**FAQs for Second Interim Rule**

**Implementing Section 889(a)(1)(A) of Public Law 115-232**

**Contractor FAQs**

* **How is this second interim rule different than the interim rule published on August 13, 2019?**

This second interim rule was implemented to reduce the burden on the public by requiring offerors to provide in the System for Award Management (SAM) the new annual representation at FAR 52.204-26, Covered Telecommunications Equipment or Services-Representation, regarding whether they offer to the Government any equipment, systems, or services that include covered telecommunications equipment or services. An offeror that represents “does not” in the new annual representation in SAM for FAR 52.204-26, or for the representation at FAR 52.212-3 (v) in their offer, may now skip the offer-by-offer representation within the provision at FAR 52.204-24, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment.

* **I am responding to FAR 52.204-26, Covered Telecommunications Equipment or Services – Representation, in my annual SAM representations and certifications. How can I search in SAM for an entity that has been identified as providing “covered telecommunications equipment or services**”**?**

 1. Go to <https://www.sam.gov>

2. Select **Search Records**

3. Select **Advanced Search - Exclusion**

4. Acknowledge the Exclusion Search Tips by selecting **Continue**

5. Select the radio button for **Multiple Names**

6. Enter the entity names (one entity per field)

7. Select **Search**

8. In the search results returned, identify those records which have an exclusion type of **Prohibition/Restriction**

9. Select **View Details** to read the nature (cause), effect, and the agency note in the Additional Comments field to ascertain the extent or limit on the sanction, restriction or partial denial. The note will say: *"Prohibition is limited to certain products and services. The entity is not itself excluded. See FAR (48 CFR) subpart 4.21, implementing section 889(a)(1)(A) of Public Law 115-232, which restricts purchase of any equipment, system, or services that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system."*

**Contracting Officer FAQs**

* **The contractor registration I'm looking at doesn’t have the annual representation at FAR 52.204-26, Covered Telecommunications Equipment or Services-Representation, in SAM. Why not?**

The second interim rule supporting implementation of FAR Case 2018-017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment, is effective December 13, 2019. As contractors go through their annual renewal, or update their entity registration in SAM prior to submitting an offer, they will be asked if they "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." When a contractor responds, their response will populate the representation in FAR 52.204-26. If it is necessary to see a contractor’s response before the annual renewal period, a contracting officer may request the contractor update their SAM registration.

* **The contractor registration I’m looking at responded in FAR 52.204-26 or FAR 52.212-3(v) that they provide covered telecommunications equipment or services as a part of their offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument. Now what?**
1. If an offeror selects “does” in response to the FAR 52.204-26 representation in SAM or the 52.212-3(v) representation, the offeror must complete the representation at 52.204-24. How the offeror responds to the representation at 52.204-24 will determine whether additional information is required (see FAR 4.2103).
2. If an offeror selects “does” in response to the FAR 52.204-26 representation in SAM or the 52.212-3(v) representation, but fails to respond to the FAR 52.204-24 representation, the contracting officer should handle this in the same way he or she would handle omission of any other required representation.