

Poultry Programs

April 1998

APPENDIX-1

ANNUAL CERTIFICATIONS, REPRESENTATIONS,

AND

WARRANTIES

For

POULTRY AND EGG PRODUCTS



valid through June 30, 1999

Appendix-1 for Poultry and Egg Products

(Annual Certifications, Representations, and Warranties)

These certifications concern matters 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 the United States Code, including title 18 U.S.C. Section 1001, and subject to civil or administrative action, including suspension or debarment.

This Appendix is incorporated by reference to all United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs Announcements and must be submitted to the Contracting Officer so that a determination of responsibility can be made with respect to offers submitted in response to invitations issued under all Poultry Programs Announcements. The Poultry Programs will retain this Appendix on file as the Offeror's certifications, representations, and warranties for subsequent invitations for offers under all Poultry Programs Announcements. By signing an offer, the Offeror certifies and warrants that the Appendix on file is current, accurate, and true. Offerors are responsible for updating this Appendix as may be necessary with each offer submitted.

A false certification may result in rejection of the offer, suspension and debarment, termination of the contract, liability for damages under the provisions of USDA-1, and criminal prosecution.

1. Buy American Certification

By submitting an offer, the Offeror certifies that end products to be furnished will be of domestic origin as defined in section I.E. of the Announcement. This provision is a deviation from 48 C.F.R. Part 25.

2. Domestic Products Certification

A. Responsibility of Offeror

Offeror certifies that:

1. The Contractor agrees to maintain records including, but not limited to, invoices, production, and inventory records evidencing product origin; and to make such records available for review by the Government in accordance with Article 76 of USDA-1.
2. Offeror (DOES) (DOES NOT) process or handle poultry and/or egg products including maltodextrin (products) originating from sources other than the United States, its territories or possessions, Puerto Rico, or the Trust Territories of the Pacific Islands. If the Contractor processes or handles products originating from sources other than U.S. production, Contractor agrees to develop and maintain an identification and record system for these products to ensure they are segregated and not used to fulfill this contract and make such segregation plans available to the Contracting Officer or agent thereof upon request.

- 3. The Contractor agrees to include section I.F. "Domestic Products" in its entirety in all subcontracts for agricultural supplies used in fulfilling this contract.

B. In making each shipment under the contract, the Contractor is certifying that all products delivered to USDA under the contract are domestic as defined in section I.F. of the applicable Announcement.

3. Taxpayer Identification Number (TIN)

Prior to submitting an offer under this Announcement, offerors must submit a Taxpayer Identification Number as required by FAR at 48 C.F.R. § 52.204-3 (provision follows, sections not applicable to this Announcement deleted).

- 1. Taxpayer Identification Number (TIN) - TIN: _____
 TIN has been applied for.

- 2. Common Parent - Offeror is not owned or controlled by a common parent as defined in paragraph (4) of this section.

Name and TIN of common parent:
 Name _____
 TIN _____

3. All offerors are required to submit the information required in order to comply with reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M and implementing regulations issued by the Internal Revenue Service (IRS). If the resulting contract is subject to the reporting requirements described in FAR at 48 C.F.R. § 4.903, the failure or refusal by the offeror to furnish the information may result in a 20 percent reduction of payments otherwise due under the contract.

4. Definitions - "Common parent," as used in this section, 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 section, means the number required by the IRS to be used by the offeror in reporting income tax and other returns.

4. Affirmative Action Compliance (Circle One)

Offeror represents that it:

- A. (HAS) (HAS NOT) developed and (HAS) (HAS NOT) on file at each establishment affirmative action programs required by the rules and regulations of the Secretary of Labor (41 C.F.R. § 60-1 and 60-2); and

- B. (HAS) (HAS NOT) previously had contracts subject to the written affirmative action program requirement of the rules and regulations of the Secretary of Labor.

5. Previous Contracts and Compliance Reports (Circle One)

Offeror represents that it:

- A. (HAS) (HAS NOT) participated in a previous contract or subcontract subject either to the "Equal Opportunity" clause of Article 41 of USDA-1, the clause originally contained in Section 310 of Executive Order No. 10925, or the clause originally contained in Section 201 of Executive Order No. 11114;
- B. (HAS) (HAS NOT) filed all required compliance reports; and
- C. (WILL) obtain representations indicating submission of required compliance reports signed by proposed subcontractors prior to subcontract awards.

6. Contingent Fee Representation (Circle One)

Offeror represents that, except for full-time, bona fide employees working solely for the offeror, the offeror:

- A. (HAS) (HAS NOT) employed or retained any person or company to solicit or obtain this contract; and
- B. (HAS) (HAS NOT) paid, or agreed to pay, to any person or company employed or retained to solicit or obtain this contract for any commission, percentage, brokerage, or other fee contingent upon, or resulting from, the award of this contract.

7. Offeror (DOES) (DOES NOT) hereby certify that the information previously submitted on the Standard Form 129 (EXHIBIT 1 of the Announcement) is accurate and is a part of this offer; and offeror makes the certification of responsibility required by Section I.D. of the Announcement and the certifications, representations, and warranties provided in Parts C and D of USDA-1.

8. Small Business Concern Representation (Circle One)

Offeror represents and certifies as part of its offer that it:

- A. (IS) (IS NOT) a small business concern as defined in Article 45 of USDA-1; and
- B. (ALL) (NOT ALL) end items to be furnished will be manufactured or produced by a small business concern in the United States, its territories or possessions,

Puerto Rico, or the Trust Territories of the Pacific Islands.

9. Small Disadvantaged Business Concern Representation (Circle One)

Offeror (IS) (IS NOT) a small disadvantaged business concern as defined in Article 45 of USDA-1.

10. Woman-owned Small Business Representation (Circle One)

Offeror (IS) (IS NOT) a woman-owned small business concern as defined in Article 42 of USDA-1.

11. Clean Air and Water Certification (Circle One)

Offeror certifies as follows:

- A. Any facility to be used in the performance of this proposed contract (IS) (IS NOT) listed on the Environmental Protection Agency (EPA) List of Violating Facilities;
- B. Offeror (WILL) immediately notify the Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee of the EPA, indicating that any facility which it proposes to use for the performance of the contract is under consideration to be listed on the EPA's List of Violating Facilities; and
- C. Offeror (WILL) include a certification substantially the same as this certification, including this clause (c), in every nonexempt subcontract (Article 47 of USDA-1 contains the "Clean Air and Water" clause.)

12. The certifications, warranties, and representations as set forth in the Appendix and Parts C and D of USDA-1, are hereby made.

IN WITNESS WHEREOF, the undersigned has executed this Appendix
_____ day of _____, 19 ____.

NAME OF FIRM: _____

SIGNATURE ¹: _____ TITLE: _____

(Typed Name of Officer)²

TYPE OF FIRM: _____
(Corporation, Partnership, Individual Proprietorship)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE NO: _____ FAX NO: _____

¹ Before signing this Appendix, see Article 6 of USDA-1, Signing of Offers

² Officer must be identified in item 7 of the Solicitation Mailing List Application (SF-129)