(B) The governmental regulatory body has declined jurisdiction; or
(C) There is no governmental regulatory body to decide.

(b) Security. (1) The contracting officer shall ensure, in accordance with agency procedures, that purchase requests identify—
   (i) The nature and extent of information requiring security during telecommunications;
   (ii) The requirement for the contractor to secure telecommunications systems;
   (iii) The telecommunications security equipment, devices, techniques, or services with which the contractor’s telecommunications security equipment, devices, techniques, or services must be interoperable; and
   (iv) The approved telecommunications security equipment, devices, techniques, or services, such as found in the National Security Agency’s Information Systems Security Products and Services Catalogue.

(2) Contractors and subcontractors shall provide all telecommunications security techniques or services required for performance of Government contracts.

(3) Except as provided in paragraph (b)(4) of this section, contractors and subcontractors shall normally provide all required property, to include telecommunications security techniques or services required for performance of Government contracts.

(3) Except as provided in paragraph (b)(4) of this section, contractors and subcontractors shall normally provide all required property, to include telecommunications security techniques or services required for performance of Government contracts.

(4) The head of the agency may authorize provision of the necessary property as Government-furnished property or acquisition as contractor-acquired property, as long as conditions of FAR 45.102(b) are met.

239.7403–239.7404 48 CFR Ch. 2 (10–1–13 Edition)

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239.7405 Delegated authority for telecommunications resources.

The contracting officer may enter into a telecommunications service contract on a month-to-month basis or for any longer period or series of periods, not to exceed a total of 10 years. See PGI 239.7405 for documents relating to this contracting authority, which the General Services Administration has delegated to DoD.

[70 FR 67918, Nov. 9, 2005]

239.7406 Certified cost or pricing data and data other than certified cost or pricing data.

(a) Common carriers are not required to submit certified cost or pricing data before award of contracts for tariffed services. Rates or preliminary estimates quoted by a common carrier for tariffed telecommunications services are considered to be prices set by regulation within the provisions of 10 U.S.C. 2306a. This is true even if the tariff is set after execution of the contract.

(b) Rates or preliminary estimates quoted by a common carrier for nontariffed telecommunications services or by a noncommon carrier for any telecommunications service are not considered prices set by law or regulation.

(c) Contracting officers shall obtain sufficient data to determine that the prices are reasonable in accordance with FAR 15.403–3 or 15.403–4. See PGI 239.7406 for examples of instances where additional data may be necessary to determine price reasonableness.

[77 FR 76940, Dec. 31, 2012]

239.7407 Type of contract.

When acquiring telecommunications services, the contracting officer may use a basic agreement (see FAR 16.702) in conjunction with communication service authorizations. When using this method, follow the procedures at PGI 239.7407.

[71 FR 27646, May 12, 2006]