

DEVIATION 2015-01: AGRICULTURE ACQUISITION REGULATION
(48 CFR Chapter 4)

AGAR 409.471 Solicitation Provision.

(a) Solicitation Provision. The contracting officer shall insert the provision at 452.209–70, *Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction under any Federal Law – Fiscal Year 2015 Appropriations*, in all solicitations that will use funds made available by the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) including solicitations for the acquisition of commercial items under FAR part 12.

AGAR 452.209 – 70 Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction under any Federal Law – Fiscal Year 2015 Appropriations.

REPRESENTATION BY CORPORATIONS REGARDING AN UNPAID DELINQUENT TAX LIABILITY OR A FELONY CONVICTION UNDER ANY FEDERAL LAW – FISCAL YEAR 2015 APPROPRIATIONS AND BEYOND (DEVIATION 2015-01)

(a) In accordance with sections 744 and 745 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235), none of the funds made available by this or any other Act may be used to enter into a contract with any corporation that –

- (1) has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government; or
- (2) was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

(b) The Offeror represents that –

- (1) It is [], is not [] (*check one*) a corporation that has any unpaid Federal liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability,
- (2) It is [], is not [] (*check one*) a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

(End of provision)