



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION
AND SUSTAINMENT

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Robotic Process Automation Capability for Confirming Section 889 Prospective Offeror Representations in the System for Award Management

In order to implement the section 889(a)(1)(A) and (a)(1)(B) prohibitions in the National Defense Authorization Act (NDAA) for FY 2019, the Federal Acquisition Regulation (FAR) provision 52.204-26, "Covered Telecommunications Equipment or Services-Representation," dated October 2020, includes two representations at paragraph (c). Per FAR subpart 4.1202(a), this provision is included in the System for Award Management (SAM) as part of an offeror's annual representations and certifications. FAR subpart 4.2103 provides procedures for evaluating representations required by this provision.

To support contracting officer review of the FAR 52.204-26 representations, Defense Pricing and Contracting developed a simple SAM lookup robotic process automation (RPA) capability specifically for FAR provision 52.204-26. Users can send the Data Universal Numbering System (DUNS) number of the vendor via email and receive an email in return within five minutes identifying whether the vendor is registered in SAM with an active status, has completed the representations required by the FAR 52.204-26 provision, and what representation responses were provided. Users may rely on the vendor representation data provided in the RPA lookup email to comply with FAR subpart 4.21 requirements when vendors represent "does not" to both of the representations at paragraphs (c)(1) and (c)(2) of FAR provision 52.204-26. If a vendor represents "does" at either of the representations at paragraphs (c)(1) or (c)(2), the user must review and assess the vendor representations at FAR 52.204-24, "Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment," which are completed outside of SAM as part of the offer.

While use of this lookup is authorized for identifying FAR provision 52.204-26 representations, it does not remove contracting officer requirements for ensuring vendor registration in SAM and for reviewing and incorporating SAM representations and certifications

as a part of awarding a contract in accordance with FAR subpart 4.11 and 4.12 respectively. Instructions on how to leverage the RPA capability can be found on the DoD Procurement Toolbox at <https://dodprocurementtoolbox.com/site-pages/section-889-request>.

My point of contact is Ms. Jessica M. Williams, who can be reached at jessica.m.williams126.civ@mail.mil or 703-693-4845.

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting