

CLIENT ALERT

The Gift that Keeps on Giving: FAR Council Attempts to Reduce Burden of Representation Requirement for Covered Telecommunication Offerings

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Following an August 2019 [interim rule](#) that implemented a ban on government procurement of any equipment, system, or service that uses covered telecommunications equipment or services (CTES) from certain Chinese companies including Huawei and ZTE, effective December 13, 2019, the FAR Council issued a [second interim rule](#) authorizing companies to annually represent whether they provide CTES to the Government in the System for Award Management (SAM) registration. This new provision at FAR 52.204-26 would allow offerors to avoid the offer-by-offer representation requirement in FAR 52.204-24 (currently required under the first interim rule).

FAR 52.204-26 applies to all acquisitions, including simplified and commercial item acquisitions, and requires companies to review SAM and validate whether any products or services originate from CTES prior to completing their required representations. To facilitate compliance, the Government will update SAM to list the Chinese companies that provide CTES and annotate where prohibitions are limited to select products and services instead of the entire company.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Adelicia R. Cliffe

Partner – Washington, D.C.

Phone: +1 202.624.2816

Email: acliffe@crowell.com

Kate M. Growley, CIPP/G, CIPP/US

Partner – Washington, D.C.

Phone: +1 202.624.2698

Email: kgrowley@crowell.com

Michael G. Gruden, CIPP/G

Associate – Washington, D.C.

Phone: +1 202.624.2545

Email: mgruden@crowell.com

Stephanie L. Crawford

Associate – Washington, D.C.

Phone: +1 202.624.2811

Email: scrawford@crowell.com

Laura J. Mitchell Baker

Associate – Washington, D.C.

Phone: +1 202.624.2581

Email: lbaker@crowell.com