

# FAR / DFARS Representations and Certifications for U.S. & Non-U.S. Suppliers

## AM General

This form must be completed, submitted and accepted prior to placement of any U.S. Government-Funded Purchase Orders in accordance with federal law requirement identified herein.

Company Legal Name		Doing Business As (if different than legal name)	
Physical Address			
City		State	Province
Country		Postal Code	Country Code
DUNS Number		SAM UID	Cage Code

**FAR 52.215-6 Place of Performance.** If the supplier intends to perform work other than the business physical address above, please provide the information if applicable.

Company Legal Name		Doing Business As (if different than legal name)	
Physical Address			
City		State	Province
Country		Postal Code	Country Code
DUNS Number		SAM UID	Cage Code

**Quality Registration/Certifications: Check one (highest level certificate/approval)**

IATF 16949:2016 Registered      Certificate Expiration. Date:  
 ISO 9001:2015 Registered      Certificate Expiration Date:  
 Approved Plan in Place      Anticipated Registration Date:  
 Exception Approved      Exception Expiration Date: (One year from date of AMG Quality approval)  
 Non-Direct Material Provider  
 None

PLEASE RETURN A COPY OF YOUR IATF OR ISO CERTIFICATE WITH THIS FORM (if applicable)

### SAM.gov Registration

If the contractor is currently registered in the System for Award Management (SAM), and has completed the on-line representations and certifications electronically on SAM, the contractor may choose to complete

item a. instead of completing the corresponding individual representations and certifications. The seller shall indicate which option applies by checking one of the following boxes:

- a. The contractor has completed the annual representations and certifications electronically via the SAM website at <https://www.sam.gov>. If the contractor finds the representations and certifications currently posted electronically have been entered or updated within the last 12 months, but are not current, accurate, and complete, the must complete section (b) of this document as well as provide the appropriate updated information. (If you check this box and do not require any further updates to the information provided on SAM.gov, skip to final signature page to sign and return this document along with a copy of your On-Line SAM Reps and Certs)

**SAM.gov certification expiration date**

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- b. The contractor has completed the individual representations and certifications below.

**UPDATED INFORMATION ON SAM.gov**

This section is only applicable to suppliers that are registered on SAM.gov and need to provide updated information to those sections identified below.

(1) Annual Representations and Certifications. Any changes provided by the Seller in paragraph (b)(2) of this provision do not automatically change the representations and certifications in SAM.

(2) The Seller has completed the annual representations and certifications electronically in SAM accessed through <https://www.sam.gov>. After reviewing SAM information, the Seller verifies by submission of this offer that the representations and certifications currently posted electronically at FAR 52.212-3, Seller Representations and Certifications-Commercial Items, have been entered or updated in the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), at the time this offer is submitted and are incorporated in this offer by reference (see FAR 4.1201), except for paragraphs

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[Seller to identify the applicable paragraphs at (c) through (u) of this provision that the Seller has completed for the purposes of this solicitation only, if any. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer. Any changes provided by the Seller are applicable to this solicitation only, and do not result in an update to the representations and certifications posted electronically on SAM.]

**COMPLETE THE REMAINDER OF THE DOCUMENT ONLY IF SAM.GOV REPS AND CERTS NOT PROVIDED.**

## 1. DEFINITIONS, AS USED IN THIS DOCUMENT:

1. "Buyer" means the Meggitt PLC wholly owned subsidiary identified above.
2. "DFARS" means Defense Federal Acquisition Regulation Supplement, found at [acquisition.gov](https://www.acquisition.gov)
3. "FAR" means Federal Acquisition Regulation, found at [acquisition.gov](https://www.acquisition.gov).
4. "Government" means the federal government of the United States.
5. "Order" means any contract or subcontract between Buyer and Seller for the supply of Products or Services, resulting from Buyer's request.
6. "Product" means any commercially available off the shelf (COTS) items, components, goods or materials agreed in the Order to be supplied to Buyer by Seller (including any part or parts of them), as defined by FAR 2.101.
7. "Seller" means the company or corporation named on the quotation or Order acceptance and/or who supplies the Product and/or Services to Buyer and applies to any reference in the applicable FAR/DFARS provisions to "Contractor" or "Seller".
8. "Services" means any services (including without limitation any maintenance, repair and overhaul services) agreed in the Order to be provided to Buyer by Seller (including any part or parts of them).

## 2. GENERAL:

1. Seller certifies that the information provided herein shall remain valid from the date of signature below until the conclusion of any contract or order accepted by Seller.
2. Seller agrees to provide immediate written notice to Buyer if any of Seller's certifications and representations change at any time from the date of signature below through the performance of any contract or order accepted; such notice shall not constitute a waiver of Seller's obligations to perform as previously certified.
3. Seller acknowledges that Buyer shall rely on the information provided herein in its performance of U.S. Government contracts and subcontracts. Seller understands that it may be subject to immediate default termination by Buyer and debarment/suspension or prosecution for potential criminal or civil penalties by the U.S. Government, if Seller misrepresents or falsely or fraudulently completes any of these certifications or representations. Further, Seller indemnifies and holds Buyer harmless from any damages arising from a false or fraudulent certification herein.
4. Seller shall flow-down these certifications and obligations to its suppliers, to the extent required by the applicable FAR/DFARS provision.
5. Buyer reserves the right to amend these requirements at any time, at which point it will obtain Seller's concurrence.

## 3. Commercial Item Assertion (Reference FAR 2.101)

- a. The Seller  **does**  **does not** assert that the item/s provided to AM General meet the definition of a "Commercial Item" as defined in FAR 2.101 . (If the seller checks "**does**" please request a commercial item assertion form from the buyer and submit prior to completing the remainder of this document.)
- b. If the seller check "does" above, the seller  **does**  **does not** assert the item/s provided to AM General meet the definition of "Commercial off-the-shelf" as defined in FAR 2.101

## 4. FAR 52.204-10 REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS (JUN 2020) (Applicable to first-tier subcontracts)

In accordance with FAR 52.204-10, Executive Compensation and First-Tier Subcontract Award data will be provided to the Federal Funding Accountability and Transparency Act Sub-Award

Reporting System ([www.fsr.gov](http://www.fsr.gov)) for orders valued at \$30,000.00 or more. Including the following information, as required.

(1) **Congressional District:**

- (i) Offeror's Congressional District:
- (ii) Performance Location Congressional District (if different from above):

(2) **First-Tier Subcontract Information:**

- (i) In the Offeror's preceding tax year, the Offeror:
  - (A)  Did  Did not have gross income from all sources under \$300,000.

(3) **First-Tier Subcontractor Compensation:**

- (i) In the Offeror's preceding fiscal year, the Offeror:
  - (A)  Did  Did not receive 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub-grants), cooperative agreements and other forms of Federal financial assistance;
 

**AND**

 Did  Did not receive \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and sub-grants), cooperative agreements and other forms of Federal financial assistance.
  - (B) The public  does,  does not have access to information about the compensation of the executives through periodic files under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) or section 6104 of the Internal Revenue Code of 1986 (to determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at [www.sec.gov/answers/execomp.htm](http://www.sec.gov/answers/execomp.htm)).
- (ii) Offeror's top five most highly compensated executives and \*total compensation (Complete the following only if the answer to (A) above is **Did** and (B) **Does Not**):

Offeror's Top Five Executives	*Total Compensation


**\*Total Compensation:** The cash and noncash dollar value earned by the executive during the Offeror's preceding fiscal year and includes the following: salary and bonus, award of stock, stock options, and stock appreciation rights, earnings for services under non-equity incentive plan, changes in pension value, and above-market earnings on deferred compensation which is not tax-qualified, as well as other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.00. For more information see FAR 52.204-10 or 17 CFR 229-402(c)(2).

**5. BUSINESS STATUS**

1. The establishment of the Seller's business size, status and other representations are required by government regulations and corporate policy. The Meggitt Company and/or affiliates are required to obtain business size and classification of its suppliers and subcontractors in advance of any procurement transactions. Any representation by the Seller and assigned profile of record shall be fully incorporated into all contractual obligations. [Business Size / Classification Instructions](#)
2. North American Industry Classification Code Systems (NAICS) Information
  - a. Insert the primary six-digit NAICS code that identifies business establishments according to various industry classifications and aligns with business size identified below. NAICS replaced the Standard Industrial Classification (SIC) system. <https://www.census.gov/naics>
  - b. NAICS

Code	Description	Large	Small

**NOTICE:** Seller represents that the size and socioeconomic status representations with its offer are current, accurate, and complete as of the date of the offer to Buyer. In accordance with 15 U.S.C. 645(d), any person or concern who misrepresents a firm's proper size classification shall (1) punished by imposition of a fine, imprisonment or both; (2) be subject to administrative remedies (including suspension and debarment); and (3) be subject to ineligibility for participation in programs conducted under the authority of the Small Business Act.

**6. SMALL BUSINESS PROGRAM REPRESENTATIONS (Reference FAR 52.219-1 (NOV 2020))**

1. Representations under definitions in FAR 52.219-1:
  - a. Seller represents as part of its offer that it  is,  is not a small business concern under applicable size standards established by the Small Business Administration.

- b. (Complete only if Seller represented itself as a small business concern in paragraph (1)(a) of this provision.) Seller represents that it  is,  is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.
- c. (Complete only if Seller represented itself as a small business concern in paragraph (1)(a) of this provision.) Seller represents as part of its offer that it  is,  is not a women-owned small business concern.
- d. Women-owned small business (WOSB) concern eligible under the WOSB Program. [Complete only if Seller represented itself as a women-owned small business concern in paragraph (1)(c) of this provision.] Seller represents as part of its offer that:
  - i. It  is,  is not a WOSB concern eligible under the WOSB Program, has provided all the required documents to the WOSB Repository, and no change in circumstances or adverse decisions have been issued that affects its eligibility; and
  - ii. It  is,  is not a joint venture that complies with the requirements of 13 CFR part 127, and the representation in paragraph (1)(d)(i) of this provision is accurate for each WOSB concern eligible under the WOSB Program participating in the joint venture. [*Seller shall enter the name or names of the WOSB concern eligible under the WOSB Program and other small businesses that are participating in the joint venture: \_\_\_\_\_.*] Each WOSB concern eligible under the WOSB Program participating in the joint venture shall submit a separate signed copy of the WOSB representation.
- e. Economically disadvantaged women-owned small business (EDWOSB) concern. [Complete only if Seller represented itself as a women-owned small business concern eligible under the WOSB Program in (1)(d) of this provision.] Seller represents as part of its offer that: It  is,  is not an EDWOSB concern eligible under the WOSB Program, has provided all the required documents to the WOSB Repository, and no change in circumstances or adverse decisions have been issued that affects its eligibility; and
  - ii. It  is,  is not a joint venture that complies with the requirements of 13 CFR part 127, and the representation in paragraph (1)(e)(i) of this provision is accurate for each EDWOSB concern participating in the joint venture. [*Seller shall enter the name or names of the EDWOSB concern and other small businesses that are participating in the joint venture: \_\_\_\_\_.*] Each EDWOSB concern participating in the joint venture shall submit a separate signed copy of the EDWOSB representation.
- f. [Complete only if Seller represented itself as a small business concern in paragraph (1)(a) of this provision.] Seller represents as part of its offer that it  is,  is not a veteran-owned small business concern.
- g. [Complete only if Seller represented itself as a veteran-owned small business concern in paragraph (1)(f) of this provision.] Seller represents as part of its offer that it  is,  is not a service-disabled veteran-owned small business concern.
- h. [Complete only if Seller represented itself as a small business concern in paragraph (1)(a) of this provision.] Seller represents, as part of its offer, that:
  - i. It  is,  is not a HUB Zone small business concern listed, on the date of this representation, on the List of Qualified HUB Zone Small Business Concerns maintained by the Small Business Administration, and no material changes in ownership and control, principal office, or HUB Zone employee percentage

have occurred since it was certified in accordance with 13 CFR Part 126; and

- ii. It  is,  is not a HUB Zone joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (1)(h)(i) of this provision is accurate for each HUB Zone small business concern participating in the HUB Zone joint venture. [*Seller shall enter the names of each of the HUB Zone small business concerns participating in the HUB Zone joint venture: \_\_\_\_\_.*] Each HUB Zone small business concern participating in the HUB Zone joint venture shall submit a separate signed copy of the HUB Zone representation.

**7. REPRESENTATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT OR DECLARED INELIGIBLE STATUS (Reference FAR 52.209-6) (Not applicable to COTS items)**

**8. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (Reference FAR 52.203-12) (Applicable to non-commercial items and services)**

**9. CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (Reference FAR 52.203-13 (JUN 2020)) (applicable for orders over \$250,000)**

1. The Seller represents that it  does,  does not have a written Code of Business Ethics and Conduct (as described in FAR 52.203-13), which is available to employees engaged in performance of Government contracts and/or subcontracts.
2. For any order from Buyer in excess of the threshold specified in FAR 3.1004(a) with a performance period of more than 120 days, the Seller certifies that, within 30 days after award, it shall have a written code of business ethics and conduct, a copy of which the Seller will make available to each employee engaged in performance of Government contracts and/or subcontracts.

**10. FOREIGN BUSINESS STATUS**

1. The Seller represents, pursuant to government law or regulation, that it:
  - a.  is, or is  not is a foreign business concern (i.e., a business concern organized or existing under the laws of a country other than the United States or its territories or possessions).

**11. CERTIFICATION OF REGISTRATION WITH THE DIRECTORATE OF DEFENSE TRADE CONTROLS (DDTC)**

1. The Seller certifies that it:
  - a.  is, or is  not required to be registered to manufacture or export defense articles, or furnish defense services as required by the International Traffic in Arms Regulations (22 C.F.R. Part 122). If required to be registered, the Seller certifies that it is currently registered with DDTC.

**12. ANNUAL CERTIFICATION REGARDING COMBATING TRAFFICKING IN PERSONS (Reference FAR 52.222-50(h)(5)) (Not applicable to COTS)**

1. The Seller certifies that it:



- a.  has, or  has not implemented compliance plans for each and every Meggitt subcontract, and that the purpose of such plans is to prevent any prohibited activities identified at paragraph (b) of FAR 52.222-50 and to monitor, detect, and terminate any Seller employee, agent, subcontract or subcontractor employee engaging in prohibited activities; and
- b. After having conducted due diligence for each such subcontract, either—
  - i.  is not aware that it or any of its agents, subcontractors, or their agents are engaged in any such activities on any of the subcontracts; or
  - ii.  abuses relating to any of the prohibited activities identified in paragraph (b) of FAR 52.222-50 have been found and the appropriate remedial and referral actions have been taken.

**13. CERTIFICATION OF COUNTERFEIT PARTS PLAN INCLUDING COUNTERFEIT ELECTRONIC PARTS DETECTION AND AVOIDANCE SYSTEMS (Reference DFARS 252.246-7007 and 252.246-7008)**

- 1. The Seller certifies that it:
  - a.  does, or  does not provide goods or services that are Electrical, Electronic, and Electro-mechanical (EEE) parts or contain EEE parts. (note: Electrical connectors are considered EEE parts.)
- 2. If "no", do not proceed further.
- 3. If "yes", Seller further certifies that it:
  - a.  does, or  does not have a Counterfeit Parts Plan in place for the detection and avoidance of counterfeit goods or services.
  - b. Such plan  is, or  is not consistent with References DFARS 252.246-7007 and 252.246-7008 and Industry Standards (e.g. SAE's AS5553, AS6081, and A6496).

**14. CERTIFICATION OF THE SAFEGUARDING COVERED DEFENSE INFORMATION REQUIREMENTS (Reference DFARS 252.204-7012)**

- 1. The Seller certifies that it
  - a.  is, or  is not in compliance with the requirements of DFARS clause 252.204-7012 to provide 'adequate security' for all 'covered defense information' on all 'covered contractor information systems', as those terms are defined in the clause.

**15. CERTIFICATION OF NIST SP 800-171 DoD ASSESSMENT AND SPRS REPORTING REQUIREMENTS (Reference DFARS 252.204-7019)**

- 1. The Seller  has or  has not completed a NIST SP 800-171 DoD Assessment within the last three (3) years or within a lesser time if specified in the solicitation/contract.  
The Seller  has or  has not ensured the above Assessment has been posted in the Supplier Performance Risk System (SPRS).

**16. NONSEGREGATED FACILITIES REQUIREMENTS (Reference FAR 52.222-21)**

- 1. Certification of nonsegregated facilities
  - a. Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.



- b. By the submission of this offer, the Seller certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Seller agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract.
- c. The Seller further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will –
  - i. Obtain identical certifications from proposed subcontractors before the award of subcontracts under which the subcontractor will be subject to the Equal Opportunity clause;
  - ii. Retain the certifications in the files

**17. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (Reference FAR 52.222-22)**

- 1. The Seller represents that it –
  - a.  has participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation, the clause originally contained in Section 310 of Executive Order 10925 or the clause contained in Section 201 of Executive Order 11114 and has filed all required compliance reports; or
  - b.  has participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation, the clause originally contained in Section 310 of Executive Order 10925 or the clause contained in Section 201 of Executive Order 11114 but has not filed all required compliance reports; or
  - c.  has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation, the clause originally contained in Section 310 of Executive order 10925 or the clause contained in Section 201 of Executive Order 11114 and therefore no compliance reports have been required.

**18. AFFIRMATIVE ACTION COMPLIANCE (Reference FAR 52.222-25)**

- 1. The Seller represents that it:
  - a.  has developed will maintain and has on file, or
  - b.  has not developed and does not have on file, at each establishment, a written affirmative action program required by the rules and regulations of the Secretary of Labor 41 CFR 60-1, 60-2.
  - c.  has not previously had contracts subject to the written affirmative action program requirement of the rules and regulations of the Secretary of Labor.
- 2. If 1.b is marked above, then the Seller represents that it will develop, maintain, update annually and have on file, at each establishment, a written affirmative action compliance program within 120 days from the commencement of any contract in excess of \$50,000 it receives from the Buyer.

**CERTIFICATION (SIGNATURE) IS REQUIRED BY AN AUTHORIZED OFFICIAL FOR THE SUPPLIER VERIFYING THE INFORMATION CONTAINED ON THIS FORM IS TRUE. (VOID UNLESS SIGNED)**

***Certifying Official:***

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Certification Date:** \_\_\_\_\_

**END OF DOCUMENT**