

MERCHANT REPRESENTATION - Telecommunications Related Equipment or Services
(To be used only if merchant representation is not available through other means [e.g., SAM.gov])

References: Federal Law (Public Law 115-232, Section 889)
Federal Acquisition Regulation (FAR) 4.2105(c) and 52.204-26

For Cardholder Use Only

Brief Description of purchase requirement: _____

Today's Date: _____

Cardholder's Name: _____

Office Location/Name: _____

SECTION 1 - MERCHANT INSTRUCTIONS

Definitions. As used on this form, "covered telecommunications equipment or services" is defined in Federal Acquisition Regulation 52.204-25 **Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.** (see reverse) This includes, backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component.

Procedures. The merchant reviews the list of excluded parties in the System for Award Management (<https://www.sam.gov>) for entities excluded from receiving federal awards/purchases for "covered telecommunications equipment or services". Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities) is strictly prohibited.

The merchant completes the following representation only if it is not available through other means.

SECTION 2 – MERCHANT REPRESENTATION (MERCHANT COMPLETES THIS SECTION)

As prescribed in FAR 4.2105(c), complete the following representation as found in FAR 52.204-26(c):

(1) The Merchant represents that it **DOES** or **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 merchant represents that it **DOES** or **DOES NOT** use covered telecommunications equipment or services, or any equipment, system or service that uses covered telecommunications equipment or services.

Merchant Name: _____

Merchant's Authorized Representative Name: _____
(print or type)

Authorized Representative's Signature: _____ Date: _____

Representation Remains Valid for One (1) Year from Signature Date (during inclusive period, merchant is required to inform the Government if representation changes before future transactions are conducted)

SECTION 3 – INSTRUCTIONS

1. Cardholder (CH) provides this form to the merchant to complete Section 2 and return to CH. (only when rep not available through other means (e.g., SAM.gov))

2. Merchant reviews SECTION 1 and the reverse page before completing SECTION 2 above.

3. If merchant represents that it "**will not**" and/or "**does not**" the CH may rely on the representation and complete the purchase. This form must be included with all CH supporting documents to the Access Online transaction after it posts.

4. If the merchant makes an affirmative response in Section 2 (i.e., "**DOES**") or the merchant declines to complete the representation, the CH shall not complete the purchase. Forward the requirement along with the representation to the GPC Agency/Organization Program Coordinator.

5. The following transactions are exempt from this form:

- Contract Payments
- Intra/Inter-Governmental Payments (e.g., GSA Global Supply, DLA Document Services)
- SF-182 Training

Backhaul means intermediate links between the core network, or backbone network, and the small subnetworks at the edge of the network (e.g., connecting cell phones/towers to the core telephone network). Backhaul can be wireless (e.g., microwave) or wired (e.g., fiber optic, coaxial cable, Ethernet).

Covered foreign country means The People's Republic of China.

Covered telecommunications equipment or services means—

(1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);

(2) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);

(3) Telecommunications or video surveillance services provided by such entities or using such equipment; or

(4) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Critical technology means—

(1) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations;

(2) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled-

(i) Pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or

(ii) For reasons relating to regional stability or surreptitious listening;

(3) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities);

(4) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material);

(5) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code; or

(6) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. 4817).

Interconnection arrangements means arrangements governing the physical connection of two or more networks to allow the use of another's network to hand off traffic where it is ultimately delivered (e.g., connection of a customer of telephone provider A to a customer of telephone company B) or sharing data and other information resources.

Reasonable inquiry means an inquiry designed to uncover any information in the entity's possession about the identity of the producer or provider of covered telecommunications equipment or services used by the entity that excludes the need to include an internal or third-party audit.

Roaming means cellular communications services (e.g., voice, video, data) received from a visited network when unable to connect to the facilities of the home network either because signal coverage is too weak or because traffic is too high.

Substantial or essential component means any component necessary for the proper function or performance of a piece of equipment, system, or service.