

REPRESENTATIONS & CERTIFICATIONS - ABBREVIATED

Offeror (*legal business name*):

Doing Business As (*must be listed on line 2 of W-9*):

Physical Address:

DUNS Number:

DUNS+4 Number:

Parent DUNS Number (*if applicable*):

EMPLOYER IDENTIFICATION NUMBER (*EIN*):

(*If Social Security Number is applicable, DO NOT enter on this form. DO NOT record Personally Identifiable Information on this form.*)

North American Industry Classification System (NAICS) Code for this acquisition is:

(*as indicated in the solicitation/request for proposal [RFP], if applicable*).

Business Size Classification:

1. **EXPORT CONTROL**. (*Applicable on all offers for supplies.*)

- (a) The Offeror represents that items being furnished under any resulting agreement are, are not Trigger List Items as defined below.

Trigger List Items - <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc254r13p1.pdf>

Trigger List items are a listing of equipment, components, or materials especially designed for nuclear applications and are export controlled. These items are on the safeguards list of the International Atomic Energy Agency identified above. The regulatory authority is the US Nuclear Regulatory Commission (10 CFR 110). If the items are Trigger List items, provide the following information:

- Manufacturer's Name
- Description
- Commodity Category

- (b) The Offeror represents that items being furnished under any resulting agreement are, are not Military/Space Items as defined below.

Military/Space Items - <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=70e390c181ea17f847fa696c47e3140a&mc=true&r=PART&n=pt22.1.121>

Military and Space items/equipment are specially designed, fabricated and configured for military and space applications as listed on the United States Munitions List (22 CFR 120-130). The regulatory authority is the US Department of State. If the items are Military/Space items/equipment, provide the following information:

- Manufacturer's Name
- Description
- Commodity Category

- (c) The Offeror represents that items being furnished under any resulting agreement are, are not Dual Use Items 500 or 600 series as defined below.

Dual Use Items 500 or 600 series - <http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>

Dual Use Military and Space Items that were previously on the Munitions List under the Department of State and have been moved to the Commerce Control List 15 CFR 730 – 774. If the items are Dual Use Military and Space, provide the following information:

- Manufacturer's Name
- Description
- Commodity Category

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2. **BUY AMERICAN.** (Applicable if offer for supplies exceeds \$10,000. Not applicable to construction subcontracts.)

(a) 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

(c) The Company will evaluate offers in accordance with the policies and procedures of Part 25 of the Federal Acquisition Regulation.

3. **REPORTING EXECUTIVE COMPENSATION.** Offeror in the previous tax year had gross income from all sources under \$300,000.

YES

NO

If NO - complete the following:

To receive any contract award valued at \$25,000 or more, Offeror must provide the names and total compensation of each of the five most highly compensated executives for the Offeror's preceding completed fiscal year, if

(i) in the Offeror's preceding fiscal year, the Offeror received—

(a) 80 percent or more of its annual gross revenues in Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and

(b) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and

(ii) 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/execomp.htm>).

(iii) *Definitions.* As used in this clause:

"Executive" means officers, managing partners, or any other employees in management positions.

"First-tier subcontract" means a subcontract awarded directly by a Contractor to furnish supplies or services (including construction) for performance of a prime contract, but excludes supplier agreements with vendors, such as long term arrangements for materials or supplies that would normally be applied to a Contractor's general and administrative expenses or indirect cost.

"Total compensation" means the cash and noncash dollar value earned by the executive during the Contractor's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)).

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- (a) *Salary and bonus.*
 - (b) *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - (c) *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - (d) *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
 - (e) *Above-market earnings on deferred compensation which is not tax qualified.*
 - (f) 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 of property) for the executive exceeds \$10,000.
- (iv) (a) In its preceding fiscal year, it did, did not receive 80 percent or more of its annual gross revenues in Federal contracts (and subcontracts), loans, grants (and subgrants), and cooperative agreements.
- (b) In its preceding fiscal year, it did, did not receive \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants), and cooperative agreements.
- (c) The public does, does not have access to information about the compensation of the senior 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.
- (d) It is required, is not required to provide the names and total compensation of each of the five most highly compensated officers for the calendar year in which the subcontract is awarded.

NOTE: The offeror/subcontractor is required to provide the names and total compensation of each of the five most highly compensated officers for the calendar year in which the subcontract is awarded if:

- (1) in its preceding fiscal year, it received—
 - (a) 80 percent or more of its annual gross revenues in Federal contracts (and subcontracts), loans, grants (and subgrants), and cooperative agreements; and
 - (b) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants), and cooperative agreements; and
- (2) 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.

Complete if required.

1. Name	Total Compensation
2. Name	Total Compensation
3. Name	Total Compensation
4. Name	Total Compensation
5. Name	Total Compensation

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Section 2(d)(2) of the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), as amended by section 6202 of the Government Funding Transparency Act of 2008 (Pub. L. 110-252), requires the Company to report information on subcontract awards. The law requires all reported information be made public, therefore, the Company is advising hereby its subcontractors the required information will be made public.

4. ANNUAL REVENUE/AVERAGE NUMBER OF EMPLOYEES. *(Applicable only if Offeror is certifying as Small Business.)*

The Consolidated Appropriations Act of 2014, Title III, Section 318 authorizes DOE to count 1st tier subcontracts awarded by its M&O contractors to small businesses toward accomplishment of its annual small business goals.

Annual Revenue _____ (3 yr.) _____ (5 yr.)

This is the average receipts over the last three completed fiscal years¹ including receipts of the parent organization, all branches, and all affiliates worldwide, and not just the size data associated with the entity location represented by the specific DUNS number you are registering. This information may be used to review your business size using SBA's official size standards for your industry. Or, under the Small Runway Extension Act of 2018, the Offeror may provide their average revenue based on its last 5 years.

(¹Average reported receipts will be based on your organization's fiscal year.)

Average Number of Employees _____

This is the average number of employees including all affiliates. The average number of persons employed for each pay period over the firm's latest 12 months, including persons employed by the parent organization, all branches, and all affiliates worldwide. This information may be used to review your business size using SBA's official size standards for your industry.

5. SIGNATURE/DATE. *(Required upon completion of form.)*

By: _____
Printed/Typed Name

Signature

Title: _____

Date: _____