

Telecommunications and Surveillance System Requirements





Agenda

- Definitions
- Brief History
- Types of Projects this Applies
- Subrecipient Responsibilities
- OCJG Requirements

Definitions

“telecommunications equipment” – used to provide telecommunication services, and includes software integral to such equipment (upgrades) (Telecomm. Act of 1996)

“Type of instrument, device, machine, or piece of equipment that is capable of transmitting or receiving telephonic, electronic, or radio communications.” (Indiana Code §35-45-13-3)

“Anything that facilitates communication, such as telephones, cell phones, servers, routers, fax machines, multifunction printers/copiers, laptops, computers; anything that communicates with another device via internet/phone such as a printer, computer, phone-to-server, fax-to-phone, etc.” (FDLE ITS Member)

Definitions

“Surveillance Equipment” – devices and equipment capable of capturing or recording data (images, videos, photographs, or audio) operated by or at the discretion of an individual that may deliberately or inadvertently capture activities of individuals on public or private property.

(LawInsider.com)



It does not matter if the device/equipment is concealed or masked to prevent capturing certain views.



Definitions

“FY2019 NDAA Section 889” – National Defense Authorization Act section that imposes limitations on the acquisition of “covered telecommunications and surveillance equipment”.

“Part A” of 2019 NDAA Section 889 - prohibits procuring covered equipment from certain Chinese entities

“Part B” of 2019 NDAA Section 889 – prohibits agencies from contracting with entities that use the covered telecommunications equipment or services.

Definitions

“Covered Telecommunications and Surveillance Equipment” – telecommunications or video surveillance equipment and services produced by the following entities AND any of their subsidiaries:

1. Huawei Technologies Company - laptops, tablets, watches, cellphones, wireless systems, cloud storage, data services
2. ZTE Corporation - wireless services, cell phones, cloud storage, servers, routers, ethernet switches, multimedia, video conferencing
3. Hytera Communications Corporation – wireless services, BWCs, digital radios

Definitions

“Covered Telecommunications and Surveillance Equipment” – telecommunications or video surveillance equipment and services produced by the following entities AND any of their subsidiaries:

4. Hangzhou Hikvision Digital Technology – network cameras, PTZ cameras, thermal cameras, video recorders, webcams, software, cellphone apps, access control pads, alarms, BWCs, routers, decoders, monitors
5. Dahua Technology Company – cameras, access control pads, video intercoms, monitors, video recorders, thermal scanners, LPRs, motion detectors

Brief History

- 1987 – army veteran starts electronics company that grows exponentially (Huawei);
- 2003 – CISCO proves company is committing IP theft
- 2016 – announces desire to be worlds largest manufacturer of smartphones; by 2018 surpasses Apple for the #2 spot.
- 2013 to present – numerous hacks of critical infrastructure at the national and state level tied to Chinese hacking groups
- 2018 – Congress passes NDAA, Section 889
- 2019 – Trump issued E.O. banning purchases from “companies list”
- June 2021 – Biden passes E.O. bringing back TikTok and WeChat while mandating the U.S. identify cybersecurity threats

Grant Requirements

NDAA, Sec. 889

- Prohibits purchases of “covered telecommunication and surveillance equipment” from certain Chinese companies AND their affiliates or subsidiaries
- Prohibits grant funds from being used to procure, obtain, extend, or renew a contract to obtain “covered telecommunication and surveillance” equipment, services, and/or systems
- Requires federal agencies to work on a transition plan to determine how they will replace “covered” equipment currently used within federal agencies



Grant Requirements

2 CFR 200.216

- Enacts NDAA, Sec. 889 in the “grants world”

2 CFR 200.471

- Establishes telecommunication and surveillance equipment as allowable EXCEPT if produced by one of the prohibited companies or their subsidiaries

Examples of Projects

- Cameras
- Surveillance Cameras
- Thermal Cameras
- Video Conferencing
- Video Doorbells
- Security Systems
- Security Motion Detectors
- Access Control Keypads
- Telephones
- Cellphones
- Aircards/hotspots
- Internet services
- WiFi components
- Laptops/PCs/MDTs
- Printers
- Servers
- System Upgrades
- Public facing software apps
- Cloud services
- Rapid ID/Livescan
- LPRs
- BWCs
- Radios
- Wireless Comms

**Now... what does it
mean for OCJG
subawards?**



Subrecipient Responsibilities

Subrecipients using grants funds to procure telecommunications and/or surveillance equipment, or their associated components, MUST:

1. Submit an executed "Telecommunications and Video Surveillance Services or Equipment Certification"
2. PRIOR TO procuring or entering into, extending, or renewing an agreement for such equipment or services, the subrecipient MUST document a search of the Excluded Parties List (SAM.gov) for ANY vendor AND manufacturer of such equipment or services.

Ex. Purchasing a Hytera BWC from PoliceOne.com. Documentation of search for Hytera and PoliceOne must be retained

Subrecipient Responsibilities

Subrecipients using grants funds to procure telecommunications and/or surveillance equipment, or their associated components, MUST:

3. Provide documentation of Excluded Parties Search for ANY vendor AND manufacturer when submitting a request for reimbursement for such equipment or services

Step-by-step instructions for completing Excluded Parties List in SAM.gov can be found on the OCJG website:

<http://www.fdle.state.fl.us/Grants/Resources/SAM-gov.aspx>

Pending Applications (FY17 +)

GOCII's are responsible for:

- Verifying the submission of completed certification, including:
 - ✓ Subrecipient name
 - ✓ Application/Grant number
 - ✓ Signed by authorized representative
 - ✓ Be dated within a reasonable timeframe (i.e. from solicitation release date OR notification of residual funding)
- Applying the condition below to all applications requesting telecommunication and surveillance services or equipment:

WITHHOLDING OF FUNDS: This project requests funding for telecommunications and/or video surveillance equipment. Prior to the drawdown of funds for such equipment, the subrecipient must provide documentation that the manufacturer and vendor are not on the Excluded Parties List in SAM.gov to the Office of Criminal Justice Grants.

OPEN Subawards WITH Balances

These requirements are retroactive for any federal award that was open as of August 13, 2020.

- FY17-20 JAG
- FY18-20 PSN
- FY20 CESF (incl. CERF)
- FY18-20 RSAT
- FY18-20 PREA
- FY18-20 NARIP
- FY18-20 NCHIP

OPEN Subawards WITH Balances

GOCII's will be provided a list of subawards that must comply with the telecommunication and surveillance conditions. Upon receipt of the list, the GOCII will be responsible for:

1. Sending a standard email to the Project Director, CC'ing the CFO for the implementing agency notifying them of the requirement and subsequent condition to be applied to their award.
2. Create a GAN to add the Withholding of Funds condition requiring documentation of Excluded Parties List search prior to reimbursing; and route for approval.

OPEN Subawards WITH Balances

Standard Email Language:

Good Morning/Afternoon,

Your subaward (INSERT SUBAWARD NUMBER) has been identified as a project that must comply with the Telecommunications and Surveillance Systems and Equipment provisions in the FY2019 National Defense Authorization Act (NDAA), Section 889, 2 CFR 200.216, and 2 CFR 200.471.

As a result, two special conditions will be added to your subaward. The first will require the execution and submission of the "[Telecommunications and Video Surveillance Services or Equipment Certification](#)". The second condition will require your organization to submit verification of the SAM.gov Excluded Parties List search for EACH vendor AND manufacturer of the telecommunications and/or surveillance service(s) or equipment.

For more information on this requirement, please review the [Telecommunications and Surveillance Resource Page](#) on our website.

Thank you,

OPEN Subawards WITH Balances

Conditions to be added via GAN:

WITHHOLDING OF FUNDS: Prior to the obligation and drawdown of funds for telecommunications and/or video surveillance services or equipment, the Subrecipient must submit a properly executed Telecommunications and Video Surveillance Services or Equipment Certification to the Office of Criminal Justice Grants.

AND

WITHHOLDING OF FUNDS: This project requests funding for telecommunications and/or video surveillance equipment. Prior to the drawdown of funds for such equipment, the subrecipient must provide documentation that the manufacturer and vendor are not on the Excluded Parties List in SAM.gov to the Office of Criminal Justice Grants.



OPEN Subawards WITHOUT Balances or CLOSED but Pending Monitoring

ORS's will be responsible for collecting the required Excluded Parties List documentation for ANY vendor AND manufacturer of telecommunication and/or surveillance services or equipment purchased with grant funds.

This will require the ORS to review ALL line items for ALL expenditures, not just the expenditure report(s) selected for sampling.

Ex. Expenditure Report 3 was selected for sampling; however, Exp. Reports 6,8, and10 contained telecom and surveillance equipment; the ORS must get the documentation of Excluded Parties List search for the covered items in Exp. Reports 6, 8, and 10, as well as any regular procurements on Exp. 3.



OPEN Subawards WITHOUT Balances or CLOSED but Pending Monitoring

The Subrecipient Monitoring Tool has been updated to include the following two questions:

21. Is the subrecipient purchasing or paying for telecommunications or surveillance equipment (including phones, internet, cloud servers, radios, etc.)?
22. If yes, has the subrecipient verified the vendor AND manufacturer are not suspended or debarred from receiving federal funds? If yes, provide documentation of the search.

Rori will develop standard language for these questions.