204.2103 Procedures.

- (a) Representations.
- (1)(i) If the offeror selects "does not" in response to the provision at DFARS <u>252.204-7016</u>, the contracting officer may rely on the representation, unless the contracting officer has an independent reason to question the representation. If the contracting officer has a reason to question the "does not" representation in FAR 52.204-26, FAR 52.212-3(v), or <u>252.204-7016</u>, then the contracting officer shall consult with the requiring activity and legal counsel.
- (ii) If the offeror selects "does" in paragraph (c) of the provision at DFARS <u>252.204-7016</u>, the offeror must complete the representation at DFARS <u>252.204-7017</u>.
- (2)(i) If the offeror selects "will not" in paragraph (d) of the provision at DFARS <u>252.204-7017</u>, the contracting officer may rely on the representation, unless the contracting officer has an independent reason to question the representation. If the contracting officer has a reason to question the "will not" representation in FAR 52.204-24 or DFARS <u>252.204-7017</u>, then the contracting officer shall consult with the requiring activity and legal counsel.
- (ii) If an offeror selects "will" in paragraph (d) of the provision at DFARS $\underline{252.204-7017}$, the offeror must provide the information required by paragraph (e) of the provision. When an offeror completes paragraph (e) of either of the provisions at FAR $\underline{52.204-24}$ or DFARS $\underline{252.204-7017}$, the contracting officer shall -
- (A) Forward the offeror's representation and disclosure information to the requiring activity; and
- (B) Not award to the offeror unless the requiring activity advises -
- (1) For equipment, systems, or services that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, that a waiver as described at FAR 4.2104 has been granted; or
- (2) For equipment, systems, or services to be used to carry out covered missions that use covered defense telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, that a waiver as described at DFARS 204.2104 has been granted.
- (b) *Reporting*. If a contractor reports information to https://dibnet.dod.mil in accordance with the clause at FAR 52.204-25 or DFARS 252.204-7018, the Defense Cyber Crime Center will notify the contracting officer, who will consult with the requiring activity on how to proceed with the contract.

Parent topic: Subpart 204.21 - PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT