

9.109-4 Certification by the offeror.

(a) In order to be eligible for contract award, an *offeror* is required to—

(1)

(i) Certify that it does not engage and has not engaged in any activity that contributed to or was a significant factor in the President's or Secretary of State's determination that a foreign country is in violation of its obligations undertaken in any arms control, nonproliferation, or disarmament agreement to which the *United States* is a party, or is not adhering to its arms control, nonproliferation, or disarmament commitments in which the *United States* is a participating state. The determinations are described in the most recent unclassified annual report provided to Congress pursuant to section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a). The report is available at

<https://www.state.gov/bureaus-offices/under-secretary-for-arms-control-and-international-security-affairs/bureau-of-arms-control-verification-and-compliance/>; and

(ii) Similarly certify with regard to any entity owned or controlled by the *offeror*; or

(2) Provide with its *offer* information that the President of the *United States* has—

(i) Waived application under 22 U.S.C. 2593e(d) or (e); or

(ii) Determined under 22 U.S.C. 2593e(g)(2) that the entity has ceased all activities for which measures were imposed under 22 U.S.C. 2593e(b).

(b) If certifying in accordance with 52.209-13(b)(1), the *Offeror* is required to submit the certification with the *offer*. It is not included in the annual representations and certifications in the *System for Award Management*.

(c) The *contracting officer* may rely on an *offeror's* certification unless the *contracting officer* has reason to question the certification.

(d) Upon the determination of a false certification under 52.209-13, an *offeror* will be subject to such remedies as *suspension* or *debarment* under subpart 9.4 shall be for a period of not less than 2 years, inclusive of any *suspension* period, if *suspension* precedes a *debarment* (see 9.406-4(a)(1)(iii) and (a)(2)).

Parent topic: 9.109 Prohibition on contracting with an entity involved in activities that violate arms control treaties or agreements with the United States.