

University of Rochester Certification of Compliance Form
FAR Clause 204.27

Directions: You should read this document in its entirety. When completed, please sign and return this document to your ORPA Research Administrator.

By signing this Certification of Compliance Form (this "Certification"), I hereby certify to the following:

1. I have been provided with a copy of FAR Clause 52.204-27 "Prohibition on a ByteDance Covered Application" (the "FAR Clause"). The FAR Clause is attached to this Certification as Exhibit A.
2. I have been provided with a copy of the University of Rochester Compliance Notice (the "Compliance Notice") relating to the FAR Clause. The Compliance Notice is attached as Exhibit B.
3. I have reviewed the FAR Clause and understand that I and all other individuals working on the federal contract for which I am Principal Investigator must comply with its requirements, including those who are added to the contract in the future.
4. I have reviewed the terms of the Compliance Notice and understand that I and all other individuals working on the federal contract for which I am Principal Investigator must comply with its requirements, including those who are added to the contract in the future.
5. I have provided copies of the FAR Clause and the Compliance Notice to all individuals working on the federal contract for which I am Principal Investigator, and will provide copies to individuals added to the contract in the future.
6. I have provided written notification (email acceptable) to all individuals working on the federal contract for which I am Principal Investigator that if they have previously had or used TikTok or any successor application or service developed or provided by ByteDance Limited on any information technology equipment or system used under a University of Rochester (the "University") federal contract, whether the information technology equipment is issued by the University or is personally owned by them, that they are required to remove such application(s) on or before the date of this Certification. I will provide this same notification to those who are added to the contract in the future.
7. I have provided written notification (email acceptable) to all individuals working on the federal contract for which I am Principal Investigator that they may not have or use TikTok or any successor application or service developed or provided by ByteDance Limited on any information technology equipment or system used under a University federal contract, whether the information technology equipment is issued by the University or is personally owned by them.

Name (Print): _____

Signature: _____

Date: _____

52.204-27 Prohibition on a ByteDance Covered Application.

PROHIBITION ON A BYTEDANCE COVERED APPLICATION (JUN 2023)

(a) *Definitions.* As used in this clause—

Covered application means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited.

Information technology, as defined in 40 U.S.C. 11101(6)—

(1) Means any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency, if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency that requires the use—

(i) Of that equipment; or

(ii) Of that equipment to a significant extent in the performance of a service or the furnishing of a product;

(2) Includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources; but

(3) Does not include any equipment acquired by a Federal contractor incidental to a Federal contract.

(b) *Prohibition.* Section 102 of Division R of the Consolidated Appropriations Act, 2023 (Pub. L. 117-328), the No TikTok on Government Devices Act, and its implementing guidance under Office of Management and Budget (OMB)

Memorandum M-23-13, dated February 27, 2023, “No TikTok on Government Devices” Implementation Guidance, collectively prohibit the presence or use of a covered application on executive agency information technology, including certain equipment used by Federal contractors. The Contractor is prohibited from having or using a covered application on any information technology owned or managed by the Government, or on any information technology used or provided by the Contractor under this contract, including equipment provided by the Contractor’s employees; however, this prohibition does not apply if the Contracting Officer provides written notification to the Contractor that an exception has been granted in accordance with OMB Memorandum M-23-13.

(c) *Subcontracts*. The Contractor shall insert the substance of this clause, including this paragraph (c), in all subcontracts, including subcontracts for the acquisition of commercial products or commercial services.

(End of clause)

Exhibit B

(see attached)

Compliance Notice

This compliance notice is to ensure that the University of Rochester community is aware of the restrictions imposed by the new Federal Acquisition Regulation (FAR) clause [52.204-27 Prohibition on a ByteDance Covered Application](#). At this time, this compliance notice applies only to requirements under the University's federal contracts, and does not apply to the University's federal grants.

General compliance responsibilities for the University of Rochester community

- Individuals are prohibited from having or using **TikTok** or any successor application or service by **ByteDance Limited** on any information technology equipment or system used under a federal contract that contains FAR clause 52.204-27, whether the information technology equipment is issued by the University or is personally owned.
- Principal investigators who are responsible for federal contracts that contain FAR clause 52.204-27 will be required to sign a certification addressing compliance with the clause. http://rochester.edu/orpa/_assets/pdf/form_FAR204.27.pdf
- Individuals who have the TikTok application on a personally owned device (such as a computer or cell phone), and who use or intend to use such device in the performance of a federal contract that contains FAR clause 52.204-27, must immediately remove the TikTok application.
- Individuals who perform work under a federal contract and who use a mobile device that is fully managed by the University must contact the University IT Helpdesk (univithelp@rochester.edu, (585) 275-2000) or ISD Helpdesk; ISDHelpdesk@URMC.Rochester.edu, (585) 275-3200), who will assist you in removing and blocking covered applications from your mobile device.
- The University must flow down FAR clause 52.204-27 to its subcontractors under an applicable federal contract.
- Contact **Joe Doyle, Research Security Officer & Global Operations Director** (joe.doyle@rochester.edu) if you have general compliance questions regarding this FAR clause, and **Mark Baker, Information Security Officer – Research & Education** (mbaker30@ur.rochester.edu) if you have IT compliance questions.

Background

An [interim rule](#), effective immediately, was implemented by the U.S. Government on June 2, 2023. The interim rule is titled "Federal Acquisition Regulation: Prohibition on a ByteDance Covered Application."

A "covered application" under this FAR clause *"...means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited."*

The interim rule notes that this prohibition on having or using a covered application on information technology, including certain equipment used by Federal contractors, is a national security measure to protect U.S. Government information and information and communication technology systems.

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Frequently Asked Questions:

- 1. Does this prohibition apply to employee-owned devices that are used in performance of a federal contract?**

Yes, the prohibition on covered applications on any information technology used or provided by the University under a contract includes equipment owned by University employees used in the performance of the contract.

- 2. If I have a personal device that has a covered application on it, may I continue to use it?**

A personally owned device (such as a computer or cell phone) that is not used in the performance of the contract is not subject to the prohibition.

- 3. What should I do if I have a personally owned device with a covered application (such as TikTok) on it, and I use or intend to use such device in connection with a federal contract subject to this prohibition?**

You are required to remove the covered application from your personal device if you will use or intend to use the device in connection with performing under a contract. Use of the device for performance under a federal contract includes (i) the direct performance of work required under the contract (such as research activity), or (ii) performing other work in support of the federal contract, such as accessing or sending email, messaging (including on Microsoft Teams, Slack or a similar service), voice calling, or text messaging.

- 4. How do I remove the TikTok application from my personally owned device?**

Instructions on how to remove the TikTok application from devices can be found here:
<https://tech.rochester.edu/news-item/tiktok-ban-for-any-federally-impacting-research/>.

- 5. Does this prohibition also apply to my federal grant(s)?**

As stated above, the prohibition does not apply to federal grants at this time.

- 6. How do I know if my federal award is a contract or grant?**

The majority of federal awards to the University are grants (i.e., assistance awards). Federal contracts and subcontracts are considered procurement awards and are governed by fairly onerous requirements and numerous FAR clauses. If you are unsure whether your federal award is a contract or a grant, contact your ORPA Research Administrator.

The University may update this Compliance Notice as additional guidance regarding the interim rule is issued.

For additional compliance questions, please contact Joe Doyle and Mark Baker.