

# USAID GLOBAL HEALTH SUPPLY CHAIN PROGRAM

## PROCUREMENT AND SUPPLY MANAGEMENT

### **Annex 3: Required Certifications**

*The following Representations and Certifications must be completed and submitted with the proposal Part 2 along with the detailed requirements for Part 2 indicated in the Technical Specifications Annex, if applicable. Non-adherence to these requirements may result in disqualification.*

1. Certificate of Independent Price Determination
2. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions
3. Information Regarding Responsibility Matters (April 2010)
4. Offeror's Key Individual Certification on Narcotics Offenses and Drug Trafficking
5. Contractor Code of Business Ethics (April 2010)
6. Offeror's Evidence of Responsibility Statement
7. Subcontractor Size Self-Certification Form
8. Prohibition on Contracting with Inverted Domestic Corporations-Representation (Oct 2015)
9. Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction Under Any Federal Law
10. Certification Regarding Trafficking in Persons Compliance Plan

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### Annex 3.1: Certificate of Independent Price Determination

#### CERTIFICATE OF INDEPENDENT PRICE DETERMINATION

\_\_\_\_\_ (hereinafter called the "Offeror")

- (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 bylaw; 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 is considered to be a certification by the signatory that the signatory—
- (1) 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
  - (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 paragraphs (a)(1) through (a)(3) of this provision \_\_\_\_\_
    - (ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) of this provision 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.
- (c) If the Offeror deletes or modifies paragraph (a)(2) of this provision, the Offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

Company Name: \_\_\_\_\_

By (Signature): \_\_\_\_\_ Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

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### Annex 3.2: Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions

#### CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTION (SEPT 2007)

\_\_\_\_\_ (hereinafter called the "Offeror")

- (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 contract.
- (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.
- (f) Should the Offeror's circumstances change during the life of any resulting subcontract with respect to the above, the Offeror will notify Buyer immediately.

Company Name: \_\_\_\_\_

By (Signature): \_\_\_\_\_ Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

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### Annex 3.3: Certification Regarding Responsibility Matters

#### CERTIFICATION REGARDING RESPONSIBILITY MATTERS

(a)

(1) The Offeror certifies, to the best of its knowledge and belief, that -

(i) The 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;

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.

(ii) The Offeror  has  has not, within a 3-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

(b) "Principal," for the purposes of this certification, means an officer, director, owner, partner, or a person 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 under Section 1001, Title 18, USCode.

(c) The Offeror shall provide immediate written notice to Chemonics if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

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- (d) 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 the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by Chemonics may render the Offeror non-responsible.
- (e) 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.
- (f) 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 the Offeror knowingly rendered an erroneous certification, in addition to other remedies available Chemonics, Chemonics may terminate the contract resulting from this solicitation for default.

Company Name: \_\_\_\_\_

By (Signature): \_\_\_\_\_ Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

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### Annex 3.4: Offeror's Key Individual Certification on Narcotics Offenses and Drug Trafficking

#### KEY INDIVIDUAL CERTIFICATION NARCOTICS OFFENSES AND DRUG TRAFFICKING

I hereby certify that within the last ten years:

1. I have not been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States or any country concerning narcotic or psychotropic drugs or other controlled substances.
2. I am not and have not been an illicit trafficker in any such drug or controlled substance.
3. I am not and have not been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such drug or substance.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Country: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

#### NOTICE:

1. You are required to sign this Certification under the provisions of 22 CFR Part 140, Prohibition on Assistance to Drug Traffickers. These regulations were issued by the Department of State and require that certain key individuals of organizations must sign this Certification.
2. If you make a false Certification you are subject to U.S. criminal prosecution under 18 U.S.C. 1001.

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### Annex 3.5: Contractor Code of Business Ethics

#### CONTRACTOR CODE OF BUSINESS ETHICS (APR 2010)

In accordance with FAR 52.203-13, CONTRACTOR CODE OF BUSINESS ETHICS (APR 2010) the subcontractor  has  does not have current active Federal contracts and grants with total value greater than \$5,000,000. The subcontractor  is  is not a small business. The duration of the subcontract is is not less than 120 days. The subcontractor  has  does not have a Code of Business Ethics which has been provided to employees. The subcontractor  is  is not exempt from the Code of Business Ethics. In accordance with the subcontractor's Code of Business Ethics the contractor  has  does not have a Business Ethics Awareness and Compliance Program that encourages and otherwise promotes a culture of ethical conduct and commitment to comply with the law and an internal control system that prevents and detects criminal conduct. In accordance with the Business Ethics Awareness and Compliance Program the subcontractor  does  does not provide effective training to employees in this area.

The subcontractor shall disclose, in writing, to the prime contractor and the agency office of the Inspector General (OIG), with a copy to the Contracting Officer, whenever, in connection with the award, performance, or closeout of this contract or any subcontract thereunder, the subcontractor has credible evidence that a principal, employee, agent, or subcontractor of the subcontractor has committed a violation of Federal Criminal law involving fraud, conflict of interest, bribery, or gratuity violations in Title 18 of the US Code or a violation of the civil False Claims Act.

Company Name: \_\_\_\_\_

By (Signature): \_\_\_\_\_ Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

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### Annex 3.6: Evidence of Responsibility Form

#### EVIDENCE OF RESPONSIBILITY

##### 1. Offeror Business Information

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Country: \_\_\_\_\_

DUNS Number: \_\_\_\_\_

**(Instructions:** The offeror shall enter the DUNS number or "DUNS+4" that identifies the offeror's name and address. The DUNS number is a nine-digit number assigned by Dun and Bradstreet, Inc. If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one. An offeror may obtain a DUNS number-- (i) Via the Internet at <http://fedgov.dnb.com/webform> or if the offeror does not have internet access, it may call Dun and Bradstreet at 1-866-705-5711 if located within the United States; or (ii) If located outside the United States, by contacting the local Dun and Bradstreet office. The offeror should indicate that it is an offeror for a U.S. Government contract when contacting the local Dun and Bradstreet office.)

##### 2. Authorized Negotiators

The Offeror's proposal may be discussed with any of the following individuals. These individuals are authorized to represent the Offeror in negotiation of this offer.

List Names of Authorized signatories

These individuals can be reached at the following office:

Address: \_\_\_\_\_

City: \_\_\_\_\_

Country: \_\_\_\_\_

Telephone/Fax: \_\_\_\_\_

Email address: \_\_\_\_\_



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### 3. Adequate Financial Resources

The Offeror has adequate financial resources to manage this contract.

If the Offeror is selected for an award valued at \$30,000 or above, and is not exempted based on a negative response to Section 3(a) below, any first-tier sub award to the organization may be reported and made public through FSRS.gov in accordance with The Transparency Acts of 2006 and 2008.

Therefore, in accordance with FAR 52.240-10 and 2CFR Part170, if the Offeror positively certifies below in Sections 3.a and 3.b and negatively certifies in Sections 3.c and 3.d, the Offeror will be required to disclose to Chemonics for reporting in accordance with the regulations, the names and total compensation of the organization's five most highly compensated executives. By submitting this form, the Offeror agrees to comply with this requirement as applicable if selected for an award.

In accordance with those Acts and to determine applicable reporting requirements, Offeror certifies as follows:

- (a) In the previous tax year, was your company's gross income from all sources above \$300,000?  
 Yes  No
- (b) In your business or organization's preceding completed fiscal year, did your business or organization (the legal entity to which the DUNS number belongs) receive:
- 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, sub grants, and/or cooperative agreements; **and**
  - \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, sub grants, and/or cooperative agreements?
- Yes  No
- (c) Does the public have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number it provided belongs) 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? (FFATA § 2(b)(1)):  
 Yes  No
- (d) Does your business or organization maintain an active registration in the System for Award Management ([www.SAM.gov](http://www.SAM.gov))?  
 Yes  No

### 4. Ability to Comply

The Offeror is  able  unable to comply with the proposed delivery of performance schedule having taken into consideration all existing business commitments, commercial as well as governmental.

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### **5. Record of Performance, Integrity, and Business Ethics**

Offeror's record of integrity is

**(Instructions:** Offeror should describe their record. Text could include example such as the following to describe their record: "outstanding, as shown in the Representations and Certifications. We have no allegations of lack of integrity or of questionable business ethics. Our integrity can be confirmed by our references in our Past Performance References, contained in the Technical Proposal.")

### **6. Organization, Experience, Accounting and Operational Controls, and Technical Skills**

**(Instructions:** Offeror should explain their organizational system for managing the subcontract, as well as the type of accounting and control procedure they have to accommodate the type of subcontract being considered.)

### **7. Equipment and Facilities**

**(Instructions:** Offeror should state that they have necessary facilities and equipment to carry out the prospective subcontracts with specific details as appropriate per the agreement scope.)

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### **8. Eligibility to Receive Award**

(**Instructions:** Offeror should state if they are qualified and eligible to receive an award under applicable laws and regulation and affirm that they are not included in any list maintained by the US Government of entities debarred, suspended or excluded for US Government awards and funding. The Offeror should state whether they have performed work of similar nature under similar mechanisms for USAID.)

### **9. Commodity Procurement**

(**Instructions:** Offeror should state their qualifications necessary to support the contract requirements.)

### **10. Cognizant Auditor**

(**Instructions:** Offeror should provide Name, address, phone of their auditors – whether it is a government audit agency, such as DCAA, or an independent CPA.)

### **11. Acceptability of Contract Terms**

(**Instructions:** Offeror should state its acceptance of the proposed contract terms.)

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### 12. Organization of Firm

**(Instructions:** Offeror should explain how their firm is organized on a corporate level and on practical implementation level, for example regionally or by technical practice.)

Company Name: \_\_\_\_\_

By (Signature): \_\_\_\_\_ Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

*One of the authorized negotiators listed in Section 2 above should sign*

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### Annex 3.7: Subcontractor Size Self-Certification Form

**Reference Number:** USAID Prime Contract No. AID-OAA-I-15-00004

**Project Name:** Global Health Supply Chain – Procurement and Supply Management (GHSC-PSM)

**Primary NAICS Code:** 424210

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**Company Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

**DUNS Number:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Contact Phone Number:** \_\_\_\_\_

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#### Type of Entity

If you have difficulty ascertaining the business size status, please refer to SBA's website ([www.sba.gov/size](http://www.sba.gov/size)) or contact your local SBA office.

Small Business  Large Business  Nonprofit/Educational  Government  Non-US

If "Small Business" is checked above, and if applicable, please identify any additional small business designations under which the company qualifies. You may wish to review the definitions for the below categories in the Federal Acquisition Regulation 19.7 or 52.219-8 ([www.acquisition.gov/far/](http://www.acquisition.gov/far/)) to determine applicability.

Small Disadvantaged Business

8(a)

HUBZone

Woman Owned Small Business

Veteran Owned

Service Disabled Veteran Owned

Alaskan Native Corporation

Indian Tribe

By signature below, I hereby certify that the business type and designation indicated above is true and accurate as of the date of execution of this document, and I further understand that under 15 U.S.C. 645(d), any person who misrepresents a business' size status shall (1) be punished by a fine, imprisonment, or both; (2) be subject to administrative remedies; and (3) be ineligible for participation in programs conducted under the authority of the Small Business Act.

Company Name: \_\_\_\_\_

By (Signature): \_\_\_\_\_ Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*CHEMONICS INTERNAL USE ONLY\*\*\*\*\*

HUBZone Status has been verified in the [System for Award Management database](#) or [Dynamic Small](#)

[Business Database Search](#) as of \_\_\_\_\_ conducted by: \_\_\_\_\_

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#### **Annex 3.8: 52.209-2 Prohibition on Contracting with Inverted Domestic Corporations- Representation (Oct 2015)**

- (1) Relation to Internal Revenue Code. An inverted domestic corporation as herein defined does not meet the definition of an inverted domestic corporation as defined by the Internal Revenue Code 25 U.S.C. 7874.
- (2) Representation. By submission of its offer, the offeror represents that—
  - (i) It is not an inverted domestic corporation; and
  - (ii) It is not a subsidiary of an inverted domestic corporation.

#### **Annex 3.9: Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction Under Any Federal Law**

The Consolidated Appropriations Act, 2012 Pub. L 112-74 and the Consolidated and Further Continuing Appropriations Act, Pub. L 112-55 prohibit covered agencies from using funds to enter into contracts with corporations with have unpaid federal tax delinquencies or certain felony convictions unless certain conditions are met. (a) The Offeror represents that — FAR 52.212-3 – August 2014 edition

- (1) It  is  is not a corporation that was convicted of a felony criminal violation under a Federal or State law within the preceding 24 months.
- (2) It  is  is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

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### **Annex 3.10: 52.222-50 Subcontractor Certification Regarding Trafficking in Persons Compliance Plan (March 2, 2015)**

The Offeror/Subcontractor Certifies that:

- (1) It has implemented a compliance plan to prevent any prohibited activities identified in paragraph (b) of the clause at 52.222–50, Combating Trafficking in Persons, and to monitor, detect, and terminate the contract with a subcontractor engaging in prohibited activities identified at paragraph (b) of the clause at 52.222–50, Combating Trafficking in Persons;
- (2) The compliance plan applicable to the qualifying subcontract meets the minimum requirements set forth in subsection (h)(3) of clause 52.222-50, including the following:
  - a. An awareness program to inform subcontractor employees about the Government’s policy prohibiting trafficking-related activities, the activities prohibited, and the actions that will be taken against the employee for violations.
  - b. A process for employees to report, without fear of retaliation, activity inconsistent with the policy prohibiting trafficking in persons, including a means to make available to all employees the hotline phone number of the Global Human Trafficking Hotline at 1-844-888-FREE and its email address at help@befree.org.
  - c. A recruitment and wage plan that only permits the use of recruitment companies with trained employees, prohibits charging recruitment fees to the employee, and ensures that wages meet applicable host-country legal requirements or explains any variance.
  - d. A housing plan, if the subcontractor intends to provide or arrange housing that ensures that the housing meets host-country housing and safety standards.
  - e. Procedures to prevent agents and subcontractors at any tier and at any dollar value from engaging in trafficking in persons (including activities in paragraph (b) of this clause) and to monitor, detect, and terminate any agents, subcontracts, or subcontractor employees that have engaged in such activities.
- (3) The Offeror/Subcontractor will post the relevant contents of the compliance plan, no later than the initiation of contract performance, at the workplace (unless the work is to be performed in the field or not in a fixed location) and on the Offeror’s/Subcontractor’s Web site (if one is maintained). If posting at the workplace or on the Web site is impracticable, the Offeror/Subcontractor shall provide the relevant contents of the compliance plan to each worker in writing. The Offeror/Subcontractor agrees to inform Chemonics immediately of any credible information it receives from any source (including host country law enforcement) that alleges a contractor employee, subcontractor, subcontractor employee, or their agent has engaged in conduct that violates the policy.
- (4) After having conducted due diligence, either—
  - (i) To the best of the Offeror’s/Subcontractor’s knowledge and belief, neither it nor any of its proposed agents, subcontractors, or their agents is engaged in any such activities; or,
  - (ii) If abuses relating to any of the prohibited activities identified in 52.222– 50(b) have been found, the Offeror or proposed Subcontractor has taken the appropriate remedial and referral actions.

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PLEASE SIGN AND RETURN THIS CERTIFICATION TO CHEMONICS

Company Name: \_\_\_\_\_

Company Address \_\_\_\_\_

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: The Subcontractor is required to recertify annually by signing this document one year from the date signed above and resending it to the Contractor.**

**[END OF CERTIFICATIONS]**