

AMS/FAST CHANGE REQUEST (CR) COVERSHEET

Change Request Number: 18-16A

Date Received: 1/18/18

Title: Information Systems Security Guidance Changes

Initiator Name: Tim Eckert

Initiator Organization Name / Routing Code: Procurement Policy Branch, AAP-110

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Policy and Guidance: (check all that apply)

- Policy
- Procurement Guidance
- Real Estate Guidance
- Other Guidance
- Non-AMS Changes

Summary of Change:

(1) Addition of language regarding Information Security Continuous Monitoring (ISCM) of contractor use of FAA systems and contractor systems, and (2) consistent with new FAA Order 1370.121 "Information Security and Privacy Program & Policy" move of Privacy language from T3.7.1 into Information Security Guidance in T3.14.1A.2 and updates of FAA Order references

Reason for Change:

(1) Heightened concern about information system security - particularly incident response and forensic investigation - consistent with planned revisions to clause 3.14-6 "Privacy and Security Safeguards". (2) consistency with new FAA Order

Development, Review, and Concurrence:

AIS-110, Acquisition Policy, Contracts, and Procurement Legal.

Target Audience:

Contracting and program office personnel

Briefing Planned: No.

ASAG Responsibilities: ASAG approved 9/28/18.

Section / Text Location:

T3.2.1A.10, T3.7.1, T3.14.1A.2, and T3.14.1A.3

The redline version must be a comparison with the current published FAST version.

I confirm I used the latest published version to create this change / redline

or

This is new content

Links:

<http://fast.faa.gov/docs/procurementGuidance/guidanceT3.2.1.pdf>

<http://fast.faa.gov/docs/procurementGuidance/guidanceT3.14.1.pdf>

Attachments: Redline and final.

Other Files: N/A

Redline(s):

Sections Revised:

3.2.1 A 3 – Review by Chief Information Officer

3.2.1 A 10 – PR Package Clearances, Justifications and Other Documentation

Procurement Guidance - (~~7/2018~~ 10/2018)

T3.2.1 - Procurement Planning Revised 4/2009

A Procurement Request (PR) Revised 7/2007

1 Purpose of a Procurement Request Package Revised 7/2007

2 Content of PR Package Revised 1/2018

3 Review by Chief Information Officer Revised ~~4/2017~~ 10/2018

4 Reserved Revised 1/2018

5 PRISM-Generated Requisition Revised 7/2007

6 Funds Certification Revised 10/2012

7 Requisition Approval Levels Revised 10/2014

8 Describing Requirements Revised 7/2007

9 Independent Government Cost Estimate Revised 10/2016

10 PR Package Clearances, Justifications and Other Documentation Revised ~~4/2018~~ 10/2018

11 Simplified Purchases Revised 7/2007

12 Lease or Rental Space Revised 7/2007

13 Logistics Center Supply Support Revised 7/2007

14 Real Property Revised 4/2009

15 Public Utilities Revised 7/2007

16 Liquidated Damages Added 10/2014

17 Returning a Deficient PR Package Revised 10/2014

B Clauses

C Forms Revised 7/2007

T3.2.1 - Procurement Planning Revised 4/2009

A Procurement Request (PR) Revised 7/2007

1 Purpose of a Procurement Request Package Revised 7/2007

A procurement request (PR) package initiates acquisition of supplies, equipment, real property, utilities, material, systems, services, or construction. It is the basis for a Contracting Officer (CO) to plan, solicit, and award a contract, purchase order, delivery/task order, agreement, lease, modification, or other procurement action. The PR package is used to define the requestor's requirements so the CO can acquire supplies, real property, utilities, and services from or through other Government agencies, private and public organizations and institutions, and commercial vendors.

2 Content of PR Package Revised 1/2018

a. The program official with the requirement to be satisfied through a procurement action prepares the PR package. The nature, value, and complexity of the requirement determine the exact content of the package. For example, information needed for a single source contract modification differs from that required for a systems development requirement to be competitively procured.

b. As soon as a requirement becomes known, the program official should consult with the cognizant contracting organization, or CO if known, to determine the specific types of information needed for an acceptable PR package, and when the information must be provided. Much of the information in a PR package is the foundation for a contractual instrument, so it should be complete in all essential aspects. The Estimated Acquisition Lead-Time chart (see AMS Procurement Forms) may serve as a planning tool for both the contracting organization and program official to estimate lead-times for the various milestones applicable to a procurement.

c. The following list represents information and documentation that may be required for a PR package. This list is not all-inclusive nor will each item below apply to every procurement action:

- (1) Requisition committing funds
- (2) Statement of work, specification, purchase description, drawings, or other appropriate technical description of the requirement
- (3) Technical data items (such software design documents or test plans) to be delivered, Data Item Descriptions (defining data content, format, preparation instructions, and intended use), and Contract Data Requirements List
- (4) Independent Government Cost Estimate
- (5) List of potential vendors and addresses (including incumbent contractor, if applicable)

- (6) Delivery destination or place of performance and delivery date or period of performance (and optional quantities or periods)
- (7) Method and place of inspection and acceptance
- (8) List of Government furnished property or information
- (9) First article testing requirements
- (10) Federal standards that must be met, e.g., energy, environment, health, and safety
- (11) Physical, personnel, and information system security requirements
- (12) Position Designation Record OPM Position Designation Automated Tool (PDT)
- (13) Classified information or sensitive unclassified information handling requirements
- (14) Requirement for vendor's descriptive literature or product samples
- (15) Brand name or equal or brand name mandatory justification
- (16) Warranty requirements which are over and above generally accepted warranty included with the purchase of an item/service
- (17) Liquidated damages justification
- (18) Requirement for value engineering provisions
- (19) Privacy Act compliance determination
- (20) Section 508 Rehabilitation Act determination of non-availability or undue burden
- (21) Reprourement data requirements, spare/repair parts lists, or other special rights
- (22) Information about use of existing patents or copyrights
- (23) Performance or payment bond requirements
- (24) Requirement for insurance coverage or special indemnification
- (25) Support services labor categories and description of minimum qualifications
- (26) Requirement for key personnel clause
- (27) Requirement for Government consent to subcontracting clause

(28) Personal services justification

(29) Single source justification

(30) (CFO) approval- Over \$10 million (Note: The contracting office may accept a PR that lacks the CFO approval for applicable procurements over \$10 million; however, the CFO approval must be received by the CO prior to the issuance of the Request for Offer (RFO))

(31) Chief Information Officer's approval for information technology over \$250,000

(32) Draft technical evaluation factors

(33) Draft technical proposal instructions

(34) Requirements for earned value management system, reports, and integrated baseline reviews

d. The program official submits the PR package to the appropriate contracting office, or assigned CO if known. Unless otherwise required by local procedures implemented by mutual agreement between the PR-initiating organization and contracting office, documents in the PR package are in electronic format and annotated with a PR number and project title. Materials accompanying a PR package that cannot be provided in electronic format, such as drawings, are delivered to the appropriate contracting office or assigned CO, and labeled with PR number, project title, and location.

3 Review by Chief Information Officer Revised 4/2017 10/2018

a. The Chief Information Officer (CIO) must review and approve proposed procurement actions for information technology and service resources that are estimated to exceed \$250,000 and would result in a new or modified:

(1) Contract;

(2) Order, such as those issued through a Federal Supply Schedule (FSS); or

(3) Agreement, to include interagency and intra-agency agreements.

b. *Information Resources.*

(1) Equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the FAA.

(2) Information resources include:

- (a) Services (including support services):
- (b) Computers;
- (c) Ancillary equipment;
- (d) Software; and
- (e) Firmware and similar procedures.

(3) Information resources do not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

c. Review Process.

(1) Procurement actions initiated by the Office of Information & Technology (AIT) that commit only funding allocated to AIT are under the direction and oversight of the Deputy Assistant Administrator for AIT and CIO. Such procurement actions fully comply with the requirements and goals of the CIO Review Process. Therefore, this CIO Review Process has been satisfied for such AIT procurement actions, and additional documentation is not required.

(2) For those proposed procurement actions for information technology and service resources that originate from Lines of Business other than AIT, or use funding that is not included in the AIT budget allocation, that are estimated to exceed \$250,000, the program official must submit the following information to the Office of Information and Technology (AIT-3) for review:

- (a) Statement of Work (SOW) or requirements documentation;
- (b) Cost or price information, to include an independent Government cost estimate (IGCE) when required; and
- (c) Documentation of market research conducted.

(3) The CIO review package may be sent to AIT-3 electronically through e-mail or in hardcopy form.

(4) Once approved by the CIO, the program official may then prepare the requisition.

(5) Prior to submission of the requisition to the contracting office, the program office must note the date of the CIO's approval in the body of the requisition.

d. Goals of CIO Review.

- (1) Ensure that goals of the FAA Flight Plan are addressed in procurements involving information resources.
- (2) Prevent redundant procurements.
- (3) Ensure that the resource is compatible with the FAA's current or planned Enterprise Architecture.
- (4) Ensure that information technology resources support FAA Business Processes.
- (5) Promote and ensure information ~~systems~~-security and privacy.
- (6) Identify potential savings or efficiencies.

4 Reserved Revised 1/2018

5 PRISM-Generated Requisition Revised 7/2007

a. A requisition provides basic information, such as appropriation data, item description, place of performance, and quantity/dollars needed to begin a procurement action. It is also the means of reserving funds for the procurement. Program officials must prepare requisitions in PRISM, the FAA's automated requisitioning and purchasing system. Contracting offices cannot accept manually prepared Form DOT F-4200.1, "Procurement Request," equivalent hard copy PR forms, or manually signed PRISM-generated forms.

b. *Electronic Routing.* Requisition review, funds certification, and approval are through electronic routing in PRISM and have the same force and effect as manual signatures.

c. *Requisition Control and Numbering.* The functionality of PRISM governs requisition numbering in accordance with AMS Procurement Guidance T3.13.1. Refer to PRISM business process solution "Award Types and PRISM Document Numbering Masks" for further information.

d. *Requisition Amendment/Modification.* If additional funds are needed, the program official should either issue an amendment to the requisition prior to an award being released or should create a requisition for modification after the award is released. Fund certification, review and approval are required for both an amendment or requisition for modification. When the amount obligated for the contractual action is less than the amount funded on the requisition, the program official must decommit excess funds. Because the original purpose of the requisition is considered complete, the requisition cannot later be amended to use the remaining funds either for the original purpose or for another purpose.

e. *Canceling a Requisition.* Program officials may cancel a requisition prior to award by creating an amendment to decommit funding.

f. *Funds Estimate*. The requisition must indicate the total estimated cost of the requirement. For basic requisitions for new contracts, this includes the estimated amount of the basic contract and all planned options and any other requirements that would not be included in or funded as part of the basic contract. For contract modifications, this amount will be the total estimated cost of the action involved. For requisition amendments and requisition for modifications, whether for new contracts or modifications, the estimated amount will be the net amount of any change to the estimate stated in the basic requisition, and in addition to the net amount, identify in the body of the requisition the cumulative total estimated cost.

g. *Required Quantity*. This is the FAA's need, present and projected, for which funding is or will be available. Quantity discounts and transportation costs must be considered when determining required quantity of supplies. Quantities should not include those for which there are no funded requirements, or for options for which FAA has little expectation of exercising. For indefinite delivery/indefinite quantity (ID/IQ) contracts, identify realistic minimum and maximum quantities. For indefinite delivery/requirements contracts, the total estimated dollar amount for the requisition should be based on the total estimated quantity. The dollar amount on the requisition should cover the minimum quantity.

h. For detailed instructions on preparing a requisition, program officials should refer to the PRISM Requisitioner Guide and Business Processes and Policy, available on the PRISM website (FAA only).

6 Funds Certification Revised 10/2012

a. The requisition must include funds certification if it commits funds to be obligated later on a contractual instrument. Funds certification verifies funds are reserved and certified as available, or funds are to be deobligated on an award or decommitted on a requisition. Funds need not be certified on individual requisitions when "bulk funding" is used for Blanket Purchase Agreements (BPA).

b. The person certifying funds must be designated in writing in accordance with written procedures of the organization issuing the requisition, and must be instructed by that organization on his or her responsibilities, duties and authority limits.

c. An authorized requisitioner may also certify funds when local conditions, such as remoteness or a small facility, make it necessary, *provided*: written local procedures authorize this practice and establish reasonable maximum dollar levels for combined funds certification and approval or requisitioning authority, and include monitoring and oversight procedures to ensure propriety of all such actions.

d. Additional guidance and related business processes for funds certification can be found at the [PRISM website](#) (FAA only).

7 Requisition Approval Levels Revised 10/2014

a. Only designated FAA employees can approve a requisition. Approval levels are tied to the total estimated amount of the requisition to be approved, as follows:

(1) *Washington Headquarters*

(a) Over \$500,000--Office Head, Director, Product or Service Team Lead, or equivalent or higher position.

(b) Over \$250,000 to \$500,000--Division Manager or equivalent position. (c)

Up to \$250,000--Branch Manager or equivalent position.

For Washington Headquarters, an Office Head, Director, Product or Service Team Lead, or equivalent position, as applicable, may delegate via memorandum approval levels differing from the above.

(2) *Service Areas, Regions, and Centers.* Organizations approving requisitions within service areas, regions, and centers may establish written local requisition approval levels. Program officials should contact their local finance office for information about approval levels.

b. Key duties and responsibilities for requisitioners, fund certifiers, approving officials, and those obligating funds (i.e. COs or others with delegated procurement authority) must be separated among individuals. Due to local conditions, some duties may need to be provided by the same individual; however, the following conditions will always apply in the processing of a requisition:

(1) An individual must never perform all duties;

(2) A requisitioner may be the fund certifier for the same requisition;

(3) The approving official and the fund certifier for any requisition must be separate individuals;

(4) A requisitioner must not be the approving official and/or CO for the same requisition; and

(5) A CO must never be the approving official or requisitioner for the same requisition. c. Requisition approvers should refer to PRISM guidance and business processes found at the [PRISM website](#) (FAA only).

8 Describing Requirements Revised 7/2007

a. *Technical Description.* An accurate technical description of the requirement is a critical element of a PR package and key to ensuring FAA's needs are satisfied. The program official prepares, to the extent possible, a comprehensive statement of work, specification, drawings or other description of the product or service to avoid any misinterpretation by prospective vendors about FAA's requirements. The technical description defines valid and minimum needs of the FAA, and is not written in a way that unduly restricts competition. See AMS Procurement Guidance T3.2.2.8, "Describing Needs" for additional information.

(1) *Supplies or Equipment.* For supplies or equipment, the description should cover as wide a range of commercially available and proven products as possible. It should avoid requirements for special manufacture, or requirements that may unnecessarily restrict competition. In this way, a broad competitive base will be possible, prices will be held to a minimum, and good relations with offerors will be promoted.

(2) *Services.* For services to be performed in accordance with a statement of work (SOW), the SOW addresses:

- (a) What is the contractor to do?
- (b) When is the contractor to perform the tasks?
- (c) Who (qualifications and experience) should perform the tasks?
- (d) Where are the tasks to be performed?

9 Independent Government Cost Estimate Revised 10/2016

a. An independent Government cost estimate (IGCE) describes how much FAA could reasonably expect to pay for needed supplies or services. The IGCE is an internal Government estimate, supported by factual or reasoned data and documentation, and serves as: (1) the basis for reserving funds for the procurement action; (2) a method for comparing cost or price proposed by offerors; and (3) an objective basis for determining price reasonableness when only one offer is received in response to a solicitation. The program official prepares the IGCE.

b. An IGCE includes a breakdown of major elements of cost, by category such as labor, material, equipment, subcontracts, travel, overhead, and profit.

c. An IGCE is required for any anticipated procurement action (to include modifications) whose total estimated value is \$150,000 or more, except for:

- (1) Modifications exercising priced options or providing incremental funding;
- (2) Delivery orders for priced services or supplies under an indefinite-delivery contract; or
- (3) Acquisition of real property (i.e., land or space).

d. The CO may require an IGCE for those procurement actions (to include modifications) anticipated to be less than \$150,000.

e. The estimate and supporting documentation is for internal use only. It should be made available only on a need to know basis and must not be provided to any potential offeror. An IGCE must

not be based on information furnished by any potential vendor that may be competing for the requirement or considered for award. See AMS Procurement Guidance T.3.2.3 "Cost and Price Methodology" and "FAA Pricing Handbook" for detailed information about preparing an IGCE.

10 PR Package Clearances, Justifications and Other Documentation Revised 4/2018 10/2018

The program official furnishes evidence of certain required clearances, approvals, and justifications with the PR package. This information varies, depending on the nature of requirement, procurement strategy, and dollar value. The program official should consult with the CO to determine applicability of each of the below clearances, documentation, and approvals to the particular requirement. Documentation or other evidence for the below forms part of the PR package (the below is not all inclusive nor will it apply to each procurement action):

a. *Chief Financial Officer Approval.* For a single or cumulative expenditure over \$10M, the CO must receive evidence of the Chief Financial Officer's (CFO) approval of the procurement prior to issuing a Request for Offer (RFO). (See AMS Procurement Guidance T3.2.4 "Chief Financial Officer Requirements" for additional information.)

b. *Accountable Personal Property.* FAA's financial standards and annual audit require accurate recording of personal property acquisitions. Before creating a requisition in PRISM, the program official must establish appropriate projects and tasks in the DELPHI Project Accounting (PA) module. Each line item on a requisition must have at least one (but can have more than one) project and task associated with it. The CO will use the line item structure contained in the requisition when setting up the Contract Line Item Number (CLIN) structure.

c. *Government Furnished Property, Information, or Material.* The PR package identifies Government property, information, or material. FAA property is managed, transferred, and added to FAA records through the Automated Inventory Tracking System (AITS). Any special restrictions or conditions, such as property provided "as is" security issues, or special handling should also be specified in the PR package.

d. *Personal Property from Commercial Sources.* Before initiating a requisition to obtain personal property, program officials must determine if the property is available for reuse from an FAA or other Government source, as required by FAA Order ~~4800.2C4600.27C~~ (May 31, 1996) September 4, 2015) and "~~FAA Reutilization and Disposition Process & Procedure Guide~~" the FAA Reutilization and Disposition Process & Procedure Guide at https://my.faa.gov/content/dam/myfaa/org/staffoffices/afn/regions_center/materiel_personal_property/process/Reutilization-and-Disposition-Process-Procedures-Guide.pdf (FAA only), dated ~~October 2006~~ August 2018.

e. *Project Materiel.* Materiel for projects is requisitioned through the Logistics and Inventory System (LIS) Project Materiel Management System (PMMS).

f. *Section 508 of the Rehabilitation Act.* Acquisition of electronic and information technology (EIT) must comply with Section 508 requirements for accessibility. The program official must document

EIT non-availability, including market research performed and standards that cannot be met. For further information, see AMS Procurement Guidance T3.2.2 "Source Selection," or the FAA [Section 508 website](#) (FAA only).

g. *Personnel Security*. For individuals that may need access to FAA facilities, sensitive unclassified information, or resources, the contract security clause contains sufficient language to meet that objective. For specific guidance and regulations, see the applicable personnel security orders (FAA Order 1600.1E Personnel Security Program and FAA Order 1600.72A Contractor and Industrial Security Program). The Office of Personnel Management's Position Designation Automated Tool is used by the Operating Office to make initial position risk/sensitivity level designations based on the initial list of positions and the statement of work.

h. *Sensitive Unclassified Information*. The program official must coordinate with the local FAA Servicing Security Element (SSE) for the minimum standards to mark, store, control, transmit, and destroy Sensitive Unclassified Information, For Official Use Only, Sensitive Security Information, or unclassified information that may be withheld from public release. (See FAA Order 1600.75 or AMS Procurement Guidance T3.14.1 "Security" for additional information.)

i. *Classified Information*. The PR package should identify any requirements for handling of classified materials or for access of contractor personnel to classified information. (See FAA Order 1600.2E Safeguarding Classified National Security Information for additional information).

j. *Information ~~Systems~~ Security*. The FAA must ensure that all information systems are protected from threats to integrity, availability, and confidentiality. (See FAA Order ~~1370.82A~~[1370.121](#) [FAA Information Security and Privacy Program & Policy](#) for additional information.)

k. *Paperwork Reduction Act*. The FAA must obtain approval to collect information through questionnaires, focus groups, telephone surveys, applications, performance reports, customer satisfaction surveys, studies and evaluations, interviews, forms, and other means of requesting information from 10 or more respondents. The program official must first coordinate requirements through the FAA Information Clearance Officer (AIT-20), and then obtain clearance from Office of Management and Budget (OMB).

l. *Privacy Act*. When a requirement involves the design, development, and/or operation of a system of records on individuals for an FAA function, the statement of work must identify FAA rules and regulations implementing the Privacy Act. (See FAA Order ~~1280.1A~~[1370.121](#); [FAA Information Security and Privacy Program & Policy](#)~~Protecting Privacy of Information About Individuals.~~)

m. *Printing or Duplicating or Purchase or Lease of Copying Equipment*. For printing or duplicating services to be performed either by Government Printing Office (GPO) or outside printing businesses, program officials must coordinate with the cognizant FAA printing management office. Purchase or lease of duplicators or electronic copiers over \$100,000 must be approved: for Headquarters acquisitions, coordinate with the Corporate Information Division (ABA-10); Region, Center and Service Area acquisitions, coordinate with the servicing printing management organization.

n. *NAS Specifications*. Specifications for acquisitions under the Capital Improvement Program (CIP) are baselined and under configuration control. A requisition for NAS program specification change must include evidence of approval by the NAS Configuration Control Board.

o. *Options*. If optional quantities or services are to be included, the PR package should state the basis for evaluating offeror proposals. The PR package should indicate whether it is expected that offers will be evaluated for award purposes only on the basis of the price for the basic requirement exclusive of options, or price inclusive of options.

p. *Warranty*. Warranties should be cost beneficial. For other than standard commercial warranty generally accepted as included with basic purchase price, the PR package should include an analysis of the costs of a warranty and its administration, versus the benefits of liability deferral.

q. *Liquidated Damages*. Before liquidated damages provisions may be included in a contract, the program official must adequately justify and document the basis for amounts to be assessed.

r. *Brand Name Products*. When a brand name or equal description is used, the PR package must state the brand name product and salient physical, functional, performance, and interoperability or interface characteristics of the brand name product so that vendors may offer alternative but equal products. Brand name-mandatory descriptions identify a specific make, model, or catalog number, and manufacturer of a product. This type of description differs from brand name or equal because vendors may not provide an equal item. For brand name-mandatory, a single source justification is required with the PR package. (See AMS Procurement Guidance T3.2.2.8 "Describing Needs" for more information.)

s. *Recovered Materials*. Program officials are responsible for defining product specifications, utilizing FAA's minimum content standards or preference standards, when procuring EPA- designated items. The program official should provide a written determination certifying that the statement of work/specifications for materials/services specified complies with the FAA's preference standards for recovered materials. (See AMS Procurement Guidance T3.6.3 "Environment, Conservation and Energy" for additional information.)

t. *Recycled Content*. Purchases of EPA-designated recycled content products must meet or exceed EPA guideline standards, unless price, performance, or availability justifies not doing so. The program official should document this determination. (See AMS Procurement Guidance T3.6.3 "Environment, Conservation and Energy" for additional information.)

u. *Capital Versus Non-Capital Lease Determination*. The FAA is required to capitalize certain improvements in both owned and leased space. In addition, the FAA (to include the Operating Office, RECO, and accounting) is required to make a determination as to whether leases (including real property leases) are capital or operating leases and insure they are recorded and filed accordingly. (See AMS Real Estate Guidance 3.1.5 "Capitalization" for additional information and applicable forms.)

v. *Personal Services*. Personal services contracts are permissible if appropriately justified and approved by senior management. The PR package must include evidence of this approval. (See AMS Procurement Guidance T3.8.2 "Service Contracting" for more information.)

w. *Single Source Justification*. When in FAA's best interests, a single source procurement may be appropriate. The program official should prepare a justification documenting the rational basis for using a single vendor. (See AMS Procurement Guidance T3.2.2.4 "Single Source" for additional information.)

x. *Technical Evaluation Factors/Plan*. Technical evaluation factors must be approved before issuing a solicitation. The program official must provide the factors and plan for evaluating technical proposals.

y. *Earned Value Management System (EVMS)*. An earned value management system (EVMS) is required for projects involving development, modernization, or enhancement estimated at \$10M or more. Program officials should consult with the FAA's EVM Focal Point (AAP-200) to determine appropriate EVMS certification, review, and reporting requirements. (See AMS "Earned Value Management Guide" for additional information.)

11 Simplified Purchases Revised 7/2007

a. *Purchase Cards*. When a requisition is used as the funding document for purchase card purchases, it must contain certification of availability of funds. (See AMS Procurement Guidance T3.2.2.5 "Commercial and Simplified Purchase Method" for additional information.)

b. *Blanket Purchase Agreement (BPA)*. A requisition may be issued for a basic BPA, but is not necessary for individual orders (termed "calls") against the BPA. One or more BPAs may be established in response to a requisition. The requisition identifies types of supplies or services to be purchased under the BPA, suggested sources of supply, estimated grand total and individual call dollar limitations, and person(s) to be authorized by the CO to make purchases. BPA calls serve as the obligating documents and a requisition will be required to issue the first call. If the BPA call is funded for a period of less than one year, a requisition for modification will be required to increase the funding.

12 Lease or Rental Space Revised 7/2007

a. *Headquarters*. Requirements for short-term lease, or rental, of conference space, or the long-term lease of other space (e.g., office, storage or special purpose), in commercial establishments in the Washington, D. C. metropolitan area, and requests for any GSA acquired space must be coordinated through the Headquarters Facilities Management Staff (ALO-100). The results of this coordination must be indicated on the requisition or an attachment.

b. *Regions and Centers*. Requirements for short-term lease of conference space not acquired through a purchase card should be coordinated with the real property organization of the

applicable Region or Center office. The results of that coordination must be indicated in the requisition or an attachment.

13 Logistics Center Supply Support Revised 7/2007

Supply Support Program requirements are processed using the Logistics Inventory System (LIS) at the FAA Logistics Center. Requisitioning through LIS, coordination, review, certification, and approval signature are completed electronically.

14 Real Property Revised 4/2009

a. *Real Property Responsibilities.* For the regions and centers, the Real Estate and Utilities Branch, or for Washington Headquarters, the Facilities Management Staff (ALO-100), are the primary contracting offices for the acquisition, management, and disposal of real estate, including utilities. In requests for acquisition (i.e. lease land or space), management, or disposal of real estate, or for acquisition of utilities services, the requiring office should initially contact and provide the requirements to the Real Estate Branch. For further information on submitting program office requirements to Real Estate, see AMS Policy 4.2. The requesting office will complete the requisition itself later, after cost information becomes available for its completion. Initially, cost information would not be available, and remain to be developed in consultation with the Real Estate Branch. A representative of the Real Estate Branch should be included at every stage in the real property acquisition, management, and disposal process, whether this is to make initial inquiry, to make contact with the property owner or his/her representative, to approve required audit reports, or for other steps in the process.

b. *General.* The requisition should include the name, address and telephone number of the property owner (or his/her representative), if known, and a record of any and all contacts with the owner/representative. Remember however, that contacts with owner/representative should be made only by the Real Estate Branch. As a minimum, requisitions for real property should contain the information described below, by type of requirement.

c. *Land Acquisition (Purchase or Lease).* For such acquisitions, the PR package should include information for the RECO to begin the acquisition process. Items for any new or renewal lease action include:

(1) The projected life of facility (total term requirement for real property).

(2) Intended use of property (e.g., VASI, REIL, VORTAC, ARSR, ASR), and amount and type of all required restrictive easements (e.g., 750, 1000, 1200 or 1500-foot radius; trees removed to XX feet).

(3) The legal description of the site and easements, expressed either in metes and bounds or as required by local land registries. If a legal description is not available, a legal description can be requested by a separate requisition transmitted to the Real Estate Branch.

(4) Drawings, to scale, of the property(ies) to be acquired, if available.

(5) *Clearances*. Environmental clearances, as follows:

(a) A statement that due diligence has been applied according to the requirements of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and FAA Order 1050.19B, Environmental Due Diligence Audits (EDDA) in the Conduct of FAA Real Property Transactions. Paragraph 1-10 of FAA Order 1050.19B describes the EDDA report review and approval process. The Real Estate Contracting Officer (RECO) receives the final, signed EDDA and places a copy of the report in the real property transaction file. A copy of the EDDA report should be included in the PR package, as well as a letter of acceptance of the report signed by the requiring office Program Manager/Division Manager. When an EDDA is not required, a memorandum must be included explaining the rationale for not conducting an EDDA. If the EDDA was not conducted as a result of an EDDA waiver request, also include a copy of the EDDA waiver request form.

(b) If it has been decided to acquire a site determined to have hazardous material contamination, the PR package should include a statement of justification signed by the requiring office Program Manager/Division Manager, together with a cost/benefit analysis.

(c) A statement certifying that an analysis of environmental impacts has been accomplished according to FAA Order 1050.1E and the National Environmental Policy Act. Environmental analysis may include a Categorical Exclusion (CATEX) or Environmental Assessment (EA) - which would culminate in a Finding of No Significant Impact (FONSI) or Environmental Impact Statement (EIS). These statements must clearly identify any environmental impact mitigation required, and the need for additional lease clauses to cover such mitigation. The environmental analysis must also identify all environmental compliance permits for the project. Examples of permit activities are: wetlands permits from the Army Corps of Engineers, land use permits, special area, water use, and other local, federal and state permits as necessary.

d. *Space Acquisition*. For space acquisitions, the PR package should include the following information for the RECO to begin the space acquisition process:

(1) The intended use of the space (e.g., AFS, FSDO).

(2) A five-year projected staffing chart including the number of authorized positions, by job title, which will use the space. Any projected staffing increases must be validated.

(3) Special Requirements. These include, but are not limited to:

(a) Authorized private offices;

- (b) Wiring for data lines;
- (c) 24-hour access/HVAC requirements;
- (d) Temperature and humidity level limits;
- (e) Local Area Network (LAN) rooms;
- (f) Computer Based Instruction (CBI) rooms;
- (g) Written examination room;
- (h) Floor loads and types;
- (i) Antennas attached to roof; and
- (j) Special finishes.

(4) Number of parking spaces required.

(5) Recommended total lease term (base lease term plus renewal option(s)).

(6) Delineated area and map depicting the area.

e. *Space Alterations/Improvements/Repairs (AIR)*. For this, the PR package should include:

- (1) A full narrative description of work to be accomplished, supported by a clear sketch or drawing of proposed AIR; and
- (2) Other related items, as stated in the paragraph just preceding.

f. *Construction*. For construction, the PR package should include:

(1) *For Real Property Interests - Land*. When the lease or purchase of land is involved, include a statement that such lease or purchase has been consummated. In rare circumstances, if there is written assurance the property owner will give that real property rights, and a written right of entry to begin construction has been provided, the PR may be processed if approved by the servicing Real Estate Branch.

(2) *For Real Property Interests - Space*. When a servicing contracting activity, that is, the contracting office, is requested to obtain construction, modification, alteration, and/or repair to leased space or buildings, care should be taken to ensure that the Real Estate Branch is involved in such leased space actions. The PR package must:

(a) Contain a statement from the servicing real estate organization that approval from the property owner has been secured and the lease amended to cover FAA's requirements; and

(b) Comply with all applicable requirements set forth in c.(2) and (3) above.

(3) *Environmental Considerations.* These include a statement certifying that all current requirements for Environmental Assessment and Due Diligence Audits have been met. (See the above paragraph c.(5) on environmental clearances.)

(4) *Utility Requirements.* When new or changed utilities, location or service is involved, state the status of obtaining utility service and the estimated date of its availability to the project.

(5) *Vehicle or Pedestrian Safety.* When the contract work will or may affect the traffic or safety of vehicles or pedestrians on the right-of-way of a public highway, road, or street owned by a governmental body other than the Federal Government, a statement that this is the case, and an identification of the governmental body which owns the highway, road, or street. For further information, see AMS Real Estate Guidance.

15 Public Utilities Revised 7/2007

a. *Minimum Content.* The PR package should contain information sufficient to enable the CO to determine the required type(s) of service, quantity, delivery point(s), time of initial service, service duration, and the principal characteristics of services. As a minimum, the PR package should contain the following:

(1) Technical description or specification of the type, quantity, and quality of service required;

(2) Date by which the service is required;

(3) Estimated maximum demand, monthly consumption, and annual cost for the first full 12 months of service;

(4) Schematic diagram or line drawing showing meter locations and Government connection point to utility supplier's system;

(5) Estimated cost, including: required utility services, any connection charges; and contractor installed facilities for replacement utility services; and

(6) Principal characteristics of service specifications. As a minimum, descriptions of the premises, or location to be served, in sufficient detail to clearly establish its identity by agency, function and address, as well as the service delivery point, and an attached map or drawing showing its exact location.

b. *Electrical Service Specifications.* The PR package should contain:

- (1) Monthly kilowatt hour (kWh) demand for a typical year;
- (2) Monthly kilowatt-hour (kWh) consumption for a typical year;
- (3) Type of current (AC or DC);
- (4) Number of phases;
- (5) Anticipated load factor;
- (6) Substation primary and secondary voltages, and allowable variations or tolerances; and
- (7) Type of metering: (1) demand and/or watt hours, (2) kilovolt-amperes (kva) or kilowatts (kW).

c. *Water Service Specifications.* The PR package should contain:

- (1) The required pressure and type(s) of water required (e.g., potable water, industrial water, classified as to extent of required filtration or chemical treatment; or raw water [river, lake, well, etc.]); and
- (2) Exact location of connection with utility firm's distribution system.

d. *Gas Service Specifications.* These specifications should state the supplier's tariff. They should describe the desired British Thermal Unit (BTU) content, the purity, and the initial and terminal pressure limitations. They should also include:

- (1) The estimated maximum demand per hour or per day;
- (2) The estimated monthly usage of gas, by months, for a typical year; and
- (3) The exact location of connection with utility firm's distribution system.

e. *Sewer Service Specifications.* These should specify the types of service required (e.g. sanitary with primary or secondary treatment, or raw waste disposal; industrial waste disposal; or storm water drainage). They should also include:

- (1) The size(s) and location(s) of connections between Government and contractor systems; and
- (2) The exact location of connection with the utility firm's distribution system.

16 Liquidated Damages Added 10/2014

- a. Liquidated damages clauses should be used only when (1) the time of completion, performance, or delivery is such an important factor in the award of the contract that the FAA may reasonably expect to suffer damage if the completion, performance, or delivery is delinquent; and (2) the extent or amount of actual damage sustained by the FAA would be difficult or impossible to calculate or prove. In deciding whether to include a liquidated damages clause in the SIR/contract, the procurement team should consider the probable effect of that clause on other issues such as contract price, competition, and the cost or difficulties of contract administration. The rates of liquidated damages must be reasonable and based on probable actual damages to the FAA. Liquidated damages assessed without consideration of actual costs are penalties, and are thus unenforceable.
- b. When administering contracts that include a liquidated damages clause, the CO must take all reasonable steps to notify contractors of the pending assessment when the concern about late completion, performance, or delivery first develops. If a basis for termination for default exists, the CO must advise the contractor that it may be liable for liquidated damages assessed until the date of termination, in addition to reprocurement costs. If completion, performance, or delivery is desired after termination for default, efforts must be made to obtain completion, performance, or delivery elsewhere within a reasonable time.
- c. *Construction.* Liquidated damages for construction contracts are assessed on a per project basis. The liquidated damages rate must be determined by the procurement team and documented by the program official, and must, at a minimum, cover the estimated cost of contract administration, including inspection, for each day of delay in completion. In addition, other specific losses anticipated to be incurred as a direct result of the failure of the contractor to complete the work on time must be included. Examples of specific losses are:
 - (1) Additional inspection costs;
 - (2) The costs of substitute facilities;
 - (3) The rental of buildings; and
 - (4) The costs of FAA crews, or hourly paid contract employees, forced on standby.

When different completion dates are specified in the contract for separate parts or stages of the work (i.e., milestones), the CO may revise the liquidated damages clause to state the amount of liquidated damages for the late completion of each milestone. Separate calculation and documentation of the estimated damages must be developed for each amount specified with a differing basis.

- d. The program official must document the basis for the assessment rate for liquidated damages. This documentation must describe the assumptions, data, and formula used to derive the rate of assessment.

17 Returning a Deficient PR Package Revised 10/2014

a. The CO may return a deficient PR package without action, or stop work on a pending PR package until the program official submits any needed supplemental information. Examples of reasons for returning or stopping work on a deficient PR package include:

- (1) Incomplete or conflicting information between the requisition, specifications, drawings, or other solicitation data;
- (2) Unstable requirements due to repeated technical changes to functional capability, reliability, maintainability, quality control, or testing requirements;
- (3) Failure to include the appropriate stock number or item code, facility type code, and other required data applicable to each accountable item listed; or
- (4) Missing or improper funding citation.

b. In Washington Headquarters, the CO should return a deficient PR package by memorandum, signed by a Contracts Division branch manager, to the approver of the requisition. The memorandum should include a brief explanation of deficiencies.

c. In Service Areas, Regions and Centers, COs should return PR packages in accordance with local procedures.

B Clauses

[view contract clauses](#)

C Forms Revised 7/2007

[view procurement forms](#)

Section Removed:
3.7 Privacy and Freedom of Information

Procurement Guidance - (7/2018 10/2018)

~~T3.7 Privacy and Freedom of Information Reserved~~ 10/2018

~~A Protection of Individual Privacy~~

~~1 General~~ Revised 10/2016

~~2 Implementing Rules~~

~~B Clauses~~

~~C Forms~~

T3.7 Privacy and Freedom of Information Reserved

A Protection of Individual Privacy

1 General Revised 10/2016

a. ~~The Privacy Act provides safeguards for individual privacy when the FAA contracts for the design, development, and/or operation of a system of records on individuals on behalf of the FAA to accomplish a program function. The Act requires that the contractor follow all of the rules on privacy that apply to the FAA.~~

b. ~~An FAA employee may be criminally and/or civilly liable for violations of the Act. When the contract provides for operation of a system of records on individuals, contractors and their employees are considered employees of the FAA for purposes of the criminal penalties of the Act.~~

c. ~~The Contracting Officer must review requirements to determine whether a contract will involve the design, development and/or operation of a system of records on individuals. If one or more of these tasks will be required, the Contracting Officer must insure that the contract specifically identifies the system of records on individuals and the design, development, and/or operation work to be performed. The statement of work must identify the FAA rules and regulations implementing the Privacy Act.~~

d. ~~Information Technology Agencies must ensure that contracts for information technology address protection of privacy in accordance with the Privacy Act (5 U.S.C. 552a) and Part 24. In addition, each agency shall ensure that contracts for the design, development, and/or operation of a system of records using commercial information technology services or information technology support services include the following: (a) Agency rules of conduct that the contractor and the contractor's employees shall be required to follow. (b) A list of the anticipated threats and hazards that the contractor must guard against. (c) A description of the safeguards that the contractor must specifically provide. (d) Requirements for a program of FAA inspection during performance of the contract that will ensure the continued efficacy and efficiency of safeguards and the discovery and countering of new threats and hazards.~~

2 Implementing Rules

The Department of Transportation's implementing rules and regulations for the Privacy Act are contained at 49 CFR Part 10.

B Clauses

[view contract clauses](#)

C Forms

[view procurement forms](#)

Sections Revised:

3.14.1 A 2 – Information Security and Privacy

3.14.1 A 3 – Personnel Security

3.14.1 A 5 – Related Security Guidance and Tools

Procurement Guidance - (~~7/2018~~ 10/2018)

T3.14.1 Security Revised 1/2009

A Security

1 Facility/Security

2 Information ~~and Systems~~ Security and Privacy Revised ~~10/2016~~ 10/2018

3 Personnel Security Revised ~~10/2017~~ 10/2018

4 Foreign Nationals Revised 10/2017

5 Related Security Guidance and Tools Revised 10/2018

6 Sensitive Unclassified Information Revised 10/2016

B Clauses Revised 1/2009

C Forms Revised 10/2017

T3.14.1 Security Revised 1/2009

A Security

1 Facility/Security

FAA Facility (per Order 1600.69, FAA Facility Security Management Program, Appendix 1, #29) is defined as any building, structure, warehouse, appendage, storage area, utilities, and component, which, when related by function and location form an operating entity owned, operated or controlled by the FAA.

2 Information ~~and Systems~~ Security and Privacy Revised ~~10/2016~~ 10/2018

All systems and applications must undergo a Security Authorization as specified in FAA Order ~~1370.82~~1370.121 FAA Information Security and Privacy Program & Policy, as amended, and required by Office of Management and Budget (OMB) Circular A-130, Appendix III Managing Information as a Strategic Resource (2016), and the Federal Information Modernization Security Act (FISMA) 2014. FAA Order ~~1370.82~~1370.121 as amended requires the use of the FAA Security Authorization Handbook, current version. The FAA Security Authorization Handbook provides the required guidance, process, and templates for conducting a Security Authorization and is based on the most current versions of the National Institute of Standards and Technology (NIST) Publications and Standards, Department of Transportation (DOT) Compendium and FAA Policies.

The Office of Information Security and Privacy (IS&P), Compliance Division, Assessment Branch (AIS-230) provides Security Authorization services to Office of Finance and Management (AFN) organizations and Lines of Businesses (LOBs) that have requested and funded these services.

FAA will further use the Information Security Continuous Monitoring (ISCM) objective to protect High Value Assets (HVAs) and information per OMB memorandum M-14-103 “Enhancing Security of Federal Information Systems” dated November 18, 2013. FAA and Contractor responsibilities are further defined in AMS clause 3.14-9 “Information Security Continuous Monitoring (ISCM) and Forensics on Contractor Systems”.

Privacy. The Privacy Act provides safeguards for individual privacy when the FAA contracts for the design, development, and/or operation of a system of records on individuals on behalf of the FAA to accomplish a program function. The Act requires that the contractor follow all of the rules on privacy that apply to the FAA.

An FAA employee may be criminally and/or civilly liable for violations of the Act. When the contract provides for operation of a system of records on individuals, contractors and their employees are considered employees of the FAA for purposes of the criminal penalties of the Act.

The Contracting Officer must review requirements to determine whether a contract will involve the design, development and/or operation of a system of records on individuals. If one or more of these tasks will be required, the Contracting Officer must insure that the contract specifically identifies the system of records on individuals and the design, development, and/or operation work to be performed. The statement of work must identify the FAA rules and regulations implementing the Privacy Act.

Privacy and Information Technology. Agencies must ensure that contracts for information technology address protection of privacy in accordance with the Privacy Act (5 U.S.C. 552a) and Part 24. In addition, each agency shall ensure that contracts for the design, development, and/or operation of a system of records using commercial information technology services or information technology support services include the following:

(a) Agency rules of conduct that the contractor and the contractor's employees shall be required to follow.

-(b) A list of the anticipated threats and hazards that the contractor must guard against.

-(c) A description of the safeguards that the contractor must specifically provide.

-(d) Requirements for a program of FAA inspection during performance of the contract that will ensure the continued efficacy and efficiency of safeguards and the discovery and countering of new threats and hazards.

The Department of Transportation's implementing rules and regulations for the Privacy Act are contained at 49 CFR Part 10.

3 Personnel Security Revised ~~10/2017~~ 10/2018

a. Definitions.

(1) *Access.* The ability to physically enter or pass through an FAA area or a facility; or having the physical ability or authority to obtain FAA sensitive information, materials, or resources; or the ability to obtain FAA sensitive information by technical means including the ability to read or write information or data electronically stored or processed in a digital format such as on a computer, modem, the Internet, or a local-or wide area network (LAN or WAN). When used in conjunction with classified information, access is the ability, authority, or opportunity to obtain knowledge of such information, materials, or resources, in accordance with the provisions of Executive Order (EO)12968, Access to Classified Information.

(2) *Classified Acquisition.* An acquisition that consists of one or more contracts in which offerors would be required to have access to classified information (Confidential, Secret, or Top Secret) to properly submit an offer or quotation to understand the performance requirements of a classified contract under the acquisition or to perform the contract.

(3) *Classified Contract*. Any contract, purchase order, consulting agreement, lease agreement, interagency agreement, memorandum of agreement, or any other agreement between FAA and another party or parties that requires the release or disclosure of classified information to the contractor and/or contractor employees in order for them to perform under the contract or provide the services or supplies contracted for.

(4) *Classified Information*. Official information or material that requires protection in the interest of national security and is labeled or marked for such purpose by appropriate classification authority in accordance with the provision of Executive Order 12958, Classified National Security.

(5) *Contractor Employee*. A person employed as or by a contractor, subcontractor, or consultant supporting FAA or any non-FAA person who performs work or services for FAA within FAA facilities.

(6) *Electronic Questionnaires for Investigations Processing (eQIP)*. Government system used to electronically process initial and subsequent investigation requests.

(7) *FAA facility*. Any staffed or unstaffed building structure, warehouse, appendage, storage area, utilities and components, which when related by function and location form an operating entity owned, operated or controlled by FAA.

(8) *Foreign National*. Any citizen or national of a country other than the United States who has not immigrated to the United States and is not a Legal Permanent Resident (LPR) of the United States.

(9) *Immigrant Alien*. Any person not a citizen or national of the United States who has been lawfully admitted for permanent residence to the United States by the U.S. Citizen and Immigration Service (USCIS). (Refer to the Immigration and Nationality Act (INA)(8 United States Code 1101), Sections 101(a)(3) and (20).

(10) *Non-Immigrant Alien*. Any person not a citizen or national of the United States who has been authorized to work in the United States by the USCIS, but who has not been lawfully admitted for permanent residence. (Refer to the INA, Sections 101(a)(3) and (20).

(11) *Operating Office*. An FAA line of business, an office or service in FAA headquarters or an FAA division-level organization in a region or center, or any FAA activity or organization that utilizes the services and/or work of a contractor.

(12) *Quality Assurance Program*. A system that provides a means of continuous review and oversight of a program/process to ensure (1) compliance with applicable laws and regulations; (2) the products and services are dependable and reliable.

(13) *Resources*. FAA physical plant, sensitive equipment, information databases including hardware, software and manual records pertaining to agency mission or personnel.

(14) *Sensitive Information*. Any information which if subject to unauthorized access, modification, loss, or misuse could adversely affect the national interest, the conduct of Federal programs or the privacy to which individuals are entitled under Section 552a of Title 5, United States Code (the Privacy Act), but which has not been specifically authorized under criteria established by an EO or an Act of Congress to be kept secret in the interest of national defense or foreign policy. Sensitive data includes propriety data.

(15) *Sensitive Unclassified Information (SUI)*. Unclassified information withheld from public release and protected from unauthorized disclosure because of its sensitivity. Section 552a of Title 5, United States Code (the Privacy Act) identifies information, which if subject to unauthorized access, modification, loss, or misuse could adversely affect the national interest, the conduct of Federal programs or the privacy to which individuals are entitled.

(16) *Servicing Security Element (SSE)*. The FAA headquarters, region, or center organizational element responsible for providing security services to a particular activity.

(17) *Vendor Applicant Process (VAP)*. FAA system utilized to process and manage personnel security information for contractor personnel.

b. The National Industrial Security Program (NISP) was established by EO 12829, January 6, 1993, to protect the Government's classified information. The NISP Operating Manual (NISPOM) prescribes the requirements, restrictions, and other safeguards necessary to prevent unauthorized disclosure of classified information and to control authorized disclosure of Classified information released by the U.S. Government. NISPOM is available online at the [NISP Library](#).

c. AMS Policy Section 3.5, Patents, Data, and Copyrights, contains policy for safeguarding classified information in patent applications and patents.

d. *Classified Information-Responsibilities of the Contracting Officer (CO)*.

(1) Ensure that the Screening Information Request (SIR) and contract clearly identify the security, access, storage, and safeguarding requirements for contractor access to any Classified National Security Information (CNSI) as well as the highest level of access required. Additionally ensure that the contract documentation and processes comply with current NISP requirements.

(2) The CO must contact the office of Security, AIN-300 and the ASH Personnel Security Clearance Branch in the local office regarding FAA procedures and requirements for any contracting activity requiring contractor or potential contractor access to classified information, whether that information is owned by another agency or FAA. The responsible security organizations include the following:

(a) Headquarters – ASH Office of Security AIN-300

(b) ASH Joint Security offices (Eastern/AHE; Central; AHC; and Western/AHW). The William J. Hughes Technical Center (WJHTC) is under the security cognizance of AIN-1 for classified contracting processes.

(c) Mike Monroney Aeronautical Center (MMAC) – The Manager, Security and Investigations Division, AMC-700, is under the security cognizance of AIN-1 for classified contracting processes.

(3) *Prescreening Information Request Phase.* COs should review all proposed Screening Information Requests (SIRs) to determine whether access to classified information may be required by offerors, or by a contractor during contract performance. If access to classified information may be required, the CO must comply with subparagraph d.(1) and d.(2) above.

(4) *SIR Phase.* COs must:

(a) Ensure the classified acquisition is conducted in accordance with the requirements of d.(1) and d.(2) above;

(b) Include appropriate security requirements and clauses in SIRs (see AMS Clause 3.14-1, Security Requirements, and its alternates); and as appropriate in SIRs and contracts when the contractor may require access to classified information. Requirements for security safeguards in addition to those provided in AMS Clause 3.14-1, Security Requirements, might be necessary in some instances; and

(c) Ensure the use of Contract Security Classification Specification, DD Form 254 when classified contracts are employed.

e. *Employment Suitability and Security Clearances for Contractor Personnel.* FAA's policy on personnel security for contractor employees, including those working on a FAA contract employed at contractor facilities, requires that procurement personnel take appropriate actions to protect the Government's interest where it appears that contractor employees, subcontractors, or consultants may have access to FAA facilities, classified information, sensitive information, and/or resources. Additional details of the agency's contractor and industrial security program are provided in FAA Order 1600.72A.

(1) *Security Clearances for Contractor Employees.*

(a) FAA Orders 1600.2F and 1600.72A (or current versions) provides that contracts requiring contractor employees to have access to classified information must be prepared and processed according to the procedures contained in the National Industrial Security Program Operating Manual (NISPOM)

(b) In the case of a contract or agreement where the FAA requires persons not employed by the U.S. Government to have access to classified information, a statement to that effect should be included in the SIR and the requirements of FAA Order 1600.72A.

(2) Employment Suitability of Contractor Employees.

(a) FAA Order 1600.72A provides specific guidance for determining suitability of FAA contractor employees for access to FAA facilities, classified information, Sensitive Unclassified Information(SUI), and/or network information systems. It outlines risk levels and associated investigations requirements, and identified additional specific requirements and exemptions from investigative requirements.

(b) As it pertains to suitability determinations, at a minimum, the following actions are required:

(i) Each SIR should include provisions that require the contractor to submit an interim-staffing plan describing the anticipated positions and key employees, as appropriate.

(ii) CO and the appropriate SSE, with input from the Operating Office (e.g., Contracting Officer's Representative (COR)), have the responsibility to make an initial determination as to the applicability of the order in any given SIR and/or contract. An assessment will be made up-front as to whether any positions contained in the staffing plan will require access to FAA facilities, sensitive information, and/or resources. If the CO determines that the order does not apply to a given SIR/contract, this will be documented in a memorandum to file, indicating the matter was given due consideration, addressed adequately, and said determination made.

(iii) The Operating Office, ~~with input from the Co~~ in coordination with the COR, has the responsibility to make initial position risk/sensitivity level designations based on the initial list of positions and the Statement of Work (SOW). FAA Order 1600.72A contains guidelines with a systematic process of uniformly designating program, position risk, and sensitivity levels. The Office of Personnel Management's Position Designation Automated Tool is to be used by the FAA Program Manager or Contracting Officer's Representative (COR) in conjunction with this process and to document the designations for all new contract awards.

(iv) For modifications to existing contracts, the appropriate SSE will approve the Operating Office's initial position risk/sensitivity level designations prior to the execution of the modification. For new contracts, the same process would be followed for determining risk/sensitivity level designations, using information required by way of a provision in the SIR.

(v) AMS Clause 3.14-2 will require the contractor to submit the completed documentation for each employee in a stated position, as necessary to permit the SSE to make an employment suitability determination. This documentation must be submitted through applicable systems or directly to the SSE (for Privacy Act reasons) for approval, or denial of access, using the process described in FAA Order 1600.72A.

(vi) For new contracts, contractor employees must be required to submit the required documentation prior to performing or providing services or supplies under any FAA contract actions. Depending upon the nature and extent of access required, after an initial review of the documentation submitted by the contractor or contractor employee, the SSE may grant interim suitability for the contractor employee to commence performing or providing services or supplies under the contract pending completion of the check and/or investigation and final suitability determination.

(vii) For modifications to existing contracts, contractor employees may continue working under the contract pending submission of the necessary documentation, if any, and completion of a suitability investigation by the SSE. Note there is a period of 30 days that cannot be exceeded in which contractors must submit the forms after the positions and associated risks have been identified via contract modification. The SSE may establish conditions governing such access pending completion of suitability investigation.

(viii) Notification of termination of employees performing within a stated position under a contract must be provided via the VAP to the FAA by the contractor within one (1) day.

(ix) COs will notify the SSE whenever a contract is issued or when the status of a contract changes (i.e., replaced, defaulted, terminated, etc.). Prior coordination of new contracts should have occurred between the Operating Office, the CO, and the SSE.

(c) Procedures for Processing Security Investigations.

(i) Upon contract award, the CO or company will communicate to the personnel security specialist (PSS) a point of contact (POC) who will enter data into the Vendor Applicant Process (VAP) (vap.faa.gov). This POC should be a representative designated by the contractor, and each contract may have a maximum of 5 POCs per contract. The VAP administrator will provide a Web ID and password to each POC.

(ii) The following information must be entered by the POC into the VAP for each contractor employee requiring an investigation:

(AA) Name;

(BB) Date and place of birth (city and state); (CC)

Social Security Number (SSN);

(DD) Position and Office Location;

(EE) Contract number;

(FF) Current e-mail address and telephone number for applicant (personal or work); and

(GG) Any known information regarding current security clearance or previous investigations (e.g. the name of the investigating entity, type of background investigation conducted, contract number, labor category (Position), and approximate date the previous background investigation was completed).

(iii) The PSS will examine the information in VAP and check for prior investigations and clearance information.

(AA) If a prior investigation exists and there has not been a 2 year break in service, the PSS will notify the vendor and CO/COR that no investigation is required and that final suitability is approved.

(BB) If no previous investigation exists, the PSS will send the applicant an e-mail (with a copy to the CO or company):

(1) Stating that no previous investigation exists and the applicant must complete a form through the Electronic Questionnaires for Investigations Processing (eQIP) system;

(2) Instructing the applicant how to enter and complete the eQIP form;

(3) Providing where to send/fax signature and release pages and other applicable forms; and

(4) Providing instructions regarding fingerprints.

(iv) The applicant must complete the eQIP form and submit other applicable material within 15 days of receiving the e-mail from the PSS.

(v) If the eQIP form requires additional information, it will be rejected to the applicant with the reason for the rejection.

(vi) The PSS will notify the applicant and CO/COR of any interim suitability determinations.

(d) *Removal of Contractor Employees.* The POC, CO, or COR may notify the SSE/PSS when a contractor employee is removed from a contract by using the Removal Entry Screen of VAP.

(e) *Reports.* The POCs, COs, and CORs have the ability to run security reports from VAP for contracts and contractor employees.

f. *Costs of Investigations.* To pay for investigations, allotments of funds are made to regions, centers, and headquarters. Unless there has been a specific allotment to the SSE to pay for all contractor employee investigations for operating officers that the SSE services, each operating office must arrange to pay the costs for investigations on those employees working under contracts for which it is responsible. Security screenings, including fingerprint checks on contractor employees are funded through operational funds by each office or division. The operating office responsible for payment must provide the SSE with the accounting code information necessary to have the cost charged appropriately.

g. *Contractor Off-Boarding Requirements.* Contractor employees departing from a FAA contract who have access to FAA facilities and/or Information Technology systems must each complete the FAA Contractor Employee Off-Boarding Checklist (see Procurement Forms). This does not apply to contractor employees who have been employed on the contract for less than six (6) months and have not been issued a yellow ID card.

The contractor employee's FAA sponsor is responsible for ensuring that the employee completes the Checklist. This responsibility may be delegated to the COR under a given contract. Contractor responsibilities are as indicated in AMS Clause 3.14-4 "Access to FAA Facilities, Systems, Government Property, and Sensitive Information".

4 Foreign Nationals Revised 10/2017

Foreign nationals employed or hired by the contractor to perform services for the FAA must have resided within the United States for three (3) years of the last five (5) years unless a waiver of this requirement has been granted by the SSE in accordance with FAA regulations (see AMS Clause 3.14-3, Foreign Nationals as Contractor Employees).

5 Related Security Guidance and Tools Revised 10/2018

The following sections refer to areas within the ~~procurement toolbox~~ [AMS Guidance](#) that contain security issues to be considered during contract formulation.

T3.1.6 Nondisclosure of Information

- T3.2.1 Procurement Planning
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6 Sensitive Unclassified Information Revised 10/2016

a. *General.*

- (1) FAA Order 1600.75, "Protecting Sensitive Unclassified Information (SUI)," outlines policy and guidance on protecting sensitive unclassified information (SUI).
- (2) When a contract, order, lease, or agreement requires a contractor or offeror to have access to SUI, the Contracting Officer (CO) must incorporate appropriate security clauses into the solicitation or contract. These include clauses on safeguarding standards, personnel security suitability, and non-disclosure agreements.
- (3) SUI may include information such as Personally Identifiable Information (PII), sensitive NAS data, construction drawings, or equipment specifications. Prospective FAA vendors may need access to this information to ensure they can accurately propose and perform the work that FAA requires.
- (4) When a screening information request (SIR) includes information determined to be SUI, the CO (and anyone else granted access to the SUI) must take reasonable care disseminating the SUI documents and ensure the recipient has a *need-to-know* and is *authorized* to receive it.

b. *FOUO and SSI.* There are over 50 types of SUI; however the two types generally handled within FAA are:

- (1) *For Official Use Only (FOUO).* FOUO is the primary designation given to SUI by FAA, and consists of information that could adversely affect the national interest, the conduct of Federal programs, or a person's privacy if released to unauthorized individuals. Uncontrolled issuance of FOUO may allow someone to:

(a) Circumvent agency laws, regulations, legal standards, or security measures;
or

(b) Obtain unauthorized access to an information system.

(2) *Sensitive Security Information (SSI)*. SSI is a designation unique to the FAA, DOT, and the Department of Homeland Security (DHS) Transportation Security Administration (TSA), and applied to information meeting the criteria of 49 CFR Part 15, Part 1520 and Subpart A. SSI is information obtained or developed while conducting security activities, including research and development. Unauthorized disclosure of SSI can:

(a) Constitute an unwarranted invasion of privacy;

(b) Reveal trade secrets or privileged or confidential information; or

(c) Be detrimental to transportation safety or security.

c. *Distribution of SUI Information*. When distributing SUI information, the CO (and anyone else granted access to the SUI, including prime contractors, subcontractors, suppliers, etc.) must ensure the persons receiving the information are *authorized* to receive the SUI and have a *need-to-know*. Methods of pre-award SUI dissemination utilized in FAA include FedBizOpps and hardcopy dissemination.

d. *Federal Business Opportunities (FedBizOpps)*. FedBizOpps is an E-Gov initiative that provides a secure environment for distributing sensitive acquisition information (to include SUI) to vendors during the solicitation phase of procurement. This system electronically disseminates information or data to the vendor community while still protecting SUI from unauthorized distribution. Data that can be uploaded into FedBizOpps includes construction plans, equipment specifications, security plans, and SIRs. As FAA utilizes the FAA Contract Opportunities website to announce procurement opportunities, COs will utilize the Non-FBO Secure Document Link functionality in FedBizOpps when electronically distributing SUI.

(1) FedBizOpps provides several security measures to include:

(a) During processing of a vendor's access request to FedBizOpps, the vendor's profile is retrieved from the System for Award Management (SAM). Using the Data Universal Numbering System (DUNS) number, FedBizOpps ensures that the vendor seeking access is a viable vendor in SAM;

(b) *Marketing Partner Identification Number (MPIN)*. A number required by FedBizOpps to access SUI. This number is unique to each vendor, and chosen by the vendor when each register with SAM;

(c) Vendors receive an e-mail after registration to confirm the validity of their identity and contact information;

(d) The access level of the data in FedBizOpps can be adjusted; the CO can specifically allow access to only certain vendors, or if a vendor requests access to the data and they are not specifically authorized, the system will verify with the CO if access should be granted (termed "Explicit Access Request");

(e) *Export Control*. When export control is selected in FedBizOpps, the system requires that the vendor be certified by the Defense Logistics Information Service Joint Certification Program before SUI will be released. This is usually reserved for technology related to military or space application; and

(f) The system tracks which Government users and vendors access the data through FedBizOpps.

(2) Use of FedBizOpps requires the CO to adhere to the following process:

(a) Upload SUI files into the FedBizOpps website (<http://www.fbo.gov>) by the procurement request (PR) and solicitation numbers. Note that the problems may arise when uploading attachments greater than 100 mb.

(b) "Release" the solicitation: Prior to it being made available to anyone through FedBizOpps, the CO must determine the scope of vendors allowed to access the data and release the data for authorized viewing.

(c) Once established in FedBizOpps, the system provides the CO a web address to provide to vendors that will link authorized persons directly into the applicable data. The CO can email this link to individual vendors when access has been restricted, or can place it on a public announcement via the internet so, if properly registered, all interested parties may view the data. Prior to downloading the data, the vendor must electronically sign an SUI policy statement in FedBizOpps.

(3) Web-based training and user guides are available to both FAA users and contractors at <http://www.fbo.gov>.

e. Hardcopy Dissemination of SUI Using FedBizOpps. At times, electronic versions of documents or data do not exist, and the SUI must be disseminated in a hardcopy form. In situations such as this, the CO must still utilize FedBizOpps for vendor verification and for the vendor to electronically read and certify to SUI policy. This will eliminate the need for the CO to manually validate vendor information and document in hardcopy form the vendor's certification to properly handle and protect SUI. Once the vendor is verified by FedBizOpps and has agreed to the SUI policy, the hardcopy documentation can then be forwarded to that vendor. Processes for distributing SUI in hardcopy form to vendors are:

(1) The CO may upload a "Document Security Notice and SUI Request Form" into FedBizOpps for the vendor to download, complete, sign, and return to the CO requesting the SUI data. Because the form can only be accessed after vendor verification and certification to SUI policy has taken place, hardcopy documentation can be distributed to the vendor after the

CO receives a completed form. In some situations a portion of the SUI may be available in digital media and the remainder in hardcopy form; the CO may upload into FedBizOpps the digital portion for the vendor to download directly and the request form for the vendor to request the remaining hardcopy documentation; or

(2) The CO may request the vendor to use the "CD" link for hardcopy SUI documentation. Once the vendor links to the SUI, has properly accessed FedBizOpps, and certified to SUI policy, they may select the "CD" link. Once the vendor selects the link, the system sends the CO an e-mail with the vendor's information and request for the SUI. This link can be used for both hardcopy documentation and information that the CO desires to distribute via a CD or other like media. f. *Registration with FedBizOpps.*

(1) The process in which a CO registers for FedBizOpps is:

(a) Access the FedBizOpps website at <http://www.fbo.gov>.

(b) Click the "Register Now" link for buyers.

(c) Enter name, position, and e-mail information.

(d) Use the Agency drop-down menu to select the proper agency from the list provided. FAA users will select Department of Transportation/Federal Aviation Administration (FAA) for "Agency," and the proper FAA location in which the user resides for the "Contracting Office Location." The location list for FAA includes Headquarters and each region and center.

(e) Select the type of user account required. COs will choose Buyer from the menu.

Note: If a CO needs to release solicitations and post SUI in FedBizOpps, the CO must register for buyer and engineer user rights. The user rights of an engineer allow for the posting of SUI, while those of the buyer group does not; however, the system does allow for a single user to have the rights of both user groups.

(f) Complete the remaining fields.

(g) Once the user clicks submit, the registration request is sent to the Administrator at DOT for processing. When approved, the user will receive an e-mail stating the result of the request and the appropriate username and password to use with FedBizOpps.

(2) The process in which a vendor registers in FedBizOpps is:

(a) Access the FedBizOpps website at <http://www.fbo.gov>.

(b) Click the "Register Now" link for vendors.

(c) The vendor will enter their DUNS Number for authentication.

(d) The vendor will review/update information retrieved from SAM, and enter other information to include a user name and password.

(e) Once submitted, the registration is analyzed and authenticated. If approved, the vendor will receive a confirmation page via e-mail detailing key information for FedBizOpps.

g. *Other Electronic Transfer and Dissemination.* Transfer and dissemination of SUI information beyond the intranet (internet or extranet, modem, DSL, wireless, etc.) must use at least 128 bit symmetric key encryption following NIST Special Publication 800-21 *Guideline For Implementing Cryptography in the Federal Government*. All transfers must use standard commercial products (such as PGP and Secret Agent) with encryption algorithms that are at least 128 bit symmetric (3DES, AES, RC4, IDEA, etc.), and follow the instructions outlined in this order. Authorized users that use project extranets for electronic project management during or after contract award to transfer SUI information are responsible for verifying and certifying to the CO that project extranets meet applicable physical and technical security requirements as determined by the Chief Information Officer. Access to the sites must be password protected and access must be granted only on a need-to-know basis. A record of those individuals who have had electronic access must be maintained by the CO or other disseminator in accordance with the system of keeping long-term records.

h. *Record Keeping.* Those who disseminate SUI information must obtain a signed "Document Security Notice and SUI Request Form" from anyone who receives the information (except for those vendors that utilize FedBizOpps for electronic data). Records of the signed forms must be maintained by the disseminator and destroyed 2 years after final disposition of the related SUI material (FAA Order 1350.15C and GRS 18 Item 1). At the completion of work, secondary and other disseminators must turn over their dissemination records to FAA, to be kept with the permanent files. The only records that the CO must keep for those vendors that utilize FedBizOpps to request SUI are the request forms for hardcopy documentation and any documentation detailing subsequent dissemination by the vendor and their subcontractors or suppliers. Records of those who accessed SUI information via FedBizOpps and their associated SUI policy certifications are stored in FedBizOpps itself.

i. *Retaining and Destroying Documents.* The requirements above must continue throughout the entire term of contract and for whatever specific time thereafter as may be necessary. Necessary record copies for legal purposes (such as those retained by the architect, engineer, or contractor) must be safeguarded against unauthorized use for the term of retention. Documents no longer needed must be destroyed (such as after contract award, after completion of any appeals process, or completion of the work). Destruction must be by burning or shredding hardcopy, and physically destroying CDs, deleting and removing files from electronic recycling bins, and removing material from computer hard drives using a permanent erase utility or similar software.

j. *Notice of Disposal.* For all contracts using SUI, the contractor must notify the CO that it and its subcontractors have properly disposed of the SUI documents, except the contractor's record copy, at the time of Release of Claims to obtain final payment.

k. *State and Local Governments*. To comply with local regulations, FAA must provide localities with documents to issue building permits and to approve code requirements. Public safety entities such as fire departments and utility departments require unlimited access on a need-to-know basis. These authorities must be informed at the time they receive the documents that the information requires restricted access from the general public. When these documents are retired to local archives, they should be stored in restricted access areas. This will not preclude the dissemination of information to those public safety entities.

l. *Proprietary Information Owned by Architect/Engineers*. All professional services consultants must sign the "Document Security Notice and SUI Request Form" that documents containing SUI created under contract to the Federal Government must be handled according to the procedures under this guidance.

m. *Private Sector Plan Rooms*. Numerous private sector businesses provide plan rooms, which provide access to construction plans and specifications for bidding purposes as a service to construction contractors and subcontractors. Before receiving SUI from any source for dissemination, the private sector plan room must demonstrate to FAA that they will adhere to the procedures outlined in this guidance, and sign the "Document Security Notice and SUI Request Form."

B Clauses Revised 1/2009

[view contract clauses](#)

C Forms Revised 10/2017

[view procurement forms](#)

The following security forms apply to FAA procurement:

- [DD Form 254](#) – *Contract Security Classification Specification*: For use by FAA personnel when classified contracts are employed.