

## Standard Certifications and Covenants for EXIM Applications

The certifications and covenants below are incorporated into each EXIM application as if fully and directly set forth in such application. When signing an EXIM application, the applicant certifies that the representations made and the facts stated in the application, including those set forth in these Standard Certifications and Covenants, are true to the best of applicant's knowledge and belief, and applicant has not misrepresented or omitted any material facts. With knowledge that EXIM will rely on the certifications and representations made in the application, applicant agrees that it is liable to EXIM for any damages it suffers as a result such reliance. All statements and certifications to EXIM set forth in the application and in these Standard Certifications are subject to penalties for fraud and for providing false documentation, including, but not limited to, those penalties provided for in Article 18 U.S.C. Section 1001.

**The Applicant** (hereafter "Applicant" or "it") **CERTIFIES, ACKNOWLEDGES and COVENANTS to the Export-Import Bank of the United States** (hereafter "EXIM") that to the best of Applicant's knowledge and belief, after due diligence, the statements set forth below are true and correct. Any reference below to "this transaction" shall refer to the individual transaction that is the subject of the application, or, if applicable, to all transactions done under an insurance policy or guarantee that relate to a single application.

- A) Neither Applicant, nor any of its Principals (as defined in the Debarment Regulations identified below), has, within the past 3 years, been:
- 1) debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in a Covered Transaction (as defined in the EXIM and Government-wide debarment regulations, found at 2 CFR Part 3513 and 2 CFR Part 180, respectively) (collectively the "Debarment Regulations");
  - 2) formally proposed for debarment from participating in a Covered Transaction, with a final determination still pending;
  - 3) indicted, convicted or had a civil judgment rendered against it for any conduct or offenses described at 2 CFR § 180.800 in the Debarment Regulations;
  - 4) delinquent on any amounts due and owing to the U.S. Government or its agencies or instrumentalities as of the date of execution of this certification; or
  - 5) listed on any of the publicly available debarment lists of the following international financial institutions: the World Bank Group; the African Development Bank; the Asian Development Bank; the European Bank for Reconstruction and Development, and the Inter-American Development Bank;

or

the Applicant has received a written statement of exception from EXIM attached to this certification, permitting acceptance of this application notwithstanding an inability to make all of the certifications in clauses 1 through 5 of this section A.

- B) Applicant has conducted and will conduct reasonable due diligence in connection with this transaction, including checking the **System for Award Management** (<https://www.sam.gov/SAM/>) ("**SAM**") to determine if parties are excluded from U.S. Government transactions, and the **Specially Designated Nationals ("SDN") List** of the **Department of the Treasury, Office of Foreign Assets Control ("OFAC")** (<http://www.ustreas.gov/offices/enforcement/ofac/sdn/>). Applicant will not knowingly enter into any sales, leasing or financing agreements in connection with this transaction with any individual or entity that is listed on the SAM or the SDN List (or is otherwise prohibited from conducting business with U.S. public and private entities pursuant to OFAC Regulations).

- C) If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," (<http://exim.gov/sites/default/files/forms/lll.pdf>) in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- D) Neither Applicant nor any agent or representative acting on Applicant's behalf, has or will engage in any activity in connection with this transaction that is a violation of 1) the **Foreign Corrupt Practices Act of 1977**, 15 U.S.C. § 78dd-1, et seq.; 2) the **Arms Export Control Act**, 22 U.S.C. § 2751 et seq., 3) the **International Emergency Economic Powers Act**, 50 U.S.C. § 1701 et seq., 4) the Export Administration Act of 1979, 50 U.S.C. § 2401 et seq., and, 5) the regulations issued by the **OFAC**. Applicant also certifies that neither Applicant nor any agent or representative acting on Applicant's behalf, has been found by a court of the United States to be in violation of any of the foregoing statutes or regulations within the preceding 12 months, and to the best of its knowledge, the performance by the parties to this transaction of their respective obligations does not violate any of the foregoing or any other applicable law.
- E) Neither the Applicant nor any agent or representative acting on Applicant's behalf in connection with this transaction is currently under charge or has been, within the past 5 years, convicted in any court of any country, or subject to national administrative measures of any country, for bribery of public officials.