

LAWRENCE LIVERMORE NATIONAL LABORATORY

REPRESENTATIONS & CERTIFICATIONS SHORT FORM
(FOR ORDERS BETWEEN \$3K AND \$100K)

The following representation & certification provisions (short form), including Appendix A, must be completed and this form must be signed and returned with the Offeror's Proposal to Lawrence Livermore National Security, LLC ("LLNS"). Please note that the Offeror must also sign and return Appendix A to LLNS as part of the Offeror's proposal. As used herein, the term "Subcontract" shall also mean "Purchase Order", the term "Offer" shall also mean "Bid", "Proposal", and "Quotation", and the term "Offeror" shall also mean "Bidder", "Proposer", and "Quoter", as applicable.

1. ENTITY INFORMATION (Data on Annual Revenue, Number of Employees and Parent Entity information will not be released to the public.) (Check/complete all that apply.)

Company Name: OPENFABRICS, INC. dba as the OpenFabrics Alliance

Company Address: 1900 Embarcadero Rd., Ste 109 Palo Alto, CA 94304 USA
Street City, State Zip+4 Country

Taxpayer Identification Number (TIN): 20-2146416 (Social Security or Employer Identification Number)

Dun & Bradstreet D-U-N-S® Number: 96-636-0898 SAM Unique Entity Identifier:

Annual Revenue: \$122,000 Number of Employees: 0 (If other than a government entity)

Primary Performance Location: Check one [X] Same address as above [ ] LLNL Site 200 [ ] LLNL Site 300

[ ] Foreign location [ ] Other US address/territory: City State Zip+4

Parent Entity Name (if applicable): Parent Entity DUNS No. (if applicable):

Parent Entity Unique Entity Identifier (if applicable):

If any Services to be performed in California: [X] Offeror has office in California
[X] Offeror registered to do business in California

[ ] Individual or Sole Proprietorship: Check one [ ] U.S. citizen [ ] Resident alien [ ] Non-resident alien

[ ] Partnership: Check one [ ] U.S. citizens [ ] Resident aliens [ ] Non-resident aliens

[ ] Corporation: Check one [ ] Domestic Other [ ] Domestic Legal/Medical/Healthcare [ ] Foreign

[ ] Limited Liability Company (LLC): Check one [ ] Domestic [ ] Foreign

[ ] Other Non-U.S. Company, Institution, or Organization (describe):

[ ] Educational Institution [X] Other Non-Profit Organization

[ ] Foreign Government Entity [ ] U.S. Government Entity (Federal, State, or Local)

[ ] International Organization (per 22 U.S. Code 288)

[ ] Other (describe):

2. AFFILIATE RELATIONSHIP

(a) The Offeror certifies, to the best of its knowledge and belief, that it is [ ], is not [X], affiliated with one or more of the following companies or their known affiliates: Bechtel National, Inc.; The Regents of the University of California; BWXT Government Group, Inc.; Amentum (formerly the AECOM company); Battelle Memorial Institute; GEM Technology International Corporation; Professional Project Services, Inc. (Pro2Serve®); and Texas A&M University System. The term "affiliate" shall have the meaning as defined at FAR. 2.101.

(b) If the answer to (a) above is "it is affiliated with one or more", the Offeror represents that it is affiliated with the following named company(ies) (identify):

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**3. BUY AMERICAN ACT CERTIFICATE**

The Offeror certifies that each end product or construction material to be delivered, except those listed below, is a domestic end product or domestic construction material as defined in FAR Clause 52.225-1 Buy American – Supplies (NOV 2021) or FAR Clause 52.225-9 Buy American – Construction Material (NOV 2021), as applicable. The Offeror shall list as foreign end products or foreign construction materials, those end products or construction materials that do not satisfy the definition of domestic end product or domestic construction material.

Foreign End Product/Foreign Construction Material	Country of Origin <sup>1</sup>	Country of Assembly <sup>2</sup>	Manufacturer of Foreign End Product/Foreign Construction Material (if Offeror is a reseller/distributor) <sup>3</sup>	Price or Cost

(List as necessary; supplement this certificate with additional pages if necessary.)

<sup>1</sup> Country of Origin means the country of manufacture, mining, or production.

<sup>2</sup> Country of Assembly means the country where the majority of the product's final assembly took place, if different than the Country of Origin. Assembly means the process of synthetic production in which materials or parts are combined without substantial changes. If Country of Assembly is the same as Country of Origin, enter the same country in both spaces.

<sup>3</sup> If Country of Origin and Country of Assembly is the United States, insert "not applicable."

LLNS shall consider an end product or construction material to be foreign if either the Country of Origin/Assembly is not the United States.

(Note: LLNS will take into consideration, applicable provisions of Part 25 of the Federal Acquisition Regulation in evaluating offers for foreign end products and foreign construction material.)

**4. REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT**

- (a) The Offeror represents that it will , will not  **provide** covered telecommunications equipment or services to the Government or LLNS in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation.
- (b) The Offeror represents that it will , will not  **use** covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system in the performance of a contract, subcontract or other contractual instrument that would result from this solicitation.
- (c) If the answer is "will" to either (a) or (b), the Offeror shall provide the following information as part of its offer and **designate** whether it will **provide** or **use** the covered equipment or services:
  - (1) For covered equipment:
    - (i) The entity that produced the covered telecommunications equipment [include entity name, unique entity identifier, Commercial and Government Entity (CAGE) code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known]:  

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    - (ii) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable):  

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    - (iii) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) or (b)(2) of FAR 52.204-24:  

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  - (2) For covered services:
    - (i) If the service is related to item maintenance, a description of all covered telecommunication services offered (include on the item being maintained: brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable):  

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- (ii) If the service is not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining such use would be permissible under the prohibition in paragraph (b)(1) or (b)(2) of FAR 52.204-24:
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**NOTE:** The terms “Covered telecommunications equipment or services” and “Covered foreign country” are defined in FAR 52.204-25 as follows:

*Covered telecommunications equipment or services* means (1) telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); (2) for the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities); (3) telecommunications or video surveillance services provided by such entities or using such equipment; or (4) telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

*Covered foreign country* means The People’s Republic of China.

See FAR 52.204-25 for definitions of “critical technology” and “substantial or essential component.”

**5. REPRESENTATION OF LIMITED RIGHTS DATA AND RESTRICTED COMPUTER SOFTWARE**

- (a) This solicitation sets forth the work to be performed if a Subcontract award results, and LLNS’/DOE’s known delivery requirements for data (as defined in DEAR 927.409). Any resulting Subcontract may also provide LLNS/DOE the option to order additional data under the Additional Data Requirements clause at 52.227-16 of the FAR, if included in the Subcontract. Any data delivered under the resulting Subcontract will be subject to the Rights in Data - General clause that is to be included in the Subcontract. Under the latter clause, a Subcontractor may withhold from delivery data that qualify as limited rights data or restricted computer software, and deliver form, fit, and function data in lieu thereof. The latter clause also may be used with its Alternates II and/or III to obtain delivery of limited rights data or restricted computer software, marked with limited rights or restricted rights notices, as appropriate. In addition, use of Alternate V with this latter clause provides LLNS/DOE the right to inspect such data at the Subcontractor’s facility.
- (b) The Offeror shall complete the representation in paragraph (c) of this provision to either state that none of the data qualify as limited rights data or restricted computer software, or identify, to the extent feasible, which of the data qualifies as limited rights data or restricted computer software. Any identification of limited rights data or restricted computer software in the Offeror’s response is not determinative of the status of such data should a Subcontract be awarded to the Offeror.
- (c) Offeror has reviewed the requirements for the delivery of data, including computer software, and states:  
*(Check appropriate block)*
  - None of the data proposed for fulfilling such requirements qualifies as limited rights data or restricted computer software.
  - Data proposed for fulfilling such requirements qualify as limited rights data or restricted computer software and are identified as follows:

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**NOTE:** The terms “data”, “limited rights data”, “restricted computer software”, “computer software”, and “form, fit, and function data” are defined in DEAR 927.409 as follows:

*Data* means recorded information, regardless of form or the media on which it may be recorded. The term includes technical data and computer software. The term does not include data incidental to the administration of the subcontract, such as financial, administrative, cost and pricing, or management information.

*Limited rights data* means data, other than computer software, developed at private expense that embody trade secrets or are commercial or financial and confidential or privileged. (The Government’s rights to use, duplicate, or disclose limited rights data are as set forth in the Limited Rights Notice of the Rights in Data - General clause.)

*Restricted computer software* means computer software developed at private expense and that is a trade secret; is commercial or financial and is confidential or privileged; or is published copyrighted computer software, including minor modifications of any such computer software. (The Government’s rights to use, duplicate, or disclose restricted computer software are as set forth in the Restricted Rights Notice of the Rights in Data - General clause.)

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*Computer software* means (i) computer programs which are data comprising a series of instructions, rules, routines, or statements, regardless of the media in which recorded, that allow or cause a computer to perform a specific operation or series of operations, and (ii) data comprising source code listings, design details, algorithms, processes, flow charts, formulae, and related material that would enable the computer program to be produced, created, or compiled. The term does not include computer data bases.

*Form, fit, and function data* means data relating to items, components, or processes that are sufficient to enable physical and functional interchangeability, as well as data identifying source, size, configuration, mating, and attachment characteristics, functional characteristics, and performance requirements; except that for computer software it means data identifying source, functional characteristics, and performance requirements but specifically excludes the source code, algorithm, process, formulae, and flow charts of the software.

***I certify that, to the best of my knowledge, the above information is accurate as of the date of my signature.***

Solicitation Number: N/A

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

Signer's Name: Doug Ledford

Title: Chair

Company: OpenFabrics Alliance

Date: 10/16/2023

**REPRESENTATIONS & CERTIFICATIONS**

**APPENDIX A**

**SMALL BUSINESS PROGRAM REPRESENTATIONS**

*(Applicable if any performance will be inside the United States, its territories or possessions, Puerto Rico, the District of Columbia, or the Trust Territory of the Pacific islands.)*

- (a) (1) The North American Industry Classification System (NAICS) Code for this acquisition is 513210.  
*(NAICS Code and below small business size standard should be the same as indicated in the solicitation, if applicable.)*
- (2) The small business size standard is \$47,000,000.

(b) Representations.

(1) The Offeror represents as a part of its offer that it is , is not , a small business concern.

*(Complete (2), (3), (4), (5), (6), (7), and (8) below, as applicable, only if Offeror represented itself as a small business concern in block (b)(1) of this provision. Definitions can be found on Appendix A-1.)*

(2) The Offeror represents, for general statistical purposes, it is , is not , a small disadvantaged business (SDB) concern as defined in 13 CFR 124.1002. *(If SDB, indicate which socio-economic categories apply.)*

(i)  Asian-Pacific American Owned       Black American Owned       Hispanic American Owned

Subcontinent Asian-American Owned

(ii)  Native American Owned *(select one below)*

Alaskan-Native Owned       American Indian Owned       Native Hawaiian Owned

(3) The Offeror represents as part of its offer that it is , is not , a women-owned small business concern.

(4) The Offeror represents as part of its offer that it is , is not , an economically-disadvantaged women-owned small business concern.

(5) The Offeror represents as part of its offer that it is , is not , a veteran-owned small business concern.

(6) The Offeror represents as part of its offer that it is , is not , a service-disabled veteran-owned small business concern.

(7) The Offeror represents as part of its offer that it is , is not , an 8(a) certified small business concern. If certified, list certificate number \_\_\_\_\_ effective/start date \_\_\_\_\_ expiration/end date \_\_\_\_\_

(8) The Offeror represents as part of its offer that:

(i) It is , is not , a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and

(ii) It is , is not , a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (b)(6)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture.

*[The Offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture]:*

Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(c) Notice.

(1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end products to be furnished.

(2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract or subcontract to be awarded under the preference programs established pursuant to sections 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility shall (i) be punished by imposition of fine, imprisonment, or both; (ii) be subject to administrative remedies, including suspension and debarment; and (iii) be ineligible for participation in programs conducted under authority of the Act.

***I certify that, to the best of my knowledge, the above information is accurate as of the date of my signature.***

Solicitation Number: N/A

Signature: 

Signer's Name: Doug Ledford

Title: Chair

Company: OpenFabrics Alliance

Date: 10/16/2023

## **REPRESENTATIONS & CERTIFICATIONS**

### **APPENDIX A-1 SMALL BUSINESS PROGRAM REPRESENTATIONS DEFINITIONS**

As used in the Appendix A provision:

- (1) “Small business concern” as defined in FAR 52.219-1.
- (2) “Women-owned small business concern” as defined in FAR 52.219-1.
- (3) “Economically-disadvantaged women-owned small business concern” as defined in FAR 52.219-1.
- (4) “Veteran-owned small business concern” as defined in FAR 52.219-1.
- (5) “Service-disabled veteran-owned small business concern” as defined in FAR 52.219-1.
- (6) “8(a)” is a business development program created by the SBA that is designed to help small disadvantaged businesses compete in the marketplace. The SBA certifies a company for the 8(a) program.