# Annex A: Section 889 Certification

DATE:

FROM: **NAME**

TO: International Development Group Advisory Services, LLC

SUBJECT: Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment (Section 889)

**FIRM NAME** certifies that it is in compliance with the below Federal Acquisition Regulations (FAR).

**52.204-24 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,](https://www.acquisition.gov/content/52204-26-covered-telecommunications-equipment-or-services-representation#id19CAC0P0ESS) Covered Telecommunications Equipment or Services-Representation, or in paragraph (v) of the provision at [52.212-3,](https://www.acquisition.gov/content/52212-3-offeror-representations-and-certifications-commercial-items#i1060550) Offeror Representations and Certifications-Commercial Items.

(a) *Definitions.* As used in this provision—

“Covered telecommunications equipment or services”, “critical technology”, and “substantial or essential component” have the meanings provided in clause [52.204-25,](https://www.acquisition.gov/content/52204-25-prohibition-contracting-certain-telecommunications-and-video-surveillance-services-or-equipment#id1989I600I4C) Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

1. *Prohibition*. Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act forFiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Contractors are not prohibited from providing—
	* 1. A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
			1. Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.
	1. *Procedures.* The Offeror shall review the list of excluded parties in the System for AwardManagement (SAM) [(https://www.sam.gov)](https://www.sam.gov/) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.
	2. *Representation.* The Offeror represents that it *\_\_\_\_* will, \_\_\_\_ will not provide coveredtelecommunications equipment or services to the Government in the performance of any contract, subcontract, or other contractual instrument resulting from this solicitation.
2. *Disclosures.* If the Offeror has represented in paragraph (d) of this provision that it “will” providecovered telecommunications equipment or services”, the Offeror shall provide the following information as part of the offer—
	* + 1. A description of all covered telecommunications equipment and services offered (include brand; model number, such as original equipment manufacturer (OEM) number, manufacturer part number, or wholesaler number; and item description, as applicable);
		1. Explanation of the proposed use of covered telecommunications equipment and services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b) of this provision;
			1. For services, the entity providing the covered telecommunications services (include entity name, unique entity identifier, and Commercial and Government Entity (CAGE) code, if known); and
3. For equipment, the entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known).

The Offeror is required to inform the prime contractor within one (1) business day of identifying any covered equipment/services as required by FAR 52.204-25.

***52.204-26 Covered Telecommunications Equipment or Services-Representation (Dec 2019)***

1. *Definitions.* As used in this provision, “covered telecommunications equipment or services” hasthe meaning provided in clause [52.204-25,](https://www.acquisition.gov/content/52204-25-prohibition-contracting-certain-telecommunications-and-video-surveillance-services-or-equipment#id1989I600I4C) Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.
	1. *Procedures.* The Offeror shall review the list of excluded parties in the System for AwardManagement (SAM) [(https://www.sam.gov)](https://www.sam.gov/) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.
		1. *Representation.* The Offeror represents that it *\_\_\_* does, \_\_\_ does not provide coveredtelecommunications 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.

The Offeror is required to inform the prime contractor within one (1) business day of identifying any covered equipment/services as required by FAR 52.204-25.

Name and Title:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_