

Offer Submission Package

SOLICITATION SP0600-04-R-0143 (Belgium Credit Card Program)

THE ENCLOSED SOLICITATION COVERS THE ORDERING PERIOD **DECEMBER 01, 2004**
THROUGH **SEPTEMBER 30, 2008**

INSTRUCTIONS:

1. The original and one copy of this certification package must be returned to:

ATTN: DESC-PEA, Bid Custodian, Room 3821
Defense Energy Support Center
8725 John J. Kingman Road, Suite 4950
Ft. Belvoir, VA 22060-6222

All documents to be completed and returned are contained in this Certification Package:

- Standard Form 1449, Solicitation/Contract/Order for Commercial Items
 - All applicable fill-in clauses
 - Belgium Credit Card Price Data Sheet
2. Be sure to check your offers for accuracy and legibility prior to submission. They must be in actual Euros per liter (e.g. €0.4000). NOT price differentials. Offer one price per line item, which will escalate/deescalate with the named index. Initial all changes and sign and date the Standard Form 1449.
 3. If you are submitting your offer by facsimile, please limit your facsimile transmission to the content of this Offer Submission Package.
 4. By submission of this package, you are stating that all terms and conditions of the entire solicitation are accepted and apply to your offer unless clearly stated herein.

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30				1. REQUISITION NUMBER SP0600-04-1145		PAGE 1 OF 14	
2. CONTRACT NUMBER		3.AWARD/EFFECTIVE DATE	4. ORDER NUMBER		5. SOLICITATION NUMBER SP0600-04-R-0143		6. SOLICITATION ISSUE DATE 09 Sep 04
7. FOR SOLICITATION INFORMATION CALL:		a. NAME KIM BASS (703) 767-8483 DAVID W. PETERSON (703) 767-9510		b. TELEPHONE NUMBER (no collect calls) PHONE: SEE BLOCK 7(A) FAX: 703 - 767-8506		8. OFFER DUE DATE/ LOCAL TIME 08 Oct 04 @ 3:00 P.M. FT.BELVOIR, VA	
9. ISSUED BY DEFENSE ENERGY SUPPORT CENTER DESC-PEA 8725 JOHN J. KINGMAN ROAD, ST. 4950 FT. BELVOIR, VA 22060-6222 FAX: 703-767-8506 BUYER/SYMBOL: KIM BASS/PEA PHONE: (703) 767-8483			CODE SP0600	10. THIS ACQUISITION IS <input checked="" type="checkbox"/> UNRESTRICTED <input type="checkbox"/> SET ASIDE % FOR <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> SMALL DISADV BUSINESS <input type="checkbox"/> 8(A)		11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input checked="" type="checkbox"/> SEE SCHEDULE	12. DISCOUNT TERMS
15. DELIVER TO SEE SCHEDULE			CODE	16. ADMINISTERED BY SEE BLOCK 9		CODE	
17a. CONTRACTOR / OFFEROR CODE		CODE	FACILITY CODE	18a. PAYMENT WILL BE MADE BY SEE CLAUSE F30		CODE	
<input type="checkbox"/> 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER				18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a. UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM			
19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES			21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	SEE SCHEDULE					SEE OFFEROR SUBMISSION PACKAGE ATTACHED	SEE OFFEROR SUBMISSION PACKAGE ATTCHED
25. ACCOUNTING AND APPROPRIATION DATA TO BE CITED ON EACH DELIVERY ORDER (SEE CLAUSE G18)						26. TOTAL AWARD AMOUNT (For Govt. Use Only)	
<input checked="" type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4. FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA <input checked="" type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.						<input type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA <input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.	
<input checked="" type="checkbox"/> 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN <u> 1 </u> COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS AND CONDITIONS SPECIFIED HEREIN.				<input type="checkbox"/> 29. AWARD OF CONTRACT: REFERENCE <u> </u> OFFER DATED <u> </u> . YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED			
30a. SIGNATURE OF OFFEROR/CONTRACTOR				31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)			
30b. NAME AND TITLE OF SIGNER (TYPE OR PRINT)			30c. DATE SIGNED	31b. NAME OF CONTRACTING OFFICER (TYPE OR PRINT)			31c. DATE SIGNED
32a. QUANTITY IN COLUMN 21 HAS BEEN <input type="checkbox"/> RECEIVED <input type="checkbox"/> INSPECTED <input type="checkbox"/> ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED				33. SHIP NUMBER		34. VOUCHER NUMBER	35. AMOUNT VERIFIED CORRECT FOR
32b. SIGNATURE OF AUTHORIZED GOVT. REPRESENTATIVE				32c. DATE		37. CHECK NUMBER	
32d/eg. PRINTED NAME, TITLE, ADDRESS & EMAIL OF GOV REP.				32f. PHONE # OF GOV REP		38. S/R ACCOUNT NUMBER	
						39. S/R VOUCHER NUMBER	
41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT				42a. RECEIVED BY (Print)		40. PAID BY	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER			41c. DATE		42b. RECEIVED AT (Location)		
				42c. DATE REC'D (YY/MM/DD)		42d. TOTAL CONTAINERS	

B1.05 SUPPLIES TO BE FURNISHED (OVERSEAS PC&S) (ALASKA) (DESC MAY 1996)

(a) The supplies to be furnished during the period specified in the REQUIREMENTS clause, the delivery points, methods of delivery, and estimated quantities are shown below. The quantities shown are best estimates of required quantities only. Unless otherwise specified, the total quantity ordered and required to be delivered may be greater than or less than such quantities. The Government agrees to order from the Contractor and the Contractor shall, if ordered, deliver during the contract period all items awarded under this contract. The prices paid shall be the unit prices specified in subsequent price change modifications issued in accordance with the ECONOMIC PRICE ADJUSTMENT clause.

(b) In an emergency, oral orders may be issued and must be confirmed in writing by an SF 1449 or DD Form 1155 within 24 hours.

(c) Offers shall not be submitted for quantities less than the estimated quantities specified below for each line item. Offers submitted for less than the estimated quantities will not be considered for award, except for items specifically designated as less than 4-year requirements.

<u>ITEMS</u>	<u>SUPPLIES, DELIVERY POINTS, AND METHOD OF DELIVERY</u>	<u>ESTIMATED 4-YEAR QUANTITY</u>
27	GASOLINE, AUTOMOTIVE, PREMIUM UNLEADED (MUP) NSN: 9130-00-148-7104 SPECIFICATION: CLAUSE C1 EN228	272,342 LITERS
28	GASOLINE, AUTOMOTIVE, REGULAR UNLEADED (MUR) NSN: 9130-00-148-7103 SPECIFICATION: CLAUSE C1 EN228	393,065 LITERS
34	DIESEL FUEL #2 (DF2) NSN: 9140-00-286-5294 SPECIFICATION: CLAUSE C1 EN590	341,370 LITERS

The offered unit price, in Euros, must be based upon the official Belgium Government pump price effective **1 Sep 04**. The reference date for any US \$-Euros conversions, prior to award is **1 Sep 04**.

SPECIAL NOTES

- A. ONLY OFFERS AGAINST THE TOTAL QUANTITIES LISTED ABOVE WILL BE CONSIDERED. AWARD WILL BE MADE ON AN **ALL OR NONE** BASIS.
- B. TO THE MAXIMUM EXTENT POSSIBLE, STATIONS SHOULD BE OPERATIONAL 24 HOURS PER DAY, 7 DAYS A WEEK.
- C. A MAXIMUM LIMITATION OF 740 EUROS PER WEEK PER CARD AND 240 EUROS PER TRANSACTION SHOULD BE ESTABLISHED.
- D. 800 SELF TANK CARDS ARE REQUIRED TO OPERATE.
- E. STATIONS MUST BE LOCATED IN MAJOR TOWNS AND ON HIGHWAYS MOST FREQUENTLY USED BY MILITARY VEHICLES TO MINIMIZE COST AND TRAVEL TIME.

MAJOR HIGHWAYS ON WHICH SUPPLIES MUST HAVE STATIONS

1. ROUTE E19 – MONS TO FRANCE
MONS TO HOLLAND VIA BRUSSELS, ANTWERPEN
2. ROUTE E40 - MONS, BRUSSELS TO OOSTENDE VIA AALST
3. ROUTE A17 – MONS TO OOSTENDE VIA TOURNAI

4. ROUTE E25 – MONS THRU LIEGE TO HOLLAND
MONS THRU LIEGE TO LUXEMBOURG
MONS THRU LIEGE TO GERMANY
5. ROUTE E411 – BRUSSELS TO LUXEMBOURG VIA ARLON
6. ROUTE E42 – MONS TO GERMANY VIA NAMUR, LIEGE
7. ROUTE E34 - MONS VIA ANTWERPEN TO HOLLAND
8. ROUTE E314 – BRUSSELS VIA MAASMECHELEN TO HOLLAND AND OR GERMANY

MAJOR TOWNS IN WHICH SUPPLIER MUST HAVE STATIONS

- | | |
|--------------|------------------|
| 1. BRUSSELS | 8. KOKSLIDE |
| 2. MONS | 9. BASTOGNE |
| 3. LIEGE | 10. GROBBENDONCK |
| 4. FLORENNES | 11. ZUTENDAAL |
| 5. CHARLEROI | 12. LEROEULX |
| 6. NAMUR | 13. ANTWERPEN |
| 7. GENT | 14. BERTRIX |

F. THERE ARE NO FULLY ACCEPTABLE ALTERNATE ROUTES AND TRAVELING ANY DISTANCE FROM PRIMARY ROUTE IS UNDESIRABLE. DEVIATIONS FROM PRIMARY ROUTES RESULT IN VEHICLE DRIVERS BECOMING LOST AND CONFUSED AND VEHICLES RUNNING OUT OF FUEL. ACCEPTING ALTERNATIVE ROUTES WOULD INCREASE OPERATING COST.

G. **AUTHORIZED INDIVIDUALS ARE:**

1. ALL U.S. MILITARY AND CIVILIAN PERSONNEL OR LOCAL NATIONAL EMPLOYEES OR THE U.S. GOVERNMENT WHO OPERATE OFFICIAL U.S. GOVERNMENT OR MILITARY VEHICLES AND POSSESS VALID CARDS AND OFFICIAL DISPATCH ORDERS FOR OPERATION OF SAID VEHICLES AT TIME OF DELIVERY.
2. OFFICIAL MILITARY VEHICLES OF OTHER NATIONS IN ACCORDANCE WITH PROVISIONS OF FORCES AGREEMENT.

H. **NUMBER OF CARDS REQUIRED:** NOT TO EXCEED 800 CARDS (SELF TANK CARDS)

I. ONLY OFFERS WITH A CREDIT CARD SYSTEM ARE ACCEPTABLE. APPROXIMATELY 800 CREDIT CARDS ARE REQUIRED TO OPERATE THIS PROGRAM. CARDS WILL BE ISSUED TO APPROXIMATELY 60 SEPARATE ORGANIZATIONS IN BELGIUM, GERMANY, THE NETHERLANDS AND ENGLAND. THE CONTRACTOR WILL OPERATE A CREDIT CARD PURCHASING SYSTEM WITH THE FEATURES GIVEN BELOW:

1. FREE ISSUANCE OF APPROXIMATELY 800 CREDIT CARDS TO THE DESIGNATED PROPERTY ADMINISTRATOR. THERE SHALL BE NO SERVICE CHARGE AND NO CHARGE FOR REPLACEMENT OF LOST OR STOLEN CARDS.
2. FULLY AUTOMATIC OPERATION OF SYSTEM.
3. INFORMATION WILL BE COLLECTED BY A CENTRALIZED COMPUTER OFFICE AND INVOICES WILL BE ISSUED MONTHLY TO THE DESIGNATED PROPERTY ADMINISTRATIVE OFFICE.
4. THE DRIVER MUST INSERT A PERSONAL IDENTIFICATION NUMBER (PIN), TO ACTIVATE THE PUMP. THIS IS A SPECIAL FEATURE TO PREVENT FRAUD IF THE CARD IS STOLEN.
5. FOR EACH TRANSACTION THE FOLLOWING INFORMATION WILL BE RECORDED:

a. CARD NUMBER	e. TOTAL NUMBER OF LITERS PURCHASED
b. CARD IDENTIFICATION	f. PRODUCT TYPE
c. TIME AND DATE	g. VEHICLE LICENSE NUMBER
d. LOCATION	

THE RECORDED INFORMATION FOR A SPECIFIC TRANSACTION CAN BE REQUESTED FROM THE CONTRACTOR'S MAGNETIC TAPE.

6. NUMBER OF AUTOMATED AND/OR STANDARD SERVICE STATIONS, THEIR LOCATIONS AND THE FUELS AVAILABLE AT EACH LOCATION.

7. INVOICING PROCEDURES CURRENTLY PRACTICED BY COMPANY.

8. SECURITY CONTROLS WITH THE SYSTEM.

J. SUPPLIES TO BE FURNISHED UNDER THIS CONTRACT SHALL BE ORDERED WHEN AUTHORIZED INDIVIDUALS/ORDERING OFFICERS PRESENT VALID CREDIT CARDS FOR PURCHASE OF FUEL AT THE CONTRACTOR'S SERVICE STATIONS.

K. THE PROPERTY ADMINISTRATOR IS RESPONSIBLE FOR PERFORMING THE FUNCTIONS OF THE CONTRACTING OFFICER'S REPRESENTATIVE. SEE **CLAUSE G2.02** FOR CONTACT POINT AND TELEPHONE NUMBER.

L. **EVALUATION:** OFFERS WILL BE EVALUATED ON (A) OFFER PRICE AND (B) THE LOCATION AND PROXIMITY OF THE SERVICE STATIONS ALONG THE ROUTES AND WITHIN THE CITIES/TOWNS IN BELGIUM, GERMANY AS IDENTIFIED IN PARAGRAPH (E) ABOVE.

1. **OFFER PRICE EVALUATION:** OFFER PRICE SHOULD BE IN EUROS AND SHOULD BE EXCLUSIVE OF VAT AND EXCISE DUTIES, FOR EXAMPLE:

SEPTEMBER 1, 2004 OFFICIAL GOVERNMENT PUMP PRICE	XX.XX
LESS VAT	-XX.XX
LESS EXCISE DUTY	-XX.XX
LESS REBATE OFFERED TO DESC	<u>-XX.XX</u>
PRICE OFFERED TO DESC	XX.XX

THE LOWEST TOTAL REBATE OFFER TO DESC WILL RECEIVE A FULL 50 PERCENT. OFFER SHOULD INCLUDE TAXES (REFERENCE CLAUSE K86 FOREIGN TAXES).

2. **LOCATION EVALUATION:** THERE IS A MAXIMUM OF 22 POINTS, WHICH IS EQUAL TO 50 PERCENT OF THE OVERALL EVALUATION. STATIONS LOCATED DIRECTLY ON A ROUTE/HIGHWAY, OR WITHIN THE MUNICIPAL LIMITS OF THE TOWNS/CITIES SPECIFIED ABOVE IN PARAGRAPH (E), WILL BE GIVEN ONE (1) FULL POINT. A STATION "LOCATED DIRECTLY" IS HEREBY DEFINED AS A STATION BEING ON THE SPECIFIED HIGHWAY OR NO MORE THAN ONE (1) KILOMETER FROM THAT ROUTE. FOR STATIONS LOCATED MORE THAN ONE (1) KILOMETER OFF THE HIGHWAY, BUT NO FURTHER THAN (5) KILOMETERS AWAY, PARTIAL CREDIT WILL BE APPLIED PER THE FOLLOWING.

<u>FROM</u>	<u>TO</u>	
1 KM	2 KM.MAX	0.85
2 KM	3 KM.MAX.	0.65
3 KM	4 KM.MAX	0.40
4 KM	5 KM MAX	0.10

THE OFFEROR WILL GET NO CREDIT FOR STATIONS LOCATED BEYOND 5 KM. IN ORDER TO BE EVALUATED FOR AWARD, OFFERORS **MUST** INDICATE THE LOCATION OF STATIONS IN CITIES IDENTIFIED IN PARAGRAPH (E) ABOVE, AND OF STATIONS LOCATED ON OR NEAR THE ROUTES IDENTIFIED IN PARAGRAPH (E) ABOVE. DISTANCES MUST BE PROVIDED.

AFTER EVALUATING THE NUMBER AND LOCALE OF STATIONS, THE CONTRACTING OFFICER SHALL EXERCISE DISCRETION IN DETERMINING WHETHER OR NOT TO MAKE AN AWARD COMBINING OFFERED PRICES AND TOTAL STATION CREDIT POINTS.

BELGIUM CREDIT CARDS PRICE DATA SHEET**CLOSING DATE: Oct 08, 2004****RFP: SP0600-04-R-0143**

LINE ITEM	PRODUCT	4 YR EST. QTY	OFFER PRICE EUROS/LITER
100-27	GASOLINE, PREMIUM UNLEADED	272,342 LITERS	
100-28	GASOLINE, REGULAR UNLEADED	393,065 LITERS	
100-34	DIESEL FUEL #2	341,270 LITERS	

F29.01 CONTRACTOR ORDERING AGENTS (DESC FEB 1995)

Orders placed hereunder shall be directed to the prime Contractor at the address indicated on the cover page unless another address is indicated below.

(NOTE: Offeror to complete when submitting proposal.)

(DESC 52.216-9F85)

G9.06 ADDRESS TO WHICH REMITTANCE SHOULD BE MAILED (DESC DEC 1999)

Remittances shall be mailed only at the Government's option or where an exception to payment by Electronic Funds Transfer (EFT) applies. (See the PAYMENT BY ELECTRONIC FUNDS TRANSFER - CENTRAL CONTRACTOR REGISTRATION or the PAYMENT BY ELECTRONIC FUNDS TRANSFER - OTHER THAN CENTRAL CONTRACTOR REGISTRATION clause.)

Offeror shall indicate below the complete mailing address (including the nine-digit zip code) to which remittances should be mailed if such address is other than that shown in Block 15a (Standard Form (SF) 33) for noncommercial items or Block 17a (SF 1449) for commercial items. In addition, if offeror did not incorporate its nine-digit zip code in the address shown in Block 15a of the SF 33 or in Block 17a of the SF 1449, the offeror shall enter it below:

(a) Payee Name (Contractor): _____
(DO NOT EXCEED 25 CHARACTERS)

(b) Check Remittance Address:

(DO NOT EXCEED 30 CHARACTERS PER LINE)

(c) Narrative Information (special instructions).

(DO NOT EXCEED 153 CHARACTERS)

(DESC 52.232-9F55)

K1.01-10 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS (ALTERNATES I/II) (MAY 2004/APR 2002/OCT 2000)

(a) **DEFINITIONS.** As used in this provision--

(1) **Emerging small business** means a small business concern whose size is no greater than 50 percent of the numerical size standard for the NAICS code designated.

(2) **Forced or indentured child labor means** all work or service—

(i) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or

(ii) Performed by any person under the age of 18 pursuant to a contract, the enforcement of which can be accomplished by process of penalties.

(3) Service-disabled veteran-owned small business concern—

(i) Means a small business concern—

(A) 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

(B) The management and daily business operations are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(ii) **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).

(4) **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 size standards in this solicitation.

(5) Veteran-owned small business concern means a small business concern—

(i) 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

(ii) The management and daily business operations of which are controlled by one or more veterans.

(6) **Women-owned business concern** means a concern 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 whose management and daily business operations are controlled by one or more women.

(7) Women-owned small business concern means a small business concern--

(i) 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

(ii) Whose management and daily business operations are controlled by one or more women.

(b) TAXPAYER IDENTIFICATION NUMBER (TIN) (26 U.S.C. 6109, 31 U.S.C. 7701). (Not applicable if the offeror is required to provide this information to a central contractor registration database to be eligible for award.)

(1) All offerors must submit the information required in paragraphs (b)(3) through (b)(5) 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 Internal Revenue Service (IRS).

(2) 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.

(3) 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 U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.

Offeror is an agency or instrumentality of a foreign government;

Offeror is an agency or instrumentality of a Federal government;

(4) 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: _____.

(5) COMMON PARENT.

Offeror is not owned or controlled by a common parent.

Name and TIN of common parent:

Name _____

TIN _____

(c) Offerors must complete the following representations when the resulting contract is to be performed in the United States or its outlying areas. Check all that apply.

(1) **SMALL BUSINESS CONCERN.** The offeror represents as part of its offer that it--

- is
 is not

a small business concern.

(2) **VETERAN-OWNED SMALL BUSINESS CONCERN. (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.)** The offeror represents as part of its offer that it—

- is
 is not

a veteran-owned small business concern.

(3) **SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERN. (Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(2) of this provision.)** The offeror represents as part of its offer that it—

- is
 is not

a service-disabled veteran-owned small business concern.

(4) **SMALL DISADVANTAGED BUSINESS CONCERN. (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.)** The offeror represents, for general statistical purposes, that it--

- is
 is not

a small disadvantaged business concern as defined in 13 CFR 124.1002.

(5) **WOMEN-OWNED SMALL BUSINESS CONCERN. (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.)** The offeror represents that it--

- is
 is not

a woman-owned small business concern.

NOTE: Complete paragraphs (c)(6) and (c)(7) only if this solicitation is expected to exceed the simplified acquisition threshold.

(6) **WOMEN-OWNED BUSINESS CONCERN (OTHER THAN SMALL BUSINESS CONCERN). (Complete only if the offeror is a women-owned business concern and did not represent itself as a small business concern in paragraph (c)(1) of this provision.)** The offeror represents that it -

- is

a women owned business concern.

(7) **TIE BID PRIORITY FOR LABOR SURPLUS AREA CONCERNS.** If this is an invitation for bid, small business offerors may identify the labor surplus areas in which costs to be incurred on account of manufacturing or production (by offeror or first-tier subcontractors) amount to more than 50 percent of the contract price.

(8) **SMALL BUSINESS SIZE FOR THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM AND FOR THE TARGETED INDUSTRY CATEGORIES UNDER THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.** (Complete only if the offeror has represented itself to be a small business concern under the size standards for this solicitation.)

(i) **(Complete only for solicitations indicated in an addendum as being set-aside for emerging small businesses in one of the four designated industry groups (DIGs)).** The offeror represents as part of its offer that it--

- is
- is not

an emerging small business.

(ii) **(Complete only for solicitations indicated in an addendum as being for one of the targeted industry categories (TICs) or four designated industry groups (DIGs)).** The offeror represents as follows:

(A) The offeror's number of employees for the past 12 months (check the Employees column if size standard stated in the solicitation is expressed in terms of number of employees); or

(B) The offeror's average annual gross revenue for the last 3 fiscal years (check the Average Annual Gross Number of Revenues column if size standard stated in the solicitation is expressed in terms of annual receipts).

(Check one of the following:)

<u>NUMBER of EMPLOYEES</u>	<u>AVERAGE ANNUAL GROSS REVENUES</u>
<input type="checkbox"/> 50 or fewer	<input type="checkbox"/> \$1 million or less
<input type="checkbox"/> 51 - 100	<input type="checkbox"/> \$1,000,001 - \$2 million
<input type="checkbox"/> 101 - 250	<input type="checkbox"/> \$2,000,001 - \$3.5 million
<input type="checkbox"/> 251 - 500	<input type="checkbox"/> \$3,500,001 - \$5 million
<input type="checkbox"/> 501 - 750	<input type="checkbox"/> \$5,000,001 - \$10 million
<input type="checkbox"/> 751 - 1,000	<input type="checkbox"/> \$10,000,001 - \$17 million
<input type="checkbox"/> Over 1,000	<input type="checkbox"/> Over \$17 million

(9) **(Complete only if the solicitation contains the clause at FAR 52.219-23, NOTICE OF PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS, or FAR 52.219-25, SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM - DISADVANTAGED STATUS AND REPORTING, and the offeror desires a benefit based on its disadvantaged status.)**

(i) **GENERAL.** The offeror represents that either--

(A) It--

- is
- is not

certified by the Small Business Administration as a small disadvantaged business concern and identified, on the date of this representation, as a certified small disadvantaged business concern in the database maintained by the Small Business Administration (PRO-Net), and that no material change in disadvantaged ownership and control has occurred since its certification, and, where the concern is owned by one or more individuals claiming disadvantaged status, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); or

(B) It--

- has
- has not

submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted.

(ii) **JOINT VENTURE UNDER THE PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS.** The offeror represents, as part of its offer, that it is a joint venture that complies with the requirements in 13 CFR 124.1002(f) and that the representation in paragraph (c)(9)(i) of this provision is accurate for the small disadvantaged business concern that is participating in the joint venture. The offeror shall enter the name of the small disadvantaged business concern that is participating in the joint venture:

_____.

(iii) **ADDRESS.** The offeror represents that its address—

- is
 is not

in a region for which a small disadvantaged business procurement mechanism is authorized and its address has not changed since its certification as a small disadvantaged business concern or submission of its application for certification. The list of authorized small disadvantaged business procurement mechanisms and regions is posted at <http://www.arnet.gov/References/sdbadjustments.htm>. The offeror shall use the list in effect on the date of this solicitation. **Address**, as used in this provision, means the address of the offeror as listed on the Small Business Administration's register of small disadvantaged business concerns or the address on the completed application that the concern has submitted to the Small Business Administration or a Private Certifier in accordance with 13 CFR part 124, subpart B. For joint ventures, **address** refers to the address of the small disadvantaged business concern that is participating in the joint venture.

(10) **HUBZONE SMALL BUSINESS CONCERN. (Complete only if the offeror represented itself as a small business concern in paragraph (c)(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 joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (c)(10)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. **(The offeror shall enter the name or names of the HUBZone small business concern or concerns that are 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.

(11) **(Complete if the offeror represented itself as disadvantaged in paragraph (c)(4) or (c)(9) of this provision.)** The offeror shall check the category in which its ownership falls:

- Black American
- Hispanic American
- Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).
- Asian-Pacific American (persons with origin from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).
- Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).
- Individual/concern, other than one of the preceding.

(d) **REPRESENTATIONS REQUIRED TO IMPLEMENT PROVISIONS OF EXECUTIVE ORDER 11246.**

(1) **PREVIOUS CONTRACTS AND COMPLIANCE.** The offeror represents that--

(i) It--

[] has

[] has not

participated in a previous contract or subcontract subject to the EQUAL OPPORTUNITY clause of this solicitation; and

(ii) It--

[] has

[] has not

filed all required compliance reports.

(2) **AFFIRMATIVE ACTION COMPLIANCE.** The offeror represents that--

(i) It--

[] has developed and has on file

[] has not developed and does not have on file

at each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor (41 CFR Subparts 60-1 and 60-2), or

(ii) It--

[] has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

(e) **CERTIFICATION REGARDING PAYMENTS TO INFLUENCE FEDERAL TRANSACTIONS (31 U.S.C. 1352).** (Applies only if the contract is expected to exceed \$100,000). By submission of its offer, the offeror 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 his or her behalf in connection with the award of any resultant contract.

(f) **TRADE AGREEMENTS CERTIFICATE (JAN 2004) (DFARS 252.225-7020).** (Applies only if DFARS clause 252.225-7021, TRADE AGREEMENTS (JAN 2004), is incorporated by reference in this solicitation.) DFARS 252.225-7020 is hereby incorporated by reference in its entirety; only the certification portion is reproduced below.

(1) For all line items subject to the TRADE AGREEMENTS clause of this solicitation, the offeror certifies that each end product to be delivered under this contract, except those listed in subparagraph (2) below, is a U.S.-made qualifying country, designated country, Caribbean Basin country, or Free Trade Agreement country end product.

(2) The following supplies are other nondesignated country end products:

(Insert line item no.)

(Insert country of origin)

(g) **BUY AMERICAN ACT – FREE TRADE AGREEMENTS – BALANCE OF PAYMENTS PROGRAM CERTIFICATE (JAN 2004) (DFARS 252.225-7035).** (Applies only if DFARS clause 252.225-7036, BUY AMERICAN ACT – FREE TRADE AGREEMENTS – BALANCE OF PAYMENTS PROGRAM (JAN 2004) is incorporated by reference in this solicitation.) DFARS 252.225-7035 is hereby incorporated by reference in its entirety; only the certification portion is reproduced below.

(1) For all line items subject to the BUY AMERICAN ACT – FREE TRADE AGREEMENTS – BALANCE OF PAYMENTS PROGRAM clause of this solicitation, the offeror certifies that—

(i) Each end product, except the end products listed in subparagraph (2) below, is a domestic end product; and

(ii) Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

(2) The offeror shall identify all end products that are not domestic end products.

(i) The offeror certifies that the following supplies are qualifying country (except Canadian) end products:

(Insert line item number)

(Insert country of origin)

(ii) The offeror certifies that the following supplies are Free Trade Agreement country end products:

(Insert line item number) (Insert country of origin)

(iii) The following supplies are other foreign end products including end products manufactured in the United States that do not qualify as domestic end products:

(Insert line item number)

(Insert country of origin (if known))

(h) CERTIFICATION REGARDING DEBARMENT, SUSPENSION OR INELIGIBILITY FOR AWARD (EXECUTIVE ORDER 12549).

The offeror certifies, to the best of its knowledge and belief, that--

(1) 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, and

(2) [] have or
[] 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 Federal, state or local government 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 or
- [] are not

presently indicted for, or otherwise criminally or civilly charged by a government entity with, commission of any of these offenses.

(i) CERTIFICATION REGARDING KNOWLEDGE OF CHILD LABOR FOR LISTED END PRODUCTS (EXECUTIVE ORDER 13126). [The Contracting Officer must list in paragraph (i)(1) any end products being acquired under this solicitation that are included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, unless excluded at 22.1503(b).]

(1) List End Product.

(Insert end product)

(Insert country of origin)

(Insert end product)

(Insert country of origin)

(Insert end product)

(Insert country of origin)

(Insert end product)

(Insert country of origin)

(Insert end product)

(Insert country of origin)

(2) CERTIFICATION. [If the Contracting Officer has identified end products and countries of origin in paragraph (i)(1) of this provision, then the offeror must certify to either (i)(2)(i) or (i)(2)(ii) by checking the appropriate block.]

(i) The offeror will not supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product.

(ii) The offeror may supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that is had made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any such end product furnished under this contract. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

(FAR 52.212-3/Alternates I/II)

K33.01 AUTHORIZED NEGOTIATORS (DESC JAN 1998)

The first page of the offer must show names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate with the Government on the offeror's behalf in connection with this solicitation. The offeror or quoter represents that the following persons are authorized to negotiate on its behalf with the Government in connection with this request for proposals or quotations.

(DESC 52.215-9F28)

K45.04 FACSIMILE INVOICING (DESC JUL 1998)

(a) Submission of invoices by facsimile (FAX) is authorized when the offeror will utilize this method of invoicing at all times.

(b) Offeror shall indicate whether or not invoices will be submitted via FAX:

YES NO

(c) Invoicing by facsimile shall be in accordance with the procedures of the applicable paying office.

(d) **RETURN OF INVOICES BY THE PAYING OFFICE.**

(1) Invoices deemed improper in accordance with the Prompt Payment Act may be returned to the Contractor via FAX with the reason for the return clearly annotated.

(2) The offeror's/Contractor's FAX number for returning improper invoices is _____.

(DESC 52.232-9F10)

K85 DISCLOSURE OF OWNERSHIP OR CONTROL BY THE GOVERNMENT OF A TERRORIST COUNTRY (MAR 1998)

(a) **DEFINITIONS.** As used in this provision--

(1) **Government of a terrorist country** includes the state and the government of a terrorist country, as well as any political subdivision, agency, or instrumentality thereof.

(2) **Terrorist country** means a country determined by the Secretary of State, under Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(i)(A)), to be a country the government of which has repeatedly provided support for acts of international terrorism. As of the date of this provision, terrorist countries include Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria.

(3) **Significant interest**, as used in this provision means--

(i) Ownership of or beneficial interest in 5 percent or more of the firm's or subsidiary's securities. Beneficial interest includes holding 5 percent or more of any class of the firm's securities in "nominee shares," "street names," or some other method of holding securities that does not disclose the beneficial owner;

(ii) Holding a management position in the firm, such as director or officer;

- (iii) Ability to control or influence the election, appointment, or tenure of directors or officers in the firm;
- (iv) Ownership of 10 percent or more of the assets of a firm such as equipment, buildings, real estate, or other tangible assets of the firm; or
- (v) Holding 50 percent or more of the indebtedness of a firm.

(b) **PROHIBITION ON AWARD.** In accordance with 10 U.S.C. 2327, no contract may be awarded to a firm or subsidiary of a firm if the government of a terrorist country has a significant interest in the firm or subsidiary or, in the case of a subsidiary, the firm that owns the subsidiary, unless a waiver is granted by the Secretary of Defense.

(c) **DISCLOSURE.**

If the government of a terrorist country has a significant interest in the offeror or a subsidiary of the offeror, the offeror shall disclose such interest in an attachment to its offer. If the offeror is a subsidiary, it shall also disclose any significant interest each government has in any firm that owns or controls the subsidiary. The disclosure shall include--

- (1) Identification of each government holding a significant interest; and
- (2) A description of the significant interest held by each Government.

(DFARS 252.209-7001)

K86 FOREIGN TAXES (DESC JUN 1987)

As stated in the TAXES - FOREIGN FIXED-PRICE CONTRACTS clause, unless the contract provides otherwise, the contract price must include all applicable taxes and duties. In accordance with the TAXES - FOREIGN FIXED-PRICE CONTRACTS clause, the offeror shall list below, in paragraph (a), the specific name and amount of the foreign taxes included in the price. If, when permitted by the contract, foreign taxes are not included in the offered price but are expected to be invoiced separately, the offeror shall list the specific name and amount of these taxes in paragraph (b) below.

(a) Foreign taxes included in the contract price are as follows:

<u>NAME OF TAX</u>	<u>AMOUNT</u>
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(b) Foreign taxes invoiced separately are as follows:

<u>NAME OF TAX</u>	<u>AMOUNT</u>
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(DESC 52.229-9F10)