### BIDDER/OFFEROR CERTIFICATION FORM

**GENERAL INSTRUCTIONS**

This form contains four (4) sections. Section I concerns the bidder/offeror’s responsibility; Section II includes additional required certifications; Section III relates to Domestic Preferences (if applicable); and Section IV requires the bidder/offeror’s signature.

### PART 1: BIDDER/OFFEROR INFORMATION

<table>
<thead>
<tr>
<th>Legal Business Entity Name</th>
<th>Registration #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address of the Principal Place of Business (street, city, state, zip code):</td>
<td>Telephone #: and ext.:</td>
</tr>
<tr>
<td>Email Address:</td>
<td>Fax #:</td>
</tr>
</tbody>
</table>

**Additional Legal Business Entity Identities:** If applicable, list any other DBA, Trade Name, Former Name, Other Identity and EIN used in the last five (5) years and the status (active or inactive).

1.1 Business Type (Please check the appropriate box and provide additional information if necessary):

- [ ] Corporation (including PC)
- [ ] Joint Venture
- [ ] Limited Liability Company (LLC or PLLC)
- [ ] Nonprofit Organization
- [ ] Partnership (including LLP, LP or General)
- [ ] Sole Proprietor
- [ ] Other

If “Other,” please explain:

1.2 Was the bidder's/offeror's business formed or incorporated in the District of Columbia?

   [ ] Yes [ ] No

1.3 Please provide a copy of each District of Columbia license, registration or certification that the bidder/offeror is required to obtain under District law (other than those provided in Subpart 1.2). If the bidder/offeror is not providing a copy of its license, registration or certification to transact business in the District of Columbia, it shall either:

   (a) Certify its intent to obtain the necessary license, registration or certification prior to contract award; or
   (b) Explain its exemption from the requirement.

**PART 2: INDIVIDUAL RESPONSIBILITY**

Additional Instructions for Section I, Parts 2 through 8:

Provide an explanation of the issue(s), relevant dates, the government entity involved, any remedial or corrective action(s) taken and the current status of the issue(s).

### PART 3: BUSINESS RESPONSIBILITY

Within the past five (5) years, has the bidder/offeror:

- [ ] Been sanctioned or proposed for sanction relative to any business or professional permit or license?
- [ ] Been under suspension, debarment, voluntary exclusion or determined ineligible under any federal, District or state statutes?
- [ ] Been proposed for suspension or debarment?
- [ ] Been the subject of an investigation, whether open or closed, by any government entity for any business-related conduct?
- [ ] Been charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime, or subject to a judgment or plea bargain for:
  - [ ] Any business-related activity; or
  - [ ] Any crime the underlying conduct of which was related to truthfulness?
1.2 The following officer or employee of the District of Columbia may benefit from this contract.

PART 1. DISTRICT EMPLOYEES NOT TO BENEFIT

4.2 Please provide an explanation for “Yes” in Subpart 4.1.

PART 4: CERTIFICATES AND LICENSES

5.1 Had any liens or judgments (not including UCC filings) over $25,000 filed against it which remain undischarged?

5.2 Had a government entity find a willful violation of District of Columbia compensation or prevailing wage laws, the Service Contract Act or theDavis-Bacon Act?

5.3 Were any liens or judgments (not including UCC filings) over $25,000 filed against it which remain undischarged?

PART 5: LEGAL PROCEEDINGS

6.1 Within the past five (5) years, has the bidder/offeror received any formal unsatisfactory performance assessment(s) from any government entity on any contract?

6.2 During the past three (3) years, has the bidder/offeror had any liquidated damages assessed against it by a government entity over $25,000?

6.3 Within the last seven (7) years, has the bidder/offeror failed to file any income tax return(s) for any of the years involved?

6.4 During the past three (3) years, has the bidder/offeror failed to file a District of Columbia unemployment insurance return or failed to pay District of Columbia unemployment insurance?

6.5 During the past three (3) years, has the bidder/offeror failed to file any Federal tax returns?

6.6 During the past three (3) years, has the bidder/offeror failed to pay any Federal taxes?

6.7 During the past three (3) years, has the bidder/offeror failed to pay any District of Columbia taxes?

PART 6: FINANCIAL AND ORGANIZATIONAL INFORMATION

7.1 Indicate whether the bidder/offeror asserts that any information provided in response to a question in Section 1 is exempt from disclosure under the District of Columbia Freedom of Information Act (FOIA), effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code §§ 2-531, et seq.). Include the question number(s) and explain the basis for the claim.

PART 7: FREEDOM OF INFORMATION ACT (FOIA)

7.1 Indicate whether the bidder/offeror asserts that any information provided in response to a question in Section 1 is exempt from disclosure under the District of Columbia Freedom of Information Act (FOIA), effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code §§ 2-531, et seq.). Include the question number(s) and explain the basis for the claim. The District will determine whether such information is, in fact, exempt from FOIA at the time of request for disclosure under FOIA.

SECTION II. ADDITIONAL REQUIRED BIDDER/OFFEROR CERTIFICATIONS

Instructions for Section II: Section II contains seven (7) parts. Part 1 requests information concerning District of Columbia employees. Part 2 applies to the bidder/offeror’s pricing. Part 3 relates to equal employment opportunity and human rights requirements. Part 4 relates to First Source Act requirements. Part 5 relates to employment eligibility requirements. Part 6 relates to Language Access Act requirements. Part 7 relates to conflicts of interest.

PART 1. DISTRICT EMPLOYEES NOT TO BENEFIT

1.1 The bidder/offeror certifies that no officer or employee of the District of Columbia will benefit from this contract.

1.2 The following officer or employee of the District of Columbia may benefit from this contract.

(a)
PART 2: INDEPENDENT PRICE DETERMINATION REQUIREMENTS

The bidder/offeror certifies that:

2.1 The signature of the bidder/offeror is considered to be a certification by the signatory that:
   (a) The contract prices have been arrived at independently without, for the purpose of restricting competition, any consultation, communication or agreement with any bidder/offeror or competitor related to:
      (i) Those prices;
      (ii) The intention to submit a bid/proposal; or
      (iii) The methods or factors used to calculate the prices in the contract.
   (b) The prices in this contract have not been and will not be knowingly disclosed by the bidder/offeror, directly or indirectly, to any other bidder/offeror or competitor before bid/proposal opening unless otherwise required by law; and
   (c) No attempt has been made or will be made by the bidder/offeror to induce any other concern to submit or not to submit a contract for the purpose of restricting competition.

2.2 The signature on the bid/proposal is considered to be a certification by the signatory that:
   (a) Is the person in the bidder/offeror’s organization responsible for determining the prices being offered in this contract, and that the signatory has not participated and will not participate in any action contrary to subparagraphs 2.1(a)(i) through (a)(iii) above; or
   (b) Has been authorized, in writing, to act as an agent for the following principal in certifying that the principal has not participated, and will not participate, in any action contrary to subparagraphs 2.1(a)(i) through (a)(iii) above:

   [Insert full name of person(s) in the organization responsible for determining the prices offered in this contract and the title of his or her position in the bidder/offeror’s organization]

   (i) As an authorized agent, certifies that the principals named in subparagraph 2.2(b) above have not participated, and will not participate, in any action contrary to subparagraphs 2.1(a)(i) through (a)(iii) above; and
   (ii) As an agent, has not participated and will not participate in any action contrary to subparagraphs 2.1(a)(i) through (a)(iii) above.

2.3 If the bidder/offeror deletes or modifies subparagraph 2.1(b) above, the bidder/offeror must furnish with its bid a signed statement setting forth in detail the circumstances of the disclosure.

PART 3: EQUAL OPPORTUNITY AND HUMAN RIGHTS OBLIGATIONS

3.1  The bidder/offeror certifies that it is fully aware of the contents of Mayor’s Order 85-85, Mayor’s Order 2017-313, and the Office of Human Rights’ regulations in Chapter 11 of title 4 of the DCMR, and agrees to comply with them while performing this contract.

PART 4: FIRST SOURCE OBLIGATIONS

4.1 The bidder/offeror certifies that it is fully aware of the requirements of the First Source Employment Agreement Act of 1984, as amended, D.C. Official Code § 2-219.01 et seq., and agrees to enter into a First Source Employment Agreement with the Department of Employment Services if awarded any contract valued at $300,000 or more which receives funds or resources from the District, or funds or resources which, in accordance with a federal grant or otherwise, is administered by the District government.

4.2 I certify that the Initial Employment Plan submitted with my bid or proposal is true and accurate.

PART 5: EMPLOYMENT ELIGIBILITY OBLIGATIONS

5.1 The bidder/offeror certifies that it has verified the identity and employment eligibility of all of its employees.

PART 6: LANGUAGE ACCESS OBLIGATIONS

6.1 For contracts where the contracting agency is a “covered entity” or “covered entity with major public contact” as defined in Sections 2(2) and 2(3) of the Language Access Act of 2004 (D.C. Official Code § 2-1931(2) and § 2-1931(3)), the bidder/offeror certifies that it will comply with Language Access compliance requirements of the contracting agency while performing this contract.

PART 7: CONFLICTS OF INTEREST

7.1 The bidder/offeror certifies that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its obligations under the contract.

SECTION III. DOMESTIC PREFERENCE CERTIFICATIONS

Instructions for Section III: Section III contains three (3) parts which should only be completed only as applicable.

PART 1: BUY AMERICAN ACT COMPLIANCE (Applies if the bidder/offeror will provide goods to the District that are subject to the requirements of the Buy American Act)

I. In accordance with 41 USC 8301 et seq. and implementing regulations, the bidder/offeror certifies that each end product, except the end products listed below, is a domestic end product.

   EXCLUDED END PRODUCTS

   COUNTRY OF ORIGIN

PART 2: FHWA BUY AMERICA ACT COMPLIANCE (Applies to FHWA-funded construction contracts)

2.1 In accordance with 23 CFR 635.410(b), the bidder/offeror certifies that only steel or iron materials manufactured in the United States will be used for permanent incorporation on the project.

   Yes  No

PART 3: BUY AMERICAN ACT COMPLIANCE (Applies to locally-funded construction contracts)

3.1 In accordance with 41 USC 8301 et seq. and implementing regulations, the bidder/offeror certifies that only construction materials manufactured in the United States will be used on the project.

   Yes  No

SECTION IV. CERTIFICATION

Instructions for Section IV: This section must be completed by all bidders/offerors.

Section 2: The District of Columbia is authorized to verify the above information with appropriate government authorities. Penalty for making false statements is a fine of not more than $5,000.00, imprisonment for not more than 180 days, or both, as prescribed in D.C. Official Code § 22-2403. Penalty for falsifying a fine of not more than $2,500.00, imprisonment for not more than three (3) years, or both, as prescribed in D.C. Official Code § 22-2404.

Name [Print and sign]:
Title:
Date:  Contract No.

Telephone #:  Fax #:  Email Address:

[Insert full name of person(s) in the organization responsible for determining the prices offered in this contract and the title of his or her position in the bidder/offeror’s organization]

[Insert full name of person(s) in the organization responsible for determining the prices offered in this contract and the title of his or her position in the bidder/offeror’s organization]