

ASSOCIATION OF UNIVERSITIES FOR RESEARCH IN ASTRONOMY, Inc.

REPRESENTATIONS AND CERTIFICATIONS

(Must be completed and returned)

Date: _____

The Contractor, by checking the appropriate boxes, makes the following representations and certifications:

A. REGULAR DEALER-MANUFACTURER

It is a () regular dealer in, () manufacturer of, the items offered.

B. SMALL BUSINESS/SMALL DISADVANTAGED BUSINESS SUBCONTRACTING

Pursuant to the terms of our Agreement with the Government and applicable Federal Procurement Regulations 1-1.701, AURA is required to maintain a Small Business and Small Disadvantaged Business Subcontracting Program. You are therefore requested to check the appropriate blocks below:

Business Size (Check One)

- () Small A domestic concern that is independently owned and operated, is not dominant in the field of its operations, qualifies under the criteria covering annual receipts set forth in Section 3 of the Small Business Act and does not employ more than 500 employees.
- () Large A domestic concern which, including domestic and foreign divisions and affiliates, normally employs 500 or more persons, is independently or publicly owned or controlled and operated, and which may be a division of another domestic or foreign concern.

Business Classification (Check as many as are applicable)

- () Minority 51% of business or stock is owned by one or more socially and economically disadvantaged individuals and whose management and daily business operations are controlled by one more of such individuals.

Socially and economically disadvantaged individuals including Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans and other minorities, or any other individual found to be disadvantaged pursuant to Section 8(a) of the Small Business Act.

Native Americans include American Indians, Eskimos, Aleuts, and native Hawaiians. Asian-Pacific Americans includes U. S. citizens

whose origins are Guam, the U. S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia and Taiwan.

For assistance in determining your business size and socially and economically disadvantaged status, contact the nearest office of the Small Business Administration.

- Women-Owned A business that is at least 51% owned, controlled and operated by a woman or women.
- Note:** Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management.
- Non-Profit A business or organization that has received non-profit status under IRS Regulation 501(c)(3).
- Public An agency of the Federal or State Government Sector or a municipality.
- Sheltered A sheltered workshop or other equivalent business basically employing the handicapped.
- Handicapped A business that is owned, controlled and operated by a handicapped person(s).
- Foreign A concern which is not incorporated in the United States or an unincorporated concern having its principal place of business outside the United States.

Business Status (Check One) - For IRS Reporting Requirements

- Corporation A business entity that is registered with a state in the United States as a corporation, including non-profit corporations but excluding professional corporations.
- Other An individual, or other business entity that is not a registered corporation. This includes corporations, independent contractors, partnerships, and the like.

Indicate your:

D-U-N-S No. _____

Federal Emp. ID # _____

or

Social Security # _____

SAM Registration (Yes or No) _____

WARNING: Failure to provide this information may require that we withhold 20% of your payments and may result in fines imposed by the IRS.

C. DEBARMENT/SUSPENSION STATUS

Contractor certifies to the best of its knowledge and belief that it and its principals:

- a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from a covered transaction by any Federal department or agency;
- b) have not within a three year period preceding this proposal 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) transaction or contract under a public transaction; violation of Federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, State or local) with commission of any of the offenses enumerated in paragraph b of this certification; and
- d) have not within a three-year period preceding this proposal for bid had one or more public transactions (Federal, state or local) terminated for cause or default.

The Contractor agrees to provide immediate notice to the AURA Contracting Officer in the event of being suspended, debarred, or declared ineligible by any department or Federal Agency, or upon receipt of a notice of proposed debarment that is received after the submission of the bid or offer, but prior to the award of the purchase order or contract.

CERTIFICATION

The Contractor hereby certifies that it has read the above **Debarment/Suspension Status** requirements and that it understands and will comply with these requirements.

Please advise this facility as soon as possible when the status of your company changes from that indicated above.

Contractor's Name (printed or typed)

Address

Signature of Authorized Representative Date

Title of Authorized Representative

D. QUALIFICATION OF CORPORATE SIGNATURE

(to be completed if Contractor is a corporation)

_____, incorporated in the
(Name of Corporation)

state (country) of _____,

RESOLVES THAT:

_____,
(Name) (Title)

of this corporation is hereby authorized, empowered and directed, for and on behalf of this corporation and its corporate name, to make and execute bids, offers and contracts binding upon this corporation for supplies and services required or rendered by this corporation in the course of this business in an amount up to:

_____ DOLLARS (\$ _____).

CERTIFICATE

I hereby certify that I am a duly elected and qualified _____, of the above named
(Title)

corporation, that the foregoing is a true and correct statement of a resolution adopted at a meeting of the Board of Directors of said corporation, and that the foregoing resolution is in full force and effect and has not been repealed, amended, or canceled.

IN WITNESS WHEREOF I have hereunto set my hand on behalf of said corporation.

(Signature of Authorized Representative) Date

E. QUALIFICATION OF LIMITED LIABILITY COMPANY SIGNATURE

(to be completed if Contractor is a limited liability company)

_____, organized in the
(Name of Limited Liability Company)

state (country) of _____,

RESOLVES THAT:

_____,
(Name) (Title)

of this limited liability company is hereby authorized, empowered and directed, for and on behalf of this corporation and this limited liability company and its limited liability name, to make and execute bids, offers and contracts binding upon this limited liability company for supplies and services required or rendered by this limited liability company in the course of this business in an amount up to:

_____ DOLLARS (\$_____).

(Printed Name and Title)

(Signature of Authorized Representative) Date

F. BYRD ANTI-LOBBYING AMENDMENT CERTIFICATION (31 U.S.C. §1352)

(To be signed with each bid or offer exceeding \$100,000.00)

Contractor certifies, to the best of its knowledge and belief that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of congress 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 other than 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 in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions to the [as amended by "Government wide Guidance for New Restrictions on Lobbying, "61 Fed. Reg. 1413 (1/19/96). Note Language in paragraph (2) herein has been modified in accordance with Section 10 of the lobbying disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S. C. 1601 et seq.)].
3. Contractor shall require that the language of this certification be included in the award documents for all sub-awards at all tiers including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.

CERTIFICATION

Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, contractor understands and agrees that the provisions of 31 U.S.C. A3801 *et seq.*, apply to this certification and disclosure, if any.

(Printed Name and Title)

(Signature of Authorized Representative) Date

G. CONFLICTS OF INTEREST CERTIFICATION

- (a) Contractor warrants that to the best of its knowledge and belief, and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of the work under a proposed contract and the prospective contractor's organizational, financial, contractual or other interest are such that:
- (i) Award of the contract may result in or be the result of an unfair competitive advantage;
 - (ii) The Contractor's objectivity in performing the contract work may be impaired; or
 - (iii) That the Contractor has disclosed all relevant information and requested ARUA to make a determination with respect to this Contract.
- (b) Contractor agrees that if, after award, it discovers an organization conflict of interest with respect to this Contract, it shall make an immediate and full disclosure in writing to the AURA Contracts Officer which shall include a description of the action which the Contractor has taken or intends to take to eliminate or neutralize the conflict. The AURA Contracts Officer may, however, terminate the contract for the convenience of AURA, if it would be in the best interests of AURA to do so.
- (c) In the event the Contractor was aware of an organization conflict of interest before the award of this contract and intentionally did not disclose the conflict to the AURA Contracts Officer, the AURA Contracts Officer may terminate the Contract for default.
- (d) Contractor shall require a conflict of interest disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to AURA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in such consultant agreements or subcontracts involving performance of work under this Contract.

I declare under penalty of perjury that all statements and information contained in this document and any accompanying documents are true and correct, with full knowledge that all statements made in this document and any accompanying documents are subject to investigation and that any false or dishonest answer to any question may be grounds for disqualification from this solicitation or termination of any award and expose me and the represented organization to both civil and criminal liability.

(Printed Name and Title)

(Signature of Authorized Representative) Date