EXPRESS NDAA CERTIFICATION

Public Law 115-232, also known as the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year 2019, requires representations regarding Covered Telecommunications Equipment and Services. Contracting staff shall use this representation with vendors to determine compliance with NDAA requirements. To comply with this Public Law the Federal Acquisition Regulation (FAR) requires one provision listed within 52.240-90 and a contract clause listed within 52.240-91 in all procurement actions.

DIRECTIONS FOR THE MERCHANT

1. Read the entire Section 889 portion in the provision and clause in the FAR at Acquistion.gov.
2. After you have read the provision and clause, please answer the questions below.
3. Upon completion of Step 2, fill out the representation below. *NOTE: This representation is made by a person with the authority to bind the merchant.*
4. Return completed form to your Contract Specialist.

DEPARTMENT OF STATE SECTION 889 CERTIFICATION_REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT

Yes/No

☐ ☐ The Offeror does not provide covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, in violation of Section 889(a)(1)(A).

☐ ☐ The Offeror does not use covered telecommunications equipment or services, as defined in Section 889(a)(1)(B), within its enterprise.

☐ ☐ The Offeror has conducted a reasonable inquiry, defined as an inquiry designed to uncover any information in the entity's possession regarding the identity of the producer or provider of covered telecommunications equipment or services used by the entity.

☐ ☐ The Offeror will report to the Government, in accordance with applicable contract requirements, if it identifies covered telecommunications equipment or services during contract performance.

Merchant Name_____

Merchant's Authorized Representative Signature_____
(Typed Name)

Authorized Representative Signature_____