defense services to be registered with the Directorate of Defense Trade Controls (DDTC). Moog is a manufacturer of defense items and as a result the material or service supplied may be contributing to the products covered by this regulation.

If you wish to obtain further details about registration, they can be found at the [U.S. Department of State, Directorate of Defense Trade Controls \(DDTC\) website](#).

(a) Offeror is registered, is exempt from registration, is not registered with the U.S. Department of State Directorate of Defense Trade Controls per ITAR 22 CFR Part 122.1 (a) and (b).

(a) If Offeror is registered with the DDTC, please provide registration expiry date: _____

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

Cyber Security (DFARS 207.73 Jan 2023)

In accordance with DFARS 204.7302 US Government Subcontractors are required to provide adequate security on all information systems via a System Security Plan (SSP).

To be eligible to receive Controlled Unclassified Information (CUI) Moog requires the offeror attest all Three elements detailed below are satisfied in the SSP

The offeror represents that:

1. BASIC CONTROLS

It has , has not , implemented a system security plan to address the 31 basic controls detailed in NIST 800-171 Rev 2. Per DFARS 252.204.7012 (which incorporates the 15 controls defined in FAR 52.204-21)

Reference: <https://csrc.nist.gov/pubs/sp/800/171/r2/upd1/final>

2. CYBER INCIDENT REPORTING

It has , has not , implemented a system security plan to address cyber incident reporting protocol including a medium assurance certificate (MLOA) to report cyber incidents defined in DFARS 252.204.7012

Reference: <https://public.cyber.mil/eca/>

3. PLAN SUBMITTED TO US GOVERNMENT TO MEET ALL REQUIREMENTS

It has , has not , developed a Plan of Action & Milestones (POA&M) to improve the SSP to address all 110 controls in NIST 800-171 Rev 2 and, entered the score and POA&M to supplier performance risk system (SPRS)

Per DFARS 252.204.7012 & DFARS 252.204.7019

Reference: https://www.sprs.csd.disa.mil/pdf/SPRS_Awardee.pdf

Small Business Program Representations (FAR 52.219-1 Feb 2024):

(a)

(1) The primary North American Industry Classification System (NAICS) code for products supplied to Moog is:

(2) The small business size standard is _____ (number of employees)

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) Representations

(1) The Offeror represents as part of its offer that it is, is not a small business concern.

(2) The Offeror represents as part of its offer that it is, is not ANC (Alaskan Native Corporation)/Indian tribe business concern.

Complete Only if the Offeror represented itself as a small business concern in paragraph (b)(1) of this provision

(3) The Offeror represents, for general statistical purposes, that it is, is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.

(4) The Offeror represents as part of its offer that it is, is not a women-owned small business concern.

(5) The Offeror represents as part of its offer is, is not a veteran-owned small business concern.

Complete Only if the Offeror represented itself as a veteran-owned small business concern in paragraph (b)(5) of this provision

(6) The Offeror represents as part of its offer is, is not a service-disabled veteran-owned small business concern.

Complete Only if the Offeror represented itself as a small business concern in paragraph (b)(1) of this provision

(7) The Offeror represents as part of its offer that –

(i) It is, is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the SBA in accordance with 13 CFR Part 126

a. If Offeror is a HUBZone small business concern, provide certification expiry date: _____

(ii) It is, is not a joint venture that complies with the requirements of 13 CFR Part 124, and the representation in paragraph (b)(7)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. (*The Offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture: _____.*) Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

Complete only if offeror represented itself as disadvantaged in paragraph (b)(3) of this provision.

- (8) The Offeror represents that it –
- is is not a historically black college or university;
 - is is not a minority institution.

(c) Definitions as used in this provision –

“Service-disabled veteran-owned small business concern” –

- (1) Means a small business concern –
 - (i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and
 - (ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.
- (2) “Service-disabled veteran” means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

“Small business concern” means a concern, including its affiliates that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

“Veteran-owned small business concern” means a small business concern –

- (1) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and
- (2) The management and daily business operations of which are controlled by one or more veterans.

“Women-owned small business concern” means a small business concern –

- (1) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and
- (2) Whose management and daily business operations are controlled by one or more women.

(d) Notice of Penalty

- (1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.
- (2) Under 15 U.S.C. 645(d), any person who misrepresents a firm’s status as a small, HUBZone, small disadvantaged, service-disabled veteran-owned small, economically disadvantaged women-owned small, or women-owned small eligible under the WOSB Program in order to obtain a contract to be awarded under the preference programs established pursuant to sections 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specially references section 8(d) for a definition of program eligibility, shall:
 - (i) Be punished by imposition of fine, imprisonment, or both;
 - (ii) Be subject to administrative remedies, including suspension and debarment; and
 - (iii) Be ineligible for participation in programs conducted under the authority of the Act.

Previous Contracts and Compliance Reports (FAR 52.222-22) Feb 1999:

- (a) The Offeror represents that –
- (1) It has, has not participated in a previous contract or subcontract subject to the Equal Opportunity Clause of this solicitation.
 - (2) It has, has not filed all required compliance reports; and
 - (3) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

Affirmative Action Compliance (FAR 52.222-25) Apr 1984:

- (a) The Offeror represents that –
- (1) 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
 - (2) It has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

Buy American Act Certification (FAR 52.225-2) Oct 2022:

- (a) The Offeror hereby certifies that each end product, except those listed in paragraph (b) of this provision, is a domestic end product and that for other than COTS items, the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The offeror shall list as foreign end products those end products manufactured in the United States that do not qualify as domestic end products, i.e., an end product that is not a COTS item and does not meet the component test in paragraph (2) of the definition of “domestic end product.” The terms “commercially available off-the-shelf (COTS) item,” “component,” “domestic end product,” “end product,” “foreign end product,” and “United States” are defined in the clause of this solicitation entitled “Buy American Act-Supplies.”

- (b) Foreign End Products:

Line Item No. Country of Origin (List as necessary)

_____	_____
_____	_____
_____	_____

(list as necessary)

Certification Regarding Responsibility Matters (FAR 52.209-5) 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;
- (C) Are are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (a)(1)(i)(B) of this provision.
- (D) Have have not, within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds \$3,500 for which the liability remains unsatisfied.
- (1) Federal taxes are considered delinquent if both of the following criteria apply:
- (i) *The tax liability is finally determined.* The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.
- (ii) *The taxpayer is delinquent in making payment.* A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.
- (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 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 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 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 Buyer and/or the Government, the Buyer may terminate the contract resulting from this solicitation for default.

Certificate of Independent Price Determination (FAR 52.203-2) Apr 1985:

- (a) The Offeror certifies that:
 - (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other Offeror or competitor relating to:
 - (i) Those prices;
 - (ii) The intention to submit an offer, or;
 - (iii) The methods or factors used to calculate the prices offered.
 - (2) The prices in this offer have not been and will not be knowingly disclosed by the Offeror, directly or indirectly, to any other Offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award in (in the case of a negotiated solicitation) unless otherwise required by law; and
 - (3) No attempt has been made or will be made by the Offeror to induce any other concern to submit an offer or not submit an offer for the purpose of restricting competition.
- (b) Each signature on the offer is considered to be a certification by the signatory that the signatory –
 - (1) Is the person in the Offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to paragraphs (a)(1) through (a)(3) of this provision; or
 - (2)
 - (i) Has been authorized, in writing to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to paragraphs (a)(1) through (a)(3) of this provision_____ (insert full name of person(s) in the Offeror's organization responsible for determining prices offered in this bid or proposal, and the title of his or her position in the Offeror's organization);
 - (ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) of this provision have not participated, and will not participate, in any action contrary to subparagraph (a)(1) through (a)(3) of this provision; and
 - (iii) As an agent, has not personally participated, and will not participate, in any action contrary to paragraphs (a)(1) through (a)(3) of this provision.
- (c) If the Offeror deletes or modifies paragraph (a)(2) of this provision, the Offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions
(FAR 52.203-11) Sep 2007:

- (a) *Definitions.* As used in this provision – “Lobbying contact” has the meaning provided at 2 U.S.C. 1602(8). The terms “agency,” “influencing or attempting to influence,” “officer or employee of an agency,” “person,” “reasonable compensation,” and “regularly employed” are defined in the FAR clause of this solicitation entitled “Limitation on Payments to Influence Certain Federal Transactions” (52.203-12).
- (b) *Prohibition.* The prohibition and exceptions contained in the FAR clause of this solicitation entitled “Limitation on Payments to Influence Certain Federal Transactions” (52.203-12) are hereby incorporated by reference in this provision.
- (c) *Certification.* The Offeror, by signing its offer, hereby certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on its behalf in connection with the awarding of this contract.
- (d) *Disclosure.* If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the Offeror with respect to this contract, the Offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The Offeror need not report regularly employed officers or employees of the Offeror to whom payments of reasonable compensation were made.
- (e) *Penalty.* Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000.

Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (FAR 52.204-25) Nov 2021:

- (a) The Offeror 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” (52.204-26, 52.212-3(v)). If Offeror does not, proceed to next section.
- (b) *Definitions.* As used in this provision —
“Covered telecommunications equipment or services”, “critical technology”, and “substantial or essential component” have the meanings provided in clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.
- (c) *Prohibition.* Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Contractors are not prohibited from providing —
- (1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
 - (2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.
- (d) *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”.
- (e) The Offeror represents that –
- (1) It will will not provide covered telecommunications equipment or services to the Government in performance of any contract, subcontract or other contractual instrument resulting from this solicitation
- (f) *Disclosures.* If the Offeror has represented in paragraph (d) of this provision that it “will” provide covered telecommunications equipment or services”, the Offeror shall provide the following information as part of the offer—
- (1) A description of all covered telecommunications equipment and services offered (include brand; model number, such as original equipment manufacturer (OEM) number, manufacturer part number, or wholesaler number; and item description, as applicable);
 - (2) Explanation of the proposed use of covered telecommunications equipment and services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b) of this provision;
 - (3) For services, the entity providing the covered telecommunications services (include entity name, unique entity identifier, and Commercial and Government Entity (CAGE) code, if known); and
 - (4) For equipment, the entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known).

Accounting Requirements FAR 52.216-7 Aug 2018 DFARS 252.242-7006 Feb 2012:

In the event a cost-reimbursement or time-and-materials type subcontract is contemplated, Offeror shall provide Moog a copy of the Government agency approval report. This certification shall determine adequacy of Offeror's Accounting System in accordance with FAR 52.216-7 and DFARS 252.242-7006, and eligibility for award of a cost-reimbursement or a time-and-materials type subcontract where indirect rates will apply. Offerors contemplating fixed price or fixed priced labor-hour type subcontracts do not need to complete this section.

a) The Offeror represents that –

- (1) It has an approved accounting system by a Government agency within the last 3 years and the evaluated system reflects its current state. Attached is a copy of the aforementioned approval report (>3 years from the date of this form) and/or system approval letter(s).

Or

- (2) It does not have an approved accounting system.

Reporting Executive Compensation & First-Tier Subcontract Awards (FAR 52.204-10) Jun 2020:

In accordance with FAR 52.204-10, Executive Compensation and First-Tier Subcontract Award data will be provided to the Federal Funding Accountability and Transparency Act Sub-Award Reporting System (www.fsrs.gov) for orders valued at \$30,000.00 or more. Including the following information, as required.

(a) Reporting of First-Tier Subcontract Awards:

- (1) YES NO In the previous tax year, was Offeror's gross income from all sources under \$300,000?
- (i) If NO (income was above \$300,000), please provide the following information:
- A. Offeror's Congressional District: _____
- B. Performance Location Congressional District (if different from above): _____

(b) First-Tier Subcontractor Compensation:

- (1) YES NO In the preceding completed fiscal year, did your company receive 80 percent or more of your annual gross revenues in U.S. Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements and other forms of Federal financial assistance?
- (2) YES NO In the preceding completed fiscal year, did your company receive \$25,000,000 or more in annual gross revenues from U.S. Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements and other forms of Federal financial assistance?
- (3) YES/TRUE NO/FALSE The public does NOT have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986 (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>).

IF the answer is NO/FALSE to any of (b) (1), (2), or (3) proceed to next section. IF the answers to (b) (1), (2), AND (3) are all YES/TRUE then Offeror must provide below the following information (per FAR 52.204-10) for the five (5) most highly compensated executives in your business or organization (the legal entity to which this subcontract pertains, represented by DUNS number) and total compensation*:

Name	Position Title	Total Compensation for the Last Fiscal Year

*Total Compensation: The cash and noncash dollar value earned by the executive during the Offeror's preceding fiscal year and includes the following: salary and bonus, award of stock, stock options, and stock appreciation rights, earnings for services under non-equity incentive plan, changes in pension value, and above-market earnings on deferred compensation which is not tax-qualified, as well as other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.00. For more information see FAR 52.204-10 or 17 CFR 229-402(c)(2).

Offeror's Authorized Representatives:

a) The Offeror will include a list of names and telephone numbers of persons authorized to conduct negotiations for this solicitation.

Certification

Offeror agrees to immediately advise Moog Inc. of any event that affects the accuracy of the information contained in the declaration provided herein.

Certification Signatures

Offeror's Signature

Name

Typed

Title

Company

Date

Address

Telephone
