



Waste Isolation Pilot Plant  
Carlsbad, New Mexico

## REPRESENTATIONS, CERTIFICATIONS, AND NOTICES APPLICABLE TO OFFERS IN EXCESS OF \$25,000

Seller's authorized signature is required in the space provided at the bottom of this page. The representations and certifications shall apply based on the dollar value of this offer and the specific solicitation provisions and instructions contained in this request for proposal.

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**By signing below, the offeror certifies that the representations and certifications are accurate, current, and complete.**

Firm Name \_\_\_\_\_

Request for Proposal (RFP) Number \_\_\_\_\_ (if applicable)

Address \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

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

## 1. **TAXPAYER IDENTIFICATION (FAR 52.204-3)**

### (a) *Definitions.*

"Common parent," as used in this solicitation provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

"Taxpayer Identification Number (TIN)," as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other returns. The TIN may be either a Social Security Number or an Employer Identification Number.

(b) All Offerors must submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M and implementing regulations issued by the IRS. If the resulting contract is subject to the reporting requirements described in Federal Acquisition Regulation (FAR) 4.904, the failure or refusal by the Offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the Subcontract.

(c) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

### (d) *Taxpayer Identification Number (TIN).*

\* ☐ TIN:

\* ☐ TIN has been applied for.

\* ☐ TIN is not required because:

\* ☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

\* ☐ Offeror is an agency or instrumentality of a foreign government;

\* ☐ Offeror is an agency or instrumentality of a Federal Government;

\* ☐ Other. State basis

### (e) *Type of organization.*

\* ☐ Sole proprietorship;

\* ☐ Partnership;

\* ☐ Corporate entity (not tax-exempt):

\* ☐ Corporate entity (tax-exempt):

\* ☐ Government entity (Federal, State, or local);

\* ☐ Foreign government;

\* ☐ International organization per 26 CFR 1.6049-4;

\* ☐ Other

### (f) *Common Parent.*

\* ☐ Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.

\* Name and TIN of common parent:

Name

TIN

## 2. **PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (EQUAL OPPORTUNITY) (FAR 52.222-22)**

The offeror represents that:

a. 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.

b. Has ☐, has not ☐, filed all required compliance reports, or not applicable ☐.

c. Representations indicating submission of required compliance reports, signed by proposed lower-tier subcontractors will be obtained prior to such lower-tier subcontract award.

**3. AFFIRMATIVE ACTION COMPLIANCE (FAR 52.222-25)**

The offeror represents that:

- a. 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
- b. it has not ☐ previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

**4. PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION (FAR 52.222-24)**

If a subcontract in the amount of \$10 million or more will result from this solicitation, the prospective Subcontractor and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Subcontractor and subcontractors to be in compliance with Executive Order 11246.

**5. SMALL BUSINESS PROGRAM REPRESENTATIONS (FAR 52.219-1)**

(a) (1) The North American Industry Classification System (NAICS) code for this acquisition is: \_\_\_\_\_.

(2) The small business size standard is \_\_\_\_\_ employees or \$ \_\_\_\_\_ in average annual receipts.

**(b) Representations.**

- (1) The Offeror represents as part of its offer that it ☐ is, ☐ is not a small business concern.
- (2) (Complete only if Offeror represented itself as a small business concern in paragraph (b) (1) of this provision.) The Offeror represents, for general statistical purposes, as part of its offer that it ☐ is, ☐ is not a small, disadvantaged business concern as defined 13 CFR 124.1002.
- (3) (Complete only if Offeror represented itself as a small business concern in paragraph (b) (1) of this provision.) The Offeror represents as part of its offer that it ☐ is, ☐ is not a women-owned small business concern as defined in 13 CFR part 127.
- (4) (Complete only if the Offeror represented itself as a small business concern in paragraph (b) (1) of this provision) The Offeror represents that it ☐ is, ☐ is not a veteran-owned small business concern as defined in 38 U.S.C. 101 13 CFR 124.106.
- (5) (Complete only if the Offeror represented itself as a veteran-owned small business concern in paragraph (b) (4) of this provision) The Offeror represents that it ☐ is, ☐ is not a service-disabled veteran-owned small business concern.
- (6) (complete only if the Offeror represented itself as a small business concern in paragraph (b) (1) of this provision) The Offeror represents, as part of its offer, that –
  - (i) It ☐ is, ☐ is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126, and
  - (ii) It ☐ is, ☐ is not a HUBZone joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (b) (6) (i) of this provision is accurate for each HUBZone small business concern participating in the joint venture. (The Offeror shall enter the name or names of the HUBZone small business concern or concerns participating in the joint venture:

Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

**(c) Definitions.**

"Service-disabled veteran-owned small business concern"-

(1) Means a small business concern-

- (i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and
- (ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(2) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

"Small business concern," means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

"Veteran-owned small business concern" means a small business concern-

- (1) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and
- (2) The management and daily business operations of which are controlled by one or more veterans.

"Women-owned small business concern," means a small business concern --

- (1) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and
- (2) Whose management and daily business operations are controlled by one or more women.

**(d) Notice.**

(1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.

(2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, service-disabled veteran-owned small, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8, 9, 15, 31 and 36 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall --

- (i) Be punished by imposition of fine, imprisonment, or both;
- (ii) Be subject to administrative remedies, including suspension and debarment; and
- (iii) Be ineligible for participation in programs conducted under the authority of the Act.

**6. CERTIFICATE OF INDEPENDENT PRICE DETERMINATION (FAR 52.203-2)**

a. The offeror certifies that:

- (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to
  - (a) Those prices;
  - (b) The intention to submit an offer; or
  - (c) The methods or factors used to calculate the prices offered.
- (2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a formally advertised solicitation) or subcontract award (in the case of a negotiated solicitation) unless otherwise required by law.
- (3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

b. Each signature on the offer is considered to be a certification by the signatory that the signatory:

- (1) Is the person in the offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs 10.a.(1) through 10.a.(3).
- (2) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have

not participated, and will not participate in any action contrary to subparagraphs 10.a.(1) through 10.a.(3). (For definition of "principals," refer to certification Provision No. 15.)

- (a) Insert full name of person(s) in the offeror's organization responsible for determination of the prices offered in this bid or proposal, and their title or their position in the offeror's organization.

Name \_\_\_\_\_

Title \_\_\_\_\_

- (b) The authorized agent certifies that the principals named in subdivision b.(2)(a) above have not participated, and will not participate, in any action contrary to subparagraphs 10.a.(1) through 10.a.(3).
- (c) The authorized agent has not personally participated, and will not participate in any action contrary to subparagraphs 10.a.(1) through 10.a.(3).

If the offeror deletes or modifies subparagraph 10.a.(2), the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

**7. BUY AMERICAN CERTIFICATE (FAR 52.225-2)**

The offeror certifies that each end product, except those listed below, is a domestic end product (as defined in the clause entitled "Buy American Act-Supplies"), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States.

End Products and identify if excluded from the Act.

(List as necessary \_\_\_\_\_)

Offerors may obtain lists of articles, materials, and supplies excepted from the Buy American Act (listed at 25.108 of the FAR).

**8. TECHNICAL DATA CERTIFICATION**

- a. The offeror certifies that it has not delivered or is not obligated to deliver to SIMCO under any subcontract the same or substantially the same technical data included in its offer, except as set forth below:

Subcontract No. \_\_\_\_\_

Agency name and place of delivery \_\_\_\_\_

- b. The work to be performed and the known requirements for the technical data as set forth in the solicitation have been reviewed. To the best of my knowledge:

☐ There will be no technical data withheld from delivery as being proprietary data.

☐ The technical data listed on page \_\_\_\_\_ of the proposal will likely be used in conjunction with the performance of work under the subcontract and is represented as being proprietary data to be protected from unauthorized use and disclosure and therefore to be withheld from delivery in a report not having a restrictive legend.

**9. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (FAR 52.209-5)**

- a. The offeror certifies, to the best of his/her knowledge and belief, that

(1) The offeror and/or any of its principals

- (b) Are ☐, are not ☐, presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency.

- (c) 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, or receiving stolen property.

(d) Are ☐, are not ☐, presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision a.(1)(a)2) of this provision.

1. 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.

b. "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.**

- (1) The offeror shall provide immediate written notice to the contracting officer if, at any time prior to contract award, the offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (2) A certification that any of the items in Paragraph a. of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the offeror's responsibility. Failure of the offeror to furnish a certification or provide such additional information as requested by the contracting officer may render the offeror nonresponsible.
- (3) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by Paragraph a. of this provision. The knowledge and information of an offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (4) The certification in Paragraph a. of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the contracting officer may terminate the contract resulting from this solicitation for default.

#### **10. ROYALTY INFORMATION (FAR 52.227-6)**

☐ The offered price includes no amount representing the payment of royalty by the offering organization directly to others in connection with the performance of the subcontract.

(a) When the response to this solicitation contains costs or charges for royalties totaling more than \$250, the following information shall be included in the response relating to each separate item of royalty or license fee:

- (1) Name and address of licensor.
- (2) Date of license agreement.
- (3) Patent numbers, patent application serial numbers, or other basis on which the royalty is payable.
- (4) Brief description, including any part or model numbers of each subcontract item or component on which the royalty is payable.
- (5) Percentage or dollar rate of royalty per unit.
- (6) Unit price of subcontract item.
- (7) Number of units.
- (8) Total dollar amount of royalties.

(b) Copies of current licenses. In addition, if specifically requested by the CONTRACTOR's Procurement Representative before execution of the subcontract, the Offeror shall furnish a copy of the current license agreement and an identification of applicable claims of specific patents.

**11 CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (FAR 52.203-11) (Applicable to Offers in excess of \$150,000)**

- a. *Definitions.* As used in this provision—"Lobbying contact" has the meaning provided at [2 U.S.C. 1602\(8\)](#). The terms "agency," "influencing or attempting to influence," "officer or employee of an agency," "person," "reasonable compensation," and "regularly employed" are defined in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" ([52.203-12](#)).
- b. *Prohibition.* The prohibition and exceptions contained in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" ([52.203-12](#)) are hereby incorporated by reference in this provision.
- c. *Certification.* The offeror, by signing its offer, hereby certifies to the best of its knowledge and belief that 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 its behalf in connection with the awarding of this contract.
- d. *Disclosure.* If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with respect to this contract, the offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed officers or employees of the offeror to whom payments of reasonable compensation were made.
- e. *Penalty.* Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by [31 U.S.C. 1352](#). Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required 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.

**12. RECOVERED MATERIAL CERTIFICATION (FAR 52.223-4)**

***(This certification is required when the subcontract requires the use of recovered materials)***

As required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(c)(3)(A)(i)), the Offeror certifies, by signing this offer, that the percentage of recovered materials to be used in the performance of the subcontract will be at least the amount required by the applicable subcontract specifications.

**13. REPORTING EXECUTIVE COMPENSATION AND FIRST TIER SUBCONTRACT AWARDS (FAR 52.204-10)**

SIMCO is required to obtain certain information from your company relative to meeting reporting requirements for first tier subcontract awards under its prime contract with the Government. Accordingly, you are required to complete the following. These reports will be made available to the public as required by the Government Funding Transparency Act of 2008 (Pub. L. 110-252).

**(a) Gross Income**

Offeror's gross income in the previous tax year ☐ did ☐ did not exceed \$300,000.

***(If gross income did not exceed \$300,000 in the previous tax year, or the value of this action is less than \$25,000, the offeror is not required to complete (b) through (e) below.)***

**(b) Offerors Physical Address**

Street Address \_\_\_\_\_  
City State and Country \_\_\_\_\_  
Zip Code (nine digits) \_\_\_\_\_  
Congressional District \_\_\_\_\_

**(c) Primary Performance Location for the Work**

Street Address \_\_\_\_\_  
City State and Country \_\_\_\_\_  
Zip Code (nine digits) \_\_\_\_\_  
Congressional District \_\_\_\_\_

**(d) DUNS Number**

Offeror's DUNS number \_\_\_\_\_

Parent company's DUNS number (if applicable) \_\_\_\_\_

**(e) Reporting Requirements on Employee Compensation.**

Offeror shall provide the names and total compensation of each of its five most highly compensated officers for the offeror's preceding completed fiscal year if—

- (i) in the preceding fiscal year, it received –
  - (1) 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and other forms of Federal financial assistance; and
  - (2) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and other forms of Federal financial assistance; and
- (ii) the public 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.

Name	Title	*Total Compensation

\*Total Compensation means the cash and noncash dollar value earned by the executive during the contractors past fiscal year including 1) Salary and bonus, 2) Awards of stock, stock option, and stock appreciation rights, 3) Earnings for services under non-equity incentive plans, 4) Change in pension value, 5) Above-market earnings on deferred compensation which is not tax-qualified and 6) Other compensation.

**14. COST ACCOUNTING STANDARDS NOTICES AND CERTIFICATION (OCT 2015) (FAR 52.230-1)**

*Note: This notice and certification is applicable if the value of the subcontract is expected to exceed \$750,000 unless an exemption applies pursuant to 48 CFR 9903.201-1. This notice does not apply to small businesses or foreign governments (not required for SB, comp, fixed price, foreign, Federal Supply Schedule). 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 subcontract.

If the Offeror is an educational institution, Part II does not apply unless the contemplated subcontract 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.

**I. Disclosure Statement--Cost Accounting Practices and Certification**

- (a) Any subcontract 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 subcontracts which are exempt as specified in 48 CFR 9903.201-1.
- (b) Any Offeror submitting a proposal which, if accepted, will result in a subcontract 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 more than \$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 CONTRACTOR's Procurement Representative 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 CONTRACTOR, 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. 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 subcontract 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 CONTRACTOR's Procurement Representative 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 subcontract 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