

Public Law 115-232, also known as the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year 2019, requires representations regarding Covered Telecommunications Equipment and Services. Procurement shall use this representation for purchases actions under the micro purchase threshold. To comply with this Public Law the Federal Acquisition Regulation (FAR) in [FAR 4.2105](#) requires two provisions [52.204-24](#) & [52.204-26](#) and contract clause [52.204-25](#) in all procurement actions.

#### DIRECTIONS FOR THE VENDOR

1. Read the entire provisions and clause in the FAR at [Acquistion.gov](#) or click on the link above.
2. After you have read the provisions 52.204-24 and 52.204-25, please answer the questions below.  
*NOTE: This representation is made by a person with the authority to bind the Vendor.*
3. If you answered that the order does contains and will provide covered equipment or services, please provide the information required in 52.204-24 (e) Disclosures as an attachment to this certification and answer the four (4) questions below.
4. Return completed form to Contract Specialist or Contracting Officer.

#### **52.204-26 Covered Telecommunications Equipment or Services-Representation (OCT 2020)**

(a) Definitions. As used in this provision, “covered telecommunications equipment or services” and “reasonable inquiry” have 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) Representations. (1) 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.

(2) After conducting a reasonable inquiry for purposes of this representation, the Offeror represents that it [ ] does, [ ] does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services.

(End of provision)

#### **52.204-24 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (AUG 2020)**

(d) *Representation.* The Offeror represents that—

(1) 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. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds “will” in paragraph (d)(1) of this section; and

Express Form NDAA Certification for Micro-purchases

September 15, 2020

(2) After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that—

It  does,  does not use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e) (2) of this section if the Offeror responds “does” in paragraph (d)(2) of this section.

If certification states vender does or will provide or use prohibited covered telecommunications in addition to the information required in 52.204-24 (e) Disclosures then answer the four (4) questions below:

1. What percent (%) of your company communications platform is comprised of technology made by the above-mentioned manufacturers?

- Less than 10%
- Less than 25%
- Less than 50%
- Greater than 50%

2. Provide a short description of the equipment used by your company that is made by the above-mentioned manufacturers.

3. Is your company willing to provide a plan to remove all equipment in use, which is made by the above-mentioned manufacturers by 2022?

- Yes  No

4. Is your company willing to provide a complete and detailed list of the equipment that is used your company today that is made by the above-mentioned manufacturers?

- Yes  No

Merchant Name \_\_\_\_\_

Merchant's Authorized Representative \_\_\_\_\_  
(Typed Name)

Authorized Representative Signature and Date \_\_\_\_\_