



**REPRESENTATIONS & CERTIFICATIONS FOR GOVERNMENT CONTRACTS
(Form 119-48 Rev. 2/02)**

OFFEROR _____

DATE _____

ADDRESS _____

The Offeror represents and certifies, by completing this form.
This form will be made a part of any resultant purchase order or subcontract,

Applicability:	Sections I, VI	Applies to all offers up to \$10,000
	Sections I, II, VI	Applies to all offers exceeding \$10,000
	Sections I, II, III, VI	Applies to all offers exceeding \$25,000
	Sections I, II, III, IV, VI	Applies to all offers exceeding \$100,000
	Sections I, II, III, IV, V, VI	Applies to all offers exceeding \$500,000

SECTION I

(Applies to all offers up to and including \$10,000.)

1. Type of Business Organization: Offeror operates as [] an individual, [] a partnership, [] a non-profit organization, [] a corporation, incorporated under the laws of the State of _____
2. Regular Dealer-Manufacturer: The Offeror represents as a part of this offer that the Offeror [] is, or [] is not, a regular dealer in; or [] is, or [] is not, a manufacturer of, the supplies offered.
3. Small Business Program Representations:
 - a. The Offeror represents as part of its offer that it is, is not a small business concern. "Small Business Concern", as used in this provision, 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.
 - b. Complete the following only if the Offeror represented itself as a small business concern under 3a above
 - i. The Offeror represents, for general statistical purposes that it is*, is not, a small disadvantaged business.

*Enter SDB Tracking Number here _____ AND attach a copy of your current Small Business Administration (SBA) SDB certification letter.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE OR NORTH AMERICAN INDUSTRIAL CLASSIFICATION (NAIC) CODE (FAR 19.102)

Enter the 4-digit SIC Code or 6-digit NAIC Code that most closely represents the product, commodity or service that your firm is likely to sell to Moog Inc. in the calendar year covered by these representations.

SIC Code: ___ ___ ___ ___ NAIC Code: ___ ___ ___ ___

The SIC Code Table can be found at FAR 19.102. SIC and NAIC Code listings are also available at your public library and through the Internet at: <http://www.sba.gov/regulations/siccodes/>.

“Small Disadvantaged Business Concern”, as used in this provision, means a small business concern that (1) is at least 51 percent unconditionally owned by one or more individuals who are both socially and economically disadvantaged, or a publicly owned business having at least 51 percent of its stock unconditionally owned by one or more socially and economically disadvantaged individuals, and (2) has its management and daily business controlled by one or more such individuals. This term also means a small business concern that is at least 51 percent unconditional owned by one or more of these entities, which has its management and daily business controlled by members of an economically disadvantaged Indian tribe or Native Hawaiian Organization, and which meets the requirements of 13 CFR Part 124.

- ii. The Offeror represents, as part of its offer, that it is, is not a Woman Owned Small Business Concern.

"Women-Owned Business Concern", as used in this provision, means a small business concern 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.

- iii. The Offeror represents, as part of its offer that it is, is not a veteran-owned Small Business Concern.

“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 is owned by one or more veterans and (2) the management of the daily business operations of which are controlled by one or more veterans.

- iv. 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 of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and

- (ii) It is, is not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (b) (4) (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.

- c. Complete the following only if the Offeror represented itself, as a veteran owned small business concern under b, iii above:

- i. The Offeror represents, as part of its offer, that it is, is not a service disabled veteran owned small business.

“Service disabled veteran owned small business means a small business concern –

(1) 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 is owned by one or more services disabled veterans and (2) The management of the daily business operations of which are controlled by one or more services disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse, or permanent caregiver of such veteran.

- ii. 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).

NOTICE OF PENALTY

Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBzone small, small disadvantaged or woman owned small business concern 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.

SECTION II

(APPLIES TO ALL OFFERS EXCEEDING \$10,000)

- 4. Previous Contracts and Compliance Reports (FAR 52.222-22): The Offeror represents that he [] has, [] has not participated in a previous contract or subcontract subject either to the Equal Opportunity Clause of this solicitation, the clause originally contained in Section 310 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114, that he [] has, [] has not, filed all required compliance reports; and that representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards.
- 5. Affirmative Action Compliance (FAR 52.222-25): 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.
- 6. Buy American Certification (FAR 52.225-2): The Offeror hereby certifies that each end product, except the end products listed below, is a domestic source end product (as defined in the clause entitled "Buy American Act"); and that components of unknown origin have been considered to have been mined, produced or manufactured outside the United States.

<u>Excluded End Products</u>	<u>Country of Origin</u>
------------------------------	--------------------------

(List as necessary)

SECTION III

(Applies to all offers exceeding \$25,000)

7. Certification regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters (FAR 52.209-5):

- (a) (1) The Offeror certifies, to the best of its knowledge and belief, that—
- (i) The Offeror and/or any of its 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, or receiving stolen property; and
 - (C) Are [] are not [] presently indicted for, or otherwise criminally or civil charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision.
 - (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) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under section 1001, Title 18, United States Code.

- (b) The Offeror shall provide immediate written notice to the Buyer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed 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.

SECTION IV
(Applies to all offers exceeding \$100,000)

8. Certificate of Independent Price Determination (FAR 52.203-2):

- (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:
 - (1) Those prices;
 - (2) The intention to submit an offer, or;
 - (3) 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 include any other concern to 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 subparagraphs (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 (1)(3) of this provision.

- (c) If the Offeror deletes or modifies subparagraph (1)(2) of this provision, the Offeror must furnish with its offer assigned statement setting forth in detail the circumstances of the disclosure.

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

- (a) The definitions and prohibitions contained in the clause, at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in paragraph (b) of this certification.

- (b) The Offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989-
 - (1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement;
 - (2) If any funds or other Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence on officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the Offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to the Contracting Officer; and
 - (3) He or she will include the language of this certification in all subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

- (c) Submissions of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

SECTION V

(Applies to all offers exceeding \$500,000)

10. Subcontracting Plan for Small Business and Small Disadvantaged Business Concerns (FAR 52.219-9): The successful Offeror or low bidder, upon request by the Buyer, shall submit (and negotiate in the case of negotiated contracts) a subcontracting plan which addresses separately subcontracting with small business concerns and small disadvantaged business concerns and which shall be included in and made a material part of the resultant contract. The subcontracting plan shall be submitted within the time specified by the Buyer. Failure to submit the subcontracting plan shall make the Offeror ineligible for award of a contract. As a minimum, the subcontracting plan shall include items set forth in FAR 52.219-9.
11. Cost Accounting Standards (FAR 52.230-1):
- 11.A. Exemption for Small Business: Offeror hereby [] does, [] does not, claim an exemption from all Cost Accounting Standards based upon his status as a Small Business. If this exemption is claimed, Item 15 is complete.
- 11.B. Disclosure Statement - Cost Accounting Practices and Certification: Any contract in excess of \$500,000 resulting from this solicitation, except contracts in which the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation, will be subject to the requirements of the Cost Accounting Standards Board (48 CFR Chapter 99), except for those contracts which are exempt as specified in 48 CFR 9903.201-1.

Any Offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of 48 CFR Chapter 99 must, as a condition of contracting, submit a Disclosure Statement as required by 48 CFR 9903.202. When required, the Disclosure Statement must be submitted as a part of the Offeror's proposal under this solicitation unless the Offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the Offeror may satisfy the requirements for submission by providing the information requested in paragraph (14 C.) below.

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

Offeror shall check the appropriate boxe(s) (From 1 through 5) below:

1. Certificate of Concurrent Submission of Disclosure Statement.

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

(Disclosure must be on Form Number CASB DS-1, or CASB DS-2, as applicable.)

Date of Disclosure Statement: _____
Name(s) and Address(es) of Cognizant ACO _____
where filed: _____

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

2. Certificate of Previously Submitted Disclosure Statement

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

Date of Disclosure Statement: _____
Name(s) and Address(es) of Cognizant ACO _____
where filed: _____

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

3. Certificate of Monetary Exemption

The Offeror hereby certifies that the Offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling more than \$25 million (of which at least one award exceeded \$1 million) in the cost accounting period immediately preceding the period in which this proposal was submitted. The Offeror certifies that if such status changes before an award resulting from this proposal, the Offeror will advise the Contracting Officer immediately.

4. Certificate of Interim Exemption

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

CAUTION: Offerors currently required to disclose because they were awarded a CAS-covered national defense prime contract or subcontract of \$25 million or more in the current cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90-day period following the cost accounting period in which the monetary exemption was exceeded.

5. Certificate of Disclosure Statement Filing Due Date by Educational Institution.

If the Offeror is an educational institution that, under the transition provision of 48 CFR 9903.202-1(f), is or will be required to submit a Disclosure Statement after receipt of this award, the Offeror hereby certifies that (check one and complete):

(I) A Disclosure Statement Filing Due Date of _____ has been established with the cognizant Federal agency.

(ii) The disclosure Statement will be submitted within the 6-month period ending _____ months after receipt of this award.

Name(s) and Address(es) of Cognizant ACO where filed: _____

11. C. Cost Accounting Standards - Eligibility for Modified Contract Coverage

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

The Offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 48 CFR 9903.201-2(b) and certifies that the Offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period immediately preceding the period in which this proposal was submitted, the Offeror received less than \$25 million in awards of CAS-covered national defense prime contracts and subcontracts, or the Offeror did not receive a single CAS-covered award exceeding \$1 million. The Offeror further certifies that if such status changes before an award resulting from this proposal, the Offeror will advise the Buyer immediately.

CAUTION: An Offeror may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a CAS covered contract of \$25 million or more, or if, during its current cost accounting period, the Offeror has been awarded a single CAS-covered prime contract or subcontract of \$25 million or more.

11.D Additional Cost Accounting Standards Applicable to Existing Contracts:

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

Yes, No

SECTION VI
(Applies to all offers)

12. Offeror's Authorized Representatives: The Offeror will include a list of names and telephone numbers of persons authorized to conduct negotiations for this solicitation.

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

14. **Certification Signatures**

Offeror's Signature

Name

Typed

Title

Company

Date

Address

Telephone

FAX
