



## Agreements, Representations, & Certifications (Annual)

This is an annual ATK Space Systems representation and certification form, valid for 12 months from the date of execution.

**All sections must be completed and returned to:**

ATK Space Systems  
Attn: Compliance Officer  
7812 West 4100 South  
Magna, Utah 84044

### GENERAL

Supplier Name \_\_\_\_\_

Contact Name \_\_\_\_\_

Phone No. \_\_\_\_\_

NAICS or SIC Code \_\_\_\_\_

**The company/individual identified on the last page (hereafter referred to as "OFFEROR") certifies/represents that:**

*(Check or complete all applicable boxes or blanks.)*

#### A. BUSINESS SIZE AND OWNERSHIP FAR 52.219-1 (May 2004)

OFFEROR represents that it *(check one for each line)*:

- IS  IS NOT a Small Business
- IS  IS NOT a Small Disadvantaged Business
- IS  IS NOT a Women-Owned Business
- IS  IS NOT a Minority Institution
- IS  IS NOT a Historically Black College or University
- IS  IS NOT a HUBZone Small Business
- IS  IS NOT a Veteran-Owned Small Business
- IS  IS NOT a Service Disabled Veteran-Owned Small Business

This representation must be in compliance with Federal definitions contained in the Code of Federal Regulations / Federal Acquisition Regulations (CFR/FAR). These definitions are available upon request from the cognizant ATK Space Systems Inc. (hereinafter ATK) buyer, ATK Compliance Officer, ATK Small Business Administrator, or at [www.arnet.gov](http://www.arnet.gov).

#### B. AFFIRMATIVE ACTION FAR 52.222-25 (Apr 1984)

The OFFEROR represents that: *(check only one block)*

- (1) It  IS exempt (less than 50 employees and no government contract over \$50,000 in 12 month period)

- or -

- (2) 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 -

- (3) It  HAS NOT previously had a contract subject to the written affirmative action program requirements of the rules and regulations of the Secretary of Labor and will develop a program within 120 days of the start of any contract issued as a result of this request.

#### C. EQUAL OPPORTUNITY (Previous Contract and Compliance Reports) FAR 52.222-22 (Feb 1999)

The OFFEROR represents that:

- (1) It is  EXEMPT (less than 50 employees);

- or -

- (2) It  HAS  HAS NOT participated in a previous contract or subcontract subject to the Equal Opportunity clause; AND It  HAS,  HAS NOT filed all required compliance reports;

If representation indicates required reports have not been filed, CONTRACTOR must submit said reports within 30 days of the date of any contract issued.

#### D. PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION FAR 52.222-24 (Feb 1999)

If a contract in the amount of \$10 million or more will result from an ATK solicitation, the Offeror 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 contractor and subcontractors to be in compliance with Executive Order 11246.

#### E. CERTIFICATE OF ETHICAL CONTRACTING

The OFFEROR certifies that it has not, nor has any of its employees, subcontractors or subcontractors' employees, received, or offered, to any person or entity, any gratuities, kickbacks, or anything of value, relevant to any aspect of such Contract, or any subtier contract(s) released under such Contract. Further, OFFEROR agrees to notify ATK of any such action that it becomes aware of during the performance of any contract with ATK.

#### F. SAFETY CERTIFICATION

The OFFEROR certifies that it  HAS,  DOES NOT HAVE outstanding safety violations with OSHA, a Federal Agency or any other contract or subcontract safety regulation. If violations are outstanding, Offeror shall identify and submit for evaluation by ATK prior to any award.

#### G. DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS FAR 52.209-5 (Dec 2001)

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;

AGREEMENTS, REPRESENTATIONS, AND CERTIFICATIONS (ANNUAL) Continued

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;

ARE  ARE NOT presently indicted for, or otherwise criminally or civilly charged by a Government entity with commission of any of the offenses enumerated above.

- 2) 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.
- 3) The Offeror shall provide immediate written notice to the cognizant ATK Buyer 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.
- 4) "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).

**H. SMALL BUSINESS SUBCONTRACTING PLAN** (if applicable)

Offerors other than small businesses must submit a Small Business Subcontracting Plan (The Plan) and submit Subcontracting Reports for Individual Contracts (SF 294) and Summary Subcontract Reports (SF 295) if the response to an ATK solicitation exceeds \$500,000 (\$1,000,000 for construction). The Plan shall be in accordance with FAR 52.219-9.

**I. CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING** FAR 52.223-13 (Oct 2000)

The OFFEROR hereby certifies that:

- (1) As the owner or operator of facilities that will be used in the performance of an ATK subcontract that is subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA)(42 U.S.C. 13106), the Offeror: **(Check one of the following blocks, plus complete paragraph 2 if exempt.)**
  - Files and will continue to file for such facilities, the Toxic Chemical Release Inventory Form (FORM R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA, or
  - Is exempt as identified in paragraph 2 below;

- (2) None of its owned or operated facilities to be used in the performance of an ATK subcontract are subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons:

(Check each block that is applicable)

- (i) The facility does not manufacture, process, or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023 (c);
- (ii) The facility does not have 10 or more full-time employees as specified in section 313(b)(1)(A);
- (iii) The facility does not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);
- (iv) The facility does not fall within Standard Industrial Classification Code (SIC) designations 20 through 39 as set forth in section 19.102 of the Federal Acquisition Regulation; or
- (v) The facility is not located within any State of the U.S., the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the U.S. has jurisdiction.

**J. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS** FAR 52.203-11 (Apr 1991)

- (1) The definitions and prohibitions contained in the clause at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions are hereby incorporated by reference into this Certification.
- (2) The Offeror, by signing this form, hereby certifies to the best of its knowledge and belief, that:
  - (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, or the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement;
  - (b) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities.

AGREEMENTS, REPRESENTATIONS, AND CERTIFICATIONS (ANNUAL) Continued

(c) Offeror will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in exceed of \$100,000 shall certify and disclose accordingly.

(3) Submission of this certification and disclosure is a prerequisite for making or entering into a 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.

**K. TAXPAYER IDENTIFICATION FAR 52.204-3 (Oct 1998)**

(1) All Offerors are required to submit the information required in paragraphs (a) through (c) in order 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). If a resulting contract is subject to the payment reporting requirements described in 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 contract.

(a) Taxpayer Identification Number (TIN)

- TIN:
- TIN has been applied for
- TIN is not required because:
  - Offeror is a nonresident alien, foreign corporation, or a foreign partnership that does not have income effectively connected with the conduct of a trade of business in the U.S. and does not have an office or place of business or a fiscal payment agent in the U.S. or;
  - Offeror is an agency or instrumentality of a foreign government or;
  - Other, state basis:

(b) 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 CFB 1.6049-4;
- Other

(c) Common Parent

- Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this clause
- Name and TIN of common parent:
  - Name \_\_\_\_\_
  - TIN \_\_\_\_\_

**L. SIGNATURE**

By signature hereto, or to an offer incorporating these representations and certifications, the Offeror certifies that they are accurate, current, and complete and that it is aware of the penalty prescribed in 18 U.S.C. 1001 for making false statements in offers.

Supplier Name \_\_\_\_\_  
Signature \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_