

## Section 889 - Covered Telecommunications Equipment or Services Representation

**References:** FAR [52.204-24 through 26](#), FAR [4.2105\(a\)](#)

### Section 1 - Merchant Representation

**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.

**Procedures:** The Offeror/Merchant 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”.

**Representation:** As prescribed in [4.2105\(a\)](#), complete the following representation in FAR Clause [52.204-24](#)

**(d)Representation.** The offeror represents that it

- (Part A)**
- Will** provide covered telecommunications equipment or services as part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument; and
- Will Not**
- (Part B)** After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that it
- Does** use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services.
- Does Not**

Merchant certifies that this representation shall remain valid for 12 months from the signed date on form. Upon expiry, Merchant can renew their Section 889 certification by re-submitting this form with updated date. Merchant shall immediately remove certification if it no longer meets these Section 889 representations.

Legal Business Name: \_\_\_\_\_

DBA/Seller Name: \_\_\_\_\_

Merchant’s Authorized Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Representative Signature\*: \_\_\_\_\_

*\*I, the Merchant’s Authorized Representative, affirm that this signature is a valid representation of my official signature.*

### Section 2 - Instructions

#### Offeror/Seller/Merchant Instructions:

1. Merchant goes to the following FAR site: <https://www.acquisition.gov/Section-889-Policies> and reads FAR [52.204-24](#) and [52.204-25](#) & completes Part A and Part B above.
  - a. Merchant should represent ‘Will Not’ and ‘Does Not’ for Part A and Part B confirming they do not use or sell items considered Covered Telecommunications Equipment (CTE) from identified Chinese manufacturers.
2. Complete form digitally (download form in PDF viewer, like Adobe Acrobat) OR print out form and fill in by pen (any color) the Legal Business Name, DBA/Seller Name, Authorized Representative/Date, and then sign the form by e-signature or hand in Authorized representative signature.
3. Upload completed form in Seller Central
  - a. Login to Seller Central.
  - b. Navigate to [B2B/Certifications](#).
  - c. Click Add your Certification.
  - d. Select Federal representations and certifications, 889 certification, Self Certification and set expiration date for 1 year from signed date on form.
  - e. Attach completed form and Submit.

#### Cardholder/Buyer (CH/B) Instructions:

- If a merchant makes an affirmative (Will and Does) response at paragraph (d) of the Representation, or the merchant declines to complete the representation (and has not completed the Representation at 52.204-26 or 52.212-3(v)) the CH/B shall not make the purchase. Forward the requirement along with the representation to the supporting contracting office.
- If it is determined that entering into a contract with the merchant does not violate the Section 889 prohibitions, the supporting contracting office may provide written approval for the CH/B to make the purchase. The CH/B shall retain this written approval.
- The following GPC transactions are exempt as these transactions are payments, not purchases.
  1. Contract Payment Official – Use of the GPC as payment method only.
  2. Inter/Intra-Governmental Payments - (ex. DLA Document Service, NSN items using FedMall, or GSA Global Supply.
  3. SF-182 Training Payments.
- Retain all documentation that supports this representation and upload in AXOL.