



ANNUAL SUPPLIER REPRESENTATIONS AND CERTIFICATIONS
CR-003 (01/09)

Refs: Company Policy 000000169-RP;
 Code of Federal Regulations (CFR); Federal Acquisition Regulations (FAR); Department of Defense FAR Supplement (DFARS)

Offeror: Raytheon requires that you provide the following information and complete all of the Federal Acquisition (FAR) and Department of Defense FAR Supplement (DFARS) representations and certifications, as applicable, as part of Raytheon's obligation to gather and maintain certain data for Offerors providing or anticipated to provide of goods or services in support of a U.S. Government contract. The certifications and representations you may have provided to the U.S. Government via the Online Representations and Certifications Application (ORCA) may not be used in lieu of this document. In addition to these annual supplier representations and certifications, additional procurement-specific representations and certifications may be required.

Section A: Request for Taxpayer Identification Number and Business Information

Part I: Business Name and Address

Business Name:

DBA or Division (if applicable)

Address (Number, Street, Apt. or Suite):

City, County and State:

Country: _____ Zip+4 or Postal Code: _____

Telephone: _____ Facsimile: _____

Part II: Tax Identification Number (TIN) or Social Security Number (SSN)

TIN: — SSN: — —

- The Tax Identification Number (TIN) provided above is correct (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding; or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends; or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. Person (or a U.S. resident alien).

Part III: Business Information

Dun & Bradstreet No. (800-234-3867): — —

Offeror's Business Status (check only one box):

- Individual / Sole Proprietor Corporation Partnership Trust / Estate
- Government Agency Non-Profit Organization Private Foundation Non-US Entity

Offeror's Business Activity:

- Rentals Royalties Consultant / Professional Fees Merchandise (goods) only
- Medical / Health Care Merchandise and Services Legal Firm / Attorney / Lawyer Services only

Offeror's Business Type:

- Manufacturing Distributor Manufacturing / Distributor Fabricator
- Consultant Processor Service / Software Other: _____

Offeror's Government Property Certification:

Offeror hereby acknowledges the Government Property requirements and represents that all contract property acquired by or in the possession or control of Offeror and its subcontractors s have been reported to the buying entity.

Offeror further represents that:

It does / does not have property accountable to Buyer prime contracts in its possession or control; and the Raytheon Business Unit(s) involved are (check all that apply):

IDS IIS NCS RMS RTSC SAS

Offeror is ISO Certified (check only one box): Yes No

If **yes**, indicate specific ISO Certification(s): _____

If **no**, provide the following:

Quality Manager name: _____

Quality level: _____

Offeror's email address: _____

Section B: FAR Representations and Certifications

1. FAR 52.203-11 (SEP 2007) — Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions

Offeror's designated representative hereby certifies that he or she has read and understands (a) – (e), below.

- (a) Definitions. As used in this provision—"Lobbying contact" has the meaning provided at 2 U.S.C. 1602(8). The terms "agency," "influencing or attempting to influence," "officer or employee of an agency," "person," "reasonable compensation," and "regularly employed" are defined in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions"(52.203-12).
- (b) Prohibition. The prohibition and exceptions contained in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12) are hereby incorporated by reference in this provision.
- (c) Certification. The offeror, by signing its offer, hereby certifies to the best of its knowledge and belief that 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 its behalf in connection with the awarding of this subcontract or the prime contract it is awarded under.
- (d) Disclosure. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with respect to this subcontract or the prime contract it is awarded under, the offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed officers or employees of the offeror to whom payments of reasonable compensation were made.
- (e) Penalty. Submission of this certification and disclosure is a prerequisite for making or entering into this subcontract imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required 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.

2. FAR 52.209-5 (MAY 2008) — Certification Regarding Responsibility Matters

Offeror: Read each provision, below, and check the appropriate box where required.

- (a) (1) Offeror certifies, to the best of its knowledge and belief, that –
- (i) 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, violating Federal criminal tax laws, 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 paragraph (a)(1)(i)(B) of this provision.
- (D) Have / Have not, within a three-year period preceding this offer, been notified of any delinquent Federal Taxes in an amount that exceeds \$3,000 for which the liability remains unsatisfied.
- (1) Federal taxes are considered delinquent if both of the following criteria apply:

- (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
 - (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 Raytheon subcontracts, 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 subcontract to be awarded in connection with 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.

Alternate I (APR 2002)

As prescribed in 19.308(a)(2), add the following paragraph (b)(7) to the basic provision:

- (7) **Offeror:** If you represent yourself as a small business concern in paragraph (b)(1) of this provision, above, indicate the category in which your ownership falls:
 - Black American.
 - Hispanic American.
 - Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).
 - Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).
 - Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).
 - Individual/concern, other than one of the preceding.

4. FAR 52.219-21 (MAY 1999) — Small Business Size Representation for Targeted Industry Categories under the Small Business Competitiveness Demonstration Program

Offeror: If you represent yourself as a small business concern under the size standards of this solicitation pursuant to paragraph (b)(1) of FAR clause 52.219-1 the number of your employees for the past 12 months (if size standard stated in solicitation is expressed in terms of number of employees), or your average annual gross revenue for the last 3 fiscal years (if size standard stated in solicitation is expressed in terms of

annual receipts) is as follows (check one):

- | Number of Employees | or | Average Annual Gross Revenues |
|--------------------------------------|----|---|
| <input type="checkbox"/> 50 or fewer | | <input type="checkbox"/> \$1 million or less |
| <input type="checkbox"/> 51-100 | | <input type="checkbox"/> \$1,000,001 to \$2 million |
| <input type="checkbox"/> 101-250 | | <input type="checkbox"/> \$2,000,001 to \$3.5 million |
| <input type="checkbox"/> 251-500 | | <input type="checkbox"/> \$3,500,001 to \$5 million |
| <input type="checkbox"/> 501-750 | | <input type="checkbox"/> \$5,000,001 to \$10 million |
| <input type="checkbox"/> 751-1,000 | | <input type="checkbox"/> \$10,000,001 to \$17 million |
| <input type="checkbox"/> Over 1,000 | | <input type="checkbox"/> Over \$17 million |

5. FAR 52.222-22 (FEB 1999) — Previous Contracts and Compliance Reports)

Offeror represents that:

- (a) It has / has not participated in a previous contract or subcontract subject 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.

6. FAR 52.222-25 (APR 1984) — Affirmative Action Compliance

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 or subcontracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

7. FAR 52.223-13 (AUG 2003) — Certification of Toxic Chemical Release Reporting

- (a) Executive Order 13148, of April 21, 2000, Greening the Government through Leadership in Environmental Management, requires submission of this certification as a prerequisite for contract or subcontract award.
- (b) By signing this offer, **Offeror** certifies that-
 - (1) As the owner or operator of facilities that will be used in the performance of this subcontract that are 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), **Offeror** will file and continue to file for such facilities for the life of the subcontract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA; or
 - (2) None of your owned or operated facilities to be used in the performance of this subcontract is subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons (check all that apply):
 - (i) The facility does not manufacture, process, or otherwise use any toxic chemicals listed in 40 CFR 372.65;
 - (ii) The facility does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(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 the following Standard Industrial Classification (SIC) codes or their corresponding North American Industry Classification System sectors:
 - (A) Major group code 10 (except 1011, 1081, and 1094;
 - (B) Major group code 12 (except 1241);
 - (C) Major group codes 20 through 39;
 - (D) Industry code 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce);
 - (E) Industry code 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C (42 U.S.C. 6921, et seq.), or 5169, or 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis); **and/or**
 - (v) The facility is not located in the United States or its outlying areas.

Section C: DFARS Representations and Certifications

1. DFARS 252.209-7001 (OCT 2006) — Disclosure of Ownership or Control by the Government of a Terrorist Country

As prescribed in 209.104-70(a), use the following provision:

- (a) Definitions. As used in this provision—
- (1) “Government of a terrorist country” includes the state and the government of a terrorist country, as well as any political subdivision, agency, or instrumentality thereof.
 - (2) “Terrorist country” means a country determined by the Secretary of State, under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(i)(A)), to be a country the government of which has repeatedly provided support for acts of international terrorism. As of the date of this provision, terrorist countries subject to this provision include: Cuba, Iran, North Korea, Sudan, and Syria.
 - (3) “Significant interest” means—
 - (i) Ownership of or beneficial interest in 5 percent or more of the firm’s or subsidiary’s securities. Beneficial interest includes holding 5 percent or more of any class of the firm’s securities in “nominee shares,” “street names,” or some other method of holding securities that does not disclose the beneficial owner;
 - (ii) Holding a management position in the firm, such as a director or officer;
 - (iii) Ability to control or influence the election, appointment, or tenure of directors or officers in the firm;
 - (iv) Ownership of 10 percent or more of the assets of a firm such as equipment, buildings, real estate, or other tangible assets of the firm; or
 - (v) Holding 50 percent or more of the indebtedness of a firm.
 - (b) Prohibition on award. In accordance with 10 U.S.C. 2327, no subcontract may be awarded to a firm or a subsidiary of a firm if the government of a terrorist country has a significant interest in the firm or subsidiary or, in the case of a subsidiary, the firm that owns the subsidiary, unless a waiver is granted by the Secretary of Defense.
 - (c) Disclosure. If the government of a terrorist country has a significant interest in the Offeror or a subsidiary of the Offeror, the Offeror shall disclose such interest in an attachment to its offer. If the Offeror is a subsidiary, it shall also disclose any significant interest the government of a terrorist country has in any firm that owns or controls the subsidiary. The disclosure shall include—
 - (1) Identification of each government holding a significant interest; and
 - (2) A description of the significant interest held by each government.
- Offeror** hereby certifies that it has complied with this provision and provided all required disclosures, if any.

2. DFARS 252.209-7002 (JUN 2005) — Disclosure of Ownership or Control by a Foreign Government

As prescribed in 209.104-70(b), use the following provision:

- (a) Definitions. As used in this provision—
- (1) “Effectively owned or controlled” means that a foreign government or any entity controlled by a foreign government has the power, either directly or indirectly, whether exercised or exercisable, to control the election, appointment, or tenure of the Offeror’s officers or a majority of the Offeror’s board of directors by any means, e.g., ownership, contract, or operation of law (or equivalent power for unincorporated organizations).
 - (2) “Entity controlled by a foreign government”—
 - (i) Means—
 - (A) Any domestic or foreign organization or corporation that is effectively owned or controlled by a foreign government; or
 - (B) Any individual acting on behalf of a foreign government.
 - (ii) Does not include an organization or corporation that is owned, but is not controlled, either directly or indirectly, by a foreign government if the ownership of that organization or corporation by that foreign government was effective before October 23, 1992.
 - (3) “Foreign government” includes the state and the government of any country (other than the United States and its outlying areas) as well as any political subdivision, agency, or instrumentality thereof.
 - (4) “Proscribed information” means—
 - (i) Top Secret information;
 - (ii) Communications Security (COMSEC) information, except classified keys used to operate secure telephone units (STU IIIs);
 - (iii) Restricted Data as defined in the U.S. Atomic Energy Act of 1954, as amended;
 - (iv) Special Access Program (SAP) information; or
 - (v) Sensitive Compartmented Information (SCI).

- (b) Prohibition on award. No subcontract under a national security program may be awarded to an entity controlled by a foreign government if that entity requires access to proscribed information to perform the contract, unless the Secretary of Defense or a designee has waived application of 10 U.S.C. 2536(a).
- (c) Disclosure. The Offeror shall disclose any interest a foreign government has in the Offeror when that interest constitutes control by a foreign government as defined in this provision. If the Offeror is a subsidiary, it shall also disclose any reportable interest a foreign government has in any entity that owns or controls the subsidiary, including reportable interest concerning the Offeror's immediate parent, intermediate parents, and the ultimate parent. Use separate paper as needed, and provide the information in the following format:

Offeror hereby certifies that it has complied with this provision and provided all required disclosures, if any.

Offeror's Point of Contact for Questions about Disclosure:

Name: _____

Phone: _____

Offeror Name: _____

Address: _____

Name of Foreign Government Entity: _____

Address of Entity Controlled by a Foreign Government: _____

Description of Interest: _____

Ownership Percentage: _____

Identification of Foreign Government: _____

Section D: Authorized Signature of Offeror

Note: The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

Offeror: By signing below you acknowledge understanding all of the foregoing and agree that all of the representations and certifications made herein by and on behalf of Offeror are current, accurate and complete, to the best of your knowledge and belief, as of the date below. The information provided by Offeror herein shall remain valid for a period of one (1) year from the date of certification. If Offeror's status as represented and certified herein should change, Offeror shall provide immediate written notice to the Buyer's representative to whom Offeror originally provided this document. Said notice shall include an amended CR-003 (this form) that indicates all appropriate changes.

Signature of Offeror's Authorized Representative

Offeror Firm/Company Name

Printed Name and Title of Offeror's Authorized Representative

Address: _____

Date: _____

Telephone: _____

Facsimile: _____