

**New Jersey Department of Transportation
CORRECTIVE ACTION NOTICE**

CAN No. 089

CAPITAL PROGRAM SUPPORT

Director: Paul F. Schneider Telephone: (609) 963-1833


Approved: Paul F. Schneider
Date: August 26, 2020

Subject: Office of Management and Budget (OMB) 2 CFR 200.216, "Prohibition on certain telecommunications and video surveillance services or equipment."

Bureau(s) Affected:

Highway and Traffic Design, Construction Services & Materials, Project Management, Maintenance and Operations, Transportation Mobility, Government and Community Relations, Local Aid and Economic Development, Statewide Planning, Planning and Development, Multimodal Services, Capital Program Support, Design Consultants, and any other Unit that has projects and/or programs that include/uses telecommunications and video surveillance services or equipment.

Description of Issue(s):

For the purpose of public safety, security of government facilities, physical surveillance security of critical infrastructure, and other national security purposes, the suspension of various surveillance and telecommunications and video surveillance services or equipment including any equipment that includes any components which prohibit Federal and State award recipients from using government funds to enter into contracts (or extend or renew contracts) with entities that use such services or equipment from specific vendors/manufacturers.

Corrective Action Plan:

Effective immediately, this prohibition applies even if the contract is not intended to procure or obtain any equipment, system, or service that uses telecommunication equipment or services, as described in section 889 of the NDAA 2019. All affected Department staff and Design Consultants are hereby directed not to utilize or include in any contract telecommunication equipment and/or services, including the direct or indirect sharing/storing/distribution of data and information, according to the following:

- Comply with 2 CFR 200.216 Prohibition on certain telecommunication and video surveillance services or equipment
- Do not provide Telecommunications equipment produced by Huawei Technologies, Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Do not provide video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). Do not provide Telecommunications or video surveillance services provided by such entities or using such equipment
- Do not provide telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of 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.

On active construction projects where the equipment and services listed above have not yet been installed, all NJDOT staff are hereby directed to use competing equipment or services instead. If the contract is still open and any of the equipment listed above has already been used, all NJDOT staff are hereby directed to remove it.

Implementation: Immediate

Change must be implemented on all applicable Department projects in design and/or in construction.

For contracts that have reached PS&E certification, issue an Addenda to notify bidders of this CAN.

For projects that are currently in construction, a Change Order must be issued.

For projects that have not yet reached PS&E certification, design in accordance with this CAN until a BDC is issued.