



**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[OMB Control No. 9000-0199; Docket No. 2023-0053; Sequence No. 5]

**Submission for OMB Review; Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment**

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision of a previously approved information collection requirement regarding Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

**DATES:** Submit comments on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*.]**

**ADDRESSES:** Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under Review - Open for Public Comments" or by using the search function.

Additionally, submit a copy to GSA through <https://www.regulations.gov> and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments.

*Instructions:* All items submitted must cite OMB Control No. 9000-0199, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202-501-4755 or [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov).

**FOR FURTHER INFORMATION CONTACT:** Malissa Jones, Procurement Analyst, at telephone 571-882-4687, or [malissa.jones@gsa.gov](mailto:malissa.jones@gsa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. OMB control number, Title, and any Associated Form(s):**

9000-0199, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

**B. Needs and Uses**

DoD, GSA, and NASA are combining OMB Control Nos. for the Federal Acquisition Regulation (FAR) by FAR part. This consolidation is expected to improve industry's ability to easily and efficiently identify burdens associated with a given FAR part. The review of the information collections by FAR part allows improved oversight to ensure there is no redundant or unaccounted for burden placed on industry. Lastly, combining information collections in a given FAR part is also expected to reduce the administrative burden associated with processing multiple information collections.

This justification supports the revision of OMB Control No. 9000-0199 and combines it with the previously approved information collections under OMB Control Nos. 9000-0201, with the title "Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment". Upon approval of this consolidated information collection, OMB Control Nos. 9000-0201 will be discontinued. The burden requirements previously approved under the discontinued numbers will be covered under OMB Control No. 9000-0199.

This clearance covers the information that offerors and contractors must submit to comply with the following FAR requirements listed in the order in which offerors and contractors provide the information:

- **FAR 52.204-26, Covered Telecommunications Equipment or Services-Representation.** This provision requires offerors to:

- Review the list of excluded parties in SAM for entities excluded from receiving Federal awards for "covered telecommunications equipment or services".
- Represent whether it does or 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.
- Represents whether it does, or does not **use** covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services.

- **FAR 52.204-24, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment.** This provision requires offerors to respond only if the offeror represented that it "does **provide** or **use** 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" in paragraphs (c)(1) or (c)(2) of the FAR provision at 52.204-26, or in paragraphs (v)(2)(i) or (ii) of the provision at 52.212-3.

If the offeror is required to respond to this provision, offerors are required to:

- Review the list of excluded parties in SAM for entities excluded from receiving Federal awards for "covered telecommunications equipment or services,"
- Represent whether it "will" or "will not" **provide** the covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from the solicitation.

- If the offeror responded that it "will" in the representation in paragraph (d)(1) of this provision, the offeror must provide the following additional disclosure information found at 52.204-24(e)(1) as part of its offer:

- For covered equipment-
  - The entity that produced the covered telecommunications equipment (including entity name, unique entity identifier, Commercial and Government Entity

- (CAGE) code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);
- A description of all covered telecommunications equipment offered (including brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and
- An explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of the provision at 52.204-24.
- For covered services—
  - If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or
  - If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and an explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of the provision at 52.204-24.
- Represent whether it “does” or “does not” use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services.
  - If the offeror has responded “does” in the representation in paragraph (d)(2) of this provision, the offeror must provide the following additional disclosure information found at 52.204-24(e)(2):
    - For covered equipment—
      - The entity that produced the covered telecommunications

equipment (including entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known);

- A description of all covered telecommunications equipment offered (including brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and
  - An explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of the provision at 52.204-24.
- For covered services—
    - If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or
    - If not associated with maintenance, the PSC of the service being provided; and an explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of the provision at 52.204-24.

- ***FAR 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.*** In the event a contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or a contractor is notified of such by a subcontractor at any tier or by any other source, this clause requires contractors to:
  - Report the information in paragraph 52.204-25(d)(2) to the contracting officer, unless the contract has established other procedures for

reporting the information; in the case of DoD, the contractor shall report to the website at <https://dibnet.dod.mil>.

- For indefinite delivery contracts, the contractor shall report to the contracting officer for the indefinite delivery contract and the contracting officer(s) for any affected order or, in the case of DoD, identify both the indefinite delivery contract and any affected orders in the report provided at <https://dibnet.dod.mil>.
- Report the following within one business day from the date of such identification or notification:
  - The contract number;
  - The order number(s), if applicable;
  - Supplier name;
  - Supplier unique entity identifier (if known);
  - Supplier CAGE code (if known);
  - Brand;
  - Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);
  - Item description;
  - And any readily available information about mitigation actions undertaken or recommended.
- Report the following within 10 business days of submitting the information in paragraph(d) (2) (i) of this clause:
  - Any further available information about mitigation actions undertaken or recommended.
  - Describe efforts undertaken to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

The information collected is used by contracting officers to identify if an offeror **provides** or **uses** any 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. In the event that offerors are required to disclose further information, the contracting

officer uses the collected information to ensure compliance with the FAR as implemented by statute and consult with legal counsel and the program office on next steps regarding the prohibited equipment or services.

**C. Annual Burden**

Respondents: 902,777.

Total Annual Responses: 905,213.

Total Burden Hours: 1,839,573.

**D. Public Comment**

A 60-day notice was published in the *Federal Register* at 88 FR 42367, on June 30, 2023. No comments were received.

**Obtaining Copies:** Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202-501-4755 or emailing [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov). Please cite OMB Control No. 9000-0199, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

**Janet Fry,**

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**BILLING CODE: 6820-EP**

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