

**FLUOR FERNALD, INC.**  
**REPRESENTATIONS AND CERTIFICATIONS**  
**COMMERCIAL ITEMS**

**A. Definitions. As used in this provision:**

"Emerging small business" means a small business concern whose size is no greater than 50 percent of the numerical size standard for the standard industrial classification code designated.

"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 Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and size standards in this solicitation.

"Women-owned small business concern" means a small business concern --

1. Which 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.

"Women-owned business concern" means a concern which 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 whose management and daily business operations are controlled by one or more women.

**B. Taxpayer Identification Number (TIN) (26 U.S.C.6050M).**

1. Taxpayer Identification Number (TIN).

9 TIN:\_\_\_\_\_.

9 TIN has been applied for.

9 TIN is not required because:

9 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 U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.;

9 Offeror is an agency or instrumentality of a foreign government;

9 Offeror is an agency or instrumentality of a Federal, state, or local government;

9 Other. State basis.\_\_\_\_\_

2. Corporate status.

9 Corporation providing medical and health care services, or engaged in the billing and collecting of payments for such services;

9 Other corporate entity;

9 Not a corporate entity:

9 Sole proprietorship

9 Partnership

9 Hospital or extended care facility described in 26 CFR 501(c)(3) that is exempt from taxation under 26 CFR 501(a).

3. Common parent.

9 Offeror is not owned or controlled by a common parent.

9 Name and TIN of common parent:

Name \_\_\_\_\_

TIN \_\_\_\_\_

**C. Offerors must complete the following representations when the resulting contract is to be performed inside the United States, its territories or possessions, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia. Check all that apply.**

1. Small business concern. The Offeror represents as part of its offer that it **9 is, 9 is not** a small business concern.
2. Small disadvantaged business concern. The Offeror represents that it **9 is, 9 is not**, a small disadvantaged business concern as defined in 13 CFR 124.1002.
3. Women-owned small business concern. The Offeror represents that it **9 is, 9 is not** a women-owned small business concern.
4. Women-owned business concern. The Offeror represents that it **9 is, 9 is not**, a women-owned business concern.

**D. Certifications and representations required to implement provisions of Executive Order 11246:**

1. Previous contracts and compliance. The Offeror represents that --
  - (i) It **9 has, 9 has not**, participated in a previous contract or subcontract subject either to the Equal Opportunity clause of this solicitation, the clause originally contained in Section 310 of Executive Order 10925, or the clause contained in Section 201 of Executive Order 11114; and
  - (ii) It **9 has, 9 has not**, filed all required compliance reports.
2. Affirmative Action Compliance. The offeror represents that --
  - (i) It **9** has developed and has on file, **9** has not developed and does not have on file, at each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor (41 CFR Subparts 60-1 and 60-2), or
  - (ii) It **9** has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

**E. Certification Regarding Debarment, Suspension or Ineligibility for Award (Executive Order 12549).** The Offeror certifies, to the best of its knowledge and belief, that --

1. The Offeror and/or any of its principals **9 are, 9 are not** presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency, and
2. **9 Have, 9 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 Federal, state or local government 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; and **9 are, 9 are not** presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses.

6. Certification Regarding Payments to Influence Federal Transactions (31 U.S.C. 1352). (Applies only if the contract is expected to exceed \$100,000).

By submission of its offer, the offeror 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 his or her behalf in connection with the award of any resultant contract.

\_\_\_\_\_  
Signature of the Officer/Employee  
Responsible for Offer/Bid:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed/Printed Name of Officer/Employee  
Responsible for Offer/Bid

Name and Address of Organization:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Solicitation Number: \_\_\_\_\_

(End of Representations and Certifications)