Part IV - Representations and Instructions

Section K
Representations, Certifications, and Other Statements of Offerors
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K.1 FAR 52.204-8 Annual Representations and Certifications (Jan. 2017)

(a)  
1 (1) The North American Industry Classification System (NAICS) code for this acquisition is 561210 Facilities Support Services.
2 (2) The small business size standard is $38.5M.
3 (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)  
1 (1) If the provision at 52.204-7, System for Award Management, is included in this solicitation, paragraph (d) of this provision applies.
2 (2) If the provision at 52.204-7 is not included in this solicitation, and the Offeror is currently registered in the System for Award Management (SAM), and has completed the Representations and Certifications section of SAM electronically, the Offeror may choose to use paragraph (d) of this provision instead of completing the corresponding individual representations and certification in the solicitation. The Offeror shall indicate which option applies by checking one of the following boxes:
3 [ ] (i) Paragraph (d) applies.
4 [ ] (ii) Paragraph (d) does not apply and the Offeror has completed the individual representations and certifications in the solicitation.

(c)  
1 (1) The following representations or certifications in SAM are applicable to this solicitation as indicated:
2 (i) 52.203-2, Certificate of Independent Price Determination. This provision applies to solicitations when a firm fixed-price contract or fixed-price contract with economic price adjustment is contemplated, unless-
3 (A) The acquisition is to be made under the simplified acquisition procedures in Part 13;
4 (B) The solicitation is a request for technical proposals under two-step sealed bidding procedures; or
5 (C) The solicitation is for utility services for which rates are set by law or regulation.
6 (ii) 52.203-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. This provision applies to solicitations expected to exceed $150,000.
7 (iii) 52.203-18, Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements-Representation. This provision applies to all solicitations.
8 (iv) 52.204-3, Taxpayer Identification. This provision applies to solicitations that do not include the provision at 52.204-7, System for Award Management.
9 (v) 52.204-5, Women-Owned Business (Other Than Small Business). This provision applies to solicitations that-
(A) Are not set aside for small-business concerns;
(B) Exceed the simplified acquisition threshold; and
(C) Are for contracts that will be performed in the United States or its outlying areas.

(vi) 52.209-2, Prohibition on Contracting with Inverted Domestic Corporations-Representation.
(vii) 52.209-5; Certification Regarding Responsibility Matters. This provision applies to
solicitations where the contract value is expected to exceed the simplified acquisition
threshold.
(viii)52.209-11, Representation by Corporations Regarding Delinquent Tax Liability or a Felony
Conviction under any Federal Law. This provision applies to all solicitations.
(ix) 52.214-14, Place of Performance-Sealed Bidding. This provision applies to invitations for
bids except those in which the place of performance is specified by the Government.
(x) 52.215-6, Place of Performance. This provision applies to solicitations unless the place of
performance is specified by the Government.
(xi) 52.219-1, Small Business Program Representations (Basic & Alternate I). This provision
applies to solicitations when the contract will be performed in the United States or its
outlying areas.

(A) The basic provision applies when the solicitations are issued by other than Department
of Defense (DoD), National Aeronautics and Space Administration (NASA), and the
Coast Guard.

(B) The provision with its Alternate I applies to solicitations issued by DoD, NASA, or the
Coast Guard.

(xii) 52.219-2, Equal Low Bids. This provision applies to solicitations when contracting by
sealed bidding and the contract will be performed in the United States or its outlying areas.
(xiii)52.222-22, Previous Contracts and Compliance Reports. This provision applies to
solicitations that include the clause at 52.222-26, Equal Opportunity.
(xiv)52.222-25, Affirmative Action Compliance. This provision applies to solicitations, other
than those for construction, when the solicitation includes the clause at 52.222-26,
Equal Opportunity.
(xv) 52.222-38, Compliance with Veterans’ Employment Reporting Requirements. This
provision applies to solicitations when it is anticipated the contract award will exceed the
simplified acquisition threshold and the contract is not for acquisition of commercial items.
(xvi)52.222-57, Representation Regarding Compliance with Labor Laws (Executive Order
13673). This provision applies to solicitations expected to exceed $50 million, which are
issued from October 25, 2016 through April 24, 2017, and solicitations expected to exceed
$500,000, which are issued after April 24, 2017.

Note to paragraph (c)(1)(xvi): By a court order issued on October 24, 2016, 52.222-57 is
enjoined indefinitely as of the date of the order. The enjoined paragraph will become
effective immediately if the court terminates the injunction. At that time, DoD, General
Services Administration, and NASA will publish a document in the Federal Register
advising the public of the termination of the injunction.
(xvii) 52.223-1, Biobased Product Certification. This provision applies to solicitations that require
the delivery or specify the use of USDA-designated items, or include the clause at 52.223-2,

(xviii) 52.223-4, Recovered Material Certification. This provision applies to solicitations that are
for, or specify the use of, U.S. Environmental Protection Agency (EPA)-designated
items.

(xix) 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction
Goals-Representation. This provision applies to solicitation that include the clause at
52.204-7.

(xx) 52.225-2, Buy American Certificate. This provision applies to solicitations containing the
clause at 52.225-1.

(xxi) 52.225-4, Buy American-Free Trade Agreements-Israeli Trade Act Certificate.
(Basic, Alternates I, II, and III.) This provision applies to solicitations containing the clause
at 52.225-3.

(A) If the acquisition value is less than $25,000, the basic provision applies.

(B) If the acquisition value is $25,000 or more but is less than $50,000, the provision with
its Alternate I applies.

(C) If the acquisition value is $50,000 or more but is less than $77,533, the provision with
its Alternate II applies.

(D) If the acquisition value is $79,507 or more but is less than $100,000, the provision with
its Alternate III applies.

(xxii) 52.225-6, Trade Agreements Certificate. This provision applies to solicitations containing
the clause at 52.225-5.

(xxiii) 52.225-20, Prohibition on Conducting Restricted Business Operations in Sudan-
Certification. This provision applies to all solicitations.

(xxiv) 52.225-25, Prohibition on Contracting with Entities Engaging in Certain Activities or
Transactions Relating to Iran—Representation and Certification. This provision applies to
all solicitations.

(xxv) 52.226-2, Historically Black College or University and Minority Institution Representation.
This provision applies to solicitations for research, studies, supplies, or services of the type
normally acquired from higher educational institutions.

(2) The following representations or certifications are applicable as indicated by the Contracting
Officer:

   X (i) 52.204-17, Ownership or Control of Offeror.

   X (ii) 52.204-20, Predecessor of Offeror.

   X (iii) 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End
Products.

   ___ (iv) 52.222-48, Exemption from Application of the Service Contract Labor Standards to
Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Certification.
(v) 52.222-52 Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Certification.

(vi) 52.223-9, with its Alternate I, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (Alternate I only).

(vii) 52.227-6, Royalty Information.

(A) Basic.

(B) Alternate I.

(viii) 52.227-15, Representation of Limited Rights Data and Restricted Computer Software.

(d) The Offeror has completed the annual representations and certifications electronically via the SAM website accessed through https://www.acquisition.gov. After reviewing the SAM database information, the Offeror verifies by submission of the offer that the representations and certifications currently posted electronically that apply to this solicitation as indicated in paragraph (c) of this provision have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR 4.1201); except for the changes identified below [Offeror to insert changes, identifying change by clause number, title, date]. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

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<th>FAR Clause</th>
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Any changes provided by the Offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on SAM.

K.2 FAR 52.209-7 Information Regarding Responsibility Matters. (Jul. 2013)

(a) Definitions. As used in this provision-

"Administrative proceeding" means a non-judicial process that is adjudicatory in nature, in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative Proceedings, Civilian Board of Contract Appeals Proceedings, and Armed Services Board of Contract Appeals Proceedings). This includes administrative proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include agency actions such as contract audits, site visits, corrective plans, or inspection of deliverables.

"Federal contracts and grants with total value greater than $10,000,000" means-

(1) The total value of all current, active contracts and grants, including all priced options; and

(2) The total value of all current, active orders including all priced options under indefinite-delivery, indefinite-quantity, 8(a), or requirements contracts (including task and delivery and multiple-award Schedules).
"Principal" 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).

(b) The Offeror [ ] has [ ] does not have current active Federal contracts and grants with total value greater than $10,000,000.

(c) If the Offeror checked "has" in paragraph (b) of this provision, the Offeror represents, by submission of this offer, that the information it has entered in the Federal Awardee Performance and Integrity Information System (FAPIIS) is current, accurate, and complete as of the date of submission of this offer with regard to the following information:

(1) Whether the Offeror, and/or any of its principals, has or has not, within the last five years, in connection with the award to or performance by the Offeror of a Federal contract or grant, been the subject of a proceeding, at the Federal or State level that resulted in any of the following dispositions:

   (i) In a criminal proceeding, a conviction.

   (ii) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;

   (iii) In an administrative proceeding, a finding of fault and liability that results in-

      (A) The payment of a monetary fine or penalty of $5,000 or more; or

      (B) The payment of a reimbursement, restitution, or damages in excess of $100,000.

   (iv) In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the Contractor if the proceeding could have led to any of the outcomes specified in paragraphs (c)(1)(i), (c)(1)(ii), or (c)(1)(iii) of this provision.

(2) If the Offeror has been involved in the last five years in any of the occurrences listed in (c)(1) of this provision, whether the Offeror has provided the requested information with regard to each occurrence.

(d) The Offeror shall post the information in paragraphs (c)(1)(i) through (c)(1)(iv) of this provision in FAPIIS as required through maintaining an active registration in the System for Award Management database via https://www.acquisition.gov (see 52.204-7).

K.3 FAR 52.230-1 Cost Accounting Standards Notices and Certification (Oct. 2015)

Note: This notice does not apply to small businesses or foreign governments. This notice is in three parts, identified by Roman numerals I through III.

Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant contract.

If the Offeror is an educational institution, Part II does not apply unless the contemplated contract will be subject to full or modified CAS coverage pursuant to 48 CFR 9903.201-2(c)(5) or 9903.201-2(c)(6), respectively.

(a) Any contract in excess of $750,000 resulting from this solicitation will be subject to the requirements of the Cost Accounting Standards Board (48 CFR Chapter 99), except for those contracts which are exempt as specified in 48 CFR 9903.201-1.

(b) Any Offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of 48 CFR Chapter 99 must, as a condition of contracting, submit a Disclosure Statement as required by 48 CFR 9903.202. When required, the Disclosure Statement must be submitted as a part of the Offeror’s proposal under this solicitation unless the Offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the Offeror may satisfy the requirement for submission by providing the information requested in paragraph (c) of Part I of this provision.

CAUTION: In the absence of specific regulations or agreement, a practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting contract performance cost data.

(c) Check the appropriate box below:

[ ] (1) Certificate of Concurrent Submission of Disclosure Statement. The Offeror hereby certifies that, as a part of the offer, copies of the Disclosure Statement have been submitted as follows: (i) original and one copy to the cognizant Administrative Contracting Officer (ACO) or cognizant Federal agency official authorized to act in that capacity (Federal official), as applicable; and (ii) one copy to the cognizant Federal auditor.

(Disclosure must be on Form No. CASB DS-1 or CASB DS-2, as applicable. Forms may be obtained from the cognizant ACO or Federal official and/or from the loose-leaf version of the Federal Acquisition Regulation.)

Date of Disclosure Statement: [Name and Address of Cognizant ACO or Federal Official Where Filed:]

The Offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement.

[ ] (2) Certificate of Previously Submitted Disclosure Statement. The Offeror hereby certifies that the required Disclosure Statement was filed as follows:

Date of Disclosure Statement: [ ]

Name and Address of Cognizant ACO or Federal Official Where Filed: [ ]

The Offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

[ ] (3) Certificate of Monetary Exemption. The Offeror hereby certifies that the Offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling $50 million or more in the cost accounting period immediately preceding the period in which this proposal was submitted.

The Offeror further certifies that if such status changes before an award resulting from this proposal, the Offeror will advise the Contracting Officer immediately.

[ ] (4) Certificate of Interim Exemption. The Offeror hereby certifies that (i) the Offeror first exceeded the monetary exemption for disclosure, as defined in (3) of this subsection, in the cost accounting period immediately preceding the period in which this offer was submitted, and (ii) in accordance with 48 CFR 9903.202-1, the Offeror is not yet required to submit a Disclosure Statement. The
Offeror further certifies that if an award resulting from this proposal has not been made within 90 days after the end of that period, the Offeror will immediately submit a revised certificate to the Contracting Officer, in the form specified under subparagraph (c)(1) or (c)(2) of Part I of this provision, as appropriate, to verify submission of a completed Disclosure Statement.

CAUTION: Offerors currently required to disclose because they were awarded a CAS-covered prime contract or subcontract of $50 million or more in the current cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90-day period following the cost accounting period in which the monetary exemption was exceeded.

II. Cost Accounting Standards - Eligibility for Modified Contract Coverage

If the Offeror is eligible to use the modified provisions of 48 CFR 9903.201-2(b) and elects to do so, the Offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Cost Accounting Practices clause in lieu of the Cost Accounting Standards clause.

[ ] The Offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 48 CFR 9903.201-2(b) and certifies that the Offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period immediately preceding the period in which this proposal was submitted, the Offeror received less than $50 million in awards of CAS-covered prime contracts and subcontracts. The Offeror further certifies that if such status changes before an award resulting from this proposal, the Offeror will advise the Contracting Officer immediately.

CAUTION: An Offeror may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a CAS-covered contract of $50 million or more or if, during its current cost accounting period, the Offeror has been awarded a single CAS-covered prime contract or subcontract of $50 million or more.

III. Additional Cost Accounting Standards Applicable to Existing Contracts

The Offeror shall indicate below whether award of the contemplated contract would, in accordance with subparagraph (a)(3) of the Cost Accounting Standards clause, require a change in established cost accounting practices affecting existing contracts and subcontracts.

[ ] yes [ ] no


The Offeror shall check "yes" below if the contract award will result in a required or unilateral change in cost accounting practice, including unilateral changes requested to be desirable changes.

[ ] yes [ ] no

If the Offeror checked "yes" above, the Offeror shall-

(1) Prepare the price proposal in response to the solicitation using the changed practice for the period of performance for which the practice will be used; and

(2) Submit a description of the changed cost accounting practice to the Contracting Officer and the Cognizant Federal Agency Official as pricing support for the proposal.
K.5 FAR Certification Regarding Facility Clearance - Foreign Ownership, Control or Influence Information

Please check, as appropriate:

[ ] Submitted Commercial and Government Entity code or facility code if cleared.

[ ] Documentation granting Offeror’s subcontractor(s) and/or joint venture facility clearance is attached.

[ ] Facility Clearance request documentation has been submitted via Foreign Ownership, Control, or Influence (FOCI) Electronic Submission Site at https://foci.anl.gov/ for Offeror, subcontractor(s) and/or joint venture if not currently cleared.

[ ] The Standard Form 328 has been signed and dated by an authorized official of the company.

[ ] If publicly owned, the Contractor’s most recent annual report, and its most recent proxy statement for its annual meeting of stockholders have been attached; or, if privately owned, the audited, consolidated financial information for the most recently closed accounting year has been attached.

[ ] A copy of the company’s articles of incorporation and an attested copy of the company’s by-laws, or similar documents filed for the company’s existence and management, and all amendments to those documents.

[ ] A list identifying the organization’s owners, officers, directors, and executive personnel, including their names, social security numbers, citizenship, titles of all positions they hold within the organization, and what clearances, if any, they possess or are in the process of obtaining, and identification of the government agency(ies) that granted or will be granting those clearances.

K.6 DEAR 970.5223-3 Agreement Regarding Workplace Substance Abuse Programs at DOE Sites (Dec. 2010)

(a) Any contract awarded as a result of this solicitation will be subject to the policies, criteria, and procedures of 10 CFR part 707, Workplace Substance Abuse Programs at DOE Sites.

(b) By submission of its offer, the officer agrees to provide to the Contracting Officer, within 30 days after notification of selection for award, or award of a contract, whichever occurs first, pursuant to this solicitation, its written workplace substance abuse program consistent with the requirements of 10 CFR part 707.

(c) Failure of the Offeror to agree to the condition of responsibility set forth in paragraph (b) of this provision renders the Offeror unqualified and ineligible for award.


(a) If the Offeror submits a proposal for a DOE Capital Asset Project-

(1) In the amount of $50 million or more; or

(2) Where the Offeror has a contract or other contracts in support of DOE Capital Asset Projects and the total contract values are $20 million or greater per contract for a total contract values of $50 million or more:

(i) The Offeror shall provide documentation that an authorized government representative has determined that the proposed Earned Value Management System (EVMS) complies with the EVMS guidelines in the American National Standards Institute/Electronic Industries Alliance Standard 748, Earned Value Management Systems (ANSI/EIA-748)
(current version at time of solicitation). The Government reserves the right to perform
reviews of the EVMS when deemed necessary to verify compliance.

(ii) If the Offeror proposes to use a system that has not been determined to be in compliance
with the requirements of paragraph (a)(1) of this provision, the Offeror shall submit a
comprehensive plan for compliance with the guidelines in ANSI/EIA-748.

(A) The plan shall:

(1) Describe the EVMS the Offeror intends to use in performance of the contract, and
how the proposed EVMS complies with the EVMS guidelines in ANSI/EIA-748;

(2) Distinguish between the Offeror’s existing management system and modifications
proposed to meet the EVMS guidelines;

(3) Describe the management system and its application in terms of the EVMS
guidelines;

(4) Describe the proposed procedure for administration of the EVMS guidelines as
applied to subcontractors; and

(5) Describe the process the Offeror will use to determine subcontractor compliance
with ANSI/EIA-748.

(B) The Offeror shall provide information and assistance as required by the Contracting
Officer to support review of the plan.

(C) The Offeror’s EVMS plan must provide milestones that indicate when the Offeror
anticipates that the EVMS will be compliant with the guidelines in ANSI/EIA-748.

(b) If the Offeror submits a proposal in an amount less than $50 million and does not meet the condition
described at (a)(2) above-

(1) The Offeror shall submit a written description of the management procedures it will use and
maintain in the performance of any resultant contract to comply with the requirements of the
EVMS clause of the contract. The description shall include-

(i) A matrix that correlates each guideline in ANSI/EIA-748 (current version at time of
solicitation) to the corresponding process in the Offeror’s written management procedures;

(ii) The process the Offeror will use to determine subcontractor compliance with
ANSI/EIA-748.

(2) If the Offeror proposes to use an EVMS that has been determined by the CFA to be in
compliance with the EVMS guidelines in ANSI/EIA-748, the Offeror may submit a copy of the
documentation of such determination instead of the written description required by paragraph
(b)(1) of this provision.

(c) The Offeror shall identify the subcontractors (or the subcontracted effort if subcontractors have not
been selected) to whom the EVMS requirements will apply. The Offeror and the Government shall
agree to the subcontractors or the subcontracted effort selected for application of the EVMS
requirements. The Offeror shall be responsible for ensuring that the selected subcontractors comply
with the requirements of the Earned Value Management System clause of the contract.
K.8 Organizational Conflicts Of Interest Disclosure

Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the Government, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

(a) Each Offeror is to check the appropriate block for each of the questions below. The questions apply equally to the (1) Offeror, (2) intended subcontractors at any tier, (3) consultants, (4) affiliates of the foregoing, and (5) chief executives and directors of any of the foregoing who will be involved in performing the contract, and, accordingly, that the term “Offeror” is defined to include all five types of considerations. The questions shall be completed by each Offeror or person identified.

(1) Does the Offeror depend upon industries or firms that could be affected by DOE actions related to the contract for a significant portion of its business, or have a relationship (financial, organizational, contractual or otherwise) with such industries or firms that could impair its objectivity or independence? Yes ☐ No ☐

(2) Would any unfair competitive advantage accrue to the Offeror in either its private or government business pursuits from access to:

(i) Data generated under the contract? Yes ☐ No ☐

(ii) Information concerning DOE plans and programs? Yes ☐ No ☐

(iii) Confidential and proprietary data of others? Yes ☐ No ☐

(3) Will any proposed subcontractor perform any self-evaluation or inspection of a service or product, or evaluation or inspection of another with whom a relationship exists which could impair objectivity, including evaluation or inspection of goods or services that complete commercially with the performer’s goods or services? Yes ☐ No ☐

(4) Will any of the Offeror’s chief executives, directors, or entities, which they own or represent, or any of the Offeror’s affiliates be involved in the performance of the contract? Yes ☐ No ☐

(5) Do you have any current business arrangements that may conflict with your role as Offeror or subcontractor under this contract? Yes ☐ No ☐

(b) If the Offeror checked “Yes” to any of the above in paragraph (a), the Offeror shall provide the statement described in paragraph (c) from each entity or person affirmatively responding.

(c) The statement must contain the following:

(1) A statement of any past (within the past 12 months), present, or currently planned financial, contractual, organizational, or other interests relating to the performance of the Performance Work Statement. For contractual interests, such statement must include the name, address, telephone number of the client(s), a description of the services rendered to the previous client(s), and the name of a responsible officer or employee of the Offeror who is knowledgeable about the services rendered to each client, if, in the 12 months preceding the date of the statement, services were rendered to the Government or any other client (including a foreign government or person) respecting the same subject matter of this solicitation, or directly relating to such subject matter. The agency and contract number under which the services were rendered must also be included, if applicable. For financial interests, the statement must include the nature and extent of the interest and any entity or entities involved in the financial relationship. For these and any
other interests, enough such information must be provided to allow a meaningful evaluation of
the potential effect of the interest on the performance of the statement of work.

(2) A statement that no actual or potential conflict of interest or unfair competitive advantage exists
with respect to the services required by the Performance Work Statement to be provided in
connection with this solicitation.

(d) Failure of the Offeror to provide the required statement may result in the Offeror being determined
ineligible for award. Misrepresentation or failure to report any fact may result in the assessment of
penalties associated with false statements or such other provisions provided for by law or regulation.

K.9 Agreement to Use Non-Federal Support Personnel

DOE may employ non-federal evaluators (including employees of DOE contractors) to evaluate proposals
submitted in response to Solicitation 89303318REM000007. All such non-federal evaluators are required
to sign appropriate non-disclosure and conflict of interest statements prior to any such engagement.
By submission of a signed offer under this solicitation, the Offeror consents to such review by non-federal
evaluators.

K.10 Cost and Fee Proposal Certification

The Government publicly furnished certain cost, pricing, and/or estimating information regarding contract
activities and requirements during the solicitation phase of this contract. By submitting a signed offer
under this Solicitation, the Offeror certifies that:

(a) It fully recognizes that such information was not warranted in any manner by the Government as to its
accuracy or validity, and was for information only;

(b) The Government does not represent such information as a preferred price offer under the solicitation;
and

(c) Irrespective of the Government-furnished information, the Offeror’s estimated cost and estimated fee,
upon which this contract award is based, was independently and fully derived from the Offeror’s own
estimating methods, that the Offeror assumes full and complete ownership of its offered estimated
cost and estimated fee, and that it fully acknowledges that the Government makes no warranties,
express or implied, as to the completeness or accuracy of the Government-furnished pricing and
estimating information.

K.11 Solicitation Certification

By submitting its signed offer, the Offeror represents its understanding that Solicitation number
89303318REM000007 represents the current and complete contracting requirements of the Government
for the Hanford Mission Essential Services Contract. This Solicitation supersedes in its entirety any prior
representations from the Government or attributed to the Government, including, but not necessarily
limited to: any information formally provided by the Government prior to release of this Solicitation;
remarks made by the Government during, or reported as a result of, industry one-on-one meetings; and
any information or conjecture presented by the media, or any other source, on the Government’s
requirements for this Solicitation.

K.12 Signature/Certification

By signing below, the Offeror certifies, under penalty of law, that the representations and certifications
are accurate, current, and complete. The Offeror further certifies that it will notify the Contracting Officer
of any changes to these representations and certifications. The representations and certifications made by
the Offeror, as contained herein, concern matters within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent representation or certification may render the maker subject to prosecution under 18 USC 1001.

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<th>Signature of the Officer or Employee Responsible for the Offer</th>
<th>Date of Execution</th>
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</table>

Typed Name and Title of the Officer or Employee Responsible for the Offer

Name of Organization

Address

City, State, Zip Code

89303318REM000007 Solicitation Number