

(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)(ii) 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 \$3,000 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):

- (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):

- (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.

Certification of Toxic Chemical Release Reporting (FAR 52.223-13):

- (a) Executive Order 13148, of April 21, 2000, Greening the Government through Leadership in Environmental Management, requires submission of this certification as a prerequisite for contract award.
- (b) By signing this offer, the Offeror certifies that –
- (1) As the owner or operator of facilities that will be used in the performance of this contract that are subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the Offeror will file and continue to file for such facilities for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA; or
 - (2) None of its owned or operated facilities to be used in the performance of this contract is subject to the Form R Filing and reporting requirements because each such facility is exempt for at least one of the following reasons: [*check each block that is applicable.*]
 - (i) The facility does not manufacture, process, or otherwise use any toxic chemicals listed in 40 CFR 372.65;
 - (ii) The facility does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);
 - (iii) The facility does not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);
 - (iv) The facility does not fall within the following Standard Industrial Classification (SIC) codes or their corresponding North American Industry Classification System sectors:
 - (A) Major group code 10 (except 1011, 1081, and 1094).
 - (B) Major group code 12 (except 1241).
 - (C) Major group codes 20 through 39.
 - (D) Industry code 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce).
 - (E) Industry code 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C (42 U.S.C. 6921, *et seq.*), or 5169, or 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis; or
 - (v) The facility is not located in the United States or its outlying areas.

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

The law requires all reported information be made public, therefore, Moog is responsible for notifying its Suppliers and/or Subcontractors that the required information will be made public.

(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?
If YES, Moog is not required to report contract awards made to Offeror. If NO, (b)(1) and (b)(2) must be completed.

(b) Certification:

- (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?
If YES for (b)(1) and (b)(2), please complete (b)(3). If NO for either (b)(1) or (b)(2), skip (b)(3) and resume to Insurance Requirements Section.
- (3) YES NO. Does the public 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/execomp.htm>)?
If YES, skip remaining items. If no, please complete rest of section.

(c) Offeror Inputs Information Directly to Central Contractor Registration (CCR) Database:

Note that Offeror providing required information to the Central Contractor Registration (CCR) database will avoid redundant reporting to each prime contractor that requires such information. The data from CCR is used to populate data fields in the Government’s database at www.FSRS.gov – the database which collects information required for FAR 52.204-10 reporting.

- (1) YES NO. Has the Offeror input executive compensation information (as specified by FAR 52.204-10(c)(3)) or a claimed exemption into www.SAM.gov and is the information current?
- (2) YES NO. If the response to Item (c)(1) is NO, will the Offeror input executive compensation information (as specified by FAR 52.204-10(c)(3)) or a claimed exemption into www.SAM.gov within 30 days of signing this representation?
If the answer to both of the questions above is NO, complete (d).

(d) Offeror Provides Information to Moog:

If Offeror will not input the required information in www.SAM.gov per (c)(1) above, 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):

Name	Position Title	Total Compensation for the Last Fiscal Year

Insurance Requirements

- (a) Offeror certifies that it will secure and maintain insurance adequate to cover the obligations and liabilities with respect to all work to be performed and Goods to be produced under the Order with minimum limits as follows:
- (1) YES NO. Workers' Compensation Insurance in an amount sufficient by virtue of the laws of the country, state, or other governmental authority under which the Offeror operates;
 - (2) YES NO. Employer's Liability Insurance in the amount of \$1,000,000 for any one occurrence;
 - (3) YES NO. Commercial General Liability Insurance including coverage for Products and Completed Operations, Premises Liability and Contractual Liability, in which the limit shall be \$5,000,000 for any one occurrence;
 - (4) YES NO N/A. If Offeror vehicles are used on Buyer's premises and/or used to accomplish work under the Order or otherwise on behalf of Buyer, Automobile Liability Insurance, in which the limit shall be \$1,000,000 for any one occurrence;
 - (5) YES NO N/A. If Offeror or its subcontractors have Buyer's materials or equipment in its care, custody or control, All-Risk Property Insurance in an amount sufficient to meet the replacement value of such material; and
 - (6) YES NO N/A. If Offeror is providing goods, component parts, materials or work to be incorporated into aircraft and/or spacecraft products, Aviation Products Liability Insurance in a limit of \$10,000,000 for any one occurrence (or such higher limits as Buyer may require).
- (b) The insurance limits required above may be satisfied by any combination of both primary and excess limits. All such insurance shall be issued by companies authorized to do business under the laws of the State or jurisdiction in which all or part of the Services are to be performed, and must have an AM Best financial rating of A- (or equivalent) or better.
- (1) YES NO. For each of the above policies, Offeror shall arrange a waiver of subrogation in favor of Buyer, and
 - (2) YES NO. For each of the above policies, with the exception of (1) Workers' Compensation and (6) Aviation Products Liability, shall name Buyer as an additional insured party.
- (c) Prior to commencement of services under this agreement, Offeror shall submit a certificate of insurance in confirmation of having secured the required insurance. All certificates of insurance shall be submitted electronically to CertFocus, Buyer's Certificate of Insurance Manager. To register with CertFocus, please follow the instructions below:
- (1) Have your agent produce a certificate of insurance evidencing the coverages required above, including applicable endorsements. Moog should be listed as the certificate holder using the address of the Moog location you support or the Corporate offices:
 Moog Inc.
 400 Jamison Road
 East Aurora, NY 14052
 - (2) Please go to www.certfocus.com/moog
 - (3) Click Create an account
 - (4) Select a holder (i.e. which Moog site you're working with) – Us Corporate, East Aurora, NY if you work with multiple sites
 - (5) Please fill out fields – Contact Details, etc.
NOTE: Supplier Number should be Moog_Supplier

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
