



**DEFENSE LOGISTICS AGENCY**  
DEFENSE NATIONAL STOCKPILE CENTER  
8725 JOHN J. KINGMAN ROAD, SUITE 3229  
FT. BELVOIR, VIRGINIA 22060-6223

IN REPLY  
REFER TO

DNOSC-C1

November 4, 2003

**AMENDMENT NO. 015**  
**SOLICITATION OF OFFERS FOR**  
**TITANIUM SPONGE**  
**UNDER DLA-TITANIUM SPONGE-003**

Effective immediately the above referenced Solicitation for the sale of Titanium Sponge is hereby amended to identify the next bid opening, update Subsection **G.2 Title**, Subsection **G.3 Risk of Loss**, Section **I.2 Item Offer Page** and Section **J.4 Material Safety Data Sheet**.

1. **SECTION A - SOLICITATION**

a. **Subsection A.1 Introduction (JUL 97)**

Delete paragraph A.1.a in its entirety and replace with the following:

The Defense Logistics Agency (DLA), Defense National Stockpile Center (DNOSC) is soliciting offers for the sale of approximately 14,000,000 pounds of Titanium Sponge in Fiscal Year 2004. The **first offering** in Fiscal Year 2004 will be held on **Tuesday, December 2, 2003 at 2:00 PM local time, Ft. Belvoir, VA**. If all material is not sold, subsequent offerings will be announced. Offerors are advised to telephone the Directorate of Stockpile Contracts at (703) 767-6500 to ascertain the availability of material. Offers must be received at the address in Section **B.2.a**. by 2:00 PM local time, Ft. Belvoir, VA. **In the event a day scheduled for receipt of offers is a holiday or DNOSC is otherwise closed at the time set, offers will be received at 2:00 PM local time, Ft. Belvoir, VA on the next DNOSC business day.**

2. **SECTION G – CONTRACT ADMINISTRATION DATA**

a. **Subsection G.2 Title (JAN 98).**

**Delete:** "Title to the material shall pass to the Contractor upon execution of the contract"...

**Insert:** "Title to the material shall pass to the Contractor upon payment or shipment of material, whichever comes first..."

3. Subsection **G.3 Risk of Loss (JAN 98)** is hereby deleted in its entirety and replaced with the following Subsection **G.3 Risk of Loss (JUL 02)**:

- a. After the award of the contract and prior to receipt of payment for or shipment of the material, whichever occurs first, the Government shall be responsible for the care and protection of the material, and any loss, damage or destruction occurring during such period will be adjusted by the Government.
  - b. After receipt of payment but prior to either shipment or the end of the contract period, the Government shall be responsible only for the exercise of reasonable care for the protection of the material.
  - c. After shipment or the end of the contract period, whichever occurs first, all risk of loss, damage, or destruction from any cause whatsoever, shall be borne by the contractor.
4. Section **I.2 Item Offer Page -Titanium Sponge (May FY03)** is hereby deleted in its entirety and replaced with Section **I.2 Item Offer Page -Titanium Sponge ( Oct FY04)**, see attached.
  5. Section **J.4 Material Safety Data Sheet (MAR 00)** is hereby deleted in its entirety and replaced by the attached Section **J.4 Material Safety Data Sheet (MAR 03)**.
  6. A Contractor must use a carrier that has an "en route security plan" conforming to the requirements of 49 CFR 172.802.
  7. Please complete the attached ANNUAL CERTIFICATIONS AND REPRESENTATIONS, if you have not already done so; they will remain on file and current through FY 2004. If changes within your company occur, then an updated copy should be forwarded. These reps and certs are also accessible via our website at <https://www.dnsc.dla.mil>. Please note that these are in addition to the submittals required for each offering (I.2, I.3 and I.4), attached.
  8. Offerors shall acknowledge receipt of this Amendment by signing in the space provided below and returning this form to the following address. Offerors may also submit this form to DNSC-C via facsimile at (703) 767-5541.

ATTN: Bid Custodian (DNSC-XO)  
Defense National Stockpile Center  
8725 John J. Kingman Road, Suite 3229  
Fort Belvoir, VA 22060-6223  
Facsimile number is (703) 767-5541

9. Amendment Nos. 002, 005, 009, 013 and 14 to this solicitation are no longer applicable and hereby deleted.

Failure to acknowledge receipt of this Amendment may result in the Offeror being ineligible for award.

Except as provided herein, all other terms and conditions of DLA-TITANIUM SPONGE-003 and Amendment Nos. 001, 003, 004, 006, 007, 010, 011, and 012 thereto, remain unchanged and in full force and effect.

Name of Firm: \_\_\_\_\_

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

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

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

Date: \_\_\_\_\_ FAX: \_\_\_\_\_

I.2 Item Offer Page -- Titanium Sponge (OCT FY04)

<u>Item #</u>	<u>Location</u>	<u>Type</u>	<u>Producer</u>	<u>BHN Range</u>	<u>Quantity (lbs)</u>	<u>Quantity Offered On (lbs)</u>	<u>Unit Price (\$ per lb)</u>	<u>Total Price (\$)</u>
8	Clearfield, UT	B	Timet	<100 - 170+	369,000	X	=	
38	Clearfield, UT	B	U.S. Bureau of Mines	161 - 223	1,079	X	=	
17	Clearfield, UT	A	Osaka	<100 - 140	1,434,845	X	=	
18	Clearfield, UT	A	Toho	83	555	X	=	
39	Clearfield, UT	A	U.S. Bureau of Mines	<141	4,836	X	=	
19	Curtis Bay, MD	A	Osaka & Toho	<100 - 140	1,500,000	X	=	
20	New Haven, IN	C	Electromet	101 - 120	2,118,999	X	=	
23	Pt. Pleasant, WV	C	Electromet	101 - 120	402,919	X	=	
<b>Total:</b>					5,832,233			

Minimum offer quantity per location is one truckload (40,000 lbs).

Storage: Clearfield -- inside (palletized) and outside (not palletized); Curtis Bay -- outside (not palletized);  
 New Haven -- outside (not palletized); Pt. Pleasant -- inside (palletized)

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

\_\_\_\_\_  
**Name and Title of Person Submitting Offer**

\_\_\_\_\_  
**Signature and Date**

**MATERIAL SAFETY DATA SHEET**

---

**SECTION 1 CHEMICAL PRODUCT AND COMPANY IDENTIFICATION**

---

**DEFENSE LOGISTICS AGENCY**

**EMERGENCY TELEPHONE  
NUMBER:**

**DEFENSE NATIONAL STOCKPILE CENTER  
8725 JOHN J. KINGMAN ROAD  
SUITE 3339  
FORT BELVOIR, VA 22060-6223**

**1-800-424-9300 (NORTH AMERICA)  
1-703-527-3887 (INTERNATIONAL)**

**SUBSTANCE: TITANIUM SPONGE**

**TRADE NAMES/SYNONYMS:  
DLANA398**

**CHEMICAL FAMILY: metal**

**CREATION DATE: Sep 30 1992  
REVISION DATE: Mar 19 2003**

---

**SECTION 2 COMPOSITION, INFORMATION ON INGREDIENTS**

---

**COMPONENT: TITANIUM  
CAS NUMBER: 7440-32-6  
EC NUMBER (EINECS): 231-142-3  
PERCENTAGE: 99.1-99.6**

**COMPONENT: MAGNESIUM  
CAS NUMBER: 7439-95-4  
EC NUMBER (EINECS): 231-104-6  
PERCENTAGE: <0.5**

**COMPONENT: CHLORINE  
CAS NUMBER: 7782-50-5  
EC NUMBER (EINECS): 231-959-5  
PERCENTAGE: <0.2**

**COMPONENT: SODIUM METAL  
CAS NUMBER: 7440-23-5**

**EC NUMBER (EINECS):** 231-132-9  
**PERCENTAGE:** <0.19

**COMPONENT:** OXYGEN, COMPRESSED GAS  
**CAS NUMBER:** 7782-44-7  
**EC NUMBER (EINECS):** 231-956-9  
**PERCENTAGE:** <0.1

**COMPONENT:** IRON  
**CAS NUMBER:** 7439-89-6  
**EC NUMBER (EINECS):** 231-096-4  
**PERCENTAGE:** <0.1

**COMPONENT:** LITHIUM  
**CAS NUMBER:** 7439-93-2  
**EC NUMBER (EINECS):** 231-102-5  
**PERCENTAGE:** <0.09

**COMPONENT:** POTASSIUM  
**CAS NUMBER:** 7440-09-7  
**EC NUMBER (EINECS):** 231-119-8  
**PERCENTAGE:** <0.09

**COMPONENT:** ALUMINUM, METALLIC, POWDER  
**CAS NUMBER:** 7429-90-5  
**EC NUMBER (EINECS):** 231-072-3  
**PERCENTAGE:** <0.07

**COMPONENT:** HYDROGEN  
**CAS NUMBER:** 1333-74-0  
**EC NUMBER (EINECS):** 215-605-7  
**PERCENTAGE:** <0.05

**COMPONENT:** SILICON  
**CAS NUMBER:** 7440-21-3  
**EC NUMBER (EINECS):** 231-130-8  
**PERCENTAGE:** <0.04

**COMPONENT:** CARBON BLACK  
**CAS NUMBER:** 1333-86-4  
**EC NUMBER (EINECS):** 215-609-9  
**PERCENTAGE:** <0.025

**COMPONENT:** NITROGEN, COMPRESSED GAS  
**CAS NUMBER:** 7727-37-9  
**EC NUMBER (EINECS):** 231-783-9

**PERCENTAGE:** <0.015

**COMPONENT:** WATER

**CAS NUMBER:** 7732-18-5

**EC NUMBER (EINECS):** 231-791-2

**PERCENTAGE:** <0.02

---

### SECTION 3 HAZARDS IDENTIFICATION

---

**NFPA RATINGS (SCALE 0-4):** HEALTH=1 FIRE=3 REACTIVITY=1

**EMERGENCY OVERVIEW:**

**PHYSICAL DESCRIPTION:** Matte-gray sponge or granules.

**MAJOR HEALTH HAZARDS:** No significant target effects reported.

**PHYSICAL HAZARDS:** Extremely flammable. May ignite spontaneously on exposure to air. May react on contact with water.

**POTENTIAL HEALTH EFFECTS:**

**INHALATION:**

**SHORT TERM EXPOSURE:** irritation, chest pain, difficulty breathing

**LONG TERM EXPOSURE:** irritation, difficulty breathing, lung damage, blood disorders

**SKIN CONTACT:**

**SHORT TERM EXPOSURE:** irritation

**LONG TERM EXPOSURE:** no information on significant adverse effects

**EYE CONTACT:**

**SHORT TERM EXPOSURE:** irritation

**LONG TERM EXPOSURE:** no information on significant adverse effects

**INGESTION:**

**SHORT TERM EXPOSURE:** no information on significant adverse effects

**LONG TERM EXPOSURE:** no information on significant adverse effects

**CARCINOGEN STATUS:**

**OSHA:** No

**NTP:** No

**IARC:** No

---

### SECTION 4 FIRST AID MEASURES

---

**INHALATION:** If adverse effects occur, remove to uncontaminated area. Give artificial respiration if not breathing. Get immediate medical attention.

**SKIN CONTACT:** Wash skin with soap and water for at least 15 minutes while removing contaminated clothing and shoes. Get medical attention, if needed. Thoroughly clean and dry contaminated clothing and shoes before reuse.

**EYE CONTACT:** Flush eyes with plenty of water for at least 15 minutes. Then get immediate

medical attention.

**INGESTION:** If a large amount is swallowed, get medical attention.

---

## SECTION 5 FIRE FIGHTING MEASURES

---

**FIRE AND EXPLOSION HAZARDS:** Severe fire hazard.

**EXTINGUISHING MEDIA:** dry sand, graphite, sodium chloride

Large fires: Keep unnecessary people away, isolate hazard area and deny entry. Let the fire burn.

**FIRE FIGHTING:** Do not get water inside container. Move container from fire area if it can be done without risk. Cool containers with water spray until well after the fire is out. Stay away from the ends of tanks. For fires in cargo or storage area: Cool containers with water from unmanned hose holder or monitor nozzles until well after fire is out. If this is impossible then take the following precautions: Keep unnecessary people away, isolate hazard area and deny entry. Let the fire burn. Use extinguishing agents appropriate for surrounding fire. Avoid inhalation of material or combustion by-products.

---

## SECTION 6 ACCIDENTAL RELEASE MEASURES

---

**WATER RELEASE:**

Subject to California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). Keep out of water supplies and sewers.

**OCCUPATIONAL RELEASE:**

Do not touch spilled material. Stop leak if possible without personal risk. Do not get water inside container. Small spills: Flood with water. Large spills: Dike for later disposal. Keep unnecessary people away, isolate hazard area and deny entry. Notify Local Emergency Planning Committee and State Emergency Response Commission for release greater than or equal to RQ (U.S. SARA Section 304). If release occurs in the U.S. and is reportable under CERCLA Section 103, notify the National Response Center at (800)424-8802 (USA) or (202)426-2675 (USA).

---

## SECTION 7 HANDLING AND STORAGE

---

**STORAGE:** Store and handle in accordance with all current regulations and standards. Keep separated from incompatible substances.

---

## SECTION 8 EXPOSURE CONTROLS, PERSONAL PROTECTION

---

**EXPOSURE LIMITS:**

**TITANIUM SPONGE:**

No occupational exposure limits established.

**VENTILATION:** Provide local exhaust ventilation system. Ventilation equipment should be explosion-resistant if explosive concentrations of material are present. Ensure compliance with applicable exposure limits.

**EYE PROTECTION:** Wear splash resistant safety goggles. Provide an emergency eye wash fountain and quick drench shower in the immediate work area.

**CLOTHING:** Wear appropriate chemical resistant clothing.

**GLOVES:** Wear appropriate chemical resistant gloves.

**RESPIRATOR:** Under conditions of frequent use or heavy exposure, respiratory protection may be needed. Respiratory protection is ranked in order from minimum to maximum. Consider warning properties before use.

Any dust, mist, and fume respirator.

Any air-purifying respirator with a high-efficiency particulate filter.

Any powered, air-purifying respirator with a dust, mist, and fume filter.

Any powered, air-purifying respirator with a high-efficiency particulate filter.

**For Unknown Concentrations or Immediately Dangerous to Life or Health -**

Any supplied-air respirator with full facepiece and operated in a pressure-demand or other positive-pressure mode in combination with a separate escape supply.

Any self-contained breathing apparatus with a full facepiece.

---

## SECTION 9 PHYSICAL AND CHEMICAL PROPERTIES

---

**PHYSICAL DESCRIPTION:** Matte-gray sponge or granules.

**BOILING POINT:** Not applicable

**MELTING POINT:** Not available

**VAPOR PRESSURE:** Not applicable

**VAPOR DENSITY:** Not applicable

**SPECIFIC GRAVITY:** Not available

**WATER SOLUBILITY:** Not available

**PH:** Not applicable

**VOLATILITY:** Not applicable

**ODOR THRESHOLD:** Not available

**EVAPORATION RATE:** Not applicable

**COEFFICIENT OF WATER/OIL DISTRIBUTION:** Not available

---

## SECTION 10 STABILITY AND REACTIVITY

---

**REACTIVITY:** Stable at normal temperatures and pressure. Water may react explosively with molten material.

**CONDITIONS TO AVOID:** Avoid contact with air. Avoid heat, flames, sparks and other sources of ignition. Dangerous gases may accumulate in confined spaces. Keep out of water supplies and sewers.

**INCOMPATIBILITIES:** acids, metal salts, metals, bases, halogens, halo carbons, metal oxides, oxidizing materials

**TITANIUM:**

ACIDS (STRONG): Attacks.

ALKALI-METAL CARBONATES: Vivid incandescence.

ALUMINUM: Incompatible.

BASES (STRONG): Incompatible.

BROMINE TRIFLUORIDE: Incandescence and violent reaction.

CARBON BLACK: May form pyrophoric mixtures.

CARBON DIOXIDE: Ignitable and explosive.

CARBON DIOXIDE + NITROGEN: Ignites on heating.

HALOCARBONS: Incompatible.

HALOGENS: Incandescence and ignition when heated.

METAL CARBONATES: Explosive reaction.

METAL OXIDES: Violent reaction when heated.

METALLOXY SALTS: Incompatible.

MINERAL ACIDS: Incompatible.

NITROGEN: Burns vigorously above 802 C.

NITRIC ACID (RED FUMING): Violent explosion when touched.

NITRYL FLUORIDE: Ignition upon mild warming.

OXIDIZERS (STRONG): Incompatible.

OXYGEN (LIQUID): Forms detonable mixture.

POTASSIUM COMPOUNDS: Vivid incandescence and explosion upon heating.

POTASSIUM PERCHLORATE + NICKEL: May ignite.

SILVER FLUORIDE: Incandescent at 320 C.

TRICHLOROETHYLENE: Will flash or spark on heavy impact.

TRICHLOROTRIFLUOROETHANE: Will flash or spark on heavy impact.

**HAZARDOUS DECOMPOSITION:**

Thermal decomposition products: miscellaneous decomposition products

**POLYMERIZATION:** Will not polymerize.

---

**SECTION 11 TOXICOLOGICAL INFORMATION**

---

**TITANIUM:**

**TUMORIGENIC DATA:**

114 mg/kg intramuscular-rat TDLo/77 week(s) intermittent; 360 mg/kg intramuscular-rat TD/69 week(s) intermittent

**REPRODUCTIVE EFFECTS DATA:**

158 mg/kg oral-rat TDLo multigenerations  
**ADDITIONAL DATA:** May cross the placenta.

**HEALTH EFFECTS:**

**INHALATION:**

**ACUTE EXPOSURE:**

TITANIUM: May cause irritation of the respiratory tract, tightness and pain in the chest, coughing, and difficulty breathing.

**CHRONIC EXPOSURE:**

TITANIUM: Workers exposed to titanium dusts reported mild irritation and a high incidence of chronic bronchitis. The early stages of the disease were characterized by impaired pulmonary respiration and ventilatory capacity, and by reduced blood alkalinity. Pneumoconiosis, fibrosis and lesions of the lung have been reported following dust exposure.

**SKIN CONTACT:**

**ACUTE EXPOSURE:**

TITANIUM: May cause irritation.

**CHRONIC EXPOSURE:**

TITANIUM: No data available.

**EYE CONTACT:**

**ACUTE EXPOSURE:**

TITANIUM: May cause irritation.

**CHRONIC EXPOSURE:**

TITANIUM: Implants into the vitreous body of rabbit eyes were well tolerated for at least a year.

**INGESTION:**

**ACUTE EXPOSURE:**

TITANIUM: Reported to be poorly absorbed from alimentary tract.

**CHRONIC EXPOSURE:**

TITANIUM: Reproductive effects have been reported in animals.

---

[SECTION 12 ECOLOGICAL INFORMATION](#)

---

Not available

---

[SECTION 13 DISPOSAL CONSIDERATIONS](#)

---

Dispose in accordance with all applicable regulations.

---

SECTION 14 TRANSPORT INFORMATION

---

**U.S. DOT 49 CFR 172.101:**

**PROPER SHIPPING NAME:** Titanium sponge granules

**ID NUMBER:** UN2878

**HAZARD CLASS OR DIVISION:** 4.1

**PACKING GROUP:** III

**LABELING REQUIREMENTS:** 4.1



**CANADIAN TRANSPORTATION OF DANGEROUS GOODS:**

**SHIPPING NAME:** TITANIUM SPONGE GRANULES

**UN NUMBER:** UN2878

**CLASS:** 4.1

**PACKING GROUP/RISK GROUP:** III

**LAND TRANSPORT ADR:**

**PROPER SHIPPING NAME:** TITANIUM SPONGE GRANULES

**UN NUMBER:** UN2878

**CLASS:** 4.1

**CLASSIFICATION CODE:** F3

**PACKING GROUP:** III

**LABELS:** 4.1

**LAND TRANSPORT RID:**

**PROPER SHIPPING NAME:** Titanium sponge granules

**UN NUMBER:** UN2878

**CLASS:** 4.1

**CLASSIFICATION CODE:** F3

**PACKING GROUP:** III

**LABELS:** 4.1

**AIR TRANSPORT IATA:**

**PROPER SHIPPING NAME:** Titanium sponge granules

**UN/ID NUMBER:** UN2878

**CLASS OR DIVISION:** 4.1

**HAZARD LABELS:** 3

**PACKING GROUP:** III

**AIR TRANSPORT ICAO:**

**PROPER SHIPPING NAME:** Titanium sponge granules

**UN NUMBER:** UN2878

**CLASS OR DIVISION:** 4.1

**LABELS:** 3

**UN PACKING GROUP:** III

**MARITIME TRANSPORT IMDG:**  
**PROPER SHIPPING NAME:** Titanium, sponge granules  
**UN NUMBER:** UN2878  
**CLASS OR DIVISION:** 4.1  
**PACKING GROUP:** III

---

SECTION 15 REGULATORY INFORMATION

---

**U.S. REGULATIONS:**

**CERCLA SECTIONS 102a/103 HAZARDOUS SUBSTANCES (40 CFR 302.4):**

**CHLORINE:** 10 LBS RQ

**SODIUM METAL:** 10 LBS RQ

**SARA TITLE III SECTION 302 EXTREMELY HAZARDOUS SUBSTANCES (40 CFR 355.30):** Not regulated.

**SARA TITLE III SECTION 304 EXTREMELY HAZARDOUS SUBSTANCES (40 CFR 355.40):** Not regulated.

**SARA TITLE III SARA SECTIONS 311/312 HAZARDOUS CATEGORIES (40 CFR 370.21):**

ACUTE: No

CHRONIC: No

FIRE: Yes

REACTIVE: Yes

SUDDEN RELEASE: No

**SARA TITLE III SECTION 313 (40 CFR 372.65):** Not regulated.

**OSHA PROCESS SAFETY (29CFR1910.119):**

**CHLORINE:** 1500 LBS TQ

**STATE REGULATIONS:**

**California Proposition 65:**

Known to the state of California to cause the following:

**CARBON BLACK (airborne, unbound particles of respirable size)**

Cancer (Feb 21, 2003)

**CANADIAN REGULATIONS:**

**WHMIS CLASSIFICATION:** Not determined.

**EUROPEAN REGULATIONS:**

**EC CLASSIFICATION (CALCULATED):** Not determined.

**NATIONAL INVENTORY STATUS:**

**U.S. INVENTORY (TSCA):** Listed on inventory.

**TSCA 12(b) EXPORT NOTIFICATION:** Not listed.

---

[SECTION 16 OTHER INFORMATION](#)

### I.3 Certificate of Independent Price Determination (JAN 01)

- 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 by law; 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 offer, and that the signatory has not participated and will not participate in any action contrary to subparagraphs a.(1) through a.(3) above; 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 subparagraphs a.(1) through a.(3), above

---

*(insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or offer, and the title of his or her position in the offeror's organization);*

- (ii) As an authorized agent, does certify that the principals named in subdivision b.(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs a.(1) through a.(3) above; and
  - (iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs a.(1) through a.(3) above.
- c. **If the offeror deletes or modifies subparagraph a.(2) above, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.**

**I.4 Certification Regarding Debarment, Suspension, Proposed Debarment, Environmental Compliance and Other Responsibility Matters (JUL 97)**

- 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, 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 **a. (1)(i)(B)** of this provision.
    - (D) Are  are not  presently indicted for or otherwise criminally or civilly charged by a Federal, state or local entity with violation of any environmental laws;
    - (E) Have  have not  within the three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for violation of a Federal, state or local environmental statute or regulation.
  - (ii) The Offeror has  has not , within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.
- (2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons 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).

- (3) If the Offeror answers affirmatively to **(a)(1)**, above, the Offeror shall include in its offer an explanation of the circumstances, including the outcome.

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, United States Code.

- b.** The Offeror shall provide immediate written notice to the Contracting Officer 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.
- c.** 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 the Contracting Officer may render the Offeror nonresponsible.
- d.** 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 a Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- e.** 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 the other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this Solicitation for default.