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| **Acknowledgement** **Commercial Items or Services** *(RFQ Attachment A-4)* ***(This completed acknowledgement must accompany your offer)*** |

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| **Offeror Identification/Point of Contact** |

**1**. Offeror name:

***Note****: Include the full name of the firm (not just any operating division) that would be required by you to appear on a subcontract, if one were to be awarded to your firm.*

**2**. Name and telephone number of persons authorized to conduct negotiations:

Name:       Phone Number:

Name:       Phone Number:

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| **Offeror Information** |

**3**. Please indicate your Business Classification and Organization Type:

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| **Business Classification***(check all appropriate boxes in the left* ***OR*** *right column)* |
| [ ]  Large Business [ ]  Nonprofit Organization [ ]  Foreign Business/Institution[ ]  Government[ ]  Educational Institution [ ]  Historically Black Colleges & Universities/Other Minority Institutions (HBCU/MI) | [ ]  Small Business (SB)*(plus any of the below, if appropriate)*[ ]  Small Disadvantaged Business (SDB)[ ]  Woman-Owned (WOSB)[ ]  HUBZone (HUB)[ ]  Veteran-Owned (VOSB)[ ]  Service-Disabled VO (SDVOSB)  |

The offerors size and socioeconomic status representation is current, accurate, and complete as of the date of the offer in accordance with the size standard under this RFQ, FAR 52.219-8(d)(1) and FAR 52.219-9(c)(2)(i). Notice to offeror: 15 U.S.C. 645(d) Misrepresentation, etc., and FAR 52.219-9(e)(5) describe penalties and remedies for misrepresentations of business status as a small business for the purpose of obtaining an award.

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| **Organization Type***(check the appropriate type)* |
| **[ ]** Individual/Sole proprietor, under the laws of the State of \_\_\_\_\_\_\_\_\_\_\_\_ (if applicable).[ ]  Partnership, under the laws of the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (if applicable). [ ]  Corporation; incorporated under the laws of the state of ­\_\_\_\_\_\_\_\_\_\_\_\_\_\_[ ]  Non-profit [ ]  Government[ ]  Tax Exempt payee[ ]  SBA Approved Joint Venture[ ]  Limited Liability Company (LLC) --- *If “LLC” is checked, you must also select one of the following tax classifications:* [ ]  *D=disregarded [ ]  C=corporation [ ]  P=partnership*  |

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| **Offeror Income Tax Information** |

**4**. To comply with CA Revenue and Taxation Code 18662 and CA Franchise Tax Board FTB Publ. 1023, and Internal *Revenue Code 1441, JPL must determine if any tax reporting and tax withholding requirements are applicable. See “Notice of Potential Tax Withholding” in the “Subcontracts Form Set” located at:* [*https://www.jpl.nasa.gov/acquisition/terms-conditions/*](https://acquisition.jpl.nasa.gov/terms-conditions/) *for additional information.*

Type(s) of Proposed Items*(please check all that apply):*

[ ]  Goods (commercial off-the-shelf items, no customization)

[ ]  Customized Goods (goods made or modified for JPL use)

[ ]  Services (R&D, consulting, contract labor, training services, etc.)

[ ]  Rents/Leases (tangible or real property)

[ ]  Royalty/Software

***If ONLY the “Goods” box is checked in the above “Type(s) of Proposed Items,” skip the “Offeror Information” and “Source of Income” questions below and proceed to***

***Paragraph 5.***

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| ***Offeror Information*** |
| 1. Is the payee a ***non-***U.S. Resident (i.e., foreign) individual or supplier?
 | [ ]  Yes | [ ]  No  |
| 1. Is the payee a ***non-***California resident individual or supplier?
 | [ ]  Yes | [ ]  No |
| 1. Has the legal name of your organization changed, or the Taxpayer ID changed, or the organization type changed since your last order/subcontract with JPL?
 | [ ]  Yes | [ ]  No |
|  |
| ***Source of Income*** |
| 1. Is the purchase for U.S. sourced income payment?

 *(U.S. sourced income exists if the location of any labor performed or rental/lease of property or use of software is in the U.S.)* | [ ]  Yes | [ ]  No  |
| 1. Is the purchase for State of California sourced income payment?

 *(CA sourced income exists if the location of any labor performed or rental/lease of property or use of software is in the State of California)* | [ ]  Yes | [ ]  No  |

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| **Terms and Conditions** |

**5**. The Offeror acknowledges that the quotation will be valid for       days after the date for receipt of quotations specified on the cover page of this Request for Quotation (RFQ).

**6**. Your submittal of a quotation over $25,000 certifies that your organization has provided full disclosure in writing to JPL regarding whether, as of the anticipated time of award of any subcontract resulting from the RFQ, your organization anticipates that it or its principals will be debarred, suspended, proposed for debarment or listed on the Denied Parties List by the U.S. Federal Government. (See FAR 9.404 for information on the List of Parties Excluded from Procurement Programs.)

**Disclosure of claims related to responsibility determination:**

The Offeror shall disclose any pending claims against it (legal or otherwise) that may impact JPL’s determination of responsibility under FAR Part 9.  The disclosure shall state the basis of the claim, party asserting the claim and date of filing (or date the claim arose), court of jurisdiction (if applicable), proposer’s point of contact to discuss the claim with JPL, and a brief summary of the nature and basis of the claim.

This disclosure shall include, but is not limited to the following:

* Filed or pending lawsuits, demand letters, or administrative actions
* Labor disputes
* Breach of contract claims
* Claims of fraudulent misrepresentation
* Defamation claims
* Claims of misappropriation of trade secrets
* Claims challenging the proposer’s integrity or business ethics
* Claims based on any tort

**7.** The Offeror certifies that the Offeror presently does not have, and if awarded a subcontract will not have for the duration of the subcontract, any previous JPL or Caltech employee involved in this procurement who has separated from JPL for less than one year, who participated personally and substantially in the subject matter while working for JPL or Caltech, who was officially responsible for the subject matter while working for JPL or Caltech, and who owns or represents the proposer's organization.

**8.** Certification And Disclosure Regarding Payments To Influence Certain Federal Transactions (Sept 2007)

      (a) Definitions. As used in this provision-"Lobbying contact" has the meaning provided at [2 U.S.C. 1602(8)](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3). 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](https://www.acquisition.gov/far/52.203-12#FAR_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](https://www.acquisition.gov/far/52.203-12#FAR_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 subcontract imposed by [31 U.S.C. 1352](http://uscode.house.gov/browse.xhtml;jsessionid=114A3287C7B3359E597506A31FC855B3). 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.

**9.** Can you supply the requested items through a Federal Supply Schedule (GSA) Contract?

[ ]  Yes If yes, list FSS (GSA) Contract No.:      ; skip No. 10.

[ ]  No If no, complete the remainder of this form.

**10**. The Offeror ***[ ]*** *acknowledges* ***[ ]*** *does not acknowledge* the following are acceptable with no modifications, additions, or deletions in case of subcontract award: the Specimen Subcontract and its: Schedule/Articles, any exhibits or attachments, General Provisions (GPs) Set\*, Additional General Provisions (AGPs) Set\* (if applicable), and Subcontract Forms Set.\* (\*can be found at**:** [*https://acquisition.jpl.nasa.gov/terms-conditions/*](https://acquisition.jpl.nasa.gov/terms-conditions/)

***Note:*** *Many of the GPs and AGPs cannot be altered without NASA approval.* ***If you answer “does not acknowledge” above, attach a detailed explanation of the exception(s), including a thorough rationale for each exception.***

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| **Buy American Act** |

**11**. Preference will be given to United States (U.S.) domestic end products under the Buy American Act (BAA) for those items to be used in the U.S. and under the Balance of Payments Program (BPP) for supplies and services (including construction) to be used outside the U.S.:

 *The Offeror certifies that each end product/service to be supplied under a proposed subcontract where the supply portion of the proposed subcontract exceeds $10,000, is domestic as defined in the BAA and BPP, except for those which the Offeror has listed, with country of origin shown, on a separate attachment to this Acknowledgment and that components of unknown origin were considered by the Offeror to have been mined, pro­duced, or manufactured outside the U.S. The Offeror also certifies whether the Offeror qualifies for any special treatment as a signator to any international agreements*, such *as designated country status under the Trade Agreements Act.*

**12**. Pursuant to FAR 52.204-25 and section 889(a)(1)(A) & (B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pubic Law 115-232) (referred to collectively as Section 889), your organization shall not provide nor cause JPL to use any telecommunications equipment, surveillance equipment, software, system, or service (or a component thereof) from any Section 889 prohibited entity , including but not limited to: Kaspersky Labs, Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, Dahua Technology Company (or any subsidiary or affiliate of such entities), or an entity owned, controlled by, or connected to The People’s Republic of China, as determined by the Secretary of Defense.

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| **Reporting Executive Compensation FAR 52.204-10** |

**13**. In accordance with Public Law 109-282 and FAR 52.204-10, Reporting Executive Compensation for First-Tier Subcontract Awards (OCT 2016), you are required to provide certain information pertaining to compensation of executives in order to be eligible for this subcontract award. You are required to answer the following in connection with this requirement:

1. The public has access to information about the compensation of your executives through periodic reports filed with the Securities Exchange Commission [ ] Yes [ ]  No

If the answer is **Yes** to the above statement, you are exempt from this reporting requirement. Complete the “Offeror Certification” at the end of this form and submit with your proposal. If the answer is **No,** see section (b) below:

1. Your organization in the previous tax year had gross income from all sources equal to or greater than $300,000;

**and**

Your organization, in the previous fiscal year, received 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements, and other forms of Federal financial assistance;

**and**

Your organization, in the previous fiscal year, received $25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements, and other forms of Federal financial assistance.

[ ] Yes [ ]  No

If the answer is **No** to the above statement, you are exempt from this reporting requirement. Complete the “Offeror Certification” at the end of this form and submit with your proposal.

If the answer is **Yes** to the above statement, FAR 52.204-10 applies and you are required to report the names and total compensation of each of the five most highly compensated executives for the preceding completed fiscal year:

|  |  |
| --- | --- |
| Name | Total Compensation |
| 1. |  |
| 2. |  |
| 3. |  |
| 4. |  |
| 5. |  |

**Note**:

If the Offeror is awarded, the required information reported pursuant to FAR 52.204-10 will be made public.

If the answer to any of the above questions change during the course of the subcontract, contact the Subcontracts Manager to determine if you will be required to report Executive Compensation.

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| **Offeror Certification** |

I, the undersigned, hereby declare that I am a duly authorized representative of the organization below, and I can certify and commit the organization regarding the information on this form, including the total offer amount sub­mitted in response to RFQ/RFP No.      . *(If an oral request for Quotation/Proposal was used, insert the reference number, if any.)*

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Further, the Offeror acknowledges receiving the following Addenda No(s). to the RFQ/RFP:

***Note****: Failure to acknowledge receipt of all Addenda may result in your offer being rejected.*

Organization:

***Note****: Insert legal name of the organization, not operating division. Such legal name is the name used on income tax filings.*

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| --- | --- | --- | --- |
| Authorized Signature:  |  | Date:  |  |
| Type/Print Name:  |  |  |