

PROVISIONS AND CLAUSES:

The following commercial provisions and clauses are incorporated by reference:

Provision 52.212-1, Instructions to Offerors – Commercial Products and Commercial Services
Addenda to this provision are contained in the section entitled SUBMISSION REQUIREMENTS.

Provision 52.212-2, Evaluation -- Commercial Products and Commercial Services
Specific evaluation criteria to be used are contained in the section EVALUATION CRITERIA.

Provision 52.212-3 Offeror Representations and Certifications – Commercial Products and Commercial Services, Alt I

Clause 52.212-4, Contract Terms and Conditions -- Commercial Products and Commercial Services,

Clause 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders -- Commercial Products and Commercial Services (DEVIATION 2018-O0021)

ADDITIONAL TERMS AND CONDITIONS INCORPORATED BY REFERENCE:

Provisions Incorporated by Reference

52.203-11 Certifications and Disclosure Regarding Payments to Influence Certain Federal Transactions

52.204-7 System for Award Management

52.204-16 Commercial and Government Entity Code Reporting

52.204-17 Ownership or Control of Offeror

52.204-20 Predecessor of Offeror

52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment

52.204-26 Covered Telecommunications Equipment or Services--Representation

52.222-22 Previous Contracts and Compliance Reports

52.222-25 Affirmative Action Compliance
52.223-22 Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation

52.226-3 Disaster or Emergency Area Representation

252.203-7005 Representation Relating to Compensation of Former DoD Officials

252.204-7008 Compliance with Safeguarding Covered Defense Information Controls

252.204-7016 Covered Defense Telecommunication's Equipment or Services Representation

252.204-7017 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services Representation

252.204-7019 Notice of NIST SP 800-171 DoD Assessment Requirements

252.225-7055 Representation Regarding Business Operations with the Maduro Regime

252.225-7973 Prohibition on the Procurement of Foreign-Made Unmanned Aircraft Systems—Representation. (DEVIATION 2020-O0015)

Clauses Incorporated by Reference

52.203-19 Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements

52.204-9 Personal Identity Verification of Contractor Personnel

52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards

52.204-13 System for Award Management Maintenance
 52.204-23 Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities
 52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment
 52.209-6 Protecting the Governments Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment
 52.209-10 Prohibition on Contracting With Inverted Domestic Corporations
 52.219-6 Total Small Business Set-Aside
 52.219-13 Notice of Set Aside of Orders
 52.219-28 Post Award Small Business Program Representation
 52.222-3 Convict Labor
 52.222-21 Prohibition of Segregated Facilities
 52.222-26 Equal Opportunity
 52.222-35 Equal Opportunity for Veterans
 52.222-36 Affirmative Action For Workers With Disabilities
 52.222-37 Employment Reports on Veterans
 52.222-41 Service Contract Labor Standards
 52.222-42 Statement of Equivalent Rates for Federal Hires
 52.222-50 Combating Trafficking in Persons
 52.222-55 Minimum Wages Under Executive Order 13658
 52.222-62 Paid Sick Leave Under Executive Order 13706
 52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving
 52.232-33 Payment by Electronic Funds Transfer—System for Award Management
 52.232-40 Providing Accelerated Payments to Small Business Subcontractors
 52.233-3 Protest After Award
 52.233-4 Applicable Law for Breach of Contract Claim
 252.201-7000 Contracting Officer's Representative
 252.203-7000 Requirements Relating to Compensation of Former DoD Officials
 252.203-7002 Requirements Relating to Compensation of Former DoD Officials
 252.204-7003 Control of Government Personnel Work Product
 252.204-7004 Antiterrorism Awareness Training for Contractors
 252.204-7014 Limitations on the Use or Disclosure of Information by Litigation Support Contractors
 252.204-7015 Notice of Authorized Disclosure of Information for Litigation Support
 252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services
 252.204-7020 NIST SP 800-171 DoD Assessment Requirements
 252.204-7021 Contractor Compliance with the Cybersecurity Maturity Model Certification Level Requirement
 252.211-7003 Item Unique Identification and Valuation
 252.225-7048 Export-Controlled Items
 252.232-7003 Electronic Submission of Payment Requests and Receiving Reports
 252.232-7006 Wide Area Work Flow Payment Instructions
 252.232-7010 Levies on Contract Payments
 252.244-7000 Subcontracts for Commercial Items

Provisions and Clauses Incorporated by Full Text

52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment

The Offeror shall not complete the representation at paragraph (d)(1) of this provision if the Offeror has represented that it "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" in paragraph (c)(1) in the provision at [52.204-26](#), Covered Telecommunications Equipment or Services—Representation, or in paragraph (v)(2)(i) of the provision at [52.212-3](#), Offeror Representations and Certifications-Commercial Products or Commercial Services. The Offeror shall not complete the representation in paragraph (d)(2) of this provision if the Offeror has represented that it "does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services" in paragraph (c)(2) of the provision at [52.204-26](#), or in paragraph (v)(2)(ii) of the provision at [52.212-3](#).

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

Backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component have the meanings provided in the clause [52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) *Prohibition.* (1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service 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. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020, from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service 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. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a Federal contract. Nothing in the prohibition shall be construed to—

(i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

(c) *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".

(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.

(e) *Disclosures.* (1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Offeror has responded "will" in the representation in paragraph (d)(1) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) 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 this provision.

(ii) For covered services—

(A) 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

(B) If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and 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 this provision.

(2) Disclosure for the representation in paragraph (d)(2) of this provision. If the Offeror has responded "does" in the representation in paragraph (d)(2) of this provision, the Offeror shall provide the following information as part of the offer:

(i) For covered equipment—

(A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known);

(B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

(C) 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 this provision.

(ii) For covered services—

(A) 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

(B) If not associated with maintenance, the PSC of the service being provided; and 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 this provision.

(End of provision)

52.204-26 Covered Telecommunications Equipment or Services-Representation.

(a) *Definitions.* As used in this provision, "covered telecommunications equipment or services" and "reasonable inquiry" have the meaning provided in the clause [52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(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".

(c) (1) *Representation.* The Offeror represents that it ☐ does, ☐ 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.

(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 any equipment, system, or service that uses covered telecommunications equipment or services.

(End of provision)

52.252-1 Solicitation Provisions Incorporated by Reference.

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

<https://www.acquisition.gov/>

(End of provision)

52.252-2 Clauses Incorporated by Reference.

As prescribed in [52.107\(b\)](#), insert the following clause:

CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

<https://www.acquisition.gov/>

(End of clause)

52.252-5 Authorized Deviations in Provisions

1. The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the provision.

2. The use in this solicitation of any Defense Federal Acquisition Regulation Supplement (48 CFR Chapter 2) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

(End of clause)

52.252-5 Authorized Deviations in Provisions.

(a) The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the provision.

(b) The use in this solicitation of any Defense Federal Acquisition Supplement (48 CFR Chapter 2) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

(End of provision)

52.252-6 Authorized Deviations in Clauses

The use in this solicitation or contract of any Federal Acquisition Regulation (48 CFR Chapter 1) clause with an authorized deviation is indicated by the addition of “(DEVIATION)” after the date of the clause. The use in this solicitation or contract of any Defense Federal Acquisition Regulation Supplement (48 CFR Chapter 2) clause with an authorized deviation is indicated by the addition of “(DEVIATION)” after the name of the regulation.

(End of clause)

52.252-6 Authorized Deviations in Clauses.

(a) The use in this solicitation or contract of any Federal Acquisition Regulation (48 CFR Chapter 1) clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the clause.

(b) The use in this solicitation or contract of Defense Federal Acquisition Regulation Supplement (48 CFR Chapter 2) clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

(End of clause)