

# **FDIC Contractor Representations and Certifications**

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SUBMITTED BY

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CONTRACTOR NAME

# FDIC CONTRACTOR REPRESENTATIONS AND CERTIFICATIONS

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## FDIC CONTRACTOR REPRESENTATIONS AND CERTIFICATIONS

The following representations and certifications shall be executed by an official authorized to bind the offeror, and shall be returned with its proposal. These representations and certifications concern matters within the jurisdiction of an agency of the United States, and the making of a false, fictitious, or fraudulent statement may render the maker subject to prosecution under 18 United States Code (U.S.C.) § 1001, 1007, and 1014. For purposes of these representations and certifications, the Federal Deposit Insurance Corporation (FDIC) is considered an agency of the United States only with respect to its rights and remedies under 18 U.S.C. The offeror shall provide immediate written notice to the Contracting Officer, if, at any time prior to contract award, the offeror learns that one or more of the representations or certifications was erroneous when submitted or has become erroneous by reason of changed circumstances.

### 1. CERTIFICATION OF REGISTRATION IN CENTRAL CONTRACTOR REGISTRATION (CCR)

- a. The offeror certifies that it is registered in the Central Contractor Registration (CCR) at [www.CCR.gov](http://www.CCR.gov), and that all information in CCR is correct, including its socio-economic status.

Yes  No

An offeror that marks "No" must also complete the certification in paragraph b.

- b. The offeror certifies that it is in the process of registering in the Central Contractor Registration (CCR) at [www.CCR.gov](http://www.CCR.gov), and will enter correct information in CCR, including its socio-economic status.

Yes  No

- c. The socio-economic groups in CCR are as follows:

Woman-Owned Business  
 Minority-Owned Business  
 Small Disadvantaged Business

For Minority-Owned Businesses, the ethnic/racial categories are as follows:

Asian-Pacific American Owned  
 Subcontinent Asian (Asian-Indian) American Owned  
 Black American Owned  
 Hispanic American Owned  
 Native American Owned  
 Other than one of the preceding

### 2. CERTIFICATE OF INDEPENDENT PRICE DETERMINATION

- a. The offer certifies that:

- (1) The prices in this proposal have been arrived at independently, without, for the purposes 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 proposal have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before contract award 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 a proposal for the purpose of restricting competition.

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b. Each signature on the proposal is considered to be a certification by the signatory that the signatory:

- (1) Is the person in the offeror's organization responsible within that organization for determining the prices being offered in this proposal, and that the signatory has not participated and will not participate in any action contrary to a.(1) through a.(3) above, or
- (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) above

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

(ii) As an authorized agent, certifies that the principals named in subdivision b.(2)(I) above have not participated, and will not participate in any action contrary to subparagraphs a.(1) through a.(3) above; and (iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs a.(1) through a.(3) above.

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

c. A proposal will not be considered for award where a.(1), a.(3) or b. above has been deleted or modified. If the offeror deleted or modifies a.(2) above, the offeror must furnish with its proposal a signed statement setting forth in detail the circumstances of the disclosure.

### 3. CONTINGENT FEE REPRESENTATION

Not applicable to proposals below \$100,000 or for the acquisition of commercial items.

The offeror represents that except for full-time bona fide employees working solely for the offeror, the offeror (a)  has  has not employed or retained any person or company to solicit or obtain this contract; and (b)  has  has not paid or agreed to pay any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract. The offeror agrees to provide information relating to this Representation as requested by the Contracting Officer when either (a) or (b) herein is answered affirmatively. As used herein, "bona fide employee" means a person employed by an offeror or contractor and subject to the offeror's or the contractor's supervision and control as to time, place and manner of performance, when either exerts or proposes to exert improper influence to solicit or obtain FDIC contracts nor holds out as being able to obtain any FDIC contract or contracts through improper influence.

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### 4. EQUAL OPPORTUNITY CERTIFICATION

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.

The offeror also represents that:

- d. 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
- e. It  has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

### 5. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS

*Applicable to contracts exceeding \$100,000.*

- 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 clause 7.3.2-58 entitled “Limitation on Payments to Influence Certain Federal Transactions.”
- b. **Prohibition.** The prohibition and exceptions contained in clause 7.3.2-58 entitled “Limitation on Payments to Influence Certain Federal Transactions” 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 contract.

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- 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 contract, 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 contract 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.

### 6. SIGNATURE

By signature hereto, the offeror certifies that all of the representations and certifications contained in its proposal are complete and accurate as required by this solicitation, and that it is aware of the penalty prescribed in 18 U.S.C. § 1001 for making false statements in proposals. The offeror also agrees to notify the FDIC in writing, within 10 days, after discovering that it or any person performing services under an FDIC contract has any of the disqualifying conditions contained within the representations and certifications. Such notification shall contain a detailed description of the disqualifying condition and may include a statement of how the offeror intends to resolve such condition. Further, the offeror by signature hereto gives express authorization and consent to the FDIC for the FDIC to release information contained herein to licensing authorities in the FDIC's examination of the contractor's compliance with FDIC non-ethics contracting regulations.

SOLICITATION NUMBER		
NAME OF OFFEROR <i>(Please print or type)</i>	OFFEROR'S DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER  ä æ*	
TITLE		
NAME OF OFFEROR'S FIRM	OFFEROR'S TELEPHONE NUMBER	
OFFICE ADDRESS		
CITY	STATE	ZIP CODE
SIGNATURE		DATE SIGNED