

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 6. Amend section 52.204–8 by—
- a. Revising the date of the provision;
- b. Redesignating paragraphs (c)(1)(vi) through (xxiv) as paragraphs (c)(1)(vii) through (xxv); and
- c. Adding a new paragraph (c)(1)(vi).

The revision and addition reads as follows:

52.204–8 Annual Representations and Certifications.

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Annual Representations and Certifications (Dec 2019)

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(c)(1) * * *
 (vi) 52.204–26, Covered Telecommunications Equipment or Services—Representation. This provision applies to all solicitations.

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- 7. Amend section 52.204–24 by—
- a. Revising the date of the provision;
- b. Adding an undesignated paragraph before paragraph (a);
- c. Removing from paragraph (a) “*Critical technology*”, and “*Substantial or*” and adding “, “*critical technology*”, and “*substantial or*” in its place;
- d. Redesignating paragraphs (c) and (d) as paragraphs (d) and (e), and adding a new paragraph (c);
- e. Revising the newly redesignated paragraph (d); and
- f. Revising the introductory text of the newly redesignated paragraph (e), and removing from paragraph (e)(1) “All” and adding “A description of all” in its place;

The revisions and additions read as follows:

52.204–24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment.

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Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (Dec 2019)

The Offeror shall not complete the representation in this provision if the Offeror has represented that it “does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument” in the provision at 52.204–26, Covered Telecommunications Equipment or Services—Representation, or in paragraph (v) of the provision at 52.212–

3, Offeror Representations and Certifications—Commercial Items.

* * * * *

(c) *Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

(d) *Representation.* The Offeror represents that it [] will, [] will not provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation.

(e) *Disclosures.* If the Offeror has represented in paragraph (d) of this provision that it “will” provide covered telecommunications equipment or services”, the Offeror shall provide the following information as part of the offer—

* * * * *

- 8. Add section 52.204–26 to read as follows:

52.204–26 Covered Telecommunications Equipment or Services—Representation.

As prescribed in 4.2105(c), insert the following provision:

Covered Telecommunications Equipment or Services—Representation (Dec 2019)

(a) *Definitions.* As used in this provision, “covered telecommunications equipment or services” has the meaning provided in the clause 52.204–25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) *Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

(c) *Representation.* The Offeror represents that it [] does, [] does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.

(End of provision)

- 9. Amend section 52.212–3 by—
- a. Revising the date of the provision;
- b. Removing from the introductory paragraph “paragraphs (c) through (u))” and adding “paragraphs (c) through (v))” in its place;
- c. In paragraph (a), adding in alphabetical order the definition “*Covered telecommunications equipment or services*”;
- d. Removing from paragraph (b)(2), in the first undesignated paragraph “(c)

through (u))” and adding “(c) through (v))” in its place; and

- e. Adding paragraph (v).

The revision and additions read as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items (Dec 2019)

(a) * * *

Covered telecommunications equipment or services has the meaning provided in the clause 52.204–25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

* * * * *

(v) *Covered Telecommunications Equipment or Services—Representation.* Section 889(a)(1)(A) of Public Law 115–232.

(1) The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov>) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

(2) The Offeror represents that it [] does, [] does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2019–0002, Sequence No. 8]

Federal Acquisition Regulation; Federal Acquisition Circular 2020–03; Small Entity Compliance Guide

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of DOD, GSA,

and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2020-03, which amends the Federal

Acquisition Regulation (FAR). An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding this rule by referring to FAC 2020-03, which precedes this document. These

documents are also available via the internet at <http://www.regulations.gov>.

DATES: December 13, 2019.

FOR FURTHER INFORMATION CONTACT: *Farpolicy@gsa.gov* or call 202-969-4075. Please cite FAC 2020-03, FAR case 2018-017.

RULE LISTED IN FAC 2020-03

Subject	FAR case	Analyst
* Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment	2018-017	Francis.

SUPPLEMENTARY INFORMATION: A summary for the FAR rule follows. For the actual revisions and/or amendments made by this FAR Case, refer to the specific subject set forth in the document following this item summary. FAC 2020-03 amends the FAR as follows:

Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (FAR Case 2018-017)

This second interim rule amends the Federal Acquisition Regulation to implement section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232). The first interim rule was published August 13, 2019.

This rule reduces the information collection burden imposed on the public by making updates to the System for Award Management (SAM) to allow offerors to represent annually whether

they offer to the Government equipment, systems, or services that include covered telecommunications equipment or services. The burden to the public is reduced by allowing an offeror that responds “does not” in the new annual representation at 52.204-26, Covered Telecommunications Equipment or Services—Representation, or in paragraph (v) of 52.212-3, Offeror Representations and Certifications—Commercial Items, to skip the offer-by-offer representation within the provision at 52.204-24, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment.

The provision at 52.204-26 requires that offerors review SAM prior to completing their required representations. The Government will add to SAM the entities that provide equipment or services listed in the definition of “covered telecommunications equipment or services”, with an appropriate notation

to identify that the prohibition is limited to certain products and services—the entity itself is not excluded.

Offerors shall consult SAM to validate whether the products they are offering are from an entity covered under the definition of “covered telecommunications equipment or services”, including any known subsidiaries or affiliates.

This rule applies to all acquisitions, including acquisitions at or below the simplified acquisition threshold and to acquisitions of commercial items, including commercially available off-the-shelf items. It may have a significant economic impact on a substantial number of small entities.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

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