

**CERTIFICATIONS FOR USE WITH
APPLICATIONS FOR DEPARTMENT OF ENERGY CIFIA LOANS
UNDER THE CIFIA PROVISION OF THE INFRASTRUCTURE INVESTMENTS AND JOBS
ACT OF 2021**

The following certifications must be completed and submitted with each application for a secured or “direct” loan or loan guarantee (“CIFIA Loan”) from the U.S. Department of Energy (“DOE”) under the carbon dioxide transportation infrastructure finance and innovation (“CIFIA”) program, established by Section 40304 of the Infrastructure Investment and Jobs Act (“IJA”), Public Law 117-58, signed November 15, 2021, also known as the Bipartisan Infrastructure Law (“BIL”).¹ The name and title of the person responsible for making the certifications and assurances must be typed in the signature block on the certification form.

These certifications shall be treated as material representations of fact upon which reliance will be placed when DOE determines whether to issue a CIFIA Loan under the CIFIA program. If it is later determined that the applicant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, DOE may terminate the CIFIA Loan.

The applicant shall provide immediate written notice to DOE if at any time the applicant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Additional certifications and assurances may be required of the applicant as a condition on the receipt CIFIA Loan under the CIFIA program.

1. LOBBYING

The undersigned states, to the best of his or her knowledge and belief that:

If any funds have been paid or will be paid, by or on behalf of the undersigned, 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 a 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,” 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 \$110,000 for each such failure.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

(a) The applicant participant certifies to the best of its knowledge and belief, that it and its principals are in compliance with the Federal regulations providing Office of Management and Budget guidance for Federal agencies on the government-wide debarment and suspension system for nonprocurement programs and activities at 2 CFR part 180, including any subsequent amendments of those regulations.

¹ <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf>

(b) The applicant certifies that it and its principals:

(i) Are not presently disbarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(ii) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the applicant's present responsibility;

(iii) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (ii) of this certification; and

(iv) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

(c) Where the applicant is unable to certify to any of the statements in paragraph (b) of this certification, such prospective applicant shall submit an explanation to DOE.

SIGNATURE

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Name of Applicant:

Printed Name and Title of Authorized Representative:

SIGNATURE

DATE

Dated October 3, 2022