



Curtiss-Wright  
Engineered Pump Division  
1185 Feather Way  
Bethlehem, PA 18015

QCM-1422 REV. 5

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## ANNUAL SUPPLIER REPRESENTATIONS AND CERTIFICATIONS

If Offeror has completed the annual representations and certifications electronically, via the System for Award Management (SAM) Website accessed through <http://www.sam.gov>, they need only complete Section 1 of this form; otherwise all sections shall be populated and certified.

This form must be completed, submitted and accepted prior to placement of any Curtiss-Wright, Engineered Pump Division (EPD) U.S. Government-Funded Purchase Orders. As required by the Department of Defense (DoD), EPD must ensure that all subcontractors are conducting business according to the current specified regulations and under the appropriate certifications. While completion of this form is required to conduct business with EPD, submission of this form does not provide any guarantee that Supplier will receive any future business from EPD.

The supplier (Offeror) data, authorization, representations, and certifications listed below shall apply, and be incorporated by reference into all Purchase Orders exceeding the micro-purchases threshold issued by EPD for a period of twelve months from the date of execution ("Effective Period"). Supplier shall immediately notify EPD in writing of any changes during the Effective Period.

### Section 1: OFFEROR INFORMATION

**SUPPLIER (OFFEROR) NAME(Legal Entity Name):**

**Description of Products and/or Services Provided:**

<b>CW EPD Representations Date Effectivity (One Year from base date)</b>		<b>OR</b>	<b>SAM Representations and Certifications Effectivity (One Year from base date)</b>	
<b>From:</b>	<b>To:</b>		<b>From:</b>	<b>To:</b>
<b>Purchase Order Address</b>		<b>Primary Performance Address - Same as PO</b> <input type="checkbox"/>		
<b>Number, Street</b>		<b>Number, Street:</b>		
<b>City, State &amp; ZIP Code</b>		<b>City, State &amp; ZIP Code</b>		
<b>Country</b>		<b>Country</b>		
<b>Telephone Number:</b>		<b>Telephone Number:</b>		
<b>Point of Contact Information</b>				
<b>Name:</b>				
<b>Title:</b>				



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Email Address:

Telephone Number:

FAX Number:

Primary NAICS Code: (6-Digit)

Data Universal Numbering  
System DUNS Number: (9-  
Digit)

Commercial and Government  
Entity (CAGE) Code: (5-Digit)

Number of Employees:

*If Offeror has completed the annual representations and certifications electronically via the System for Award Management (SAM) website, accessed through <http://www.sam.gov>, STOP HERE AND SIGN BELOW. Otherwise, all sections shall be populated and certified.*

#### AUTHORIZED SIGNATURE OF OFFEROR

By submitting this information, I am attesting to the accuracy of the information contained herein. I understand that I may be subject to penalties imposed by the United States Government if I misrepresent any of the representations or certifications herein. I further acknowledge on behalf of Offeror that Curtiss-Wright shall rely on the information provided by Offeror herein and that if any of Offeror's representations herein change during the period of performance, Offeror shall provide immediate written notice to the Curtiss-Wright representative to whom this document was originally provided. By signing below, I certify that I am duly authorized to sign this document on behalf of Offeror and that to the best of my knowledge, the information provided in this document is current, accurate, and complete as of the date set forth below.

SIGNATURE:

PRINTED NAME (First, M.I. Last):

PRINTED TITLE:

OFFEROR'S COMPANY NAME:

DATE:

#### Section 2: OFFEROR REPRESENTATIONS AND CERTIFICATIONS

1. FAR 52.219-8 BUSINESS CATEGORY (check ALL categories that apply) Your business categories are used in Government reporting and are required to be accurate and complete. To be compliant, all categories reflected in this form should match your registration in SAM.

LARGE BUSINESS (Other than Small Business (OTSB))

CURTISS-WRIGHT BUSINESS UNIT (CW)

SMALL BUSINESS (SB)

VETERAN-OWNED SMALL BUSINESS CONCERN (VOSB)

SMALL DISADVANTAGED BUSINESS CONCERN (SDB)

SERVICE-DISABLED VETERAN OWNED SMALL BUSINESS CONCERN (SDVOSB)



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WOMAN-OWNED SMALL BUSINESS CONCERN (WOSB)

FOREIGN BUSINESS

HUBZONE SMALL BUSINESS CONCERN (HUB) (evidence of SBA Certification required )

Notice: In accordance with FAR 52.219-9(e), Offeror is hereby notified that there are penalties and remedies for misrepresentations of business status as small, veteran-owned small business, HUBZone small, small disadvantaged, or women-owned small business for the purpose of obtaining a subcontract under a U.S. Government contract.

## 2. FAR 52.204-3 TAXPAYER IDENTIFICATION NUMBER (TIN)

- (a) Definitions – See FAR 52.204-3
- (b) All Offerors shall submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d); reporting requirements of 26 U.S.C. 6041, 60541A and 6050M; and implementing regulations issued by the IRS. If the resulting contract is subject to the payment reporting requirements described in the Federal Acquisition Regulation (FAR) 4.904, 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) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the Offeror's relationship with the Government (41 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the Offeror's TIN.
- (d) TAX Identification Number (TIN): \_\_\_\_\_.

TIN has been applied for

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 United States and does not have an office or place of business or a fiscal paying agent in the United States
- Offeror is an agency or instrumentality of a foreign government
- Offeror is an agency or instrumentality of the Federal Government



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(e) Type of organization:

<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Government Entity (Federal, State, or local)
<input type="checkbox"/> Partnership	<input type="checkbox"/> Foreign government
<input type="checkbox"/> Corporate entity (not tax-exempt)	<input type="checkbox"/> International Organization per 26 CFR 1.6049-4
<input type="checkbox"/> Corporate entity (tax-exempt)	<input type="checkbox"/> Other _____

(f) 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: \_\_\_\_\_

### 3. FOREIGN OWNED, CONTROLLED, OR INFLUENCED (FOCI)

(Whether Offeror, its intermediate or ultimate parent is subject to FOCI)  YES  NO

IF YES, ARE YOU INCORPORATED IN THE US?  YES  NO If No, NCAGE #\_\_\_\_\_

ADDRESS:

DESCRIPTION OF INTEREST:

### 4. 52.203-11 and FAR 52.203-12 - CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS

Is/Are Proposal(s) expected to exceed \$150,000:  Yes  No. If no, proceed to paragraph 5.

Yes  No

By Checking Yes, Offeror certifies to the best of its knowledge and belief that:

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 its behalf in connection with the awarding of a subcontract or Purchase Order, or the prime contract it is awarded under.
2. If any registrants under the Lobbying Disclosure Act of 1995 have made or will make a lobbying contact on behalf of the Offeror with respect to the award of a subcontract or Purchase Order, or the prime contract it is awarded under, the Offeror shall notify Curtiss-Wright in writing immediately of such contact and also complete and submit, as directed, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of registrants. Offeror



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need not report contacts made by individuals described in FAR 52.203-12(c).

3. A copy of each subcontractor disclosure form (but not certifications) shall be forwarded from tier to tier until received by Curtiss-Wright.

**Penalty:** As imposed by 31, U.S.C. 1352, the submission of this certification and disclosure is a prerequisite for making or entering into an applicable subcontract. 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.

## **5. FAR 52.209-5 and 52.209-7 - CERTIFICATION REGARDING RESPONSIBILITY MATTERS**

The Offeror certifies; to the best of its knowledge and belief, that:

### **FAR 52.209-5 – Certification Regarding Responsibility Matters**

(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 conjunction 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. If Offeror checks "have", also see FAR 52.209-7; 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 FAR 52.209-5; and
- (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.

(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.

### **FAR 52.209-7 – Information Regarding Responsibility Matters**

(A) Definitions (see FAR 52.209-7).

(B) The Offeror Has  or  Does not have current active Federal contracts and grants with total value greater than \$10,000,000

If Offeror checked "has", the Offeror represents, by submission of this offer, that the information it has entered in the Federal Awardee Performance and Integrity Information System (FAPIIS) is current, accurate and complete as of the date of the submission of this offer with regard to the following information:



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(1) Whether the Offeror, and/or any of its principals, has  or has not , within the last five years, in connection with the award to or performance by the Offeror of a Federal contract or grant, been the subject of a proceeding, at the Federal or State level that resulted in any of the following dispositions: (check the appropriate block(s):

In a criminal proceeding, a conviction

In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution or damages of \$5,000 or more

In an administrative proceeding, a finding of fault and liability that results in the payment of monetary fine or penalty of \$5,000 or more; or the payment of a reimbursement, restitution or damages in excess of \$100,000

In a criminal, civil or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgement of fault by the Offeror if the proceeding could have led to any of the outcomes specified in this paragraph.

#### **6. FAR 52.204-10 – REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS**

Section 2(d)(2) of the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), as amended by section 6202 of the Government Funding Transparency Act of 2008 (Pub. L. 110-252) requires the Contractor to report information on subcontract awards. The law requires all reported information be made public, therefore, the Contractor is responsible for notifying its subcontractors that the required information will be made public.

If a subcontract or Purchase Order award to Offeror has an expected value of \$30,000 or more in support of a prime contract, Curtiss-Wright must, subject to certain exceptions, gather and publicly report information regarding the award in accordance with FAR 52.204-10.

**BY EXECUTION HEREOF, THE OFFEROR ACKNOWLEDGES AND AGREES TO CURTISS-WRIGHT'S PUBLIC REPORTING OF THE INFORMATION PROVIDED BY OFFEROR HEREIN, AS WELL AS THE OTHER INFORMATION REQUIRED TO BE REPORTED PURSUANT TO FAR 52.204-10, REPORTING EXECUTIVE COMPENSATION AND FIRST TIER SUBCONTRACT AWARDS**

- 1) Definitions – See FAR 52.204-10
- 2) Offeror's Fiscal Year starts on \_\_\_\_\_ and ends on \_\_\_\_\_
- 3) In Offeror's preceding fiscal year, did Offeror receive:
  - A. 80% or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements and other forms of Federal financial assistance; and
  - B. \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements and other forms of Federal financial assistance

Yes  No - If Yes, proceed to question 4, otherwise, proceed to section 7.
- 4) Does the public have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) 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 compensations filings at <http://www.sec.gov/answers/execomp.htm>.)



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Yes  No – If Yes, proceed to section 7, otherwise, populate number 5).

5) Offeror must provide, in the space below, the names and total compensation of each of the five most highly compensated executives for the Offeror's preceding completed fiscal year. "Total compensation" shall have the same meaning as contained in FAR 52.204-10(a). This information will be reported to the U.S. government for any award of a first tier subcontract with a value of \$30,000 or more.

Executive Name	Executive Total Compensation
1)	
2)	
3)	
4)	
5)	

#### 7. FAR 52.222-21 PROHIBITION OF SEGREGATED FACILITIES

The Offeror agrees 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 Offeror agrees that a breach of this clause is a violation of the Equal Opportunity clause in the contract.

#### 8. FAR 52.222-22 PREVIOUS CONTRACTS AND COMPLIANCE REPORTS

Offeror represents that it:

- Has,  Has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;
- Has,  Has not filed all required compliance reports; and
- Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards

#### 9. FAR 52.222-25 AFFIRMATIVE ACTION COMPLIANCE

Offeror represents that 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 CFR60-1 and 60-1); or
- Has not previously had contracts subject to the written affirmative action programs requirements of the rules and regulations of the Secretary of Labor



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## 10. FAR 52.203-2 CERTIFICATE OF INDEPENDENT PRICE DETERMINATION

(a) The Offeror certifies that:

- (1) The prices in this offer have been arrived at independently, without, for the purpose 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 offer have not been and will not be knowingly disclosed by the Offeror, directly or indirectly, to any other Offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) 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 an offer for the purpose of restricting competition.

(b) Each signature on the offer and this certification is considered to be a certification by the signatory that the signatory: Is the person in the Offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to paragraphs (a)(1) through (a)(3) of this provision; or

(c)

- 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 paragraphs (a)(1) through (a)(3) of this provision  
\_\_\_\_\_ [insert full name of person(s) in the Offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the Offeror's organization];
- ii. As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to paragraphs (a)(1) through (a)(3) of this provision; and
- iii. As an agent, has not personally participated, and will not participate, in any action contrary to paragraphs (a)(1) through (a)(3) of this provision.

(d) If the Offeror deletes or modifies subparagraph (a)(2) of this provision, the Offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

## 11. AUDIT OF OFFEROR COST OR PRICING DATA

(Applicable to price proposals exceeding the Truth in Negotiations Act (TINA) threshold) N/A

The Offeror:

**Agrees**  **Does not agree** to allow Curtiss-Wright to perform an audit of Offeror's proposal to establish price reasonableness in accordance with the FAR.

**Agrees**  **Does not agree** to allow the U.S. Government or its representative to perform an audit of Offeror's proposal to establish price reasonableness in accordance with the FAR Part 15.



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## 12. DFARS 252.225-7000, BUY AMERICAN ACT – BALANCE OF PAYMENTS PROGRAM CERTIFICATE

(a) Definitions: Refer to definitions of terms as found in DFARS 252.225-7001

(b) Certifications and identification of country of origin

(1) For all line items subject to the Buy American and Balance of Payments Program clause of this solicitation, the Offeror certifies that:

- (i) Each end product, except those listed in paragraphs (b)(2) or (3) of this provision, is a domestic end product; and
- (ii) For end products other than COTS items, components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

(2) The Offeror certifies that the following end products are qualifying country end products:

<u>Line Item Number</u>	<u>Description</u>	<u>Country of Origin</u>

(3) The following end products are other foreign end products, including end products manufactured in the United States that do not qualify as domestic end products, i.e., an end product that is not a COTS item and does not meet the component test in paragraph (ii) of the definition of “domestic end product”:

<u>Line Item Number</u>	<u>Description</u>	<u>Country of Origin</u>

## 13. DFARS 252.247-7022, REPRESENTATION OF EXTENT OF TRANSPORTATION BY SEA

This representation applies only if the Offeror's proposal exceeds the Simplified Acquisition Threshold of \$150,000. N/A

(a) The Offeror shall indicate by checking the appropriate blank in paragraph (b) of this provision whether transportation of supplies by sea is anticipated under the resultant contract. The term “supplies” is defined in the Transportation of Supplies by Sea clause in this solicitation.

(b) Representation. The Offeror represents that it:

- Does anticipate that supplies will be transported by sea in the performance of any purchase order or subcontract resulting from this solicitation.
- Does not anticipate that supplies will be transported by sea in the performance of any purchase order or subcontract resulting from this solicitation.

(c) Any Purchase Order resulting from this solicitation will include the Transportation of Supplies by Sea clause. If the



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Offeror represents that it will not use ocean transportation, the resulting Purchase Order will also include the Defense FAR Supplement clause at 252.247-7024, Notification of Transportation of Supplies by Sea.

#### 14. STATE DEPARTMENT REGISTRATION

As provided in Section 122.1(a) of the International Traffic in Arms Regulations (ITAR), "any person who engages in the United States in the business of either manufacturing or exporting defense articles or furnishing defense services is required to register with the State Department Directorate of Defense Trade Controls." For purposes of Section 122.2(1a) of the ITAR, "engaging in the business of manufacturing or exporting defense articles or furnishing defense services requires only on occasion of manufacturing or exporting a defense article or furnishing a defense service. Manufacturers who do not engage in exporting must nevertheless register."

I am currently registered with the U.S. Department of State, Directorate of Defense Trade Controls, in accordance with Section 122.1 of the ITAR.

Yes Expiration Date: \_\_\_\_\_  No

#### AUTHORIZED SIGNATURE OF OFFEROR

##### Certification by an Official of Offeror or Offeror's Authorized Representative:

By submitting this information, I am attesting to the accuracy of the information contained herein. I understand that I may be subject to penalties imposed by the United States Government if I misrepresent any of the representations or certifications herein. I further acknowledge on behalf of Offeror that Curtiss-Wright shall rely on the information provided by Offeror herein and that if any of Offeror's representations herein change during the period of performance, Offeror shall provide immediate written notice to the Curtiss-Wright representative to whom this document was originally provided. By signing below, I certify that I am duly authorized to sign this document on behalf of Offeror and that to the best of my knowledge, the information provided in this document is current, accurate, and complete as of the date set forth below.

SIGNATURE:	
PRINTED NAME (First, M.I. Last):	
PRINTED TITLE:	
OFFEROR'S COMPANY NAME:	
DATE:	