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Prohibition of Certain Telecom Equipment & Services

What is required from the offeror?

An offeror must represent (via representations and certifications in SAM) 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. The Government is prohibited from entering into a contract or extending or renewing a contract with an entity that uses 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. These prohibitions are regardless of whether their use is in performance of work under a Federal contract.

What are "covered telecommunications equipment or services?"

This is any video surveillance and telecommunications equipment or service produced by Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate).

- A substantial or essential component means any component necessary for the proper function or performance of a piece of equipment, system, or service. For example, if Hikvision security cameras are used for security surveillance at a contractor's facility, these are prohibited or must be reported as instructed in FAR 52.204-25. Although the facility may not be a part of the Government requirement, the telecom prohibitions affect any equipment or services from the above providers regardless of their status to a Federal contract.

References:

- FAR 4.2105, FAR 52.204-24, FAR 52.204-25, FAR 52.204-26
- Section 889(a)(1)(A) of the 2019 National Defense Authorization Act
- Federal Acquisition Circular (FAC) 2019-05, FAC 2020-03, FAC 2020-08, FAC 2020-09