

## Government-wide Commercial Purchase Card

### Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment

#### Section 1: Merchant (Offeror) Representations & Certifications

Summary: The United States Government is prohibited 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. Covered telecommunications equipment or services is defined as telecommunication or video surveillance equipment produced or provided by entities connected to the People's Republic of China, including Huawei Technologies Company or ZTE Corporation, Hangzhou Hikvision Digital Technology Company, Hytera Communications Corporation, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

The Merchant (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.

To review full Federal Acquisition Regulation (FAR) 52.204-24 provision, go to [https://www.acquisition.gov/far/part-52#FAR\\_52\\_204\\_24](https://www.acquisition.gov/far/part-52#FAR_52_204_24)

**Merchant (Offeror) Name:**

**Authorized Representative Name:**

**Authorized Representative Signature:**



**Date:**

## Section 2: Card Holder (CH) instructions

A. CH **MUST** retain and upload all documentation that supports merchant (offeror) representation in US Bank AXOL.

B. CH provides Section 889 representation document to the merchant (offeror) to complete, sign, and return to the CH prior to purchase.

C. If a merchant represents that it “does not,” use covered telecommunications equipment/services then the CH can rely on this signed representation in Section 1 and proceed with the purchase. *Use 889 Merchant Rep code.*

D. If the merchant represents that it “does,” use covered telecommunications equipment/services but, the required supplies/services are included in the Product Service Code (PSC) is listed in the PSC ODNI waiver spreadsheet then the CH may proceed with purchase. *Use 889 ODNI code.*

E. If the merchant represents that it “does,” use covered telecommunications equipment/services but, the required supplies or service is covered by an Executive Agency waiver that was approved in accordance with FAR 4.2104, then the CH may proceed with purchase. *Use 889 Agency code.*

F. If the merchant represents that it “does,” use covered telecommunications equipment/services but in conjunction with the supporting contracting office, a FAR 52.204-25 (c) exception applies, then the CH shall receive written approval from the contracting office to proceed with purchase. (Exceptions: This clause does not prohibit contractors from providing (1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or (2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.) The CH shall include a copy of this approval with the transaction supporting data. *Use 889 Exception code.*

G. If the CH only uses the GPC as method of payment then the CH was not required to obtain the 889 representation. Examples include: 1. Payments against a contract/IDIQ, 2. To fulfill Inter/Intra - Governmental payments (i.e., DLA Document Services, FedMall, GSA Global Supply), 3. To make payments for Commercial training using a SF-182. *Use 889 Payment code.*

H. CH purchased supplies/services without obtaining the required 889 representation at FAR 52.204-24(d)(2) and did not fall under any category above. The purchase was NOT in compliance with the GPC policy. *Use 889 Non-Compliant code. Notify Level 4 POC immediately.*