

## Covered Telecommunications Equipment or Services-Representation

### Section 1 – References

1. FAR 52.204-24 through 26 , FAR 4.2105(a)

### Section 2 – Merchant Representation

**Definitions.** As used in this provision, “covered telecommunications equipment or services” has the meaning provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

**Procedures.** The cardholder 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”.

**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.**

As prescribed in 4.2105(a), the Merchant shall complete the following representation in FAR Clause 52.204-24

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

(2) After conducting a reasonable inquiry, for purposes of this representation, the Merchant 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 Merchant shall provide the additional disclosure information required at paragraph (c)(2) of this section if the Merchant responds “does” in paragraph (d)(2) of this section.

What Period is your 889 valid for?

30 Days  6 Mons  1 Yr  2 Yrs  3 Yrs  Other  \_\_\_\_\_

Merchant Name and Signature \_\_\_\_\_ SPS Industrial Inc *Sara Loving*

Merchant’s Authorized Representative \_\_\_\_\_ Sara Loving 06/01/2023  
(Typed Name)

### Section 3 - Instructions

1. Merchant goes to the following FAR site:

<https://www.acquisition.gov/content/part-52-solicitation-provisions-and-contract-clauses#id1989160014C>

2. Merchant reads FAR 52.204-24 and 52.204-25 & upon completion fills out the Section 2 above and returns the form to the CH

B. Cardholder (CH) provides this representation document to the merchant to complete, sign, and return to the CH.

**C. If a merchant represents “does not,” the CH can rely on the representation and make the purchase.**

**D. If a merchant represents “does,” or the merchant declines to complete the Representation - the CH shall not make the purchase. Forward the requirement along with the representation to the supporting contracting office for action.**

E. If it is determined that entering into a contract with the merchant does not violate the section 889 prohibitions, the supporting contracting office may provide written approval for the CH to make the purchase. The CH shall retain this written approval.

**F. The following GPC transactions are exempt as these transactions are payments, not purchases.**

- 1. Contract Payment Official - use of the GPC as a payment method only**
- 2. Inter/Intra-Governmental Payments - (ex. DLA Document Services, NSN items using FedMall, or GSA Global Supply.**
- 3. SF-182 Training Payments**

G. Retain all documentation that supports this representation and upload in AXOL.

**MICRO-PURCHASE  
NATIONAL DEFENSE AUTHORIZATION ACT (NDAA) SECTION 889 REPRESENTATION**

*For additional information see: [https://www.acquisition.gov/FAR-Case-2019-009/889 Part B](https://www.acquisition.gov/FAR-Case-2019-009/889_Part_B)*

1.  Merchant has an active registration in SAM ([www.sam.gov](http://www.sam.gov)) **and** FAR 52.204-26 is dated Oct 2020 (or later)  
 Merchant is not registered in SAM ([www.sam.gov](http://www.sam.gov)) **or** is registered, but FAR 52.204-26 is dated earlier than Oct 2020

2. Company Name / Merchant (Offeror)		3. Date	
4. Company Street Address	5. City	6. State	7. Zip Code
8. Owner or Designated Representative Name		9. E-mail	
		10. Telephone Number	
11. DUNS Number ( <i>if applicable</i> )		12. Cage Code Number ( <i>if applicable</i> )	
		13. SAM Registration Expiration Date ( <i>if applicable</i> )	

14. Complete the following [FAR 52.204-26](#) Representation:

**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)(1) *Representation.* The Offeror represents that it  does,  does not provide covered telecommunications equipment or services as a part of its offered products or 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

Signature of Owner or Designated Representative  
identified in Block 8 above.

***This representation expires on the date in block 13 or one year from the date in block 3, whichever is soonest. Forward any representation modifications/changes to the sender within 30 days.***

**Additional Disclosure Instructions to Merchant/Offeror (*if applicable*)**

- (a) If the Offeror represents in (c)(1) above that, "it *does* provide covered telecommunications equipment [...]", then the Offeror should go to FAR 52.204-24 -- Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment, paragraph (e)(1) *Disclosures* ([https://www.acquisition.gov/far/part-52#FAR\\_52\\_204\\_24](https://www.acquisition.gov/far/part-52#FAR_52_204_24)) to identify the additional documentation that should accompany this representation when sending it back to the sender.
- (b) If the Offeror represents in (c)(2) above that, "it *does* use covered telecommunications equipment [...]", then the Offeror should go to FAR 52.204-24 -- Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment, paragraph (e)(2) *Disclosures* ([https://www.acquisition.gov/far/part-52#FAR\\_52\\_204\\_24](https://www.acquisition.gov/far/part-52#FAR_52_204_24)) to identify the additional documentation that should accompany this representation when sending it back to the sender.

## PURPOSE

To obtain 889 Representation from a vendor providing supplies and/or services to the US Government who does not have an updated FAR 52.204-26 (Oct 2020) in the System for Award Management (SAM).

An 889 Representation is **not required** for SF-182 training purchases, intra-governmental/ inter-governmental purchases, or purchases against a contract (including BPAs). For these purchases, the 889 annotation is: **889 Payment**. See instructions below.

An 889 Representation is **not required** from any merchant who has an active SAM Registration with an updated FAR 52.204-26 (Oct 2020). Cardholders may verify the SAM Registration by using either the Robotic Process Automation (RPA) or verifying at [www.sam.gov](http://www.sam.gov) directly:

- a. To use the RPA, send an email to [info@section889request.com](mailto:info@section889request.com) with a valid 9-digit DUNS number in the subject line and no text in the body of the email. The system should send a response within 5 minutes. For further instructions, see *Instructions for Robotic Process Automation Capability for Confirming Section 889 Prospective Offeror Responses in the System for Award Management*.
- b. To verify in SAM directly, go to: [www.sam.gov](http://www.sam.gov). Press SEARCH RECORDS. Locate the merchant using the QUICK SEARCH, DUNS Number Search or CAGE Code Search [CAGE Codes do not contain the letter O; only zero (0)] boxes. Click the View Details box in the merchant's information. Click the Reps & Certs link on the left side of the screen. Scroll down to FAR 52.204-26. Press the link (FAR 52.204-26) to open the representation. Verify the date of the clause: COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES REPRESENTATION (**Oct 2020**).

## INSTRUCTIONS

An 889 annotation is required in Access Online for every purchase. For GFEBs orders, cardholders must manually type the 889 annotation in the *Transaction Management – Comments* box. For manual orders created in Access Online, cardholders must manually type the annotation in the *889 Designation* box. See the appropriate US Bank 889 instruction documents for further guidance on the specific locations of these boxes, if needed.

1. Verify the 889 Representation by using one of the two methods listed under paragraphs a or b above. Send the 889 Representation to any merchant providing supplies and/or services to the government who does not have or appear to have an active registration in SAM with the appropriate Oct 2020 clause listed in b above.
2. Refer to the e-mail provided by RPA or the blocks checked under FAR 52.204-26(c)(2) either from the 889 Representation provided by merchant or the merchant information in SAM to determine the appropriate 889 annotation

<b>889 Annotation</b>	<b>Merchant (Offeror) Representation noted in FAR 52.204-26(c)(2):</b>
<b>889 Merchant Rep</b>	Merchant provided a “does not” response. Cardholder relied upon the merchant representation.
<b>889 Agency</b>	Merchant provided a “does” response. Cardholder, in conjunction with written support and approval from the supporting contracting office, determined a FAR 4.2104 approved Executive Agency waiver exception applies. Cardholder relied upon the agency waiver.
<b>889 Exception</b>	Merchant provided a “does” response. Cardholder, in conjunction with written support and approval from the supporting contracting office, determined a FAR 52.204-25 (c) exception applies. Cardholder relied upon the exception.

3. Upload the RPA e-mail or 889 Representation along with all other supporting documents into Transaction Management in Access Online for the respective transaction.