SUBPART 4.90 – ELECTRONIC MICROCIRCUITS RESTRICTION

(Revised August 30, 2022 through PROCLTR 2022-11)

Parent topic: PART 4 – ADMINISTRATIVE MATTERS

4.9000 Policy.

Contracting officers shall include procurement note H17, Restriction on FSC 5962, Electronic Microcircuits, in solicitations and contracts equal to or under the micro-purchase threshold. Procurement note H17 applies only to procurements involving Federal Supply Class (FSC) code 5962, Electronic Microcircuits.

4.9001 Definitions.

(a) For the purpose of this section:

(1) “Covered Nation” means

(i) the Democratic People’s Republic of North Korea;

(ii) the People’s Republic of China;

(iii) the Russian Federation; and

(iv) the Islamic Republic of Iran

(2) “Federal Supply Class (FSC) 5962, Electronic Microcircuit” means

(i) a small circuit having a high equivalent circuit element density, which is considered as a single part composed of interconnected elements placed and/or formed on or within a single substrate to perform an electronic circuit function. The elements may be formed on or within a semiconductor material substrate. They may consist of conductive film(s) formed on an insulating substrate or may be a combination of one or both of these types with discrete elements;

(ii) designed specifically to generate, modify, or process electrical signals included in FSC 5962;

(iii) a supply class identified as being high-risk for counterfeiting; and

(iv) includes Integrated Circuit Devices; Integrated Circuit Modules, Integrated Electronic Devices: Hybrid, Magnetic, Molecular, Opto-Electronic, and Thin Film.

4.9002 Prohibition.

(a) The offeror shall not propose to deliver FSC 5962, Electronic Microcircuits, from a covered nation to the Government under any solicitation or resulting contract.

(b) If the contracting officer is unable to determine whether the FSC 5962, Electronic Microcircuits is from a covered nation based on traceability documentation or other means on the offeror's representation, then the award shall not be made to that offeror.

4.9003 Requirements.

(a) The awardee must meet the following requirements:

(i) Provide post award traceability documentation. If the contracting officer is unable to obtain traceability accounting for 100% of the material, the contracting officer reserves the right to reject the material based on the prohibition in DLAD 4.9002;

(ii) Obtain written contracting officer approval prior to shipment.

4.9004 Procurement note.

As prescribed in DLAD 4.9000, use procurement note H17 for procurements involving FSC 5962 only that are equal to or under the micro-purchase threshold.

H17 RESTRICTION ON FSC 5962, ELECTRONIC MICROCIRCUITS (MAY 2022)

(a) Application. This procurement note shall apply only to actions at or under the micro-purchase threshold.

(b) Definitions. As used in this procurement note.

(1) "Covered Nation" means

(i) the Democratic People's Republic of North Korea;

(ii) the People's Republic of China;

(iii) the Russian Federation; and

(iv) the Islamic Republic of Iran.

(2) "Federal Supply Class (FSC) 5962, Electronic Microcircuit" means

(i) a small circuit having a high equivalent circuit element density, which is considered as a single part composed of interconnected elements placed and/or formed on or within a single substrate to perform an electronic circuit function. The elements may be formed on or within a semiconductor material substrate. They may consist of conductive 8 film(s) formed on an insulating substrate or may be a combination of one or both of these types with discrete elements;

(ii) designed specifically to generate, modify, or process electrical signals included in FSC 5962;

(iii) a supply class identified as being high-risk for counterfeiting; and

(iv) includes Integrated Circuit Devices; Integrated Circuit Modules, Integrated Electronic Devices: Hybrid, Magnetic, Molecular, Opto-Electronic, and Thin Film.

(c) Prohibition. The offeror represents by the submission of its quotation that it shall not propose to deliver FSC 5962, Electronic Microcircuits from a covered nation to the Government under this solicitation or any resulting contract. If the contracting officer is unable to determine whether the FSC 5962, Electronic Microcircuits is from a covered nation based on traceability documentation or other means on the offeror's representation, as described above, then the award shall not be made to that offeror.

(d) Requirements. The awardee must also meet the following requirements:

(i) Provide post award traceability documentation. If the contracting officer is unable to obtain traceability accounting for 100% of the material, the contracting officer reserves the right to reject the material based on the above prohibition.

(ii) Obtain written contracting officer approval prior to shipment.