

## ANNUAL REPRESENTATION AND CERTIFICATION

U.S. Government regulations prohibit Alamo Aircraft, Ltd. (AAL) from awarding a procurement funded under a U.S. Government contract unless the seller certifies that it complies with certain U.S. policies. Your company is a supplier or potential supplier of goods and services whose purchase by AAL might be funded under a U.S. Government contract. Accordingly, to be eligible for award, you are required to complete the Representations and Certifications contained herein. In order to make this process more efficient for your company and AAL, we are requesting that you complete these Annual Representations and Certifications on an annual basis rather than on request per purchase order or subcontract. Should the information contained herein change, the Seller agrees to notify AAL with in a reasonable period subsequent to the change.

Please complete and return to:

Alamo Aircraft, Ltd.  
P.O. Box 37343  
San Antonio, TX 78237-0343  
Attn: Perry Wulfe

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### 1. TYPE OF BUSINESS ORGANIZATION

The offeror or quoter, by checking the applicable box, represents that it operates as  an individual,  a partnership,  a non-profit organization,  a joint venture, or  a corporation incorporated under the laws of the State of \_\_\_\_\_.

### 2. FOREIGN OWNERSHIP

If the offeror or quoter is a foreign entity, it operates as  an individual,  a partnership,  a non-profit organization,  a joint venture, or  a corporation registered for business in the country of \_\_\_\_\_.

### 3. SMALL BUSINESS PROGRAM REPRESENTATIONS

(PLEASE MARK EITHER YES OR NO AS APPLICABLE TO YOUR BUSINESS)

- A. Small Business Concerns – those “for profit” businesses which are physically located in the United States, are independently owned and operated by U.S. citizens, and qualify under the size standards defined by the U.S. Small Business Administration.

YES  NO

NOTE: If the “NO” box above was marked, proceed to Section 4.

- B. HubZone Business Concerns – those small businesses that are located in “historically underutilized” business zones (areas of high and persistent unemployment). Not only must the business be located in one of these “zones”, but also at least 35% of the employees must reside in a “zone”. To qualify as a HubZone business, the company must be certified as such by the U.S. Small Business Administration.

YES  NO

- C. Minority Owned Business Enterprise (MBE) Concerns – those businesses (large or small) that are physically located in the United States or its Trust Territories and which are at least 51% owned, controlled and operated by one or more minority group members or in the case of any public owned business, 51% of the stock is owned by one or more minority group members. Minority group members are U.S. citizens who are African Americans, Hispanic Americans, Native Americans (American Indians, Eskimos, Aleuts, and native Hawaiians), Asian-Pacific Americans (U.S. citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the

**ALAMO AIRCRAFT, LTD.**  
P.O. Box 37343 2538 S.W. 36<sup>th</sup> St.  
San Antonio, TX 78237-0343  
Tel. (210) 434-5577 Fax (210) 434-1030  
[www.alamoaircraft.com](http://www.alamoaircraft.com) sales@alamoaircraft.com

Pacific, Northern Marianas, Laos, Cambodia, Taiwan), Asian-Indian Americans (U.S. citizens whose origins are from India, Pakistan and Bangladesh)

YES  NO

- D. Small Disadvantaged Business (SDB) Concerns – those small businesses that are 51% owned, controlled and operated by one or more socially (see Minority Group above) and economically disadvantaged U.S. citizens. To qualify as a Small Disadvantaged Business, a company must receive a formal “certification” letter from the U.S. Small Business Administration.

YES  NO

- E. Women-Owned Business Enterprise (WBE) Concerns – those small businesses that are physically located in the United States or its Trust Territories and that are at least 51% owned, controlled and operated by a woman or women.

YES  NO

- F. Veteran-Owned Small Business Concerns – those small businesses which (1) are 51% or more owned by one or more Veterans (as defined in 38 U.S.C. 101(2) or, in the case of any publicly owned businesses, 51% or more of the stock is owned by one or more veterans; and (2) the management and daily business operations are controlled by one or more Veterans.

YES  NO

- G. Service-Disabled Veteran Small Business Concerns – those small businesses owned by a Veteran or Veterans (see above). To be further classified as Service-Disabled in accordance with 38 U.S.C. 101(2), the Veteran or Veterans must have a disability or disabilities that are Service connected as defined in 38 U.S.C. 101(16).

YES  NO

**4. WALSH-HEALEY PUBLIC CONTRACTS ACT REPRESENTATION**

Applicable to solicitation for supplies exceeding \$10,000, as detailed in FAR 22.605, wherein contract performance is to be within the U.S., Puerto Rico, or the Virgin Islands, unless excepted under FAR 22.604. The offeror represents as a part of this document that the offeror  is,  is not, a regular dealer in, or  is,  is not a manufacturer of the supplies offered.

**5. CERTIFICATION OF NONSEGREGATED FACILITIES**

- A. “Segregated Facilities” as used in this provision, means any waiting rooms, work areas, restrooms, and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom or otherwise.

- B. By the submission of this document the offeror certifies 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 certification is a violation of the Equal Opportunity clause in the contract.

- C. The offeror further agrees that (except where it has obtained identical certifications from proposed subcontract or for specific time periods) it will:

- (1) Obtain identical certifications from proposed subcontractors before the award of subcontracts under which the subcontractor will be subject to Equal Opportunity clause;
- (2) Retain the certifications in the files; and
- (3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR  
CERTIFICATIONS OF NONSEGREGATED FACILITIES**

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract under which the subcontractor will be subject to the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

**6. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS**

- A. The offeror represents that it  has,  has not participated in a previous contract or subcontract subject either to the Equal Opportunity clause of this solicitation, the clause originally contained Section 310 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114.
- B. The offeror  has,  has not filed all required compliance reports; and
- C. Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

**7. EQUAL EMPLOYMENT COMPLIANCE**

By the submission of the certification, the offeror represents that, to the best of its knowledge and belief, except as noted below, up to the date of this certification no written notice such as a show cause letter, a letter indicating probable cause, or any other written notification citing specific deficiencies, has been received by the offeror from any Federal Government agency or representative thereof that the offeror or any of its divisions or affiliates or known first-tier subcontractors is in violation of any of the provisions of any of the provision of Executive Order No. 11246 of September 24, 1965, as amended, or rules and regulations of the Secretary of Labor (41 CFR, Chapter 60) and specifically as to not having an acceptable affirmative action compliance program or being in noncompliance with any other aspect of the Equal Employment Opportunity Program. It is further agreed that should there be any change (i) in the offeror's status or circumstances between this date and the date of expiration of this offer or any extension thereof, or (ii) during any contract or extension thereof resulting from this solicitation, the Buyer will be notified promptly.

**8. AFFIRMATIVE ACTION COMPLIANCE**

- A. The 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 CFR 60-1 and 60-2), or
- B. The offeror represents that it  has,  has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

**9. CERTIFICATION OF EMPLOYMENT OF VETERANS**

Title 41 of the Code of Federal Regulations, part 60-250, contains a clause required in every Federal invitation to bid or contract from \$10,000 or more for the procurement of personal property and nonpersonal services (including construction), and every subcontract entered into to carry out such contract. The clause, which is included herein by reference (and which should be referred to in its entirety), requires among other things, that all suitable employment openings of the Contractor which exist at the time of the execution of the contract and those which occur during the performance of the contract, including those not generated by the contract and those occurring at an establishment of the offeror other than the one wherein the contract is being performed by excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment openings and hires as may be required. The offeror agrees to and certifies that it is in compliance with the above provision and that it will place it in any subcontract of \$10,000 or more directly under this contract. Additionally, effective 1 March 1988, in accordance with the Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era, CFR 61-250.10, annual reports will be submitted as required. The offeror certifies that the above statement, representations and certifications are true and correct as of the date shown below, and further, agrees to notify Buyer of changes as they may occur to this document.

**10. CERTIFICATION OF EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES**

Pursuant to Section 503 of the Rehabilitation Act of 1973, and under Title 20, Chapter VI, Subchapter C, Section 731.23 of the Code of Federal Regulations, the affirmative action clause set forth in Section 741.3 of the regulations is considered to be included in every Federal contract or subcontract exceeding \$2,500. Therefore, unless exempt, the offeror certifies that it will take affirmative action to employ and advance in employment any qualified handicapped individual, defined as "any individual who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment". The offeror further certifies that it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$2,500 and that it will conspicuously post notices stating (i) the offeror's legal obligation to comply with the law and (ii) the rights of applicants and employees.

**11. CERTIFICATION CONCERNING DEBARMENT, SUSPENSION OR PROPOSED DEBARMENT**

The offeror certifies, to the best of its knowledge and belief, that 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 the signature date of this document, 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, or receiving stolen property; 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 subdivision (b) of this provision.
- D.  has,  has not within a three-year period preceding the signature date of this document, had one or more contracts terminated for default by any Federal agency.

If the offeror should become debarred, suspended or proposed for debarment, at anytime during the 12 months this certification is in effect, the offeror will notify AAL in writing. This certification 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 to the Government, Alamo Aircraft, Ltd. may terminate any contract resulting from this document for default.

**12. CLEAN AIR AND WATER CERTIFICATION**

The offeror certifies that:

- A. Any facility to be used in the performance of this proposed contract  is,  is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities.
- B. The offeror will immediately inform AAL Purchasing, before award, of the receipt of any communication from the Administrator, or a designee, of the EPA, indicating that any facility that the offeror proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and
- C. If the offeror's facility should become listed or considered for listing on the EPA List of Violating Facilities, at anytime during the 12 months this certification is in effect, the offeror will notify AAL in writing.
- D. The offeror will include a certification substantially the same as this certification, including this paragraph (D), in every nonexempt subcontract.

**13. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION**

A. The offeror certifies that:

- (1) The prices in offers 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 those prices, the intention to submit an offer, or the methods or factors used to calculate the prices offered;
- (2) The prices in offers 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 another 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 will not participate in any action contrary to subparagraphs (13)(A)(1) through (13)(A)(3) above; or
- (2) 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 subparagraphs (13)(A)(1) through (13)(A)(3) above.

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(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 organization)

As an authorized agent, does certify that the principals named above have not participated, and will not participate, in any action contrary to subparagraphs (13)(A)(1) through (13)(A)(3) above; and

As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (13)(A)(1) through (13)(A)(3) above.

C. If the offeror deletes or modifies subparagraph (13)(A)(2) above, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

**14. CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS**

A. The definitions and prohibitions contained in the clause, at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in paragraph (14)(B) of this certification.

B. The offeror, by signing this document, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989,

- (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 his or her behalf in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) 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 this solicitation, the offeror shall complete and submit, with its offer, OMB standard for LLL, disclosure of Lobbying Activities, to the Contracting Officer; and

- (3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.
- C. Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form 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.

## REPRESENTATION AND CERTIFICATION

**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 USC< Section 1001, Title 18.**

Signature \_\_\_\_\_

Name \_\_\_\_\_  
Please type or print

Title \_\_\_\_\_

Date of Execution \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**The offeror shall provide immediate written notice to Alamo Aircraft, Ltd. 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.**