ATTACHMENT 1 – EXPRESS NDAA CERTIFICATION

September 14, 2020

Public Law 115-232, also known as the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year 2019, requires representations regarding Covered Telecommunications Equipment and Services. Cardholders shall use this representation with merchants to determine compliance with NDAA requirements. To comply with this Public Law the Federal Acquisition Regulation (FAR) in FAR 4.2105 requires two provisions 52.204-24 & 52.204-26 and contract clause 52.204-25 in all procurement actions.

DIRECTIONS FOR THE MERCHANT

1. Read the entire provisions and clause in the FAR at Acquistion.gov or click on the link above.
2. After you have read the provisions, please answer the questions below.
3. Upon completion of Step 2, fill out the representation below. *NOTE: This representation is made by a person with the authority to bind the merchant.*
4. Return completed form to your GPC cardholder or Contract Specialist.

52.204-26 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) *Representations.* (1) The Offeror represents that it [ ] does, [ ] 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 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.

(End of provision)

52.204-24 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (AUG 2020)

(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 Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds "will" in paragraph (d)(1) of this section; and

(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 use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds "does" in paragraph (d)(2) of this section.

Merchant Name_____

Merchant's Authorized Representative_____
(Typed Name)

Authorized Representative Signature and Date_____