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Federal Deposit Insurance Corporation  
**REPRESENTATIONS AND CERTIFICATIONS  
FOR EXPERTS AND LEGAL SUPPORT SERVICES PROVIDER**

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**PRIVACY ACT STATEMENT**

The FDIC is authorized to request this information from you by 12 U.S.C §§ 1819, 1820, 1822(f); Executive Order 9397 as amended; and 12 C.F.R. Part 366. The information collected will be primarily used to determine whether you meet the required fitness and integrity standards to provide expert or other legal support services to the FDIC. Furnishing the requested information is voluntary, but failure to provide the requested information in whole or in part may delay or prohibit any further consideration of you to provide expert or other legal support services to the FDIC. The information you provide may be provided to appropriate Federal, state, local or foreign agencies and law enforcement authorities; to a court, administrative tribunal, or a party in litigation; and to contractors, agents and other third parties as authorized by law and in accordance with any of the other routine uses described in the FDIC Financial Information Management Records (FDIC 30-64-0012) System of Records available at [www.fdic.gov/about/privacy/](http://www.fdic.gov/about/privacy/). If you have questions or concerns about the collection or use of the information, you may contact the FDIC's Chief Privacy Officer at [Privacy@fdic.gov](mailto:Privacy@fdic.gov).

**PAPERWORK REDUCTION ACT NOTICE**

Public reporting burden for this collection of information is estimated to average 1.0 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Public Reporting Act Clearance Officer, Legal Division, Room 3082, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, and the Office of Management and Budget, Paperwork Reduction Project (3064-01220), Washington, D.C. 20503. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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Federal Deposit Insurance Corporation  
**REPRESENTATIONS AND CERTIFICATIONS**  
**FOR EXPERTS AND LEGAL SUPPORT SERVICES (LSS) PROVIDER**

**INSTRUCTIONS:** If your response is "Yes" to any of the questions in Section I or II, provide a detailed explanation in the provided space. Refer to 12 C.F.R. Part 366 for the definition of terms.

**SECTION I - DISQUALIFYING CONDITIONS/CONFLICTS OF INTEREST**

Among the contractor, any management officials, or affiliated business entities of the contractor, or any employees, agents or subcontractors of the contractor who will perform services under a proposed or existing contract with the FDIC:

	Yes	No
1. Have you ever been convicted of a felony?	<input type="radio"/>	<input type="radio"/>

Provide Detailed Explanation

2. Have any been removed or prohibited from participating in the affairs of any insured depository institution pursuant to any final enforcement action by the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, the FDIC, or successors?	<input type="radio"/>	<input type="radio"/>
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Provide Detailed Explanation

3. Have any demonstrated a pattern or practice of defalcation regarding obligations?	<input type="radio"/>	<input type="radio"/>
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Provide Detailed Explanation

4. Have any caused a substantial loss (\$50,000 or more) to federal deposit insurance funds?	<input type="radio"/>	<input type="radio"/>
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Provide Detailed Explanation

	Yes	No
5. Do any have any personal or business, or financial interest or relationship which would cause a reasonable individual with knowledge of the relevant facts to question their integrity or impartiality?	<input type="radio"/>	<input type="radio"/>

Provide Detailed Explanation

6. Are any an adverse party to the FDIC, RTC, FSLIC, or their successors in a lawsuit?	<input type="radio"/>	<input type="radio"/>
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Provide Detailed Explanation

7. Have any ever been suspended, excluded, or debarred from contracting with a federal entity?	<input type="radio"/>	<input type="radio"/>
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Provide Detailed Explanation

8. Have any ever had a contract with the FDIC, RTC, FSLIC, or their successors rescinded or terminated prior to the contractor's completion involving issues of conflicts of interest or ethical responsibilities?	<input type="radio"/>	<input type="radio"/>
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Provide Detailed Explanation

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**SECTION II - DEFAULTS**

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9. Has the contractor or any company under the contractor's control defaulted on a material obligation during the ten (10) years preceding this submission?	<input type="radio"/>	<input type="radio"/>
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Provide Detailed Explanation

	Yes	No
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**SECTION III - EMPLOYEES, AGENTS, AND SUBCONTRACTORS**

10. Does the contractor agree that it will prohibit any employee, agent, or subcontractor from performing services under the contract until the contractor verifies that the employee, agent, or subcontractor, to the best of that person's knowledge, would answer "No" to the questions above?	<input type="radio"/>	<input type="radio"/>
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Provide Detailed Explanation

**SECTION IV - ADDITIONAL QUESTIONS AND CERTIFICATIONS**

11. Has Contractor registered in the System for Award Management (SAM) at <a href="http://www.sam.gov">www.sam.gov</a> , and provided all correct information in SAM, including its socioeconomic-economic status. (A Contractor that marks "No" must answer "Yes" to question 12.)	<input type="radio"/>	<input type="radio"/>
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Provide Detailed Explanation

12. Is Contractor in the process of registering in the System for Award Management (SAM) at <a href="http://www.sam.gov">www.sam.gov</a> , and entering all correct information in SAM, including its socioeconomic-economic status. (Not applicable if you answered "Yes" to Question 10.)	<input type="radio"/>	<input type="radio"/>
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The socioeconomic-economic groups in SAM are as follows:

- a) Women-Owned Business
- b) Minority-Owned Business Business

For Minority-Owned Businesses, the ethnic/racial categories are as follows: Asian-Pacific American Owned; Subcontinent Asian (Asian-Indian) American Owned; Black American Owned; Hispanic American Owned; Native American Owned; or Other than one of the preceding.

Provide Detailed Explanation

13. Covered Telecommunications Equipment or Services-Representation

Definitions. As used in this provision, "covered telecommunications equipment or services" and "reasonable inquiry" have the meaning provided in Section 1703 of the John S. McCain National Defense Authorization Act For Fiscal Year 2019.

- a. Procedures. The Contractor shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for "covered telecommunications equipment or services".

b. Representation.

- (1) The Contractor represents that it provides covered telecommunications equipment or services to the FDIC as a part of its offered products or services in the performance of any contract, subcontract or other contractual instrument.

Yes  No

- (2) After conducting a reasonable inquiry, for purposes of this representation, the Contractor represents that it uses covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services.

Yes  No

14. REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT

The Contractor shall not complete the representation at (d)(1) below if the Contractor has represented that it "does not provide covered telecommunications equipment or services as a part of its offered products or services to the FDIC in the performance of any contract, subcontract, or other contractual instrument" in Question 12 above, Covered Telecommunications Equipment or Services-Representation. The Contractor shall not complete the representation in paragraph (d)(2) of this provision if the Contractor has represented that it "does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services."

a. Definitions. As used in this provision -

"Backhaul", "covered telecommunications equipment or services", "critical technology", "interconnection arrangements", "reasonable inquiry", "roaming" and "substantial or essential component" have the meanings or explanations provided in the John S. McCain National Defense Authorization Act For Fiscal Year 2019.

b. Prohibition.

- (1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act For Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency from procuring or obtaining, or extending or renewing a contract to procure or obtain, 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. Nothing in the prohibition shall be construed to -

- (i) Prohibit the Chairman of FDIC or designee from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
- (ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

- (2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act For Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency from entering into a contract or extending or renewing a contract with an entity that uses 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. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a Federal contract. Nothing in the prohibition shall be construed to --

- (i) Prohibit the Chairman of FDIC or designee from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
- (ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

c. Procedures.

The Contractor shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for "covered telecommunications equipment or services."

d. Representation.

- (1) The Contractor represents that it provides covered telecommunications equipment or services to the FDIC in the performance of any contract, subcontract or other contractual instrument. The Contractor shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Contractor responds "will" in this subsection (d)(1); and

Yes  No

- (2) After conducting a reasonable inquiry, for purposes of this representation, the Contractor represents that it uses covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Contractor shall provide the additional disclosure information required at paragraph (e)(2) below if the Contractor responds "does" in this subsection (d)(2).

Yes  No

e. Disclosures.

- (1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Contractor has responded "will" in the representation in paragraph (d)(1) of this provision, the Contractor shall immediately provide the following information to the Oversight Attorney of the legal matter:

(i) For covered equipment --

- (A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);
- (B) 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); and
- (C) 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) of this provision.

(ii) For covered services --

- (A) If the service is related to item maintenance: A description of all covered telecommunications 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); or
- (B) If 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 if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

- (2) Disclosure for the representation in paragraph (d)(2) of this provision. If the Contractor has responded "does" in the representation in paragraph (d)(2) of this provision, the Contractor shall immediately provide the following information to the Oversight Attorney of the legal matter:

(i) For covered equipment --

- (A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known);
- (B) 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); and
- (C) 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)(2) of this provision.

(ii) For covered services --

- (A) If the service is related to item maintenance: A description of all covered telecommunications 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); or
- (B) If not associated with maintenance, an explanation of the proposed use of covered telecommunications services and any factor relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

15. CERTIFICATION REGARDING WHISTLEBLOWER RIGHTS AND REMEDIES (applicable to contracts over \$250,000)

The Contractor certifies to the following:

- a. It is committed to protecting whistleblower rights and remedies under 41 U.S.C. § 4712.
- b. It has informed and will continue to inform, or will inform during the course of this contract, its employees and any subcontractor and its employees, in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. § 4712. The Contractor's response incorporates Section 1.13 of the Outside Counsel Deskbook or Section 1.12 the Legal Support Services Deskbook, whichever one is applicable.

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**SECTION V - FINAL CERTIFICATION**

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**NOTICE:** The individual signing this application represents and warrants that he/she has authority to execute this application on behalf of the contractor, certifies that all of the representations and certifications contained herein are complete and accurate, and is aware of the penalty prescribed in 18 U.S.C. §1001 for making false statements.

16. Name	17. Title	18. Name of Firm
19. Signature		20. Date