

Form ELI-3: Government-Owned Enterprise Certification Form

Government-Owned Enterprises (“GOEs”) are not eligible to compete for MCC-funded contracts for goods or works. Accordingly, GOEs (i) may not be party to any MCC-funded contract for goods or works procured through an open solicitation process, limited bidding, direct contracting, or sole source selection; and (ii) may not be pre-qualified for any MCC-funded contract for goods or works anticipated to be procured through these means.

This prohibition does not apply to Government-owned Force Account units or Government-owned educational institutions and research centers, or any statistical, mapping or other technical entities not formed primarily for a commercial or business purpose, or where a waiver is granted by MCC in accordance with Part 7 of MCC’s Program Procurement Guidelines. The full policy is available for your review on the Compact Procurement Guidelines page at the MCC Website (www.mcc.gov/ppg). As part of the eligibility verification for this procurement, **please fill in the form below to indicate the status of your entity**. The Certification Form shall be furnished with the Bid REGARDLESS OF THE STATUS OF YOUR ENTITY.

For purposes of this form, the term “Government” means one or more governments, including any agency, instrumentality, subdivision or other unit of government at any level of jurisdiction (national or subnational).



CERTIFICATION

Full Legal Name of Bidder:

Full Legal Name of Bidder in Language and Script of Country of Formation (if different from above):

Address of Principal Place of Business or Chief Executive Office of Bidder:

Full Name of Three (3) Highest Ranking Officials of Bidder (for any Bidder that is an entity):

Full Legal Name(s) of Parent Entity or Entities of Bidder (if applicable; if Bidder has no parent, please so state):

Full Legal Name(s) of Parent Entity or Entities of Bidder in Language and Script of Country of Formation (if applicable and if different from above):

Address(es) of Principal Place of Business or Chief Executive Office of Parent Entity or Entities of Bidder (if applicable):

1) Does a Government own a majority or controlling interest (whether by value or voting interest) of your shares or other ownership interest (whether directly or indirectly and whether through fiduciaries, agents or other means)? Yes No

2) If your answer to question 1 was yes, are you a Government-owned:

- a. Force Account unit Yes No
- b. Educational institution Yes No
- c. Research center Yes No
- d. Statistical entity Yes No
- e. Mapping entity Yes No
- f. Other technical entities not formed primarily for a commercial or business purpose Yes No

3) Regardless of how you answered question 1, please answer the following:

a. Do you receive any subsidy or payment (including any form of subsidized credit) or any other form of assistance (financial or otherwise) from a Government? Yes No

If yes, describe: _____

b. Has a Government granted to you any special or exclusive legal or economic rights or benefits that may alter the competitiveness of your goods, works or services or otherwise influence your business decisions? Yes No

If yes, describe: _____

- c. Does a Government have the ability to direct or decide any of the following with respect to you:
- i. any reorganization, merger, or dissolution of you or the formation or acquisition of any subsidiary or other affiliate by you? Yes No
 - ii. any sale, lease, mortgage, pledge, or other transfer of any of your principal assets, whether tangible or intangible and whether or not in the ordinary course of business? Yes No
 - iii. the closing, relocation, or substantial alteration of the production, operational, or other material activities of your business? Yes No
 - iv. your execution, termination, or non-fulfillment of material contracts? Yes No
 - v. the appointment or dismissal of your managers, directors, officers or senior personnel or otherwise participate in the management or control of your business? Yes No
- 4) Have you ever been Government-owned or controlled? Yes No
- 5) If your answer to question 4 was yes, please answer the following questions:
- a. How long were you Government-owned? _____
 - b. When were you privatized? _____
 - c. Do you receive any subsidy or payment (including any form of subsidized credit) or any other form of assistance (financial or otherwise) from a Government? Yes No
If yes, describe: _____
 - d. Even though not majority or controlling, does a Government continue to hold any ownership interest or decision making authority in you or your affairs? Yes No
If yes, describe: _____
 - e. Do you send any funds to a Government other than taxes and fees in the ordinary course of your business in percentages and amounts equivalent to other non-Government-owned enterprises in your country that are engaged in the same sector or industry? Yes No
If yes, describe: _____

Participants are advised that:

1. Prior to announcing the winning Bidder or any list of pre-qualified Bidders for this procurement, the MCA Entity will verify the eligibility of such Bidder(s) with MCC. MCC

will maintain a database (internally, through subscription services, or both) of known GOEs and each winning or pre-qualified Bidder subject to this provision will be compared against the database and subject to such further due diligence as MCC may determine necessary under the circumstances.

2. Any misrepresentation by any entity submitting a Bid for this procurement may be deemed to be “fraud” for purposes of the MCC Program Procurement Guidelines and any other applicable MCC policy or guidance, including MCC’s Policy on Preventing, Detecting and Remediating Fraud and Corruption in MCC Operations.
3. Any entity that is determined by MCC to have organized itself, subcontracted any part of its MCC-funded contract, or otherwise associated itself with any other entity for the purpose of, or with the actual or potential effect of, avoiding or otherwise subverting the provisions of the MCC Program Procurement Guidelines may be deemed to be a GOE for all purposes of those Guidelines.
4. Any credible accusation that any entity submitting a Bid for this procurement is a GOE ineligible to submit a Bid in accordance with the MCC Program Procurement Guidelines will be subject to review in a bid challenge in accordance with those Guidelines and the MCA Entity’s Bid Challenge System.

I hereby certify that the information provided above is true and correct in all material respects and understand that any material misstatement, misrepresentation or failure to provide the information requested in this certification may be deemed to be “fraud” for purposes of the MCC Program Procurement Guidelines and other applicable MCC policy or guidance, including MCC’s Policy on Preventing, Detecting and Remediating Fraud and Corruption in MCC Operations.

Authorized Signature: _____ **Date:** _____

Printed Name of Signatory: _____

Note: This form must be typed written and please write complete name, address and information (Please do not use abbreviation). This form must be submitted by all bidders and all partners of a Joint Venture. Not Applicable shall not be accepted.