

## FLYSHEET 101 - SOLICITATION PROVISIONS

### A. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (Ref: FAR 22.810)

The offeror represents that --

1.  it has  
 it has not

participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;

2.  it has  
 it has not

filed all required compliance reports; and

3. by submission of this offer all required compliance reports will be completed and filed before subcontract award.

### B. AFFIRMATIVE ACTION COMPLIANCE (Ref: FAR 22.804-1)

(Applicable to orders of \$50,000 or more if offeror has 50 or more employees)

The offeror represents that --

1.  it has developed and has on file
2.  it 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
3.  it has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

If either B2 or B3 is marked, then offeror represents, by submission of this offer, that it will develop and have on file, at each establishment, a written affirmative action compliance program within 120 days from the commencement of its first Government contract or subcontract of more than \$50,000.

**C. EQUAL EMPLOYMENT OPPORTUNITY REPORTING REQUIREMENTS**  
**(Ref: 41 CFR 60-1.7)**

(Applicable unless specifically exempted by law, regulation or Executive Order, to orders amounting to \$50,000 or more if offeror has 50 or more employees).

The offeror represents that --

1. ( ) it has filed Report EEO-1 for this annual period; or
2. ( ) it will file Report EEO-1 within 30 days following an award under this solicitation

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C.1001.

**D. PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE REVIEW (Ref: FAR 22.810(c))**

An award in the amount of \$10 million or more will not be made under this solicitation unless the offeror is found, on the basis of a compliance review, to be in compliance with the provisions of the Equal Opportunity clause of this solicitation.

**E. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (Ref: FAR 3.808)**

(Applicable to awards in excess of \$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 his or her knowledge and belief as of 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 offeror 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; and

- c. 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.
- 3. Submission of the above 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 an 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.

**F. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (Ref: FAR 9.409(a))**

(Applicable to orders in excess of \$25,000)

The Offeror certifies, to the best of its knowledge and belief, that –

The Offeror and/or any of its Principals:

- Are
- Are not

presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

- 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

- Are
- Are not

presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated above.

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.

“Principals,” for the purposes of this certification, means officers; directors; owners; partners; and, persons 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 AN 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.

**G. PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (Ref: FAR 9.409(b))**

(Applicable to orders in excess of \$25,000)

FAR 52.209-6 provides that, a Contractor shall not enter into any subcontract in excess of \$25,000 with a Contractor that is debarred, suspended, or proposed for debarment unless there is a compelling reason to do so. The proposed first-tier subcontractor has the further obligation to disclose to Contractor, in writing, if it or its principals, is or is not debarred, suspended, or proposed for debarment by the Federal Government, as of the time of award of the subcontract.

**H. BUSINESS STATUS**

The offeror represents, pursuant to the noted government regulation, that it is: (Check the applicable box or boxes).

- a small business concern (FAR 19.001)
- a small disadvantaged business concern (FAR 19.001)
- a HUBZone small business concern (FAR 19.001)
- an Indian organization/Indian-owned economic enterprise (FAR 26.101)
- a woman-owned business concern ((FAR 19.001)
- a rural area small business concern (NASA FAR SUPP 1819-7101)
- an Historically Black College or University (FAR 26.301)
- a Minority Institution (FAR 26.301)

**I. Signature below applies to paragraphs A through H.**

Company \_\_\_\_\_

Name \_\_\_\_\_  
(Print or Type)

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_