



United States
Department of
Agriculture

Farm and Foreign
Agricultural Services

Farm Service
Agency

Kansas City
Commodity Office
P.O. Box 419205
Kansas City,
Missouri
64141-6205

April 1, 2004

BCD-66
EOD-139
DDOD-161

NOTICE TO THE TRADE

SUBJECT: QUALIFICATION REQUIREMENTS FOR POTENTIAL VENDORS SELLING COMMODITIES TO USDA

USDA Commodity Operations, through the Kansas City Commodity Office (KCCO), procures various products for domestic and foreign food assistance programs. Procurements of commodities for foreign distribution are made under Commodity Credit Corporation (CCC) authorities on behalf of the U.S. Agency for International Development and the Foreign Agricultural Service. KCCO also procures various products for the Department of Agriculture's Food and Nutrition Service for domestic feeding programs.

The qualification requirements requested herein provide for a reexamination and revalidation of established qualification requirements as required by the Federal Acquisition Regulation (FAR) Part 9.202(f), and are necessary for KCCO to carry out its procurement mission. All vendors submitting bids to supply commodities must be qualified prior to submitting offers. All interested vendors shall fully complete and provide all materials requested herein. KCCO will review this submission and determine if the vendor will be added to the Qualified Bidders List. Bids will not be accepted from a vendor that has failed to comply with these requirements.

Purchase Announcements that contain contract terms and specifications; USDA-1, General Terms and Conditions; Invitations for Bid; and historical contract award information can be located at <http://www.fsa.usda.gov/procurement>

Potential vendors may submit applications at any time. Potential vendors will be notified in writing whether requirements have been satisfied.

The following steps are required to complete the qualification process:



Administrative Requirements

All potential vendors shall:

1. Register in the Central Contractor Registration (CCR) system at <http://www.ccr.gov>. The CCR requires a one-time business registration with mandatory annual updates. The CCR allows vendors to control the accuracy of their own business information. There is no fee to register in CCR. The data from registrations will be used for procurement and payment purposes.
2. Provide KCCO the CCR assigned Commercial and Government Entity (CAGE) code as appropriate for any applicable location(s). The CAGE code is a five-character identification number. Reference the CCR handbook for instructions to enter data into the CCR.
3. Complete Standard Form 3881, ACH Vendor/Miscellaneous Payment Enrollment Form, which can be located at www.sc.egov.usda.gov.
4. Complete Appendix 1, Representations, Certifications, and Other Statement of Offerors or Respondents.
Appendix 1 for dairy products located at <http://fsa.usda.gov/daco/Announcement/dairy/Appendix1.pdf>
Appendix 1 for domestic products located at <http://www.fsa.usda.gov/daco/Announcement/Domestic/Appendix1.pdf>
Appendix 1 for export and bulk products, and bags, needles, and twine located at <http://www.fsa.usda.gov/daco/Announcement/export/appendix1.pdf>
The Appendix 1 is required annually for continued eligibility.
5. Submit a copy of applicable Small Business Administration (SBA) certificate if the company is certified Small Disadvantaged Business (SDB), 8(a), and/or HUBZone, and is not certified in the CCR as such.

Financial Requirements.

6. KCCO will request and evaluate Dun and Bradstreet (D&B) business analysis reports for all potential vendors to determine if adequate financial resources are available to perform the contract. If the financial information available through the D&B business analysis reports is insufficient to complete a satisfactory review of a vendor's financial stability, KCCO reserves the right to require a potential vendor to submit its latest complete comparative financial statement. The financial statement must be prepared in accordance with generally accepted accounting principals and be audited or reviewed by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants. At a minimum, the statement should include a balance sheet, profit and loss statement, statement of cash flow, statement of retained earnings and any notes to the financial statement. For partnerships, the last fiscal year statement or current financial statement of the partnership and the personal financial statement of each partner will be required. For individuals, financial statements that include all personal and business assets and liabilities will be required.

As required by FAR Part 9.104-3(a), a potential vendor must demonstrate adequate financial resources to perform the contract including the availability of necessary working capital and satisfactory credit. This may include, but is not limited to, the financial protection against losses as set forth in FAR Part 28.

The D&B business analysis report or the latest financial statements will be reviewed on an annual basis to determine continued eligibility to submit offers on Invitations for Bid.

Capability Requirements

In accordance with FAR Parts 9.104-1 and 9.104-3(b), potential vendors must certify capability to perform as follows:

7. All written submissions from potential vendors must be on company letterhead authenticating the exact legal entity name. Each vendor must submit in writing:
 - (a) A list of all products that they are interested in providing.
 - (b) Historical experience describing the number of years it has sold these or similar products in the commercial marketplace or to governmental organizations.
 - (c) Any additional pertinent information regarding the vendor's capabilities such as, but not limited to, a satisfactory record of integrity and business ethics and verification that it is otherwise qualified and eligible to receive an award under applicable laws and regulations.

8. In accordance with 13 CFR 121.406, all potential non-manufacturers of processed products must be engaged in the wholesale or retail trade and sell the items being offered to the general public. The supplier must furnish a copy of the written agreement in effect between the non-manufacturer and an approved supplier to certify compliance with the applicable KCCO purchase announcement requirements. The agreement must be on the supplier's company letterhead and must be signed by both parties.

After receiving the qualification information, a pre-award survey shall be conducted to verify that a potential vendor meets KCCO qualification requirements. The pre-award survey will be conducted by the KCCO Total Quality Systems Audit (TQSA) auditors to evaluate the technical, production, and transportation capabilities, and quality assurance and production control procedures of the vendor. KCCO has implemented an audit program for many of the commodity areas. Prior to approval, potential vendors must be compliant with the applicable commodity purchase announcements that contain the requirements for each product.

If all qualification requirements are met, a vendor identification entity number will be assigned to the vendor in order to submit future offers to KCCO.

Potential vendors are encouraged to submit qualification packages as soon as possible so they may be notified of qualification status in advance of upcoming Invitations for Bid. The qualification packages should be submitted under seal and marked **CONFIDENTIAL** to Attention: Small Business Specialist, Kansas City Commodity Office, 6501 Beacon Drive, Mail Stop 8698, Kansas City, MO 64133 (Betty Kunkel, Small Business Specialist, Phone 816-926-3295, Fax 816-823-4034, Email betty.kunkel@kcc.usda.gov.)

Except as provided in FAR Part 24.2 (the “Freedom of Information Act”) qualification information, including the pre-award survey report, accumulated for purposes of determining the responsibility of a potential vendor shall not be released or disclosed outside the government. All information provided will be kept confidential to the extent permitted by law.

Under penalty of perjury, each qualification package must be submitted and signed by an individual who has the legal authority to contractually bind the vendor on whose behalf that information package is submitted. If any information provided by the vendor becomes inaccurate, the vendor must immediately notify the Small Business Specialist and provide updated and accurate information in writing, under penalty of perjury. KCCO reserves the right to waive minor irregularities and omissions in the information obtained in the qualification package submitted.

/S/ George W. Aldaya
George W. Aldaya
Director

ATTACHMENT

- [List of products and NAICS codes covered by qualification requirements and technical contacts for products](#)

UNITED STATES
DEPARTMENT OF
AGRICULTURE

EFFECTIVE: January 1, 2004

KANSAS CITY
COMMODITY OFFICE
P.O. BOX 419205
KANSAS CITY, MO 64141-6205

APPENDIX 1

Representations, Certifications, and Other Statements of Offerors or Respondents for

DAIRY COMMODITY PROCUREMENTS

<http://www.fsa.usda.gov/daco/Announcement/dairy/Appendix1.pdf>



**APPENDIX 1
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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 Title 15, U.S.C., Section 714M.

The certifications, representations, and warranties listed in this appendix are required for submission of offers. The Kansas City Commodity Office (KCCO) will retain this appendix on file as the offeror's certifications, representations, and warranties for subsequent invitations for offers under the announcement(s) checked in the table below. By submitting an offer under the announcement(s) checked as applicable by the offeror in the table below, the offeror certifies and warrants that the appendix on file with KCCO contains the current status of the offeror. Offerors are responsible for updating this appendix as may be necessary prior to, or with any applicable offer submission by the offeror.

DAIRY ANNOUNCEMENTS		NAICS CODE	SIZE STANDARD
(v) CHECK APPLICABLE ANNOUNCEMENTS			NO. OF EMPLOYEES
BUTTER			
DAIRY-5	Announced Price	311512	500
PBA-1	Print Butter	311512	500
PBP-1	Repackage Butter	311512	500
KC-B-6	Process Butteroil	311512	500
PBD-1	Packaged Butter	311512	500
CHEESE			
DAIRY-5	Announced Price	311513	500
PCA-1	Process Cheese	311513	500
PCD4	Processed Cheese	311513	500
BCD2	Bulk Cheese	311513	500
MCD3	Mozzarella	311513	500
KC-C-7	Processing	311513	500
MILK			
DAIRY-5	Announced Price	311514	500
IMA-1	Instant Milk	311514	500
IMD-1	Instant Milk	311514	500
M-13	NDM Domestic	311514	500
UHD-1	Ultra High Temperature Milk	311514	500
EVD-1	Evaporated Milk	311514	500
IFD-1	Infant Formula	311514	500
IMP-1	Process Instant NDM	311514	500
FMP1	Fortify and Repackaging NDM	311514	500
NMP1	Repackage Bulk NDM	311514	500

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Part A - Index of Federal Acquisition Regulation (FAR) Clauses

Section 1	FAR 52.203-2--Certificate of Independent Price Determination (Apr 1985)
Section 2	FAR 52.203-5--Covenant Against Contingent Fees (Apr 1984)
Section 3	FAR 52.203-11--Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (Apr 1991)
Section 4	FAR 52.204-3--Taxpayer Identification (Oct 1998)
Section 5	FAR 52.204-5--Women-Owned Business (Other Than Small Business) (May 1999)
Section 6	FAR 52.209-5--Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters (Dec 2001)
Section 7	FAR 52.219-1--Small Business Program Representations (Apr 2002)
Section 8	FAR 52.222-22--Previous Contracts and Compliance Reports (Feb 1999)
Section 9	FAR 52.222-25--Affirmative Action Compliance (Apr 1984)

Part B FAR Clauses

Section 1- FAR 52.203-2--Certificate of Independent Price Determination (Apr 1985)

As prescribed in FAR 3.103-1 (if the solicitation is a Request for Quotations, the terms “Quotation” and “Quoter” may be substituted for “Offer” and “Offeror”):

(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 --

- (i) Those prices;
- (ii) The intention to submit an offer; or
- (iii) 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 sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and

(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 (a)(1) through (a)(3) of this provision; or

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(2)(i) 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 (a)(1) through (a)(3) of this provision

[insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the offeror's organization];

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) of this provision have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) of this provision; and

(iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) of this provision.

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

Section 2 - FAR 52.203-5—Covenant Against Contingent Fees (Apr 1984)

As prescribed in FAR 3.404:

(a) The Contractor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of the contingent fee.

(b) "Bona fide agency," as used in this clause, means an established commercial or selling agency, maintained by a contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Bona fide employee," as used in this clause, means a person, employed by a contractor and subject to the contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds out as being able to obtain any Government contract or contracts through improper influence.

"Contingent fee," as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

"Improper influence," as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.

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Section 3 - FAR 52.203-11--Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (Apr 1991)

As prescribed in FAR 3.808:

(a) 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 in paragraph (b) of this certification.

(b) The offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989 --

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement;

(2) 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, to the Contracting Officer; and

(3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

(c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

Section 4 - FAR 52.204-3--Taxpayer Identification (Oct 1998)

As prescribed in FAR 4.905, complete the following provision:

(a) Definitions.

“Common parent,” as used in this 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.

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“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 payment 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 contract.

(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 the Federal Government.

(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.

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Name and TIN of common parent:

Name:

TIN:

Section 5 - FAR 52.204-5--Women-Owned Business (Other Than Small Business) (May 1999)

As prescribed in FAR 4.603(b), complete the following provision, if applicable:

(a) *Definition.* “Women-owned business concern,” as used in this provision, 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 its stock is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(b) *Representation.* [Complete only if the offeror is a women-owned business concern and has not represented itself as a small business concern in paragraph (b)(1) of FAR 52.219-1, Small Business Program Representations, of this solicitation.] The offeror represents that it is a women-owned business concern.

Section 6 - FAR 52.209-5--Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters (Dec 2001)

As prescribed in FAR 9.409(a), complete the following provision:

(a)(1) The Offeror certifies, to the best of its knowledge and belief, that --

(i) The Offeror and/or any of its Principals --

(A) Are are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) Have have not , within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and

(C) 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)(i)(B) of this provision.

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(ii) 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.

(2) "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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

Section 7 - FAR 52.219-1--Small Business Program Representations (Apr 2002)

As prescribed in FAR 19.307(a)(1), complete the following provision:

(a) (1) The North American Industry Classification System (NAICS) code for applicable solicitations is indicated by the box or boxes selected on page 1.

(2) The small business size standard is indicated by the box or boxes as selected on page 1.

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

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(b) *Representations.*

- (1) The offeror represents as part of its offer that [] is, [] is not a small business concern.
- (2) *[Complete only if the offeror represented itself as a small business concern in paragraph (b)(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.
- (3) *[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 it [] is, [] is not a women-owned small business concern.
- (4) *[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 it [] is, [] is not a veteran-owned small business concern.
- (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 as part of its offer 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 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 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.

(c) *Definitions.* As used in this provision--

"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

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(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, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 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.

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Section 8 - FAR 52.222-22--Previous Contracts and Compliance Reports (Feb 1999)

As prescribed in FAR 22.810(a)(2), complete the following provision:

The offeror represents that--

- (a) It has, has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;
- (b) It has, has not filed all required compliance reports; and
- (c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

Section 9 - FAR 52.222-25--Affirmative Action Compliance (Apr 1984)

As prescribed in FAR 22.810(d), complete the following provision:

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.

Part C Additional Certifications

1. Manufacturer (Check One)

Offeror represents and certifies that it is, is not a manufacturer.

Manufacturer means a person that owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

2. Nonmanufacturer (Check One)

Offeror represents and certifies it is, is not a nonmanufacturer.

Nonmanufacturer means a person that is primarily engaged in the wholesale or retail trade and normally sells the items being supplied to the general public; and will supply the end item of a small business manufacturer or processor made in the United States, or obtains a waiver of such requirement pursuant to 13 C.F.R. 121.406.

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 REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS
 OF OFFERORS OR RESPONDENTS**

The representations, certifications, and other statements of offers or respondents as set forth in this appendix to the announcement(s) indicated as applicable on page 1 of this appendix and Part C of USDA-1, are hereby made.

IN WITNESS WHEREOF, the undersigned has executed this appendix this _____ day of _____, _____.
 (Month) (Year)

NAME OF FIRM

SIGNATURE /

TITLE

TYPED NAME

Officer or Employee Authorized to Execute Contracts

Additional Representatives Authorized to Execute Contracts	
Signature	Typed Name

ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NO.

FAX NO.

EMAIL ADDRESS

1/ Before signing this Appendix, see Article 6 of USDA-1.