

**Federal Acquisition Regulation
Federal Acquisition Circular 2020-03 Summary of Rule**

FAC 2020-03

<u>Item</u>	<u>Subject</u>	<u>FAR Case</u>
I	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment	2018-017

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

A second interim rule amending the Federal Acquisition Regulation (FAR) to implement section 889(a)(1)(A) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232) was issued on December 13, 2019 with immediate effect.

The rule reduces information collection burdens by making updates to the System for Award Management (SAM) to allow offerors to represent on a yearly basis 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 Requirements of the provision at 52.204–24, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment.

The provision at FAR 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.

Because this rule stems from a matter of national security, it applies to both DOE and NNSA. It applies to M&O and non-M&O contracts and subcontracts, as well as purchase orders, including those below the simplified acquisition threshold, those below the micro-purchase threshold, and those made with a purchase card. It applies to contracts and subcontracts for commercial and commercial-off-the-shelf items.