

# 52.226-3 Disaster or Emergency Area Representation.

As prescribed in 26.206(a), insert the following provision:

Disaster or *Emergency Area Representation* (Nov 2007)

(a) *Set-aside area*. The area covered in this contract is:

\_\_\_\_\_ [Contracting Officer to fill in with definite geographic boundaries.]

(b) *Representations*. The *offeror* represents that it  does  does not reside or primarily do business in the designated set-aside area.

(c) An *offeror* is considered to be residing or primarily doing business in the set-aside area if, during the last twelve months-

(1) The *offeror* had its main operating office in the area; and

(2) That office generated at least half of the *offeror's* gross revenues and employed at least half of the *offeror's* permanent employees.

(d) If the *offeror* does not meet the criteria in paragraph (c) of this provision, factors to be considered in determining whether an *offeror* resides or primarily does business in the set-aside area include-

(1) Physical location(s) of the *offeror's* permanent office(s) and date any office in the set-aside area(s) was established;

(2) Current state licenses;

(3) Record of past work in the set-aside area(s) (*e.g.*, how much and for how long);

(4) Contractual history the *offeror* has had with subcontractors and/or suppliers in the set-aside area;

(5) Percentage of the *offeror's* gross revenues attributable to work performed in the set-aside area;

(6) Number of permanent employees the *offeror* employs in the set-aside area;

(7) Membership in local and state organizations in the set-aside area; and

(8) Other evidence that establishes the *offeror* resides or primarily does business in the set-aside area. For example, sole proprietorships *may* submit utility bills and bank statements.

(e) If the *offeror* represents it resides or primarily does business in the set-aside area, the *offeror shall* furnish documentation to support its representation if requested by the *Contracting Officer*. The *solicitation may* require the *offeror* to submit with its *offer* documentation to support the representation.

(End of provision)

**Parent topic:** [52.226 \[Reserved\]](#)