

# **Subpart 5204.21 - PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT**

**Parent topic:** Part 5204 - ADMINISTRATIVE MATTERS

## **5204.2103 Procedures.**

(a)(2)(iii) The contracting officer (in consultation with the program office or requiring activity, after review of the required disclosures per DoD guidance), may determine that an entity is not using the covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system; or an exception at FAR 4.2102(b) applies. The Deputy/Assistant Commander for Contracts, without power of redelegation, is the approval authority for the contracting officer's determination. The approved determination shall be included in the contract file with a copy of the approved determination provided to DASN(P) within seven (7) days of approval by email to [usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil](mailto:usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil) with the subject "[Activity Name] NMCARS 5204.2103 - Determination (Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment).

## **5204.2104 Waivers.**

(a) ASN(RDA), without power of redelegation, is the approval authority for waivers. Requests shall be endorsed by the HCA. Endorsement authority may be delegated no lower than the Deputy/Assistant Commander for Contracts, without power of redelegation. Submit waiver requests for approval via DASN(P) by email to [usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil](mailto:usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil) with the subject "[Activity Name] NMCARS 5204.2104(a) - Executive Agency Waiver Request (Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment)". Waivers shall include:

- (1) A compelling justification for the additional time to implement the requirements;
- (2) A full and complete laydown or description of the presences of covered telecommunications or video surveillance equipment or services in the relevant supply chain; and
- (3) A phase-out plan to eliminate such covered telecommunications equipment or services from the relevant systems.

(b) Waiver requests shall be endorsed by the HCA. This authority may be delegated no lower than the Deputy/Assistant Commander for Contracts, without power of redelegation. Submit waiver requests for approval via DASN(P) by email to [usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil](mailto:usn.pentagon.asstsecnavrdadc.mbx.pabt@us.navy.mil) with the subject "[Activity Name] NMCARS 5204.2104(b) - DNI Waiver Request (Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment)."