



"First in Logistics"

Garrett Container Systems, Inc.

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ANNUAL SUPPLIER REPRESENTATIONS and CERTIFICATIONS FOR CALENDAR YEAR 2014

Procurement of materials, services and supplies for a United States Government-funded contract requires that prime contractors, subcontractors and suppliers comply with socioeconomic programs enacted into public law. Other procurements require compliance with Executive Orders, Congressional Law, and Federal Regulations. Specific requirements are listed in the Section below.

| | |
|------------------------------------------------------------------------------|----------------|
| Affix Address Label Here or Print/Type Company Name, Address & Supplier # | Email Address: |
| Customer No: Customer Name: Customer Address: | New Address: |
| | Phone: |
| | Fax: |

Please review each Section below and place a check mark in the appropriate box(es). Sign and date the bottom of page 4 and return the completed form to the Procurement Compliance Officer at the address shown above. Note: For **Small Businesses**, all Sections apply; for **Large Businesses**, only Sections 1 through 9; for **International Businesses**, only Section 9 applies (exceptions - other Sections may apply if a Subcontract is placed by you to a supplier located in the United States in support of a Government-funded contract or if you have facilities or personnel within the United States).

1. PREFERENCE FOR DOMESTIC SPECIALTY METALS

- A. SELLER certifies that it will comply with DFAR 252.225-7014 Alternative 1 if the Purchase Order (PO) contains U.S. Department of Defense (DoD) contract number on the Purchase Order.

2. CERTIFICATION OF COMPLIANCE WITH AFFIRMATIVE ACTION LAWS AND NOTIFICATION OF AFFIRMATIVE ACTION POLICY

- A. Pursuant to 41 C.F.R. §§ 60-741.44 and 60-300.44, Garrett Container Systems, Inc, hereby provides legally required notice of its non-discrimination and affirmative action policy and encloses its Statement of Policy. The Company is committed to take affirmative action to employ and advance in employment qualified covered veterans, individuals with disabilities, females, and minorities. The Company requires that SELLER take appropriate action to comply with applicable laws, including Executive Order 11246, Section 503 of the Rehabilitation Act, and the Vietnam Era Veterans Readjustment Assistance Act, including the requirement to file an annual EEO-1 and VETS 100A form if applicable. In addition, the following provisions are incorporated into

the terms of any agreement between the SELLER and the Company, as well as, the SELLER certifies compliance with these provisions:

1. 41 C.F.R. 60-300.5(a). **This contractor and subcontractor shall abide by the requirements of 41 C.F.R. Section 60-300.5(a). This regulation prohibits discrimination against qualified protected veterans and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.**
2. 41 C.F.R. 60-741.5(a). **This contractor and subcontractor shall abide by the requirements of 41 C.F.R. Section 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.**
3. Executive Order 11246, 41 C.F.R. Sections 60-1.4(a), 1.7(a), 29 C.F.R. Part 471, Appendix A to Subpart A, and 48 C.F.R. § 52.222-54.

3. LABOR UNION AFFILIATION REPRESENTATION (check only one)

- A. SELLER has collective bargaining agreement(s) with _____ Union, expiring _____ . (List additional bargaining units on reverse)
- B. SELLER certifies that it does not have union affiliation.

4. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (check only one)

- A. SELLER certifies that if it is awarded a contract of \$25,000 or more, the SELLER ***IS NOT*** presently debarred, suspended, proposed for debarment or declared ineligible for the award of contracts by any Federal agency as stated in FAR 52.209-6. In addition, SELLER represents that if awarded a contract of \$100,000 or more, the SELLER ***IS NOT*** presently debarred, suspended, proposed for debarment or declared ineligible for the award of contracts by the Environmental Protection Agency (EPA). Further, if SELLER should be declared ineligible as stated above, SELLER will immediately notify the Garrett Container Systems, Inc. Procurement Compliance Officer, in writing, regarding its change in status.
- B. SELLER ***IS*** presently debarred, suspended, proposed for debarment or declared ineligible for the award of contracts by any Federal agency.

5. CERTIFICATE OF INDEPENDENT PRICE DETERMINATION (FAR 52.203-2)

- A. SELLER certifies that:
 4. The prices in all offers to Garrett Container Systems, Inc. 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.
 5. The prices in all offers to Garrett Container Systems, Inc. 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 negotiated solicitation) unless otherwise required by law; and
 6. 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 an offer to Garrett Container Systems, Inc. is considered to be a certification by the signatory that the he or she:
 1. Is the person in the offeror's organization responsible for determining the prices being offered in any bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs A.1 through A.3 of this Section; or

2. (i) Has been authorized, in writing, to act as agent for the principals involved in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs A.1 through A.3 of this Section; (ii) As an authorized agent, does certify that such principals have not participated, and will not participate, in any action contrary to subparagraphs A.1 through A.3 of this section; and (iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs A.1 through A.3 of this Section.

C. If SELLER deletes or modifies subparagraph A.2 of this Section, SELLER must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

6. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (FAR 52.203-11) (check only one)

- A. SELLER certifies that if it is awarded a contract of \$100,000 or more, to the best of its knowledge and belief, Federal appropriated funds have or have not been paid or will/will not be paid to influence certain Government officials to award a federal contract or to modify a federal contract.
- B. SELLER agrees that if awarded a contract of \$100,000 or more, and SELLER has provided payments to influence Federal transactions, OMB Standard Form LLL, Disclosure of Lobbying Activities will be submitted to Garrett Container Systems, Inc.

7. NORTH AMERICAN INDUSTRIAL CLASSIFICATION (NAIC) CODE (FAR 19.102)

Enter the 6-digit NAIC Code that most closely represents the product, commodity or service that your firm is likely to sell to Garrett Container Systems, Inc. in the calendar year covered by these representations.

NAIC Code:

| | | | | |
|---|---|---|---|---|
| / | / | / | / | / |
|---|---|---|---|---|

The NAIC Code Listing can be found through the Internet site: <http://www.census.gov/epcd/www/naics.html>

8. BUSINESS SIZE AND TYPE CLASSIFICATION: SELLER REPRESENTS THAT IT IS A:

(Check all that apply)

- | | |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Small Business (S) | <input type="checkbox"/> Veteran Women-Owned SDB (S-Y) |
| <input type="checkbox"/> Large Business (L) | <input type="checkbox"/> Service Disabled Veteran Women-Owned SDB (S-Z) |
| <input type="checkbox"/> Self-Certified SDB (S-1) | <input type="checkbox"/> Historically Black College or University (U-4) |
| <input type="checkbox"/> <u>SBA-Certified</u> * Small Disadvantaged Business (S-1) | <input type="checkbox"/> Minority Institution (U-4) |
| <input type="checkbox"/> Self-Certified Women-Owned Small Business (S-2) | <input type="checkbox"/> University or College (U) |
| <input type="checkbox"/> <u>SBA-Certified</u> Women-Owned SDB (S-1) | <input type="checkbox"/> Non-Profit Organization (N) |
| <input type="checkbox"/> Self-Certified Women-Owned SDB (S-3) | <input type="checkbox"/> Non-profit Organization employing Persons with Disabilities (N-5) |
| <input type="checkbox"/> Veteran Owned Business (S-A) | <input type="checkbox"/> Small Businesses (for profit Organizations) employing Persons with Disabilities (S-5) |
| <input type="checkbox"/> Service Disabled Veteran Owned Business (S-B) | <input type="checkbox"/> International Small Business (under 500 employees) (F) |
| <input type="checkbox"/> Veteran Owned Small Disadvantaged Business (S-C) | <input type="checkbox"/> International Large Business (500 or more employees) (F) |
| <input type="checkbox"/> Service Disabled Veteran Owned Business SDB (S-D) | <input type="checkbox"/> Government Agency/Entity (G): Explain: |
| <input type="checkbox"/> Veteran Women-Owned Small Business (S-W) | |
| <input type="checkbox"/> Service Disabled Veteran Women-Owned SB (S-X) | |

❖ Enter: (a) your Small Business Administration/Small Disadvantaged Business (SDB) Tracking Number here and your Certification's issue date here / / ; AND (b) attach a copy of the current SBA certification letter.

FOOTNOTES:

1. "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, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard identified by the NAIC Code identified in Section 11 above (FAR 52.219-1).
2. "Women-owned Small Business Concern" means a small business concern which is at least 51% owned by one or more women or, in the case of any publicly owned business, at least 51% 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 (FAR 52.219-10). (May also be a Women-owned Small Disadvantaged Concern)
3. For U.S. Government prime contracts issued on or after October 1, 1999, the term "Small Disadvantaged Business" (whether or not also Women-owned) means a small business concern owned and controlled by socially and economically disadvantaged individuals that has received certification as a Small Disadvantaged Business consistent with 13 CFR 124, Subpart B (FAR 52.219-8). Attach a copy of SELLER's current certification letter.
4. For U.S. Government prime contracts issued prior to October 1, 1999, the SELLER's self-certification of Small Disadvantaged Business status may still be accepted, contingent upon SELLER's acknowledgment of the PENALTY clause cited below.

Under 15 U.S.C. 645(d), any person who misrepresents a firm's status...in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall (i) be punished by imposition of fine, imprisonment, or both; (ii) be subject to administrative remedies, including suspension and debarment; and (iii) be ineligible for participation in programs conducted under the authority of the Act (FAR 52.219-1 (d)(2)).

**NOTICE
OF
PENALTY**

9. STATEMENT TO PREVENT TRANSACTIONS WITH DENIED PERSONS/DEBARRED PARTIES/SDN

To ensure compliance of U.S. export laws, Garrett Container Systems, Inc. does not conduct any business transaction with the "Denied Persons List" published by the U.S. Department of Commerce, the "Denied Parties List" published by the Department of State and the "Specially Designated Nationals" list published by the Department of Treasury, Foreign Assets Control. Garrett Container Systems, Inc. expects all suppliers and its sub-contractors to comply with these laws as well. Supplier agrees to include this requirement in lower-tier Purchase Orders and/or subcontracts (You may view the U.S. Government web sites of the Agencies noted above to access their lists).

10. MINORITY OWNERSHIP: IF SELLER HAS REPRESENTED ITSELF IN SECTION 12 ABOVE AS A SMALL DISADVANTAGED BUSINESS (SDB) OR WOMEN-OWNED SMALL DISADVANTAGED BUSINESS (WOSDB), PLEASE CHECK THE APPROPRIATE CATEGORY OF OWNERSHIP: (FAR 52.219-1 Alt 1). (check all that apply)

- Black or African American
- Hispanic American: persons with origins from South America, Central America, Mexico, Cuba, The Dominican Republic, Puerto Rico, Spain or Portugal.
- Native American: American Indians, Eskimos, Aleuts, or Native Hawaiians.
- Asian-Pacific American: persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, the Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu or Nauru.
- Subcontinent Asian (Asian-Indian) American: persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal.
- Individual/concern, other than one of the preceding. Explain: _____

11. HUBZONE SMALL BUSINESS: IF SELLER HAS REPRESENTED ITSELF IN SECTION 11 AS A SMALL

BUSINESS OF ANY CLASSIFICATION, then (check only one)

SELLER represents that it [] is [] is not a qualified “Historically Underutilized Business Zone (HUBZone)” Small Business, certified as such by the Small Business Administration (SBA), and included on the List of Qualified HUBZone Small Business Concerns on the SBA’s Internet website at: <https://eweb1.sba.gov/hubzone/internet/> (FAR 19.1303).

In order to qualify for HUBZone Small Business *certification from the SBA*, the SELLER must:

- a. Be a “Small Business” according to the definition of FAR 52.219-1 Alt 1 and the NAIC size standards;
- b. Be located with its principal place of operation and employment within a geographically designated HUBZone;
- c. Be owned and managed exclusively by a U.S. citizen(s); *and*
- d. Have at least thirty-five percent (35%) of its employees residing in any qualified HUBZone tract.

If **YES**, attach a copy of your firm’s HUBZone certification letter.

ANNUAL SUPPLIER REPRESENTATIONS and CERTIFICATIONS for CALENDAR YEAR 2014 (Continued)

CERTIFICATION

I hereby certify the information presented here is true and correct and meets the intent and spirit of the statements made above. This certification shall apply and is incorporated herein by reference to all solicitations, agreements, Purchase Orders, contracts, or subcontracts received from Garrett Container Systems, Inc., and shall be valid for the calendar year noted on page one. If any changes to the above occur, Seller will immediately notify the Garrett Container Systems, Inc. Compliance Officer, in writing, regarding its’ change in status.

_____/_____/_____
Name (Please print or type) Signature Date