

### Annual Commercial Item Acquisition Representations, Certifications, and Other Statements of Offerors

To be completed by all proposed or active procurements from a US-based company for commercial items.

<b>Part 1: Identifying Information: All Organizations/Individuals Complete</b>		
Organization/Individual Name:		
Address:		
City:	State:	Zip Code:
Country:	Telephone No.:	Fax No.:
Email address:		Company website:
Please certify your organization type:		
<input type="checkbox"/> A Corporation Incorporated under the laws of the state of		
<input type="checkbox"/> A Partnership		
<input type="checkbox"/> A Non-Profit Organization		
<input type="checkbox"/> A Joint Venture		
<input type="checkbox"/> Individual Consultant		
<b>52.219-1: Small-Business Representations (Apr 2012)</b>		
A. General:		
1. The North American Industry Classification System code (NAICS) code for this acquisition is <span style="float: right;"><i>[insert NAICS code]</i></span>		
2. The small business size standard is <span style="float: right;"><i>[insert size standard]</i></span> .		
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 <input type="checkbox"/> is <input type="checkbox"/> is not a small business concern,		
2. <u>[Complete only if the offeror represented itself as a small business concern in paragraph (B)(1) of this provision]</u> The offeror represents, for general statistical purposes, that it <input type="checkbox"/> is, <input type="checkbox"/> is not, a small disadvantaged business concern as defined in 13 CFR 124.1002		
3. <u>[Complete only if the offeror represented itself as a small business concern in paragraph (B) (1) of this provision.]</u> The offeror represents as part of its offer that it <input type="checkbox"/> is <input type="checkbox"/> is not a women-owned small business concern.		
4. <u>[Complete only if the offeror represented itself as a small business concern in paragraph (b) (1) of this provision.]</u> The offeror represents as part of its offer that it <input type="checkbox"/> is, <input type="checkbox"/> is not a veteran-owned small business concern.		
5. <u>[Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (b) (4) of this provision.]</u> The offeror represents as part of its offer that it <input type="checkbox"/> is, <input type="checkbox"/> is not a service-disabled veteran-owned small business concern.		
6. <u>[Complete only if offeror represented itself as small business concern in paragraph (b)(1) of this provision]</u> The offeror represents, as part of its offer, that		
(i) It <input type="checkbox"/> is, <input type="checkbox"/> 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 Small Business Administration in accordance with 13 CFR Part 126; and		

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<p>(ii) It <input type="checkbox"/> is, <input type="checkbox"/> is not a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (b) (6) (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.</p>
<p>C. Definitions:</p>
<p><u>"Service-disabled veteran-owned small business concern"</u></p>
<p>1. Means a small business concern</p>
<p>(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</p>
<p>(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.</p>
<p>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).</p>
<p>"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.</p>
<p><u>"Veteran-owned small business concern"</u> means a small business concern</p>
<p>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</p>
<p>2. The management and daily business operations of which are controlled by one or more veterans.</p>
<p><u>"Women-owned small business concern"</u> as used in this provision, means a small business concern</p>
<p>1. Which 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</p>
<p>2. Whose management and daily business operations are controlled by one or more women?</p>
<p>D. Notice.</p>
<p>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.</p>
<p>2. Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall—</p>
<p>(i) Be punished by imposition of fine, imprisonment, or both;</p>
<p>(ii) Be subject to administrative remedies, including suspension and debarment; and</p>
<p>(iii) Be ineligible for participation in programs conducted under the authority of the Act.</p>
<p>(End of provision)</p>

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**Part 2: Applicable to All Organizations/Individuals. Provide Specific Information Throughout if Required**

**52.222-50: Combatting Trafficking in Persons (Mar 2015)**

By execution of this document the Offeror certifies that it is in full compliance with the provisions set forth in FAR 52.222-50.

**Part 3: Applicable to All Organizations/Individuals if Proposed Contract is Fixed Price. Provide Specific Information Throughout if Required**

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

A. The Offeror certifies that:

1. The prices contained 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 contained 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 subcontract award (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 or not to submit an offer for the purpose of restricting competition.

B. Each signature on the offer is considered to be 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 signature has not participated and will not participate in any action contrary to subparagraphs (A)(1) through (A)(3) above; or
  - a. 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 subparagraphs (A)(1) through (A)(3) above.  
[Insert full name of person(s) in the Offeror's organization responsible for determining the prices offered in this bid or proposal and the title of his or her position in the Offeror organization.]

Name:

Title:

- b. As an authorized agent, does certify that the principals named in paragraph B.2.(a) above have not participated, and will not participate, in any action contrary to paragraphs (A)(1) through (A)(3) above; and
- c. As an agent, has not personally participated, and will not participate, in any action contrary to paragraphs (A)(1) through (A)(3) above.

C. If the Offeror deletes or modifies paragraph (A) (2) above, the Offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

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**Part 4: Applicable Only to Organizations that Recruit Employees from within the United States and its Territories. Provide Specific Information Throughout if Required.**

**52.222-21: Prohibition of Segregated Facilities (April 2015)**

By execution of this document the offeror certifies that it is in full compliance with the provisions set forth in FAR 52.222-21.

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

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.

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

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/subcontracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

**52.222-29: Notification of Visa Denial (April 2015)**

By execution of this document the offeror certifies that it is in full compliance with the provisions set forth in FAR 52.222-29.

**52.222-35: Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (October 2015)**

By execution of this document the offeror certifies that it is in full compliance with the provisions set forth in FAR 52.222-35.

**52.222-36: Affirmative Action for Workers with Disabilities (July 2014)**

By execution of this document the offeror certifies that it is in full compliance with the provisions set forth in FAR 52.222-36.

**Part 5: Applicable to Organizations/Individuals Only if Proposed Contract is >\$25,000 AND Goods will be Purchased for use Inside the United States**

**52.225-2: Buy American Act Certificate (May 2014)**

A. The offeror certifies that each end product, except those listed in paragraph (B) of this provision, is a domestic end product and that 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. The terms "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: [List as necessary]

Line Item No.	Country of Origin

C. RTI will evaluate offers in accordance with the policies and procedures of Part 25 of the Federal Acquisition Regulation.

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**Part 6: Applicable to All Organizations/Individuals if Proposed Contract is valued  
>\$150,000. Provide Specific Information Throughout if Required**

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

- 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:
  - 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;
  - 2. If any funds other than 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 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 this solicitation, the offeror shall complete and submit with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to RTI; and
  - 3. He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.
- C. Submission 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 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.

**52.209-5: Certification Regarding Responsibility Matters (Oct 2015)**

- A. The Offeror certifies, to the best of its knowledge and belief, that:
  - 1. 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, or receiving stolen property; and
    - 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.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 \$3,000 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.

*(continued next page)*

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**Part 6: (continued)**

**52.209-5: Certification Regarding Responsibility Matters (October 2015) (continued)**

(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 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 see 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).

2. 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.

3. "Principal," for the purpose of this certification, means officer; director; owner; partner; or person 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 any 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 RTI if, at any time prior to subcontract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reasons 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 RTI 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, RTI, may terminate the subcontract resulting from this solicitation for default.

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**Part 7: Acknowledgment**

The undersigned offeror certifies that the information contained within this document is true and accurate to the best of its knowledge.

By the execution of this document, the undersigned offeror agrees to provide immediate written notice to RTI if, at any time during the effective period of this document, the undersigned offeror learns that this document was erroneous when submitted or has become erroneous by reason of changed circumstances.

The effective period of this document is one year from the date of execution.

Signature:

Printed Name of Signatory:

Title of Signatory:

Date: