

EMPLOYERS' TRAINING RESOURCE

1600 E. Belle Terrace
Bakersfield, CA 93307

POLICY BULLETIN: #ETR 31-21

TO: ETR and All Subrecipients
FROM:  Teresa Hitchcock
Assistant County Administrative Officer
DATE: January 14, 2021
SUBJECT: Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

This Policy Bulletin Supersedes Any Previously Issued Policy Statements Concerning the Procurement of Telecommunications and Video Surveillance Services or Equipment

PURPOSE:

The Kern, Inyo and Mono Counties Workforce Development Board has developed this policy to ensure that its fiscal and administrative agent, Kern County's Employers' Training Resource (ETR) and its subrecipients, are in compliance with the Office of Management and Budget (OMB), 2 CFR Part 200, Guidance for Grants and Agreements (Uniform Guidance), Section 200.216, Prohibition on certain telecommunications and video surveillance services or equipment. For the purposes of this Bulletin, subrecipient means any agency that is the recipient of federal grant funds through a subaward received from ETR. This policy is intended to ensure compliance with all federal and state regulations by providing guidance to ETR and its subrecipients on the prohibition outlined at 2 CFR 200.216. This policy applies to ETR and all Local Workforce Development Area subrecipients. ETR and subrecipient staff are responsible for implementing this policy.

BACKGROUND:

On August 13, 2020, OMB released its revision of the Uniform Guidance as required at 2 CFR 200.109. The amendment at section 200.216 became effective on August 13, 2020. This policy implements the prohibition as described in the Uniform Guidance at 2 CFR 200.216.

POLICY:

Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or

(3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems 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. As described in Public Law 115–232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

This prohibition also applies to video surveillance and telecommunications equipment produced by, or services provided by, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities) and also includes any entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Refer to 2 CFR 200.216 for complete details concerning this prohibition.