

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.](#)