



## MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

**FROM:** CATHY.HIGGINBOTHAM,  
SENIOR PROCUREMENT EXECUTIVE, ACTING  
OFFICE OF THE PROCUREMENT EXECUTIVE

**SUBJECT:** Implementation of Federal Acquisition Regulation (FAR) subpart 4.20—  
Prohibition on Contracting for Hardware, Software, and Services Developed or Provided By  
Kaspersky Lab

**1. Purpose:** This Acquisition Procedures Update (APU) is issued to amend the Department of Treasury Acquisition Procedure (DTAP) FY19 Edition version 1.0 in order to establish procedures for the purposes of implementing FAR subpart 4.20—Prohibition on Contracting for Hardware, Software, and Services Developed or Provided By Kaspersky Lab.

**2. Effective Date:** October 1, 2018

**3. Expiration Date:** Until otherwise canceled, superseded or included within a future edition of the DTAP.

**4. Background:** FAR clause 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities, requires contractors to notify the Contracting Officer, in writing, in the event the contractor identifies a Covered Article provided to the Government during contract performance, or the contractor is notified of such by a subcontractor at any tier or any other source. “Covered article” means any hardware, software, or service that—(1) Is developed or provided by a covered entity; (2) Includes any hardware, software, or service developed or provided in whole or in part by a covered entity; or (3) Contains components using any hardware or software developed in whole or in part by a covered entity (see FAR 4.2001).

To support this FAR requirement, Treasury Office of the Chief Information Officer (OCIO) has developed an intranet site called, “Reporting Site for Covered Entities” and is available at <https://app.treasuryecm.gov/sites/rsfce/SitePages/Home.aspx>. The Contracting Officer (CO) or authorized designee (e.g., contract specialist or contractor<sup>1</sup>) will be able to enter information into the site related to a contractor providing such notification. The benefit of this site is that it provides for a centralized Treasury-wide data repository for this information as well as enables the CIO office to be made promptly aware of such instances and thereby provide direction, if any. Altogether, this site is accessible to Treasury employees as well as contractors who have a Treasury/Bureau government e-mail address. Overall, the Senior Procurement Executive has determined this amendment to the DTAP to be necessary.

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<sup>1</sup>Contracting Officers shall use discretion on designating someone other than themselves to enter information into this site.

## Acquisition Procedure Update (APU) 2019-01

**5. Department of the Treasury Acquisition Procedures:** The DTAP is amended as follows:

**A. Part 1004 is amended as follows**

**ADD:**

**SUBPART 4.20—PROHIBITION ON CONTRACTING FOR HARDWARE,  
SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY  
KASPERSKY LAB.**

**1004.2003 Notification.**

When a contractor provides notification pursuant to FAR Clause 52.204-23, the CO or authorized designee (e.g., contract specialist or contractor) shall promptly enter the information required into the Treasury intranet site entitled, “Reporting Site for Covered Entities.” The Reporting Site for Covered Entities is available at

<https://app.treasuryecm.gov/sites/rsfce/SitePages/Home.aspx> and is accessible to Treasury employees as well as contractors who have a Treasury/Bureau government e-mail address.

(a) If a contractor has access to the Reporting Site for Covered Entities, the CO may request the contractor to enter the information required into the Reporting Site for Covered Entities.

(b) BCPOs shall designate points of contact within their contracting activity to address permission access issues related to the Reporting Site for Covered Entities. BCPOs shall establish controls to ensure timely entry of information and use of the Reporting Site for Covered Entities.

**6. Required Bureau Actions:** BCPOs shall—

- a.** Ensure dissemination of this APU to all impacted acquisition personnel;
- b.** Update any related Bureau policies and procedures impacted by this APU; and
- c.** Comply with the required actions prescribed by this APU.

**7. Additional Information:** My point of contact for this APU is Frank Bajowski, who may be reached at [francis.bajowski@treasury.gov](mailto:francis.bajowski@treasury.gov) or at [OfficeoftheProcurementExecutive@treasury.gov](mailto:OfficeoftheProcurementExecutive@treasury.gov).