

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 N	Number and Business Information	
Part I: Business Name and Ad	dress		
Business Name:			
DBA or Division (if applicable)			
Address (Number, Street, Apt. c	or Suite):		
City, County and State:			
Country:	Zip+4 or Postal Code:		
Telephone:	Facsimile:	·	
Part II: Tax Identification Numb	per (TIN) or Social Security Nu	mber (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 (ch. Individual / Sole Proprietor Government Agency	eck only one box): Corporation Non-Profit Organization	Partnership Trust / Estate Private Foundation Non-US Entity	
	Royalties	☐ Consultant / Professional Fees ☐ Merchandise (goods) only ☐ Legal Firm / Attorney / Lawyer ☐ Services only	
Offeror's Business Type: Manufacturing Distrit Consultant Proce			
Offeror's Government Proper	ty Certification:		
		equirements and represents that all contract property acquired by or in the ave been reported to the buying entity.	

Offe	eror furth	er rep	presents that:
It [] does / [do	es not have property accountable to Buyer prime contracts in its possession or control; and
the	Raytheor	Busi	iness Unit(s) involved are (check all that apply):
	IDS		S NCS RMS RTSC SAS
Offe	ror is ISC	Cer	tified (check only one box): Yes No
f ye	s , indicat	e spe	cific ISO Certification(s):
f no	, provide	the fo	ollowing:
Qua	lity Mana	ger na	ame:
Qua	lity level:		
Offe	ror's em	ail ad	dress:
Sec	tion B:	FA	R Representations and Certifications
1.	FAR 52.	203-1	11 (SEP 2007) — Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions
	Offeror'	s des	signated representative hereby certifies that he or she has read and understands (a) – (e), below.
(a)	"influence employe	ing o d" are	s used in this provision—"Lobbying contact" has the meaning provided at 2 U.S.C. 1602(8). The terms "agency," r attempting to influence," "officer or employee of an agency," "person," "reasonable compensation," and "regularly e defined in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal (52.203-12).
(b)			he prohibition and exceptions contained in the FAR clause of this solicitation entitled "Limitation on Payments to Influence ral Transactions" (52.203-12) are hereby incorporated by reference in this provision.
(c)	have be Congres	en pa s, an	The offeror, by signing its offer, hereby certifies to the best of its knowledge and belief that no Federal appropriated funds id or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of officer or employee of Congress, or an employee of a Member of Congress on its behalf in connection with the awarding of act or the prime contract it is awarded under.
(d)	respect Form LL	to this L, Dis	any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with subcontract or the prime contract it is awarded under, the offeror shall complete and submit, with its offer, OMB Standard sclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed uployees of the offeror to whom payments of reasonable compensation were made.
(e)	U.S.C. 1	352. d or a	mission of this certification and disclosure is a prerequisite for making or entering into this subcontract imposed by 31 Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required 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
2.	FAR 52.	209-	5 (MAY 2008) — Certification Regarding Responsibility Matters
Offe	eror: Rea	d eac	ch provision, below, and check the appropriate box where required.
(a)	(1) Offe	eror c	ertifies, to the best of its knowledge and belief, that –
	(i)	Offe	eror 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)	\square Are / \square 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:

- (i) The tax liability is finally determined. The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.
- (ii) The taxpayer is delinquent in making payment. A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.
- (2) Examples:
- (i) The taxpayer has received a statutory notice of deficiency, under Internal Revenue Code (I.R.C.) section 6212, which entitles the taxpayer to seek Tax Court review of a proposed tax deficiency. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek Tax Court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.
- (ii) The IRS has filed a notice of Federal tax lien with respect to an assessed tax liability, and the taxpayer has been issued a notice under I.R.C. section 6320 entitling the taxpayer to request a hearing with the IRS Office of Appeals contesting the lien filing, and to further appeal to the Tax Court if the IRS determines to sustain the lien filing. In the course of the hearing, the taxpayer is entitled to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability because the taxpayer has had no prior opportunity to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek tax court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.
- (iii) The taxpayer has entered into an installment agreement pursuant to I.R.C. section 6159. The taxpayer is making timely payments and is in full compliance with the agreement terms. The taxpayer is not delinquent because the taxpayer is not currently required to make full payment.
- (iv) The taxpayer has filed for bankruptcy protection. The taxpayer is not delinquent because enforced collection action is stayed under 11 U.S.C. 362 (Bankruptcy Code, Chapter 11).
- (ii) Offeror \square has / \square 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 Pursuant to 18 U.S.C. 1001.

- (b) The Offeror shall provide immediate written notice to Buyer if, at any time prior to subcontract award, 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 Offeror's responsibility. Failure of Offeror to furnish a certification or provide such additional information as requested by Buyer 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 Offeror knowingly rendered an erroneous certification, in addition to other remedies available to Buyer, Buyer may terminate the subcontract resulting from this solicitation for default.

3. FAR 52.219-1 (MAY 2004) — Small Business Program Representations

Description:

** NAICS Code:

(a)	(1)	The North American Industry Classification System (NAICS) code for this acquisition is See Note*.
	(2)	The small business size standard is See Note** .
	(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.
(b)	Rep	presentations:
	(1)	Offeror represents as part of its offer that it \(\subseteq \) is not a small business concern:

Small Business Concern (Yes or No):

	·		
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(3)	statistical purpose Offeror: If you rep	es, whether you \square are / \square are not a small disadvant	raph (b)(1) of this provision, above, indicate, for general taged business concern as defined in 13 CFR 124.1002. raph (b)(1) of this provision, above, represent whether you Small Business Concern (Yes or No):
, ,		oresent yourself as a small business concern in parage of a veteran-owned small business concern. Description:	raph (b)(1) of this provision, above, represent whether you Small Business Concern (Yes or No):
	NAICS Code.	Description.	
. ,	are / are n	ot a service-disabled veteran-owned small business of	raph (b)(1) of this provision, above, represent whether you concern.
**	NAICS Code:	Description:	
* Note:			
** Note:	Small business co Women-owned sn	oncern, Veteran-owned small business concern, Servi mall business concern status was calculated based or venues listed in the CCR Registration for "Company N	ce-disabled veteran-owned small business concern, and in the NAICS codes, Number of Employees, and Average lame" along with the Small Business Administration size
(6)	(i) are / are / are HUBZone Sn change in ow	are not a HUBZone small business concern listed, on nall Business Concerns maintained by the United State	traph (b)(1) of this provision, above, represent whether you: the date of this representation, on the List of Qualified tes Small Business Administration (SBA), and no material ployee percentage has occurred since it was certified by the
	paragraph (b the joint vent		nents of 13 CFR part 126, and the representation in mall business concern or concerns that are participating in e HUBZone small business concern or concerns that are
(c) Defi	Each HUBZo representatio nitions. As used in	on.	enture shall submit a separate signed copy of the HUBZone

⁽c)

[&]quot;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
 - (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 womenowned 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)	eror : If you represent yourself as a small business concern in paragraph (b)(1) of this provision, above, indicate the category in ch 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 employees), or your average annual gross revenue for the last 3 fiscal years (if size standard stated in solicitation is expressed in terms of

ann	nual receipts) is as follo	s (check one):	
Nur	mber of Employees	or Average Annual Gross Revenues	
	50 or fewer	☐ \$1 million or less	
	<u> </u>	☐ \$1,000,001 to \$2 million	
	☐ 101-250	\$2,000,001 to \$3.5 million	
	251-500	☐ \$3,500,001 to \$5 million	
	<u> </u>	☐ \$5,000,001 to \$10 million	
	751-1,000	☐ \$10,000,001 to \$17 million	
	Over 1,000	Over \$17 million	
5.	FAR 52.222-22 (FEB	999) — Previous Contracts and Compliance Repor	ts)
Offe	eror represents that:		
(a)	It has / has no	participated in a previous contract or subcontract subj	ect the Equal Opportunity clause of this solicitation;
(b)		filed all required compliance reports; and	
(c)		iting submission of required compliance reports, signed	d by proposed subcontractors, will be obtained before
6.		1984) — Affirmative Action Compliance	
	•	304) — Allimiative Action Compilance	
Offe	eror represents that:		
(a)		nd has on file / \square has not developed and does not ha the rules and regulations of the Secretary of Labor (41	
(b)	It has not previou regulations of the Se		affirmative action programs requirement of the rules and
7.	FAR 52.223-13 (AUC	2003) — Certification of Toxic Chemical Release Re	porting
(a)		3, of April 21, 2000, Greening the Government through ification as a prerequisite for contract or subcontract a	
(b)	By signing this offer,	• •	
(-)	(1) As the owner or reporting require (42 U.S.C. 1102 to file for such fa	perator of facilities that will be used in the performance nents described in section 313 of the Emergency Plant and section 6607 of the Pollution Prevention Act of 19	e of this subcontract that are subject to the filing and hing and Community Right-to-Know Act of 1986 (EPCRA) 990 (PPA) (42 U.S.C. 13106), Offeror will file and continue I Release Inventory Form (Form R) as described in sections
		ed or operated facilities to be used in the performance nents because each such facility is exempt for at least	
	(i) The facil	does not manufacture, process, or otherwise use any	toxic chemicals listed in 40 CFR 372.65;
	(ii) The facil 11023(b)	does not have 10 or more full-time employees as spe	cified in section 313(b)(1)(A) of EPCRA, 42 U.S.C.
			icals established under section 313(f) of EPCRA, 42 U.S.C. rovided an appropriate certification form has been filed with
		does not fall within the following Standard Industrial Condustry Classification System sectors:	Classification (SIC) codes or their corresponding North
	(A) Maj	group code 10 (except 1011, 1081, and 1094;	
	(B) Maj	group code 12 (except 1241);	
	(C) Mai	group codes 20 through 39;	
	(D) Indu		combust coal and/or oil for the purpose of generating power
	(E) Indu U.S	try code 4953 (limited to facilities regulated under the	Resource Conservation and Recovery Act, Subtitle C (42 acilities primarily engaged in solvent recovery services on a
	(v) The facil	is not located in the United States or its outlying area	S.

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.

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).

	that entity requires access to proscribed information to perform the contract, unless the Secretary capplication of 10 U.S.C. 2536(a).	T Detense or a designee has walved
(c)	(c) Disclosure. The Offeror shall disclose any interest a foreign government has in the Offeror when the foreign government as defined in this provision. If the Offeror is a subsidiary, it shall also disclose a government has in any entity that owns or controls the subsidiary, including reportable interest contintermediate parents, and the ultimate parent. Use separate paper as needed, and provide the information.	ny reportable interest a foreign cerning the Offeror's immediate parent,
	Offeror hereby certifies that it has complied with this provision and provided all required disclosure	s, 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:	
	Note: The Internal Revenue Service does not require your consent to any provision of this document oth avoid backup withholding	er than the certifications required to
Offe here infor	Offeror: By signing below you acknowledge understanding all of the foregoing and agree that all of the herein by and on behalf of Offeror are current, accurate and complete, to the best of your knowledge information provided by Offeror herein shall remain valid for a period of one (1) year from the dat represented and certified herein should change, Offeror shall provide immediate written notice to the	representations and certifications made and belief, as of the date below. The e of certification. If Offeror's status as Buyer's representative to whom Offeror
Offe here infor repr origi	Offeror: By signing below you acknowledge understanding all of the foregoing and agree that all of the herein by and on behalf of Offeror are current, accurate and complete, to the best of your knowledge information provided by Offeror herein shall remain valid for a period of one (1) year from the dat represented and certified herein should change, Offeror shall provide immediate written notice to the originally provided this document. Said notice shall include an amended CR-003 (this form) that indicate	representations and certifications made and belief, as of the date below. The e of certification. If Offeror's status as Buyer's representative to whom Offeror s all appropriate changes.
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Offee here infor reproorigi	Offeror: By signing below you acknowledge understanding all of the foregoing and agree that all of the herein by and on behalf of Offeror are current, accurate and complete, to the best of your knowledge information provided by Offeror herein shall remain valid for a period of one (1) year from the dat represented and certified herein should change, Offeror shall provide immediate written notice to the originally provided this document. Said notice shall include an amended CR-003 (this form) that indicate Signature of Offeror's Authorized Representative Offeror Firm/Company Nam Address:	representations and certifications made and belief, as of the date below. The e of certification. If Offeror's status as Buyer's representative to whom Offeror s all appropriate changes.
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(b) Prohibition on award. No subcontract under a national security program may be awarded to an entity controlled by a foreign government if