

Request for Proposals

RFP-UESP-2021-006

Activity Title: “Audit of Special Purpose Financial Statements prepared in accordance with IFRS except IAS 29”

Issuance Date: February 17, 2021
Deadline for Receipt of Questions: February 23, 2021 at 14:00
Closing Date and Time: February 26, 2021 at 14:00

Issuance of this RFP does not constitute an award commitment on the Tetra Tech ES, Inc., nor does it commit to pay for any costs incurred in preparation or submission of comments/suggestions of a proposal. Proposals are submitted at the risk of the offerors. All preparation and submission costs are at the offeror’s expense.

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1. INTRODUCTION

The purpose of this RFP is to solicit proposals for **Audit of Special Purpose Financial Statements prepared in accordance with IFRS except IAS 29** within the Scope of Work (SOW) specified in the Attachment A – Technical Specification within the Energy Security Project implementation funded by the U.S. Agency for International Development (USAID) and implemented by Tetra Tech ES, Inc. (Tetra Tech).

2. OFFEROR'S QUALIFICATIONS

Offeror must provide the following information and references in order to be qualified for the procurement process:

1. Company's information, including official registered title, type of business, address, and contact person information.
2. A short description of the company and of past similar experience in providing the services described in the Attached A -Technical Specification.
3. Overall technical approach to fulfill the specifications defined in Attachment A – Technical Specifications.
4. Certification that company is not owned or controlled in total or in part by any entity of any government.
5. Certification by any subcontractor engaged by the company for this project that the subcontractor is not owned or controlled in total or in part by any entity of any government.
6. The Offeror shall complete and sign the Representation and Certifications found in Attachments C to this document and include them with the Offeror's proposal. Proposals that do not include these certifications will not be considered.
7. A certificate of current cost or pricing data – Attachment D
8. Offerors listed in the Excluded Parties List System will not be considered. The Excluded Parties List can be found at <https://www.sam.gov/SAM/pages/public/searchRecords/searchResults.jsf>

3. SOURCE, ORIGIN AND NATIONALITY RESTRICTIONS

The USAID authorized geographic code for the Energy Security Project is 935. Code 935: Consists of any area or country including the cooperating country, but excluding the “prohibited sources”

Reference: USAID ADS Chapter 310, and all its sub-sections. These documents are available on the Internet.

4. SUBMISSION OF PROPOSALS

All proposals are due on **February 26, 2021** by no later than **14:00** local time in Ukraine. Proposals must be submitted via e-mail at the address **UESPprocurement@tetrattech.com** in the following formats: Adobe Acrobat and Microsoft Word and/or Excel.

All proposals must fully respond to the Technical Specifications enclosed as **Attachment A** and must include quotes in the format provided in the **Attachment B - Table 1 – Detailed Budget**. Proposals received after the above-stated due date and time will not be considered for this procurement.

5. QUESTIONS AND CLARIFICATIONS

All questions or clarifications regarding this RFP must be in writing and submitted, in English, to **UESPprocurement@tetratech.com** on **February 23, 2021** no later than **14:00** local time in Ukraine. Questions and requests for clarification, and the responses thereto, will be circulated to all RFP recipients.

Only written answers from ESP Procurement Office of Tetra Tech will be considered official and carry weight in the RFP process and subsequent evaluation. Any answers received outside the official channel, whether received verbally or in writing, from employees or representatives of Tetra Tech, or any other party, will not be considered official responses regarding this RFP.

6. PROPOSALS PREPARATION INSTRUCTIONS

All Offerors must follow the instructions set forth herein in order to be qualified for the procurement process. If an Offeror does not follow the instructions set forth herein, the Offeror's proposal may be eliminated from further consideration or the proposal may be downgraded and not receive full credit under the applicable evaluation criteria.

Separate Technical and Cost Proposals must be submitted. All proposals should be submitted in English and be signed by Offerors.

I. TECHNICAL PROPOSAL

The technical proposal (excluding CVs) shall not exceed **11** pages. Proposals will be scored on a 100-point scale. Available points for each evaluation factor are given below. Offerors must address each evaluation factor.

The suggested outline for the technical proposal is stated below:

A. Organization's Information (maximum 2 pages)

- Organization's information, including official registered title, type of business, list of offices if applicable, address, telephone, fax and website.
- Organization's DUNS number.
- Authorized point of Contact with phone number(s) and email address.

B. Company Technical Capability (maximum 2 pages)

Description of organization, including activities/qualifications carried out like the scope of work requested.

C. Technical Approach (maximum 3 pages)

Present a narrative that describes how the Offeror would implement the tasks identified in the scope of work. This narrative must also include:

- A management approach which describes how the Offeror will manage the delivery of the services and how the Offeror will interact with ESP.
- A draft work plan that outlines the proposed activities over the course of the period of performance.
- Proposed performance indicators to measure the impact of the Offeror's planned activities and the progress of the Awardees as a result of the Offeror's assistance.

Information which the Offeror considers proprietary, if any, should be clearly marked “proprietary” next to the relevant part of the text and it will then be treated as such.

D. Proposed Staff (maximum 2 pages, excluding CVs)

Present a narrative that includes the following:

- Team composition (names, specialties/area of expertise, position/role, etc.), with detailed bios, and task assignments to perform the activities described in the SOW.
- Curriculum Vitae (CV) for all labor categories named in the Attachment A. (CVs shall be limited to 3 pages each) that describes their experience and lists the following:
 - Affiliation/Organization
 - Education
 - Years of Professional Experience
 - Relevant Experience to the SOW in this RFP
 - Fluency in English

In addition to presenting the CVs, offerors should complete and include the table below:

Proposed Personnel’s Name, Last Name	Proposed Position Under This Assignment	Qualification	Years of Professional Experience

E. Company Past Performance (maximum 2 pages)

Offerors should provide a summary of relevant studies or other assignments including the Title, Client, Date, and a brief description. The qualifications section is limited to 5 of the most relevant studies or other assignments performed in the last 5 years, presented in the following table format. If the client is confidential, simply list “confidential”.

Project (task) name (title)	Description of the project (task) and services provided	Client name, phone number and email address	Dates of execution

II. FINANCIAL PROPOSAL

a. Detailed Budget

Offeror shall complete the **Table 1 of the Attachment B “Detailed Budget”** in order to allow Tetra Tech ES, Inc. to compare all quotes and make a competitive selection. The budget should be provided in Excel format with unlocked cells and formula.

A price must be provided for each project component to be considered compliant with this request. The price proposal should include the individual line items shown in the template, e.g., fully-burdened daily rates, travel costs, and other direct costs. Offers must show unit prices, quantities, and total price. All items, services, etc. must be clearly labeled and included in the total offered price. The price proposal shall also include a budget narrative that explains the basis for the estimate of every cost element or line item. Supporting information must be provided in sufficient detail to allow for a complete analysis of each cost element or line item. Tetra Tech reserves the right to request additional cost information if the evaluation committee has concerns of the reasonableness, realism, or completeness of an Offeror’s proposed price.

Offeror shall provide unit pricing in **US dollars (USD)**. Prices quoted in this document shall be valid for a 60-day time period, include all taxes and other costs but excluding the VAT tax originated in Ukraine.

b. 1420 Forms for the proposed personnel

For each staff member proposed, the Offeror shall submit a completed and signed USAID 1420 forms.

USAID form 1420 can be downloaded here: <https://www.usaid.gov/forms/aid-1420-17>

c. Proposed Billing Rates Certification

Document on company letterhead certifying the labor rates being proposed are standard rates and have been previously billed to clients for similar work.

d. Representations and Certifications

These documents can be found in Attachments C of this RFP and must be submitted as part of the Cost Proposal.

e. Non-government owned certification

Certification that company is not owned or controlled in total or in part by any entity of any government.

f. Certificate of current cost or pricing data

These documents can be found in Attachments D of this RFP and must be submitted as part of the Cost Proposal.

Under no circumstances may cost information be included in the technical proposal. No cost information or any prices, whether for deliverables or line items, may be included in the technical proposal. Cost information must only be shown in the cost proposal.

7. EVALUATION CRITERIA



Award will be made to the offeror representing the best value in consideration of past performance, qualifications, and price factors. Technical criteria are more important than cost, although prices must be reasonable and will be considered in the evaluation. Offeror are encouraged to provide a discount to their standard commercial rates.

Tetra Tech reserves the right to conduct discussions with selected offeror (s) in order to identify the best value offer. Award of any resulting Subcontract Agreement shall be made by Tetra Tech on a best value basis. Tetra Tech reserves the right to request a test assessment from offerors to assess their qualifications.

The submitted technical information will be scored by an evaluation committee using the following technical evaluation criteria (60 points) and cost proposal (40 points).

Given the specific expertise required to perform the services in question only offers with a technical score of 40 points or more will be considered for evaluation of their cost proposals.

Proposals will be scored on a 100-point scale. Available points for each evaluation factor are given below.

TECHNICAL PROPOSAL (60 POINTS)

Evaluation Criteria for Technical Proposal		Points
I.	Technical Approach	20
II.	Proposed Staff	20
III.	Company Past Performance	20
TOTAL		60

FINANCIAL PROPOSAL (40 POINTS)

The lowest qualified financial proposal will receive the maximum score of 40 points.

The other proposals will be scored inversely proportional to their price and computed as follows:

$$S_f = 40 * F_m / F$$

where

S_f = financial Score of the proposal evaluated

F_m = price of the lowest priced Financial Proposal among those qualified

F = price of the Financial Proposal under consideration

Offeror should submit a Detailed Budget reflecting the cost of completing the scope. Offerors shall complete the Attachment B – Detailed Budget. Labor rates quoted in this document shall be fully-burdened with all indirect costs, taxes and fee, if any. The period of performance (level of effort) is **4 weeks**.

Tetra Tech reserves the right to conduct discussions with selected offeror(s) in order to identify the best value offer. Award of any resulting Subcontract Agreement shall be made by Tetra Tech on a

best value basis, with evaluation of proposed price as well as proposed services and implementation schedule.

8. TERMS OF PAYMENT

Payment terms for the awarded Subcontract Agreement shall be forty-five (45) days after satisfactory completion and acceptance and of services and deliverables according to the schedule in the Table 2. Payment shall be made by Tetra Tech ES, Inc. via bank wire transfer in **Ukrainian Hryvnias** per National Bank of Ukraine exchange rate on the effective date of the subcontract **or US dollars**.

9. DUNS NUMBER AND SAM.GOV REGISTRATION

Active DUNS number or evidence of process of registering for DUNS number is required at stage of submitting proposal. DUNS Number shall be active and SAM.gov registration completed before finalization of subcontract agreement. All second-tier subcontractors must comply with the requirements outlined in the RFP, including obtaining DUNS and SAM numbers if the proposed second-tier subcontract price is above \$30,000. Only legal entities need DUNS numbers. Information regarding obtaining a DUNS number may be found here:

<https://fedgov.dnb.com/webform>

10. NEGOTIATIONS

Best offer proposals are requested. It is anticipated that a subcontract will be awarded solely on the basis of the original offers received. However, Tetra Tech reserves the right to conduct discussions, negotiations and/or request clarifications prior to awarding a subcontract. Furthermore, Tetra Tech reserves the right to conduct a competitive range and to limit the number of offerors in the competitive range to permit an efficient evaluation environment among the most highly-rated proposals. Highest-rated offerors, as determined by the technical evaluation committee, may be asked to submit their best prices or technical responses during a competitive range.

11. MULTIPLE AWARDS/NO AWARD

Tetra Tech ES, Inc. reserves the right to issue multiple awards. Tetra Tech ES, Inc. also reserves the right to issue no awards.

ATTACHMENT A – TECHNICAL SPECIFICATION

SCOPE OF WORK: Audit of Special Purpose Financial Statements prepared in accordance with IFRS except IAS 29

PERIOD OF PERFORMANCE: 4 weeks

PLACE OF PERFORMANCE: Kyiv, Ukraine

1. Background

The European Bank for Reconstruction and Development (the “EBRD” or the “Bank”) considers signing a loan agreement with the Communal Enterprise “Kyivteploenergo” (the “Company”, KTE), to finance a capital investment program focused on:

- Installation of cogeneration facilities for CHPP-6 (designing, supply, installation and commissioning);
- Installation of condensation heat recovery unit at CHPP-5 (supply, installation and commissioning);
- Reconstruction of boiler-houses (supply, installation and commissioning);
- Closure of non-profitable boiler-houses reconstructing the heat networks to switch customers to larger heat sources (supply, installation and land improvement);
- Reconstruction of main heat networks (supply, installation and commissioning);
- SCADA system (supply and commissioning). (the “Project”).

To make a lending decision the Bank aims to conduct a creditworthiness assessment of the Company. This requires an audit of the Company’s financial information restated according to International Financial Reporting Standards, except IAS 29.

2. Objectives

The objective of this assignment is to assist the Bank in its financial due diligence of the Company through the following task:

- (i) audit of the IFRS financial statements of the Company in accordance with International Standards on Auditing for the financial year ending 31 December 2020. As a result of the audit, the Consultant shall prepare a comprehensive set of notes upon which the Bank can conduct its creditworthiness assessment and update the financial forecasts, as well as issue an opinion on accuracy and completeness of the information provided.

3. Scope of Work

3.1 Audit of Company Special Purpose Financial Statements

The Consultant shall perform an audit of the IFRS financial statements of the Company in accordance with International Standards on Auditing for the financial year ending 31 December 2020. As a result of the audit, the Consultant shall issue an opinion on accuracy and completeness of the information provided.

3.2 Notes to Company Special Purpose Financial Statements

Special Purpose Financial Statements and accounts shall be complemented with a report comprising detailed notes, addressing at least the issues outlined below:

a) General information on “Kyivteploenergo”

- Summary of the historical development of the Company;
- Operating environment;
- Overview of the organizational structure and business model;
- Overview of any significant contracts entered by the Company during the reviewed period;
- Tariff policy;
- Equity contributions and government grants;
- Internal control system.

b) Breakdown of revenues

- Breakdown of revenues between revenues from heat energy, electrical energy, services on centralized heating for population and hot water supply tariffs by types of activities and types of consumers, subsidies and compensations from the State and municipal budget, other revenues;
- Analysis and presentation of the sufficiency of heat energy, electrical energy, services on centralized heating for population and hot water supply tariffs with reference to full cost recovery of all operating costs, provision for maintenance, replacement and renewal of assets and provisions for bad and doubtful debts by types of activities and types of consumers;
- Break down of heat energy, electrical energy, services on centralized heating for population and hot water supply tariffs by types of activities and types of consumers;
- Volumes for each of heat energy, electrical energy and services on centralized heating for population and hot water supply category;
- Specification of any other operational or non-operational revenue;
- Specification of any subsidies and compensations received (and their rationale and application);
- Specification of any fines and penalties received.

c) Receivables

- Summary of movements of accounts receivable for each customer group;
- Provision of a breakdown of the accounts receivables by age for each customer group;
- Listing of all debtors whose debt exceed five percent of the total amount receivables, and at least the ten largest debtors;
- Assessment of the likelihood that the receivables are collectible and provisions for bad debt in accordance to IFRS

d) Specification of costs

- Provision of a breakdown of operating costs for production services including a breakdown by heat energy production, electrical energy production, heat energy transportation, heat energy supply, utility services and recycling of household wastes (the “production services”). Explanations for any major change in costs;
- Specification of a number of staff and division between production services, administration and other types of activity;
- Specification of gas and electricity consumption (in physical parameters and UAH) and division amid services. Specification of gas and electricity prices and other key cost component prices;
- Specification of the key maintenance expenses;

- Specification of any non-operational expenses, extraordinary expenses, including tax and late payment penalties;

e) Non-cash settlements

- Specification of the extent non-cash settlements, i.e. whether offsetting and barter, have occurred and describe the amounts involved;
- Description of the regularity and mechanisms used, e.g. whether not settlements are made at nominal value;
- Identification of those clients whose accounts are regularly settled, directly or indirectly, through offsetting or barter;
- Identification of possible consequences, e.g. tax consequences, which may arise from the non-cash settlements;

f) Payables and other liabilities

- Specification of the total amount of payables and other liabilities, e.g. long-term and short-term debt and provision of a breakdown of payables and other liabilities by category and age;
- Listing of all major creditors whose credits exceed ten percent of the total debt and at least the five largest creditors;
- Description of the unearned revenues and other current liabilities;
- Specification of all bank loans and leasing agreements concluded by the Company;

g) Taxes

- Description of the current rules and practice for VAT on revenues and costs (cash or accrual basis), and especially on capital expenditures financed from different sources;
- Description of the methodology of the calculation of the main taxes (including profit tax and operational taxes);
- Description of any deferred or restructured tax liabilities

h) Reconciliation of retained profit and Bank account movements

- Summary reconciliation between retained profit according to Ukrainian Accounting Standards and retained profit determined according to IFRS at the transition date;
- Summary of Bank account movements;

i) Fixed assets, capital expenditure and depreciation

- Specification of fixed assets and fixed assets movements, i.e. additions, disposals and depreciation;
- Specification of schedule of capital expenditure by category and determination of the sources of finance;
- Confirmation of the depreciation rates applied by the Company and brief description the depreciation methodology applied;
- Review of fixed assets received free of charge and their depreciation;
- Overview of idle or damaged fixed assets (if any);
- Overview of any restrictions on the use of assets (encumbrances, financial leases etc.);
- Overview of the major insurance policies, including type of policy, period covered, insurance company, sum insured and party insured);

- Overview of the latest independent valuation reports of major property, plant and equipment if available;
- Land use rights;

g) Authorized capital and reserves, dividend Policy

- Review of the authorized capital and reserves breakdown;
- Comment on the nature of each reserve;
- Review of the Company's dividend policy established by Law or Charter or City Council Decisions whether mandatory or discretionary;
- Review of the processes and relevant authority and approvals required by which dividends are approved.

k) Off Balance Sheet Items

- Analysis of Off-Balance Sheet Items (including significant contingent liabilities and commitments).

3.4 Clarifications

The Consultant will provide clarifications to the reports provided as required by the Bank.

3.5. Qualifications and Experience

The Consultant will employ staff with appropriate professional qualifications and suitable experience with International Standards on Auditing and with experience in auditing financial information of entities comparable in size and complexity to the Company.

The team of auditors required for this engagement will be composed of a category 1 auditor who has the ultimate responsibility for the audit and an audit team which is composed of an appropriate mix of category 2 – 4 auditors and who have the qualifications and experience as set out below. It is the responsibility of the Consultant to compose and propose an audit team which has an appropriate mix of auditors for this engagement. The ESP USAID distinguishes 4 categories of auditors.

Category 1 – Audit Partner

An audit partner should be a highly qualified expert with a relevant professional qualification. He/she should be a member of a national accounting or auditing body or institution. He/she must have at least 12 years of professional experience as a professional Auditor. Experience with working with the companies from energy sector will also be taken into account.

An audit partner, or another person in a position similar to that of a partner, is the person of the audit firm who is responsible for the audit and its performance, and for the report that is issued on behalf of the firm. He/she has the appropriate authority from a professional, legal or regulatory body and is authorized to certify accounts by the laws of the country in which the audit firm is registered.

Category 2 - Audit Manager

Audit managers should be qualified experts with a relevant university degree or professional qualification. They should have at least 6 years' experience as a professional auditor or relevant professional experience in leading companies of energy sector.

Category 3 – Senior Auditor

Senior auditors should be qualified experts with a relevant university degree or professional qualification and at least 3 years professional experience in leading companies of energy sector.

Category 4 – Assistant Auditor

Assistant auditors should have a relevant university degree and at least 6 months professional experience in audit practice.

The Auditor will provide the ESP USAID with CV's of the partner or other person in the audit firm who is responsible for the audit and for signing the report together with the CVs of the audit managers, senior auditors and assistant auditors proposed as part of the audit team. CVs will include appropriate details on the type of audits carried out by the staff indicating capability and capacity to undertake the audit as well as details on relevant specific experience.

4. Deliverables and Due Dates

The Consultant shall report to ESP USAID liaising closely with the Company. The Consultant will be provided with office space from the Company during the work carried out on site.

Draft audit reports will be reviewed by the ESP USAID, Company and Bank and an agreed set of comments will be forwarded to the Consultant within two weeks of submission. Comments will be incorporated by the Consultant within a week and Final Reports issued to the ESP USAID. The Consultant shall submit Final Report in 2 copies in English and 1 copy in Ukrainian to the Bank and 2 copies in Ukrainian and 2 copies in English language to the ESP USAID. The Consultant shall provide the ESP USAID and Bank with an electronic copy of the report in each language.

1. The draft audit Report of the Company's IFRS financial statements in accordance with International Standards on Auditing for the financial year ending 31 December 2020 shall be issued before the 26-th of March 2021.
2. The Final Report shall be issued before the 2-nd of April 2021.

The Consultant should make a Presentation to Kyiv City Administration and the Company's management on the results of the assignment, if requested.

Deliverable Number	Deliverable Name	Due Date
1	The draft audit Report of the Company's IFRS financial statements in accordance with International Standards on Auditing for the financial year ending 31 December 2020	before the 26th of March 2021.
2	The Final Report	before the 2nd of April 2021

ATTACHMENT B – DETAILED BUDGET
PROPOSED DETAILED BUDGET
TABLE 1 – Overall Subcontract Detailed Budget

Cost element	unit cost	Total units	cost
<u>Total Direct Labor</u>			
LABOR (rate; level of effort; total)			
Title,Labor Category - Name, Last Name (Full time / Short Term)	\$0.00	days	\$ -
Title,Labor Category - Name, Last Name (Full time / Short Term)	\$0.00	days	\$ -
Title,Labor Category - Name, Last Name (Full time / Short Term)	\$0.00	days	\$ -
Title,Labor Category - Name, Last Name (Full time / Short Term)	\$0.00	days	\$ -
Subtotal Direct Labor			\$ -
<u>Travel, Transportation & Per Diem</u>			
Airfare	\$0	0 trips	\$ -
Per Diem Meal	\$0	0 days	\$ -
Per Diem Lodging	\$0	0 days	\$ -
Travel Miscellaneous	\$0	0 trips	\$ -
Insurance	\$0	0 people	\$ -
Local Ground Transportation	\$0	0 days	\$ -
Communications	\$0	0 trips	\$ -
Subtotal Travel, Transportation & Per Diem			\$ -
<u>Other Direct Costs/Інші прямі витрати</u>			
Subtotal Other Direct Costs			\$ -
TOTAL ESTIMATED COST			\$ -

*LOE = Level of Efforts, budgeted number of days assigned for the work

Rate = fully loaded daily rate

Prices quoted must be valid for **60** days, and account for ALL remuneration, per diem, travel, communications, report reproduction and other out-of-pocket expenses, taxes and other costs, but excluding the VAT tax that may be originated in **Ukraine**. On this basis Tetra Tech will issue a **Fixed Price Subcontract**, and payment shall be based upon acceptance of services and deliverables described in the Table 2.

TABLE 2 – Payment schedule

Offeror Deliverable	Expected Due Date	Fixed Price Payment Amount
1. The draft audit Report of the Company's IFRS financial statements in accordance with International Standards on Auditing for the financial year ending 31 December 2020	...	[30%]
2. The Final Report	...	[70%]

ATTACHMENT C – REPRESENTATIONS AND CERTIFICATIONS

Offeror Representations and Certifications

1. Organizational Conflict of Interest Representation

The offeror represents, to the best of its knowledge and belief, that this award:

does [] or does not [] involve an organizational conflict of interest.

Please see FAR 52.209-8 for further explanation.

2. Data Universal Numbering System (DUNS) Number (required if cost proposal is more than USD \$30,000)

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(please use one box per number or dash)

3. Source and Nationality of Goods and Commodities

(i) This is to certify that the Offeror is:

- a. an individual who is a citizen or legal resident of _____.
- b. a corporation or partnership organized under the laws of _____.
- c. a controlled foreign corporation of which more than 50% of the total combined voting power of all classes of stock is owned by United States shareholders; or
- d. a joint venture or incorporated association consisting entirely of individuals, partnerships or corporations. If so, please describe separately the citizenship or legal status of the individuals, the legal status of the partnership or corporations, and the percentage (%) of voting power of the corporations.

(ii) This is to certify that the **Source** (the country from which a commodity is to be shipped from) of the Equipment to be supplied under this Order is:

name of country or countries

4. 52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (Aug 2020).

The Offeror shall not complete the representation at paragraph (d)(1) of this provision if the Offeror has represented that it “does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument” in the provision at [52.204-26](#), Covered Telecommunications Equipment or Services—Representation, or in paragraph (v) of the provision at [52.212-3](#), Offeror Representations and Certifications-Commercial Items.

(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 provided in the clause [52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(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 on or after August 13, 2019, 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 head of an executive agency 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 on or after August 13, 2020, 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 head of an executive agency 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 Offeror 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. The Offeror represents that—

(1) It will, will not provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds “will” in paragraph (d)(1) of this section; and

(2) After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that—

It does, does not use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds “does” in paragraph (d)(2) of this section.

(e) *Disclosures.*

(1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Offeror has responded “will” in the representation in paragraph (d)(1) of this provision, the Offeror shall provide the following information as part of the offer:

(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 Offeror has responded “does” in the representation in paragraph (d)(2) of this provision, the Offeror shall provide the following information as part of the offer:

(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, the 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)(2) of this provision.

By signing below, the Offeror certifies that the representations and certifications made, and information provided herein, are accurate, current and complete.

Signature: _____ Date: _____

Name of and title of authorized signature: _____



ATTACHMENT D – CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that, to the best of my knowledge and belief, the cost or pricing data (as defined in section 2.101 of the Federal Acquisition Regulation (FAR) and required under FAR subsection 15.403-4) submitted, either actually or by specific identification in writing, to Tetra Tech in support of [Firm/Organization] are accurate, complete, and current as of [DATE]. This certification includes the cost or pricing data supporting any advance agreements and forward pricing rate agreements between the offeror and the Government that are part of the proposal.

Firm: _____

Signature: _____