Date:_____

MEMORANDUM FOR:_____

FROM: Phillip L. Barber
Administrative Contracting Officer
Contract Management & Administration Center

SUBJECT: CERTIFICATION REGARDING NONDISCLOSURE OF INFORMATION
Winstar / Detroit MAA/FTS-LD Crossover Contract #GS00T02AHD0001

With respect to my participation in and performance of duties related to the use of contractor proprietary data contained in the FTS LD Crossover Contracts, I hereby certify that:

1. I have read and understand the pertinent GSA Standards of Conduct (41 CFR 105-735) or my agency's/employer's Standards of Conduct relating to the disclosure and misuse of official government information.

2. I am specifically familiar with the requirements contained in 18 U.S.C. 1905 which provide:

> "Whoever, being an officer or employee of the United States or any department or agency thereof, or agent of the Department of Justice as defined in the Antitrust Civil Process Act (15 U.S.C. 1311-1314), publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particular thereof to be seen or examined by any person except as provided by law; shall be fined not more than $1,000, or imprisoned not more than one year, or both, and shall be removed from the office or employment."

3. I recognize that it may be necessary for me to obtain, generate, or access confidential commercial or financial information, as well as sensitive Government information, including but not limited to confidential commercial or financial data obtained from or contained in contractor/vendor submitted documents and proposals. I understand that unless otherwise authorized, the release of information of this type shall be at the sole discretion and direction of the Contracting Officer, consistent with applicable laws and regulations.

4. Unless otherwise authorized by the Contracting Officer (or designee) or appropriate legal authority, I shall not disclose or reveal any information to any contractor or anyone else not cleared for access (and then only on a strict need to know basis) which:

- Would provide undue or discriminatory advantage to an offeror, competitor, or other private interest (including information contained in vendor proposals or awarded contracts);
- Is or reflects confidential commercial information submitted by an offeror/contractor or which could reasonably be expected to cause competitive harm to an offeror/contractor;
- Is otherwise protected under the Freedom of Information Act, the Privacy Act, or other authority;
- Pertains to internal agency communications regarding the procurement (including source selection plans, source selection evaluation board reports, technical analyses, recommendations and contract administration documents);
- Has been designated "Proposal Information", "Proprietary Information", "Source Selection Information", or "For Official Government Use Only."

5. If furnished with an offeror's proposal for evaluation, I shall:

- Use the information contain therein only for GSA evaluation purposes;
- comply with any restrictive notice which may have been placed on the proposal by its originator or the Contracting Officer; and
- upon completion of the evaluation, return all copies of the proposal and abstracts, if any, to the GSA officer which initially furnished the proposal for evaluation;

6. I am aware that an unauthorized disclosure of procurement or contract information may subject me to criminal, civil, or administrative penalties.

_____
(Print or type name)

_____ _____
Signature (Requestor) Date

_____
Title

_____ _____
Company/Agency & Code Telephone Number

For User Agency Contractor Personnel Only:

_____

Print or Type Name and Title of Authorized User Agency Official

_____ _____

Signature (Authorized User Agency Official) Date