

52.204-29 Federal Acquisition Supply Chain Security Act Orders—Representation and Disclosures.

As prescribed in 4.2306(b), insert the following provision:

Federal Acquisition Supply Chain Security Act Orders—Representation and Disclosures (Dec 2023)

(a) *Definitions*. As used in this provision, *Covered article*, *FASCSA order*, *Intelligence community*, *National security system*, *Reasonable inquiry*, *Sensitive compartmented information*, *Sensitive compartmented information system*, and *Source* have the meaning provided in the clause 52.204-30, Federal Acquisition Supply Chain Security Act Orders—Prohibition.

(b) *Prohibition*. Contractors are prohibited from providing or using as part of the performance of the contract any covered article, or any *products* or services produced or provided by a source, if the prohibition is set out in an applicable Federal Acquisition Supply Chain Security Act (FASCSA) order, as described in paragraph (b)(1) of FAR 52.204-30, Federal Acquisition Supply Chain Security Act Orders—Prohibition.

(c) *Procedures*.

(1) The *Offeror shall* search for the phrase “FASCSA order” in the *System for Award Management (SAM)*(<https://www.sam.gov>) for any covered article, or any *products* or services produced or provided by a source, if there is an applicable FASCSA order described in paragraph (b)(1) of FAR 52.204-30, Federal Acquisition Supply Chain Security Act Orders—Prohibition.

(2) The *Offeror shall* review the *solicitation* for any FASCSA orders that are not in SAM, but are effective and do apply to the *solicitation* and resultant contract (see FAR 4.2303(c)(2)).

(3) FASCSA orders issued after the date of *solicitation* do not apply unless added by an amendment to the *solicitation*.

(d) *Representation*. By submission of this *offer*, the *offeror* represents that it has conducted a reasonable inquiry, and that the *offeror* does not propose to provide or use in response to this *solicitation* any covered article, or any *products* or services produced or provided by a source, if the covered article or the source is prohibited by an applicable FASCSA order in effect on the date the *solicitation* was issued, except as waived by the *solicitation*, or as disclosed in paragraph (e).

(e) *Disclosures*. The purpose for this disclosure is so the Government *may* decide whether to issue a waiver. For any covered article, or any *products* or services produced or provided by a source, if the covered article or the source is subject to an applicable FASCSA order, and the *Offeror* is unable to represent compliance, then the *Offeror shall* provide the following information as part of the *offer*:

(1) Name of the product or service provided to the Government;

(2) Name of the covered article or source subject to a FASCSA order;

(3) If applicable, name of the vendor, including the Commercial and Government Entity code and

unique entity identifier (if known), that supplied the covered article or the product or service to the *Offeror*;

(4) Brand;

(5) Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);

(6) Item description;

(7) Reason why the applicable covered article or the product or service is being provided or used;

(f) *Executive agency review of disclosures.* The *contracting officer* will review disclosures provided in paragraph (e) to determine if any waiver *may* be sought. A *contracting officer* *may* choose not to pursue a waiver for covered articles or sources otherwise subject to a FASCSA order and *may* instead make an award to an *offeror* that does not require a waiver.

(End of provision)

Parent topic: [52.204 \[Reserved\]](#)