

SUMMARY INSTRUCTION SHEET FOR SECTION 889 COMPLIANCE

I. NEW/NEW REPLACING/SUCCEEDING/SUPERSEDING LEASES (AWARDED ON OR AFTER AUGUST 13, 2020)

Lease awards made **ON OR AFTER August 13, 2020**, need to have:

1) The appropriate Section 889A and B **Representation Provision** (“will not provide” and “does not use” prohibited telecom), uploaded into the G-REX file,

and

2) The Section 889 **Reporting Clause** included as an exhibit to the awarded lease contract.

See below:

1) Section 889 A and B Representation Provision

This will consist of at least one, but possibly two FAR representations (**FAR 52.204-24** and/or **FAR 52.204-26**). The offeror’s completion of **FAR 52.204-24**, which is a paper-based representation that must be included with every RLP package, is dependent upon the offeror’s response under **FAR 52.204-26** as part of their SAM online representations and certifications.

Starting October 26, 2020, offerors do not need to complete the FAR 52.204-24 representation IF they completed FAR 52.204-26 (October 2020) clause in the SAM online representations and certifications and choose BOTH “does not provide” and “does not use” prohibited telecom.

Here is an excerpt from the **FAR 52.204-24 (AUG 2020) representation**, to be filed in TAB 6, if applicable:

(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.

Note: Lease File Checklists were updated as of January 31, 2022, to include a designated entry for §889 compliance (see below); for leases awarded prior to then, documentation may be filed under “Other.”

889 Telecom Representation (FAR 52.204-24 and/or FAR 52.204-26 from SAM)

Here is an excerpt of the **FAR 52.204-26 (Oct 2020) representation**, which must be completed by the offeror in SAM as part of their online reps and certs, and filed under Tab 6:

FAR 52.204-26	Covered Telecommunications Equipment or Services - Representation	(Oct 2020)
<p>(a) Definitions. As used in this provision, “covered telecommunications equipment or services” and “reasonable inquiry” have the meaning provided in the clause at 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.</p> <p>(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.”</p> <p>(c) Representations.</p>		
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<p>(1) The Offeror represents that it <input checked="" type="checkbox"/> 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.</p> <p>(2) After conducting a reasonable inquiry for purposes of this representation, the offeror represents that it, <input checked="" type="checkbox"/> DOES NOT use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services.</p>		



Leasing Specialists can access the SAM online reps and certs in one of two ways:

1) **Download the Reps and Certs from SAM.gov:**

The screenshot shows the SAM.gov profile for an entity named REALTY L.P. The left sidebar contains a menu with the following items: Entity Registration, Core Data, Assertions, Reps and Certs (FAR/DFARS) (highlighted with a red arrow), Certification, Read Only Provisions, Provisions Populated Based On Registration Data, Reps and Certs (Financial Assistance), Exclusions, and Responsibility / Qualification. The main content area displays the entity's details, including DUNS and SAM Unique Entity IDs, Registration Status (Active), Expiration Date (Feb 9, 2022), Purpose of Registration (All Awards), and Physical and Mailing Addresses in Philadelphia, Pennsylvania. At the bottom, there is a 'Version' dropdown set to 'Current Record' and a 'Download Reports' dropdown menu with 'FAR' selected (indicated by a red arrow). A 'CERTIFICATION' tab is also visible at the bottom.

OR

- 2) **Use the Contractor Responsibility Bot:** Send an email to gsa.crbot@gsa.gov to receive the full FAR report, along with other SAM data, in the body of an email sent to your inbox. Use the training resources found under Contractor responsibility bot for a refresher on how to format the Subject Line and Body Text of your email to get a proper response.

In either case, upload pdf of the full SAM online Reps and Certs under G-REX Tabs 5 and 6, System for Award Management (SAM): Online Representations and Certifications (Reviewed and Included in File).

2) **Section 889 Reporting Clause**

This clause consists of **FAR Clause 52.204-25 (AUG 2020)***, either as a stand-alone clause or as part of the **General Clauses (REV 8/20)**** which incorporated **FAR 52.204-25 (AUG 2020)***. The awarded lease must contain this clause (see excerpt below):

47. 52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (AUG 2020)

(a) *Definitions.* As used in this clause—

Backhaul means intermediate links between the core network, or backbone network, and the small subnetworks at the edge of the network (e.g., connecting cell phones/towers to the core telephone network). Backhaul can be wireless (e.g., microwave) or wired (e.g., fiber optic, coaxial cable, Ethernet).

Covered foreign country means The People's Republic of China.

Covered telecommunications equipment or services means—

(1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);

NOTES:

***AUG 2020 or later version**

****REV 8/20 or later version**

II. EXTENSIONS AND RENEWALS (EFFECTIVE ON OR AFTER AUGUST 13, 2020, AND ALTERATIONS (EFFECTIVE ON OR AFTER OCTOBER 28, 2020))

Extensions and Renewals effective August 13, 2020, to present need to have the Section 889 Reporting Clause **FAR 52.204-25 (AUG 2020)*** included in the Lease Amendment.

Alterations effective October 28, 2020, need to also have this clause in the Lease Amendment (see excerpt below).

52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Aug 2020)

(a) *Definitions.* As used in this clause—

Backhaul means intermediate links between the core network, or backbone network, and the small subnetworks at the edge of the network (e.g., connecting cell phones/towers to the core telephone network). Backhaul can be wireless (e.g., microwave) or wired (e.g., fiber optic, coaxial cable, Ethernet).

Covered foreign country means The People's Republic of China.

Covered telecommunications equipment or services means—

(1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);

***NOTE:**

***AUG 2020 or later version**

For additional information, see [Section 889 FAR Representation and Clause Chart](#).