



National Ecological Observatory Network
 1685 38th St. Suite 100
 Boulder, CO 80301

*Representation, Certifications and
 Acknowledgements Form*

(Rev 062314)

REPRESENTATIONS, CERTIFICATIONS, AND ACKNOWLEDGEMENTS

NOTE: If the offeror has registered at the SAM (System For Award Management) site <https://www.sam.gov> for the Federal representations and certifications, a copy of the current online form may be provided in lieu of this form.

Offeror has registered at the following site and will provide a copy of the online form:

The Offeror represents and certifies as part of its Proposal/Bid/Quotation that: (Check or complete all applicable boxes or blocks.)

1 OFFEROR INFORMATION

Name of Organization
 Taxpayer Identification Number (TIN)
 Dun & Bradstreet D-U-N-S Number

The Offeror, by checking the applicable box, represents that:

(1) It operates as:

- A Domestic corporation incorporated under the laws of the State of
- A Foreign corporation, registered for business in (country)

And in addition

(2) It operates as:

- An Individual,
- A Partnership,
- A Sole Proprietorship,
- An Educational Institution,
- A Non-Profit Organization, or
- A Joint Venture.

2 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS

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 3-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 civilly charged by a governmental entity with commission of any of the above offenses.

(2) The Offeror **has** **has not** within a 3-year period preceding this offer, had one or more federally-funded contracts/subcontracts terminated for default.



National Ecological Observatory Network
 1685 38th St. Suite 100
 Boulder, CO 80301

*Representation, Certifications and
 Acknowledgements Form*

(Rev 062314)

3 SMALL BUSINESS PROGRAM REPRESENTATIONS

The Offeror hereby represents and self-certifies that its socio-economic status is as follows (check all applicable boxes):

- Small Business (defined at www.sba.gov)
- Woman-Owned Small Business
- HUB Zone Small Business
- Veteran-Owned Small Business
- Service-Disabled Veteran-Owned Business
- Disadvantaged Small Business
- None of the Above

4 CERTIFICATION OF NON-SEGREGATED FACILITIES (FAR 52.222-21) (applicable to orders/bids over \$10,000)

(1) "Segregated facilities," as used herein, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom or otherwise.

(2) By the submission of this offer, the Offeror certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Offeror agrees that a breach of this certification is a violation of the Equal Opportunity clause in the BOA.

(3) The Offeror further agrees that (except where it has obtained identical certifications from proposed Suppliers for specific time periods) it will:

(A) Obtain identical certifications from proposed Contractors before the award of BOA under which the Supplier will be subject to the Equal Opportunity clause;

(B) Retain the certifications in the files; and,

(C) Forward the following notice to the proposed Contractors (except if the proposed Contractors have submitted identical certifications for specific time periods): NOTICE TO PROSPECTIVE CONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES.

A Certification of Non-segregated Facilities must be submitted before the award of a BOA under which the Supplier will be subject to the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

5 PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FAR 52.222-22) (applicable to orders/bids over \$50,000 and 50 or more employees)

The Offeror represents that:

(1) It **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;

(2) It **has** , **has not** , filed all required compliance reports; and,

(3) Representations indicating submission of required compliance reports, signed by the offeror's proposed Contractors, will be obtained before BOA award.

6 AFFIRMATIVE ACTION COMPLIANCE (FAR 52.222-25) (applicable to orders/bids over \$50,000 and 50 or more employees)



National Ecological Observatory Network
1685 38th St. Suite 100
Boulder, CO 80301

*Representation, Certifications and
Acknowledgements Form*

(Rev 062314)

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.

7 CLEAN AIR AND WATER CERTIFICATION (FAR 52.223-1) (applicable to orders/bids over \$100,000)

The Offeror certifies that:

- (1) Any facility to be used in the performance of this proposed BOA is, **is not** listed on the Environmental Protection Agency (EPA) List of Violating Facilities;
- (2) The Offeror will immediately notify NEON, before award, of the receipt of any communication from the Administrator, or a designee, of the EPA, indicating that any facility that the Offeror proposes to use for the performance of the subcontract is under consideration to be listed on the EPA List of Violating Facilities; and,
- (3) The Offeror will include a certification substantially the same as this certification, including this paragraph (3), in every non-exempt sub-subcontract.

8 CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (FAR 52.203-11) (applicable to orders/bids over \$100,000)

- (1) 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 (2) of this certification.
- (2) The Offeror, by signing its offer, hereby certifies, to the best of its knowledge and belief, that on or after December 23, 1989:
 - (A) 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;
 - (B) 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 the Contractor; and,
 - (C) The Offeror 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.
- (3) 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.



National Ecological Observatory Network
1685 38th St. Suite 100
Boulder, CO 80301

*Representation, Certifications and
Acknowledgements Form*

(Rev 062314)

9 ANTI-KICKBACK PROCEDURES (FAR 52.203-7) (applicable to orders/bids over \$100,000)

(1) "Kickback," as used in this clause, means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime contractor, prime contractor employee, Supplier, or Supplier employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a contract or in connection with a subcontract relating to a contract.

(2) The Anti-Kickback Act of 1986 (41 U.S. C. 51-58) (the Act), prohibits any person from:

(A) Providing or attempting to provide or offering to provide any kickback;

(B) Soliciting, accepting, or attempting to kickback; or,

(C) Including, directly or indirectly, the amount of any kickback in the contract price charged by a prime contractor to the United States or in the contract price charged by a Contractor to a prime contractor or higher tier Contractor.

(3) The Offeror shall have in place and follow reasonable procedures designed to prevent and detect possible violations described in paragraph (2) of this clause in its own operations and direct business relationships.

(4) When the Offeror has reasonable grounds to believe that a violation described in paragraph (2) of this clause may have occurred, the Offeror shall promptly report in writing the possible violation. Such reports shall be made to the inspector general of the contracting agency, the head contracting agency if the agency does not have an Inspector general or the Department of Justice.

(5) The Offeror agrees to incorporate the substance of this clause, including this subparagraph but excepting subparagraph (3), in all subcontracts under this contract which exceed \$100,000.

10. LOBBYING CERTIFICATION (applicable to orders/bids over \$100,000)

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by Section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. 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 failure.

The undersigned certifies, to the best of his or her 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 any 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 a federal contract, the making of a federal grant, the making of a federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, *Disclosure Form to Report Lobbying*, in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all covered sub-awards exceeding \$100,000 in federal funds at all appropriate tiers and that all sub-recipients shall certify and disclose accordingly.



National Ecological Observatory Network
1685 38th St. Suite 100
Boulder, CO 80301

*Representation, Certifications and
Acknowledgements Form*

(Rev 062314)

This is to certify, to the best of my knowledge and belief that the representations and certifications made herein by the Offeror are accurate and current as of the date indicated below.

Offeror's Name:		
Address:		
Name of Person Authorized to Sign:		
Signature:		DATE



National Ecological Observatory Network
 1685 38th St. Suite 100
 Boulder, CO 80301

*Representation, Certifications and
 Acknowledgements Form*

(Rev 062314)

**SUPPLIER FULL DISCLOSURE STATEMENT
 NEON INCORPORATED
 PROCUREMENT POLICY**

It is the policy of NEON Incorporated to conduct its purchasing activities in accordance with all applicable federal laws and regulations regarding the purchasing of goods or services. In addition, all NEON officers, directors, employees, staff or agents ("NEON Personnel") are required to act fairly, objectively and in the best interests of NEON Incorporated when conducting business with vendors on behalf of NEON Incorporated. NEON's selection of vendors is based on quality, price, services offered and other features of a competitive marketplace.

GIFTS, SERVICES OR CONSIDERATION

Supplier shall submit written notification to NEON, and receive approval from the NEON Contracts Department, prior to providing NEON Personnel with any "Gifts, Services or Consideration" valued in excess of Twenty-Five Dollars (\$25.00). "Gifts, Services or Consideration" includes, but is not limited to: gifts, gratuities, social entertainment offered or sponsored by the vendor, samples, consulting and research activities, vendor-sponsored travel, educational conferences, seminars, other business courtesies and warranties, discounts and any additional items or services not described in the Agreement. "Gifts, Services or Consideration" does not include items valued less than Twenty-Five Dollars (\$25.00), such as pens, coffee mugs, calendars or other small promotional or novelty items. The written notice is to be sent to:

NEON Incorporated
 Attention: Director, Procurement & Contracts
 1685 38th Street, Suite100
 Boulder, Colorado 80301

Supplier has read and understood and agrees to the terms set forth on this Statement.

Offeror's Name:		
Address:		
Name of Person Authorized to Sign:		
Signature:		