

REPRESENTATIONS AND CERTIFICATIONS -- Lease of Real Property (Oct 2000)

NOTE: The "Offeror," as used on this form, is the owner of the property offered, not an individual or agent representing the owner.

NOTICE. Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small or small disadvantaged business concern in order to obtain a contract to be awarded under the preference programs established pursuant to Sections 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 (1) be punished by imposition of a fine, imprisonment, or both; (2) be subject to administrative remedies; and (3) be ineligible for participation in programs conducted under the authority of the Act.

The offeror represents and certifies as part of its offer that: (Check or complete all applicable boxes or blocks.)

1. SMALL BUSINESS. It is, is not a small business concern. Small business concern, as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of leasing commercial real estate, and qualified as a small business under the criteria in 13 CFR 121.

2. VETERAN-OWNED SMALL BUSINESS. It is, is not a veteran-owned small business concern. "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 operations of which are controlled by one or more veterans.

3. SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS. It is, is not a service-disabled veteran-owned small business concern. (1) "Service-disabled veteran-owned small business concern" means a small business concern (i) not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and (ii) the management and daily 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).

4. HUBZone SMALL BUSINESS. It is, is not a HUBZone small business concern appearing, 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 place of ownership, or

HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126.

5. SMALL DISADVANTAGED BUSINESS CONCERN. It has, has not received certification by the Small Business Administration as a small disadvantaged business concern consistent with 13 CFR 124, subpart B, and, if it has:

(a) No material change in disadvantaged ownership and control has occurred since its certification;

(b) Where the concern is owned by one or more disadvantaged individuals, 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); and

(c) It is 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).

6. WOMEN-OWNED SMALL BUSINESS. It is, is not, a women-owned small business concern. A "women-owned small business concern," as used in this provision, means a small business 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. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS .

(a) It has, has not participated in a previous contract or subcontract subject either to the Equal Opportunity clause of this solicitation, the clause originally contained in Section 310 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114;

(b) 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.

8. AFFIRMATIVE ACTION COMPLIANCE. (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.

9. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS. (Applies to leases that exceed \$100,000.)

(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 a contract resulting from this solicitation.

(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 Company; 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.

10. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS. (Applies to leases that exceed \$100,000 average net annual rental, including option periods.) (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 at present 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 at present 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.

(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 award of lease agreement, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

11. ASBESTOS. The Offeror represents and certifies as part of its offer that the offered space, spaces above suspended ceilings in the offered space, air plenums elsewhere in the building which service the offered space, engineering spaces in the same ventilation zones as the offered space, public spaces, and common uses space (e.g., lobbies, hallways):

(a) Does, does not include asbestos-containing materials (ACM). ACM as used in this provision is defined as any materials with a concentration of one percent or greater by dry weight of asbestos fibers.

(b) If any of the above areas include ACM, please

indicate whether the materials are:

(1) Friable: Yes No

(2) Nonfriable, and located where they are not likely to be disturbed during the term of any ensuing lease: Yes No

(3) In a solid matrix, already in place, and in good condition: Yes No

12. HAZARDOUS WASTE OPERATIONS. To the best of his or her knowledge, the Offeror represents and certifies, as part of the offer, that the site upon which space offered for lease to the Company:

(a) Was a site used for any or all of the following operations:

(1) Generation of hazardous waste Yes No

(2) Treatment, temporary/permanent storage, or disposal of solid or hazardous waste Yes No

(3) Storage of hazardous substances or petroleum products Yes No

(4) Used/waste oil storage or reclamation units Yes No

(5) Laboratory or rifle range Yes No

(6) Chemical manufacturing/storage Yes No

(7) Military or intelligence weapons or ammunition training or testing Yes No

(8) Ordnance and/or weapons production, storage, or handling Yes No

(b) If any of the above operations ever occurred at the site, the Owner certifies that appropriate cleanup or other action was, was not performed in accordance with the local, state, and Federal laws.

13. RADON CERTIFICATION. (a) The Offeror certifies as part of its offer that the portion of the space proposed for lease to or acquisition by the Lessee which is in ground contact or closest to the ground (i.e., if space offered is on Floors 4 through 8, certification is required for the 4th floor only) has been measured for radon. Radon detectors were placed throughout the required area to ensure each detector covered no more than 2000 square feet of space. Radon analyses were performed by a laboratory successfully participating in the Environmental Protection Agency-sponsored Radon Measurement Proficiency Program. The highest radon level was found to be:

Below 4 picocuries per liter (pCi/l)

4 pCi/l or greater, but less than 200pCi/l

200 pCi/l or greater

(b) The highest radon level measured was _____.

(c) The measurement method used was _____.

14. POLYCHLORINATED BIPHENYLS (PCBs). The Offeror certifies as part of its offer that the building in which the space is offered for lease to the Company:

(a) Contains, does not contain transformers with one quart or more of PCB fluid.

(b) Contains, does not contain other equipment, e.g., capacitors, with one quart or more of PCB fluid. If present, specify the type of equipment:

(c) If PCB transformers are present, please indicate the number that:

(1) Are owned by building _____ and/or by the utility company _____.

(2) Are leaking _____, are not leaking _____.

(3) Have overcurrent protection _____, have low current fault protection _____.

(4) Are inspected quarterly _____.

15. TAXPAYER IDENTIFICATION. (a) Definitions. (1) "Common parent," as used in this solicitation provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

(2) "Corporate status," as used in this solicitation provision, means a designation as to whether the offeror is a corporate entity, an unincorporated entity (e.g., sole proprietorship or partnership), or a corporation providing medical and health care services.

(3) "Taxpayer Identification Number (TIN)," as used in this solicitation provision, means the number required by the IRS to be used by the offeror in reporting income tax and other returns.

(b) All offerors are required to submit the information required in paragraphs (c) through (e) of this solicitation

provision 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 4.903, 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) Taxpayer Identification Number (TIN).

(1) TIN: _____.

(2) _____ TIN has been applied for.

(3) 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, state, or local government;

Other. State basis. _____.

(d) Corporate Status.

Corporation providing medical and health care services, or engaged in the billing and collecting of payments for such services;

Other corporate entity;

Not a corporate entity:

Sole proprietorship

Partnership

Hospital or extended care facility described in 26 CFR 501(c)(3) that is exempt from taxation under 26 CFR 501(a).

(e) Common Parent.

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

Name and TIN of common parent: _____

Name: _____

TIN: _____

16. OFFEROR'S DUNS NUMBER

Enter number, if known: _____

OFFEROR: _____

BY: _____

(Signature)

TITLE: _____

DATE: _____