Research Administration Network Agenda

SUB Ballroom A

June 12, 2018

9:00am to 10:00am

PRE AWARD ITEMS:

1. Introduction of New Staff for OSP and New Staff Promotions for CGA-Danielle B. and Ricardo

2. CUI/IT and contract review times

3. Trainings scheduled for June

4. NSF vendor setup

5. 5 Day Rule Discussion

6. Proposal Revamp Update: Analytics, Red Zone and Questions

7. Website Launch 7/1/2018

8. Comments and Suggestion Box on the website

POST AWARD ITEMS:

1. State awards – Year End reminder

2. Chrome River
   a. Year End Deadlines
   b. Delays in Approvals
   c. Data Analytics on Returns
Unclassified but Controlled: Safeguarding your Research

HANNAH CLARK (CONTRACT TEAM) AND ALYSSA PIERCE (PROPOSAL TEAM)
OFFICE OF SPONSORED PROJECTS - MAIN CAMPUS - UNIVERSITY OF NEW MEXICO
AGENDA

- Definition of Controlled Unclassified Information
- Current Processes for Handling CUI Contracts:
  - Current OSP Process
    - Identifying CUI in Research Agreements
    - Identifying CUI in Research Proposal Solicitations
- Questions
WHAT IS CUI?

CUI is a term used to refer to categories of unclassified information that the Govt has determined requires “safeguarding or dissemination controls."

CUI replaces categories such as:
- Sensitive but Unclassified (SBU)
- For Official Use Only (FOUO)
WHERE ARE CUI CATEGORIES LOCATED?

CUI Registry (https://www.archives.gov/cui/registry/cui-glossary.html)
◦ Online repository for all information, guidance, policy, and requirements on handling CUI.
◦ Includes 18 main categories and approx. 2-17 subcategories within each main category.

The CUI Registry:
◦ identifies all approved CUI categories and subcategories,
◦ provides general descriptions for each,
◦ identifies the basis for controls,
◦ establishes markings, and
◦ includes guidance on handling procedures.
<table>
<thead>
<tr>
<th>Category</th>
<th>Information Types</th>
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<tr>
<td>Nuclear</td>
<td>General Nuclear</td>
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<td>Naval Nuclear Propulsion Information</td>
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<td>Nuclear Recommendation Material</td>
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<td>Nuclear Security-Related Information</td>
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<td>Safeguards Information</td>
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<td>Unclassified Controlled Nuclear Information - Defense</td>
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<td>Unclassified Controlled Nuclear Information - Energy</td>
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<td>Patent</td>
<td>Patent Applications</td>
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<td>Inventions</td>
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<td>Secrecy Orders</td>
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<td>Privacy</td>
<td>Contract Use</td>
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<td>Death Records</td>
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<td>General Privacy</td>
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<td>Genetic Information</td>
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<td>Health Information</td>
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<td>Inspector General Protected</td>
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<td>Military Personnel Records</td>
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<td>Personnel Records</td>
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<td>Student Records</td>
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<td>Procurement and Acquisition</td>
<td>Controlled Technical Information</td>
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<td>General Procurement and Acquisition</td>
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<td>Small Business Research and Technology</td>
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<td>Source Selection</td>
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<td>Proprietary Business Information</td>
<td>General Proprietary Business Information</td>
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<td></td>
<td>Ocean Common Carrier and Marine Terminal Operator Agreements</td>
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<td>Ocean Common Carrier Service Contracts</td>
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<td>Proprietary Manufacturer</td>
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<td>Proprietary Postal</td>
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<td>System for Award Management</td>
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<td>Statistical</td>
<td>Investment Survey</td>
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<td>Pesticide Producer Survey</td>
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<td>Statistical Information</td>
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<td>US Census</td>
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<td>Tax</td>
<td>Federal Taxpayer Information</td>
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<td>Tax Convention</td>
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CUI Category: Controlled Technical Information

**Category Description:** Controlled Technical Information means technical information with military or space application that is subject to controls on the access, use, reproduction, modification, performance, display, release, disclosure, or dissemination. Controlled technical information is to be marked with one of the distribution statements B through F, in accordance with Department of Defense Instruction 5230.24, "Distribution Statements of Technical Documents." The term does not include information that is lawfully publicly available without restrictions. "Technical Information" means technical data or computer software, as those terms are defined in Defense Federal Acquisition Regulation Supplement clause 252.227-7013, "Rights in Technical Data - Noncommercial Items" (48 CFR 227.7013). Examples of technical information include research and engineering data, engineering drawings, and associated lists, specifications, standards, process sheets, manuals, technical reports, technical orders, catalog-item identifications, data sets, studies and analyses and related information, and computer software executable code and source code.

**Category Marking:**

**Banner Format and Marking Notes:**

CUI/Category Marking/Limited Dissemination Control

Marking Notes:

- Category Marking is optional when marking Basic CUI unless required by agency policy. Example: CUI/Limited Dissemination Control
- Category Marking preceded by "SP-*" is required when marking Specified CUI. Example: CUI/SP-Category Marking/Limited Dissemination Control
- Whether CUI is Basic or Specified is determined by the applicable Safeguarding and/or Dissemination Authority for a given instance of CUI.
- Separate multiple Category Markings by a single forward slash (/) and list Category Markings alphabetically. Example: CUI//Category Marking A//Category Marking B//Limited Dissemination Control
- Category Markings for Specified CUI preceed Category Markings for Basic CUI. Example: CUI/SP-Category Marking/Category Marking/Limited Dissemination Control
- Separate multiple Limited Dissemination Controls by a single forward slash (/). Example: CUI//Category Marking//Limited Dissemination Control/Limited Dissemination Control
WHY IS CUI IMPORTANT?

National Institute of Standards & Technology (NIST)
- NIST is a non-regulatory unit of the Dept. of Commerce
- NIST promotes and maintains standards and encourages use and adherence to those standards.

https://www.nist.gov/
HOW ARE NIST & CUI RELATED?

NIST Special Publication 800-171 - "Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations"

- Provides federal agencies with a set of recommended security requirements for protecting the confidentiality of CUI when such info resides in nonfederal systems.
- Security requirements apply to...nonfederal systems and organizations that process, store, or transmit CUI, or that provide security protection for such components.
- The security requirements are intended for use by federal agencies in contractual vehicles OR other agreements established between those agencies and nonfederal organizations.

NIST SP 800-171 provides guidance for implementing and complying with a specific federal regulation within the Defense Federal Acquisition Regulation Supplement (DFARS).

DFAR 252.204-7012 – Safeguarding Covered Defense Information and Cyber Incident Reporting

Controlled Unclassified Information (CUI) is referred to as Covered Defense Information (CDI) under a defense contract.

https://www.acq.osd.mil/dpap/dars/dfars/html/current/252204.htm#252.204-7012
CURRENT OSP PROCESS - OVERVIEW

1. Identify any CUI requirements.

2. Discuss CUI applicability with UNM Researcher and funding agency.

3. If all parties agree that CUI will not be involved, OSP will attempt to have the DFAR clause removed from the contract. If unsuccessful, the UNM Researcher will sign an attestation form attesting to the non-involvement of CUI.

4. If all parties agree the CUI will be involved, the CUI Planning Team sets up a workshop (this workshop includes the PI and their local IT manager) to assess the PI’s research environment with the goal of obtaining either:
   a) an attestation from the PI that Controlled Defense Information (CDI) is not processed, stored, transmitted by the PI, or
   b) a list of compliance gaps to be mitigated to achieve compliance, the parties responsible for completing that work, and the expected due dates.
I. FAR and DFAR and AFFAR Clauses

The prime contract clauses of the Federal Acquisition Regulation (FAR) and (DFAR) and (AFFAR) Supplements listed below and on the following pages are incorporated herein by reference or in total. Those clauses required by the FAR as flow down clauses to the supplier, but not listed below are deemed to apply in full force and effect to this Agreement. The FAR is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. All clauses shall have the same force and effect as if they were given in full text. The full text of these clauses (redacted) may also be accessed electronically at http://farsite.hill.af.mil/.
The following DFARS Clauses apply to all Subcontracts

<table>
<thead>
<tr>
<th>Clause Code</th>
<th>Clause Title</th>
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<tbody>
<tr>
<td>252.203-7000</td>
<td>Requirements Relating To Compensation Of Former DoD Officials (Sep 2011)</td>
</tr>
<tr>
<td>252.203-7002</td>
<td>Requirement To Inform Employees Of Whistleblower Rights (Sep 2013)</td>
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<tr>
<td>252.203-7003</td>
<td>Agency Office Of The Inspector General (Dec 2012)</td>
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<tr>
<td>252.204-7000</td>
<td>Disclosure Of Information (Aug 2013)</td>
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<tr>
<td>252.204-7003</td>
<td>Control Of Government Personnel Work Product (Apr 1992)</td>
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<tr>
<td>252.204-7004</td>
<td>Alternate A, System for Award Management (May 2013)</td>
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<tr>
<td>252.204-7005</td>
<td>Oral Attestation Of Security Responsibilities (Nov 2001)</td>
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<tr>
<td>252.204-7008</td>
<td>Export-Controlled Items (Apr 2010)</td>
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<tr>
<td>252.204-7012</td>
<td>Safeguarding Covered Defense Information and Cyber Incident Reporting (Oct 2016)</td>
</tr>
<tr>
<td>252.223-7001</td>
<td>Hazard Warning Labels (Dec 1991)</td>
</tr>
<tr>
<td>252.223-7004</td>
<td>Drug-Free Work Force (Sep 1988)</td>
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<tr>
<td>252.223-7006</td>
<td>Prohibition On Storage And Disposal Of Toxic And Hazardous Materials (Apr 2012)</td>
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<tr>
<td>252.225-7004</td>
<td>Report Of Intended Performance Outside The United States And Canada -- Submission After Award (Oct 2010)</td>
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AWARD / CONTRACT

1. THIS CONTRACT IS FIRM ORDER UNDER DFARS 49.612

2. CONTRACTING OFFICER: (NAME)

3. CONTRACT NUMBER: (NUMBER)

4. EFFECTIVE DATE: (DATE)

5. AFRICHARMS

AF RESEARCH LABORATORY (OSR)

AF RESEARCH LABORATORY, ON BEHALF OF THE U.S. GOVERNMENT

6. PRODUCT NO.

7. UNIVERSITY OF NEW MEXICO

8. AMENDED BY: DOCUS ALBUQUERQUE

9. ADMINISTERED BY: DOCUS ALBUQUERQUE

10. CONTRACTOR: DOA SPECIALIST

11. AMOUNT OF CONTRACT: $330,000

12. PAYMENT METHOD: N

13. DESCRIPTION: (DESCRIPTION)

14. ADDITIONAL INFORMATION: (INFORMATION)

15. AUTHORITY FOR OTHER THAN FULL AND OPEN COMPETITION: See Section 13

16. TOTAL AMOUNT OF CONTRACT: $37,045,544.00

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<th>Item</th>
<th>Item No.</th>
<th>Description</th>
<th>Unit Price</th>
<th>Amount</th>
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Contractor's Negotiated Agreement

(Contractor agrees to submit a signed document with any changes to the awarding office.

Contractor agrees to submit a signed document with any changes to the awarding office.

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Contractor agrees to submit a signed document with any changes to the awarding office.)
B. DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT CONTRACT CLAUSES

262.203-7021 PROHIBITION ON PERSONS CONVICTED OF FRAUD OR OTHER DEFENSE-CONTRACT-RELATED FELONIES (DEC 2008)
262.203-7022 REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS (SEP 2013)
262.204-7000 DISCLOSURE OF INFORMATION (AUG 2013)
262.204-7002 CONTROL OF GOVERNMENT PERSONNEL WORK PRODUCT (APR 1992)
262.204-7004 SUBCONTRACTING WITH FIRMS THAT ARE OWNED OR CONTROLLED BY THE GOVERNMENT OF A COUNTRY THAT IS A STATE SPONSOR OF TERRORISM (OCT 2013)
262.211-7003 ITEM UNIQUE IDENTIFICATION AND VALUATION (MAR 2016)
Para (c)(1)(i), Insert Contract Line Subline, or Exhibit Line Item Number and Item Description or Price: "?????"
Para (c)(1)(ii), Identity Contract Line Subline, or Exhibit Line Item Nr and Item Description. If items are identified in the Schedule, insert "See Schedule" "?????"
Para (c)(1)(ii), Attachment Nr. "?????"
Para (c)(1)(ii), Attachment Nr. "?????"
Para (c)(2)(ii). Line Item number or Price: "?????"
262.211-7007 REPORTING OF GOVERNMENT-FURNISHED PROPERTY (AUG 2012)
262.215-7000 PRICING ADJUSTMENTS (DEC 2012)
262.215-7002 COST ESTIMATING SYSTEM REQUIREMENTS (DEC 2012)
262.225-7008 RESTRICTION ON ACQUISITION OF CERTAIN ARTICLES CONTAINING SPECIALTY METALS (OCT 2014)
262.225-7012 PREFERENCE FOR CERTAIN DOMESTIC COMMODITIES (FEB 2013)
262.225-7002 EXPORT-CONTROLLED ITEMS (JUN 2013)
262.226-7001 UTILIZATION OF INDIAN ORGANIZATIONS INDIAN-OWNED ECONOMIC ENTERPRISES, AND NATIVE HAWAIIAN SMALL BUSINESS CONCERNS (SEP 2004)
262.227-7016 RIGHTS IN BD OR PROPOSAL INFORMATION (JAN 2011)
262.227-7018 RIGHTS IN NONCOMMERCIAL TECHNICAL DATA AND COMPUTER SOFTWARE—SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM (FEB 2014)
262.227-7030 TECHNICAL DATA—WITHHOLDING OF PAYMENT (MAR 2000)
262.227-7009 PATENTS—REPORTING OF SUBJECT INVENTIONS (APR 1993)
262.231-7000 SUPPLEMENTAL COST PRINCIPLES (DEC 1991)
262.232-7003 ELECTRONIC SUBMISSION OF PAYMENT REQUESTS AND RECEIVING REPORTS (JUN 2012)
262.232-7010 LEVIES ON CONTRACT PAYMENTS (DEC 2006)
262.236-7010 ACKNOWLEDGMENT OF SUPPORT AND DISCLAIMER (MAY 1995)
Para (a), name of contracting agency(e(s)): "?????"
Para (a), cost number(s): "?????"
Para (b), name of contracting agency(e(s)): "?????"
262.235-7011 FINAL SCIENTIFIC OR TECHNICAL REPORT (JAN 2015)
262.243-7002 REQUESTS FOR EQUITABLE ADJUSTMENT (DEC 2012)
262.244-7004 CONTRACTOR PURCHASING SYSTEM ADMINISTRATION—BASIC (MAY 2014)
262.240-7001 TAGGING, LABELING, AND MARKING OF GOVERNMENT-FURNISHED PROPERTY (APR 2012)
262.245-7002 REPORTING LOSS OF GOVERNMENT PROPERTY (APR 2012)
262.245-7003 CONTRACTOR PROPERTY MANAGEMENT SYSTEM ADMINISTRATION (APR 2012)
262.245-7004 REPORTING, REUTILIZATION, AND DISPOSAL (MAR 2015)
CUI AND PROPOSALS

CUI requirements are not typically seen at the proposal stage.

OSP is currently concerned with DFAR 252.204-7012, but CUI can present itself in different manners.

There are a few instances in which DFAR 252.204-7012 may be present:

- Department of Defense proposals;
- Air Force proposals and other DoD Agencies;
- Other Federal proposals;
- Representations & Certifications (Reps & Certs)

Although CUI is not typically being seen at the proposal stage, OSP anticipates that there will be an increase of solicitations that have CUI over the next year as CUI compliance measures increase.
IDENTIFYING CUI AT PROPOSAL STAGE

Alyssa Pierce will work closely with the Proposal Team & Contracts Team to:

◦ Provide training on identifying CUI requirements within proposals, solicitations, Reps & Certs, etc.;
◦ Review incoming proposals, solicitations, Reps & Certs, etc. for CUI requirements;
◦ Identify DFAR 252.204-7012 requirements;
◦ Collaborate with UNM Researcher and Contracts Team to ensure early awareness of CUI;
◦ Conduct ongoing weekly meetings with Contracts Team on current CUI reqs identified;
WHAT IS YOUR ROLE WITH CUI?

◦ Be informed! Take advantage of reviewing available resources.
◦ Become familiar with CUI and the various categories and subcategories
  (CUI Registry https://www.archives.gov/cui/registry/cui-glossary.html)
◦ Become acclimated to key words and federal regulations: “controlled”, “unclassified”, “FAR”, “CFR”, “DFAR”, and “AFFAR” that may be incorporated in solicitations
◦ Consistently review Reps & Certs as they pertain to your proposal.
◦ Utilize FRSO support, if needed – the FRDO is an excellent resource!
◦ If you have questions, ASK! You can contact Hannah or Alyssa with any questions you may have about CUI.
QUESTIONS?