



2025 MDE REPRESENTATIONS, CERTIFICATIONS

Certain representations and certifications must be made by the Offeror and must be submitted as appropriate. The signature by an authorized agent of the Offeror on the last page of this document constitutes the execution of all applicable representations and certifications. Please complete the following:

Company Name:	Contact Name:	
	Contact Title:	
Company Address:	Contact Phone:	
	Contact Email:	
Company "Remit to" if different from above:	SAM UID:	
	Cage Code:	
	Federal Tax ID:	

Type of Business (Check One)

A corporation incorporated under the laws of the state of _____

- ☐ An individual or sole-proprietor
- ☐ A not for profit educational institute
- ☐ A for profit educational institute
- ☐ A not for profit organization
- ☐ A limited liability company
- ☐ A partnership
- ☐ A Federally Funded Research & Development Center
- ☐ A joint venture

Other _____

The Subcontractor shall complete only paragraph (b)(2) of this provision and sign the bottom if the Subcontractor has completed the annual representations and certification electronically in the System for Award Management (SAM) accessed through <https://www.sam.gov>. If the Subcontractor has not completed the annual representations and certifications electronically, the Subcontractor shall complete only paragraphs (c) through (r) of this provision.



(a) Definitions. As used in this provision (all references to “offeror” shall mean “Subcontractor”, all references to “government” shall mean “Loyal Source”)—

Covered telecommunications equipment or services has the meaning provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

Forced or indentured child labor means all work or service—

(1) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or

(2) Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

Highest-level owner means the entity that owns or controls an immediate owner of the offeror, or that owns or controls one or more entities that control an immediate owner of the offeror.

No entity owns or exercises control of the highest level owner.

Immediate owner means an entity, other than the offeror, that has direct control of the offeror.

Indicators of control include, but are not limited to, one or more of the following: Ownership or interlocking management, identity of interests among family members, shared facilities and equipment, and the common use of employees.

Inverted domestic corporation means a foreign incorporated entity that meets the definition of an inverted domestic corporation under 6 U.S.C. 395(b), applied in accordance with the rules and definitions of 6 U.S.C. 395(c).

Manufactured end product means any end product in product and service codes (PSCs) 1000-9999, except—

(1) PSC 5510, Lumber and Related Basic Wood Materials;

(2) Product or Service Group (PSG) 87, Agricultural Supplies;

(3) PSG 88, Live Animals;

(4) PSG 89, Subsistence;

(5) PSC 9410, Crude Grades of Plant Materials;

(6) PSC 9430, Miscellaneous Crude Animal Products, Inedible;

(7) PSC 9440, Miscellaneous Crude Agricultural and Forestry Products;

(8) PSC 9610, Ores;

(9) PSC 9620, Minerals, Natural and Synthetic; and

(10) PSC 9630, Additive Metal Materials.



Place of manufacture means the place where an end product is assembled out of components, or otherwise made or processed from raw materials into the finished product that is to be provided to the Government. If a product is disassembled and reassembled, the place of reassembly is not the place of manufacture.

Predecessor means an entity that is replaced by a successor and includes any predecessors of the predecessor.

Reasonable inquiry has the meaning provided in the clause 52.204–25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

Restricted business operations means business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, as those terms are defined in the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110-174). Restricted business operations do not include business operations that the person (as that term is defined in Section 2 of the Sudan Accountability and Divestment Act of 2007) conducting the business can demonstrate—

- (1) Are conducted under contract directly and exclusively with the regional government of southern Sudan;
- (2) Are conducted pursuant to specific authorization from the Office of Foreign Assets Control in the Department of the Treasury, or are expressly exempted under Federal law from the requirement to be conducted under such authorization;
- (3) Consist of providing goods or services to marginalized populations of Sudan;
- (4) Consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;
- (5) Consist of providing goods or services that are used only to promote health or education; or
- (6) Have been voluntarily suspended.

Sensitive technology—

- (1) Means hardware, software, telecommunications equipment, or any other technology that is to be used specifically—
 - (i) To restrict the free flow of unbiased information in Iran; or
 - (ii) To disrupt, monitor, or otherwise restrict speech of the people of Iran; and
- (2) Does not include information or informational materials the export of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).



Successor means an entity that has replaced a predecessor by acquiring the assets and carrying out the affairs of the predecessor under a new name (often through acquisition or merger). The term “successor” does not include new offices/divisions of the same company or a company that only changes its name. The extent of the responsibility of the successor for the liabilities of the predecessor may vary, depending on State law and specific circumstances.

(b)(1) Annual Representations and Certifications. Any changes provided by the Subcontractor in paragraph (b)(2) of this provision do not automatically change the representations and certifications in SAM.

(2) If the Subcontractor has completed the annual representations and certifications electronically in SAM accessed through <http://www.sam.gov>. After reviewing SAM information, the Subcontractor verifies by submission of this offer that the representations and certifications currently posted electronically at FAR 52.212–3, Offeror Representations and Certifications—Commercial Items, have been entered or updated in the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard(s) applicable to the NAICS code(s) referenced for this solicitation), at the time this offer is submitted and are incorporated in this offer by reference (see FAR 4.1201), except for paragraphs:

(c) If the Offers has not completed annual representations and certification in SAM Offerors must complete the following representations. Check all that apply.

(d) FAR 52.209-5 Certification Regarding Responsibility Matters (Executive Order 12689).

The offeror certifies, to the best of its knowledge and belief, that the offeror and/or any of its principals—

(1) ☐ Are, ☐ are not presently debarred, suspended, proposed for debarment, or declared ineligible for

the award of contracts by any Federal agency;

(2) ☐ Have, ☐ have not, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, state or local government contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property;

(3) ☐ Are, ☐ are not presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses enumerated in paragraph (h)(2) of this clause; and



(4) ☐ Have, ☐ have not, within a three-year period preceding this offer, been notified of any delinquent Federal taxes* in an amount that exceeds the threshold at 9.104–5(a)(2) for which the liability remains unsatisfied.

*(i) Taxes are considered delinquent if both of the following criteria apply:

(A) The tax liability is finally determined. The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.

(B) The taxpayer is delinquent in making payment. A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.

(ii) Examples.

(A) The taxpayer has received a statutory notice of deficiency, under I.R.C. Sec. 6212, which entitles the taxpayer to seek Tax Court review of a proposed tax deficiency. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek Tax Court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(B) The IRS has filed a notice of Federal tax lien with respect to an assessed tax liability, and the taxpayer has been issued a notice under I.R.C. Sec. 6320 entitling the taxpayer to request a hearing with the IRS Office of Appeals contesting the lien filing, and to further appeal to the Tax Court if the IRS determines to sustain the lien filing. In the course of the hearing, the taxpayer is entitled to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek tax court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(C) The taxpayer has entered into an installment agreement pursuant to I.R.C. Sec. 6159. The taxpayer is making timely payments and is in full compliance with the agreement terms. The taxpayer is not delinquent because the taxpayer is not currently required to make full payment.

(D) The taxpayer has filed for bankruptcy protection. The taxpayer is not delinquent because enforced collection action is stayed under 11 U.S.C. 362 (the Bankruptcy Code).

(e) FAR 52.204-3 Taxpayer Identification Number (TIN) (26 U.S.C. 6109, 31 U.S.C. 7701).

(1) All offerors must submit the information required in paragraphs (l)(3) through (l)(5) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the Internal Revenue Service (IRS).



(2) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

(3) Taxpayer Identification Number (TIN).

☐ TIN: _____.

☐ TIN has been applied for.

☐ TIN is not required because:

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

☐ Offeror is an agency or instrumentality of a foreign government;

☐ Offeror is an agency or instrumentality of the Federal Government.

(4) Type of organization.

☐ Sole proprietorship;

☐ Partnership;

☐ Corporate entity (not tax-exempt);

☐ Corporate entity (tax-exempt);

☐ Government entity (Federal, State, or local);

☐ Foreign government;

☐ International organization per 26 CFR 1.6049-4;

☐ Other Limited Liability Company.

(5) Common parent.

☐ Offeror is not owned or controlled by a common parent;

☐ Name and TIN of common parent:

Name _____.

TIN _____.

(f) FAR 52.209-2 Prohibition on Contracting with Inverted Domestic Corporations.

(1) Government agencies are not permitted to use appropriated (or otherwise made available) funds for contracts with either an inverted domestic corporation, or a subsidiary of an inverted domestic corporation, unless the exception at 9.108-2(b) applies or the requirement is waived in accordance with the procedures at 9.108-4.

(2) Representation. The Offeror represents that—

(i) It ☐ is, ☐ is not an inverted domestic corporation; and



(ii) It ☐ is, ☐ is not a subsidiary of an inverted domestic corporation.

(g) FAR 52.204-17 Ownership or Control of Offeror.

(1) The Offeror represents that it ☐ has or ☐ does not have an immediate owner. If the Offeror has more than one immediate owner (such as a joint venture), then the Offeror shall respond to paragraph (2) and if applicable, paragraph (3) of this provision for each participant in the joint venture.

(2) If the Offeror indicates “has” in paragraph (p)(1) of this provision, enter the following information:

Immediate owner CAGE code: ____.

Immediate owner legal name: ____.

(Do not use a “doing business as” name)

Is the immediate owner owned or controlled by another entity: ☐ Yes or ☐ No.

(3) If the Offeror indicates “yes” in paragraph (p)(2) of this provision, indicating that the immediate owner is owned or controlled by another entity, then enter the following information:

Highest-level owner CAGE code: ____.

Highest-level owner legal name: ____.

(Do not use a “doing business as” name)

(h) (1) In accordance with section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions), Government agencies are not permitted to use appropriated (or otherwise made available) funds for contracts with an entity that requires employees or subcontractors of such entity seeking to report waste, fraud, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(2) The prohibition in paragraph (n)(1) of this provision does not contravene requirements applicable to Standard Form 312 (Classified Information Nondisclosure Agreement), Form 4414 (Sensitive Compartmented Information Nondisclosure Agreement), or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

(3) Representation. By submission of its offer, the Offeror represents that it will not require its employees or subcontractors to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully



reporting waste, fraud, or abuse related to the performance of a Government contract to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information (e.g., agency Office of the Inspector General).

(i) FAR 52.204-26 Covered Telecommunications Equipment or Services—Representation.
Section 889(a)(1)(A) and section 889(a)(1)(B) of Public Law 115-232.

(1) 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”.

(2) The Offeror represents that—

(i) 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.

(ii) After conducting a reasonable inquiry for purposes of this representation, that it ☐ does, ☐ does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services.

(j) FAR 52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (Oct 2020)

(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; 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.

By submission of this form the Subcontractor confirms compliance to the below clauses:

FAR 52.222-56 Certification Regarding Trafficking in Persons Compliance Plan

Subcontractor shall agree that it has not engaged in any of the prohibited activities listed in this clause and shall notify Loyal Source if any abuses are found during the term of this subcontract.

FAR 52.203-11 Certification Regarding Payments to Influence Federal Transactions (31 U.S.C. 1352). (Applies only if the contract is expected to exceed \$150,000.)

By submission of its offer, the offeror certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the award of any resultant contract. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with respect to



this contract, the offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed officers or employees of the offeror to whom payments of reasonable compensation were made.

SIGNATURE AND AUTHORIZATION

UNDERSIGNED OFFEROR CERTIFIES THAT THE INFORMATION CONTAINED WITHIN THIS DOCUMENT IS TRUE AND ACCURATE TO THE BEST OF ITS KNOWLEDGE.

BY THE EXECUTION OF THIS DOCUMENT, THE UNDERSIGNED OFFEROR AGREES TO PROVIDE IMMEDIATE WRITTEN NOTICE TO LOYAL SOURCE IF, AT ANY TIME DURING THE EFFECTIVE PERIOD OF THIS DOCUMENT, THE UNDERSIGNED OFFEROR LEARNS THAT THIS DOCUMENT WAS ERRONEOUS WHEN SUBMITTED OR HAS BECOME ERRONEOUS BY REASON OF CHANGED CIRCUMSTANCES.

Signature:	
Printed Name of Signatory:	
Title of Signatory:	
Date:	



FAR 52.209-5

Certification Regarding Responsibility Matters

This clause requires offerors to certify whether they or their principals have been involved in certain legal or ethical violations that could affect their responsibility as federal contractors.

Key Provisions of FAR 52.209-5:

1. Offeror Certification:

- The offeror must state whether they or any of their principals (e.g., officers, directors, owners, key personnel) have:
- Been debarred, suspended, or proposed for debarment by a federal agency.
- Had a civil judgment against them for fraud, tax evasion, or other offenses related to business integrity.
- Been convicted of criminal offenses related to obtaining, attempting to obtain, or performing a public contract.
- Violated federal or state antitrust laws related to contracting.
- Had delinquent federal taxes exceeding \$3,500 within the past three years.

2. Why It Matters:

- Helps the government determine if a contractor is responsible and trustworthy.
- Ensures federal contracts go to ethical businesses with a strong compliance history.
- Reduces the risk of fraud, waste, and abuse in government contracts.

3. Consequences of False Certification:

- False statements can lead to contract termination, suspension, debarment, and criminal penalties.

4. Where It's Used:

- Included in solicitations for most federal contracts.
- A required certification for offerors before being awarded a contract.

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FAR 52.204-3

Taxpayer Identification

This Federal Acquisition Regulation (FAR) clause requires contractors to provide their Taxpayer Identification Number (TIN) for federal contracts. It helps the government comply with tax laws by ensuring proper reporting and withholding of taxes.

Key Provisions of FAR 52.204-3:

1. Purpose:

- Ensures that the federal government can report contract payments to the IRS.
- Helps verify whether a contractor is subject to backup withholding for tax purposes.

2. Applicability:

- Required in all solicitations unless the contractor is exempt from TIN reporting (e.g., foreign entities, government agencies).
- Applies to all contractors submitting offers for government work.

3. Contractor's Responsibilities:

- Provide their Taxpayer Identification Number (TIN) (Employer Identification Number (EIN) or Social Security Number (SSN)).
- Certify whether they are subject to backup withholding under IRS rules.
- If a TIN is not provided, the government may withhold taxes from contract payments.

4. Why This Matters:

- Ensures contractor tax compliance with IRS regulations.
- Prevents fraudulent tax avoidance by verifying business identities.
- Reduces the risk of payment delays due to missing tax information.

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FAR 52.209-2

Prohibition on Contracting with Inverted Domestic Corporations—Representation

This clause requires offerors (contractors submitting bids) to represent whether they are an inverted domestic corporation or a subsidiary of one. The U.S. government generally prohibits contracts with such corporations.

Key Points of FAR 52.209-2:

1. Definition of an Inverted Domestic Corporation:

- A foreign corporation that was previously incorporated in the U.S.
- It becomes a subsidiary of a foreign entity due to a corporate restructuring (inversion).
- Its primary business operations remain in the U.S.

2. Offeror Representation:

- The offeror must check a box affirming whether they are or are not an inverted domestic corporation.
- If they are, they are prohibited from receiving the contract.

3. Why It Matters:

- Prevents companies that move offshore for tax benefits from receiving federal contracts.
- Ensures compliance with U.S. regulations and national interests.

4. Where It's Used:

- Included in solicitations for federal contracts
- Applies to most acquisitions, except those under simplified acquisition thresholds or with legally permitted exceptions.

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FAR 52.204-17

Ownership or Control of Offeror

This Federal Acquisition Regulation (FAR) clause requires offerors to disclose information about their ownership and control structure to the federal government. It helps ensure transparency, prevent fraud, and identify potential conflicts of interest in government contracting.

Key Provisions of FAR 52.204-17:

1. Purpose:

- Ensures the government knows who owns or controls a company seeking federal contracts.
- Helps identify shell companies, potential fraud, or conflicts of interest.
- Supports efforts to prevent money laundering and financial crimes.

2. Applicability:

- Required in all solicitations where the offeror is required to register in the System for Award Management (SAM.gov).
- Applies to all federal contractors and subcontractors.

3. Offeror's Disclosure Requirements:

- Provide the legal name and address of the entity's highest-level owner(s) or controlling parties.
- If the offeror is owned or controlled by another entity, disclose ultimate ownership.
- Keep ownership details up to date in SAM.gov.

4. Why This Matters:

- Prevents fraudulent entities from obtaining government contracts.
- Improves supply chain security by identifying foreign or high-risk ownership.
- Ensures contracting integrity by detecting potential conflicts of interest.

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Covered Telecommunications Equipment or Services—Representation

FAR 52.204-26 requires offerors to certify whether they use covered telecommunications equipment or services in their systems, which could pose a national security risk. This provision stems from Section 889 of the National Defense Authorization Act (NDAA) for Fiscal Year 2019, which restricts the use of certain foreign telecommunications technology in government contracts.

The goal is to ensure that the U.S. government avoids using products and services that may be subject to foreign influence, particularly from companies connected to China and Russia.

1. Applicability:

- Required in all federal contracts including prime contracts and subcontracts for telecommunications services or equipment.
- Applies to all offerors, including those in industries that are not solely focused on telecommunications (e.g., manufacturers or service providers using telecommunications in their operations).

2. Covered Equipment and Services:

Offerors must disclose if they use or intend to use:

Telecommunications equipment or services that are made by:

- Huawei Technologies Company
- ZTE Corporation
- Hytera Communications Corporation
- Hangzhou Hikvision Digital Technology Company
- Dahua Technology Company
- Subsidiaries or affiliates of these companies

This clause is aimed at protecting the U.S. government from risks associated with espionage, hacking, or data security breaches.

3. Required Certification:

- Offerors must certify whether they:
 - DO NOT use any covered telecommunications equipment or services (i.e., from the restricted entities).
 - DO use such equipment or services, in which case they must provide:

- A detailed description of the equipment/services.
- The name of the manufacturer and the specific product or service.
- Any potential plans to remove or replace the equipment.

4. Consequences of Non-Compliance:

Failure to disclose or providing false certification may result in:

- Contract termination.
- Suspension or debarment from future government contracts.
- Legal consequences, including fines or criminal charges for false claims.

5. No Flow-Down Requirement:

- While the certification applies at the prime contractor level, it may be required for subcontractors if specified in the contract.

Key Takeaway:

FAR 52.204-26 ensures that contractors do not use telecommunications equipment or services from restricted Chinese and Russian companies in their contracts with the U.S. government. Offerors must certify compliance or disclose any use of prohibited products.

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FAR 52.204-24

Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment

FAR 52.204-24 requires offerors to certify whether they use or will provide telecommunications or video surveillance equipment/services from certain prohibited sources, primarily Huawei, ZTE, and other Chinese companies linked to national security concerns.

This clause is part of the implementation of Section 889 of the FY19 National Defense Authorization Act (NDAA), aimed at reducing security risks from foreign technology in government contracts.

1. Applicability:

- Required in all solicitations and contracts, including:
- Prime contracts and some subcontracts.
- Micro-purchases and simplified acquisitions.
- Applies to all offerors (not just telecom companies).

2. Prohibited Equipment & Services:

Offerors must disclose whether they use or will provide:

Telecommunications or video surveillance equipment/services from these entities:

- Huawei Technologies Company
- ZTE Corporation
- Hytera Communications Corporation
- Hangzhou Hikvision Digital Technology Company
- Dahua Technology Company
- Subsidiaries or affiliates of these companies

3. Required Certifications from Offerors:

Step 1: The offeror must affirmatively state whether they DO or DO NOT use prohibited equipment/services.

Step 2: If the answer is YES, they must provide:

- Detailed explanation of the use.
- Mitigation steps (if applicable).
- Disclosure to the contracting officer for further review.

4. Consequences of Non-Compliance:

Failure to disclose prohibited equipment/services can result in:

- Contract termination.
- Suspension or debarment from federal contracting.
- Potential legal penalties for false certification.

5. No Automatic Flow-Down Requirement:

- Prime contractors must comply, but subcontractors do not automatically need to certify unless explicitly required in the subcontract.

Key Takeaway:

FAR 52.204-24 ensures government contracts do not involve high-risk telecommunications equipment/services. Offerors must certify compliance and disclose any prohibited usage.

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FAR 52.222-56

Certification Regarding Trafficking in Persons Compliance

FAR 52.222-56 is a clause that requires offerors to certify that they have complied with trafficking in persons policies and procedures. This provision is part of the U.S. government's effort to ensure that contractors do not engage in human trafficking or exploitative labor practices, especially when performing work under federal contracts.

1. Applicability:

- This clause applies to all federal contracts, particularly those that are services contracts, and may also apply to construction contracts or contracts for goods when the work involves the use of labor or employment practices in countries with higher trafficking risks.
- It is generally required in solicitations and contracts over the micro-purchase threshold.

2. Certification Requirements:

Offerors must certify that they:

- Have policies and procedures in place to comply with the trafficking in persons regulations.
- Have not engaged in trafficking activities, including but not limited to:
 - Using forced labor, including trafficked persons.
 - Engaging in child labor or other forms of labor abuse.
 - Transporting, harboring, recruiting, or obtaining persons for commercial sexual exploitation or forced labor.
 - Engaging in fraud or coercion related to recruitment or employment.

3. If Violations Occur:

If the contractor discovers any violations of these practices, they are required to:

- Take immediate action to correct the violation.
- Notify the contracting officer of the violation, including the actions taken to remedy the situation.
- Terminate any employee or subcontractor who is found to be involved in trafficking-related activities.

4. Consequences of Non-Compliance:

Failure to comply with this certification can result in:

- Contract termination for default.
- Debarment or suspension from future government contracts.
- Legal consequences, including penalties under the Trafficking Victims Protection Act of 2000 (TVPA).

5. Flow-Down Requirement:

- The trafficking in persons compliance certification applies at the prime contractor level, and the clause must be flowed down to any subcontractors involved in the work.
- Subcontractors may be required to certify their compliance with the clause, especially in contracts involving services or goods related to high-risk labor environments.

Key Takeaway:

FAR 52.222-56 mandates that offerors certify compliance with anti-trafficking policies as part of U.S. government contracting requirements. Contractors must ensure no trafficking in persons occurs within their operations and supply chains, with serious consequences for violations.

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FAR 52.203-11

Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions

This Federal Acquisition Regulation (FAR) clause is designed to prevent improper lobbying and undue influence in federal contracting by requiring offerors to certify and disclose any lobbying activities related to securing a government contract.

Key Provisions of FAR 52.203-11:

1. Purpose:

- Ensures that offerors do not use improper payments (e.g., bribes or excessive lobbying fees) to influence federal contract awards.
- Helps maintain transparency and fairness in the government procurement process.

2. Applicability:

- Required in solicitations and contracts exceeding \$150,000.
- Applies to prime contractors, subcontractors, and their agents.

3. Certification Requirement:

- Offerors must certify that:
 - They have not made any prohibited payments to influence the contract award.
 - If they have paid a lobbyist or consultant for this purpose, they must disclose it using Standard Form LLL (SF-LLL).

4. Prohibited Activities:

- Direct or indirect payments to influence government officials regarding contract awards.
- Use of lobbying firms or consultants without proper disclosure.

5. Penalties for Non-Compliance:

- Contract termination or financial penalties.
- Criminal or civil penalties under the Anti-Lobbying Act.

6. Why This Matters:

- Prevents corruption and unfair advantages in federal contracting.
- Ensures contract awards are based on merit, not political influence.
- Promotes ethical procurement practices within the government.

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