

# **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

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HANNAH CLARK (CONTRACT TEAM) AND ALYSSA PIERCE (PROPOSAL TEAM)

OFFICE OF SPONSORED PROJECTS - MAIN CAMPUS - UNIVERSITY OF NEW MEXICO

# AGENDA

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- 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?

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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?

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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.

Nuclear	<ul style="list-style-type: none"> <li>• General Nuclear</li> <li>• Naval Nuclear Propulsion Information</li> <li>• Nuclear Recommendation Material</li> <li>• Nuclear Security-Related Information</li> <li>• Safeguards Information</li> <li>• Unclassified Controlled Nuclear Information - Defense</li> <li>• Unclassified Controlled Nuclear Information - Energy</li> </ul>
Patent	<ul style="list-style-type: none"> <li>• Patent Applications</li> <li>• Inventions</li> <li>• Secrecy Orders</li> </ul>
Privacy	<ul style="list-style-type: none"> <li>• Contract Use</li> <li>• Death Records</li> <li>• General Privacy</li> <li>• Genetic Information</li> <li>• Health Information</li> <li>• Inspector General Protected</li> <li>• Military Personnel Records</li> <li>• Personnel Records</li> <li>• Student Records</li> </ul>
Procurement and Acquisition	<ul style="list-style-type: none"> <li>• Controlled Technical Information</li> <li>• General Procurement and Acquisition</li> <li>• Small Business Research and Technology</li> <li>• Source Selection</li> </ul>
Proprietary Business Information	<ul style="list-style-type: none"> <li>• General Proprietary Business Information</li> <li>• Ocean Common Carrier and Marine Terminal Operator Agreements</li> <li>• Ocean Common Carrier Service Contracts</li> <li>• Proprietary Manufacturer</li> <li>• Proprietary Postal</li> <li>• System for Award Management</li> </ul>
Statistical	<ul style="list-style-type: none"> <li>• Investment Survey</li> <li>• Pesticide Producer Survey</li> <li>• Statistical Information</li> <li>• US Census</li> </ul>
Tax	<ul style="list-style-type: none"> <li>• Federal Taxpayer Information</li> <li>• Tax Convention</li> </ul>

# 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 252.227-7013). 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:** CTI

**Banner Format and Marking Notes:** Banner Format:  
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 precede 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
- Reference [32 CFR 2002.20](#) , [CUI Marking Handbook](#) , [Limited Dissemination Controls](#) and individual agency policy for additional and specific marking guidelines.

# WHY IS CUI IMPORTANT?

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## 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?

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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.

<https://csrc.nist.gov/publications/detail/sp/800-171/rev-1/archive/2016-12-20>

# NIST & CUI CONT'D

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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 bCovered 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

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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.

# CURRENT OSP PROCESS -IDENTIFYING CUI

**Subcontractor: The University of New Mexico**  
**Attachment C —Flow Down Clauses**

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## **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/>.

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## **DFARS Clause Title and Date**

### **The following DFARS Clauses apply to all Subcontracts**

252.203-7000	Requirements Relating To Compensation Of Former DoD Officials (Sep 2011)
252.203-7001	Prohibition On Persons Convicted Of Fraud Or Other Defense Contract-Related Felonies (Dec 2008)
252.203-7002	Requirement To Inform Employees Of Whistleblower Rights (Sep 2013)
252.203-7003	Agency Office Of The Inspector General (Dec 2012)
252.204-7000	Disclosure Of Information (Aug 2013)
252.204-7003	Control Of Government Personnel Work Product (Apr 1992)
252.204-7004	Alternate A, System for Award Management (May 2013)
252.204-7005	Oral Attestation Of Security Responsibilities (Nov 2001)
252.204-7008	Export-Controlled Items (Apr 2010)
252.204-7012	Safeguarding Covered Defense Information and Cyber Incident Reporting (Oct 2016)
252.211-7007	Reporting Of Government-Furnished Property (Aug 2012)
252.223-7001	Hazard Warning Labels (Dec 1991)
252.223-7004	Drug-Free Work Force (Sep 1988)
252.223-7006	Prohibition On Storage And Disposal Of Toxic And Hazardous Materials (Apr 2012)
252.225-7004	Report Of Intended Performance Outside The United States And Canada--Submission After Award (Oct 2010)

<b>AWARD / CONTRACT</b>		1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 350)	RATING DO-A2	PAGE of PAGES 1 of 22
2. CONTRACT / DPOC / INST. IDENT. NO.		3. EFFECTIVE DATE	4. REQUISITION / PURCHASE REQUEST / PROJECT NO. See Section G	
5. ISSUED BY AFRL/RVKS AF RESEARCH LABORATORY (DET 8)		CODE FA9453	6. ADMINISTERED BY (IF OTHER THAN ITEM 5) DCMA ALBUQUERQUE	CODE S3500A
7. NAME AND ADDRESS OF CONTRACTOR (NO., STREET, CITY, COUNTY, STATE AND ZIP CODE) UNIVERSITY OF NEW MEXICO OFFICE OF SPONSORED PROJECTS 1700 LOMAS BLVD NE ALBUQUERQUE NM 87106-3807 (505) 277-5111		8. DELIVERY <input type="checkbox"/> FOB Origin <input checked="" type="checkbox"/> Other (see below)		
CAGE CODE 6T086		FACILITY CODE		
11. SHIP TO / MARK FOR See Section F		12. PAYMENT WILL BE MADE BY DFAS-COLUMBUS CENTER DFAS-CO/WEST ENTITLEMENT OPS P.O. BOX 182381 COLUMBUS OH 43218-2381 EFT: T		
13. AUTHORITY FOR OTHER THAN FULL AND OPEN COMPETITION		14. ACCOUNTING AND APPROPRIATION DATA See Section G		
15A. ITEM NO See Section B	15B. SUPPLIES/SERVICES	15C. QUANTITY	15D. UNIT	15E. UNIT PRICE
15G. TOTAL AMOUNT OF CONTRACT				\$7,045,544.00

16. Table of Contents

SEC	DESCRIPTION	PAGE(S)	SEC	DESCRIPTION	PAGE(S)
<b>PART I - THE SCHEDULE</b>			<b>PART II - CONTRACT CLAUSES</b>		
✓	A SOLICITATION/CONTRACT FORM	1	✓	I CONTRACT CLAUSES	17
✓	B SUPPLIES OR SERVICES AND PRICES/COSTS	2	<b>PART III - LIST OF DOCUMENTS, EXHIBITS &amp; ATTACHMENTS</b>		
✓	C DESCRIPTION/SPECS./WORK STATEMENT	6	✓	J LIST OF ATTACHMENTS	22
✓	D PACKAGING AND MARKING	7	<b>PART IV - REPRESENTATIONS AND INSTRUCTIONS</b>		
✓	E INSPECTION AND ACCEPTANCE	8		K REPRESENTATIONS, CERTIFICATIONS OTHER STATEMENTS OF OFFERORS	
✓	F DELIVERIES OR PERFORMANCE	9		L INSTRS., CONDS., AND NOTICES TO	
✓	G CONTRACT ADMINISTRATION DATA	13		M EVALUATION FACTORS FOR AWARD	
✓	H SPECIAL CONTRACT REQUIREMENTS	16			

CONTRACTING OFFICER WILL COMPLETE ITEM 17 OR 18 AS APPLICABLE

17. <input checked="" type="checkbox"/> <b>Contractor's Negotiated Agreement</b> (Contractor is required to sign this document and return 1 copies to issuing office). Contractor agrees to furnish and deliver all items or perform all services set forth or otherwise identified above and on any continuation sheets for the consideration stated herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) this award/contract, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as are attached or incorporated by reference herein. (Attachments are listed herein.)		18. <input type="checkbox"/> <b>Award</b> (Contractor is not required to sign this document). Your offer on solicitation number _____ including the additions or changes made by you which additions or changes set forth in full above, is hereby accepted as to items listed above and on any continuation sheets. This award consummates the contract which consists of the following documents: (a) the Government's solicitation and your offer, and (b) this award/contract. No further contractual document is necessary.	
19A. NAME AND TITLE OF SIGNER (TYPE OR PRINT)		20A. NAME OF CONTRACTING OFFICER	
		DANTE L. KUBISCHTA	
19B. Name of Contractor	19C. Date Signed	20B. United States of America	20C. Date Signed
by _____ (signature of person authorized to sign)		by _____ (signature of Contracting Officer)	



52.253-01 COMPUTER GENERATED FORMS (JAN 1991)

**B. DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT CONTRACT CLAUSES**

- 252.203-7001 PROHIBITION ON PERSONS CONVICTED OF FRAUD OR OTHER DEFENSE-  
CONTRACT-RELATED FELONIES (DEC 2008)
- 252.203-7002 REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS (SEP  
2013)
- 252.204-7000 DISCLOSURE OF INFORMATION (AUG 2013)
- 252.204-7003 CONTROL OF GOVERNMENT PERSONNEL WORK PRODUCT (APR 1992)
- 252.209-7004 SUBCONTRACTING WITH FIRMS THAT ARE OWNED OR CONTROLLED BY THE  
GOVERNMENT OF A COUNTRY THAT IS A STATE SPONSOR OF TERRORISM  
(OCT 2015)
- 252.211-7003 ITEM UNIQUE IDENTIFICATION AND VALUATION (MAR 2016)  
Para (c)(1)(i). Insert Contract Line, Subline, or Exhibit Line Item Number and Item  
Description or n/a. '?????'  
Para (c)(1)(ii). Identify Contract Line, Subline, or Exhibit Line Item Nr and Item  
Description. If items are identified in the Schedule, insert "See Schedule" '?????'  
Para (c)(1)(iii). Attachment Nr. '?????'  
Para (c)(1)(iv). Attachment Nr. '?????'  
Para (f)(2)(iii). Line item number or n/a. '?????'
- 252.211-7007 REPORTING OF GOVERNMENT-FURNISHED PROPERTY (AUG 2012)
- 252.215-7000 PRICING ADJUSTMENTS (DEC 2012)
- 252.215-7002 COST ESTIMATING SYSTEM REQUIREMENTS (DEC 2012)
- 252.225-7009 RESTRICTION ON ACQUISITION OF CERTAIN ARTICLES CONTAINING SPECIALTY  
METALS (OCT 2014)
- 252.225-7012 PREFERENCE FOR CERTAIN DOMESTIC COMMODITIES (FEB 2013)
- 252.225-7048 EXPORT-CONTROLLED ITEMS (JUN 2013)
- 252.226-7001 UTILIZATION OF INDIAN ORGANIZATIONS, INDIAN-OWNED ECONOMIC  
ENTERPRISES, AND NATIVE HAWAIIAN SMALL BUSINESS CONCERNS (SEP 2004)
- 252.227-7016 RIGHTS IN BID OR PROPOSAL INFORMATION (JAN 2011)
- 252.227-7018 RIGHTS IN NONCOMMERCIAL TECHNICAL DATA AND COMPUTER SOFTWARE--  
SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM (FEB 2014)
- 252.227-7030 TECHNICAL DATA--WITHHOLDING OF PAYMENT (MAR 2000)
- 252.227-7039 PATENTS--REPORTING OF SUBJECT INVENTIONS (APR 1990)
- 252.231-7000 SUPPLEMENTAL COST PRINCIPLES (DEC 1991)
- 252.232-7003 ELECTRONIC SUBMISSION OF PAYMENT REQUESTS AND RECEIVING REPORTS  
(JUN 2012)
- 252.232-7010 LEVIES ON CONTRACT PAYMENTS (DEC 2006)
- 252.235-7010 ACKNOWLEDGMENT OF SUPPORT AND DISCLAIMER (MAY 1995)  
Para (a), name of contracting agency(ies): '?????'  
Para (a), contract number(s): '?????'  
Para (b), name of contracting agency(ies): '?????'
- 252.235-7011 FINAL SCIENTIFIC OR TECHNICAL REPORT (JAN 2015)
- 252.243-7002 REQUESTS FOR EQUITABLE ADJUSTMENT (DEC 2012)
- 252.244-7001 CONTRACTOR PURCHASING SYSTEM ADMINISTRATION - BASIC (MAY 2014)
- 252.245-7001 TAGGING, LABELING, AND MARKING OF GOVERNMENT-FURNISHED PROPERTY  
(APR 2012)
- 252.245-7002 REPORTING LOSS OF GOVERNMENT PROPERTY (APR 2012)
- 252.245-7003 CONTRACTOR PROPERTY MANAGEMENT SYSTEM ADMINISTRATION (APR 2012)
- 252.245-7004 REPORTING, REUTILIZATION, AND DISPOSAL (MAR 2015)  
Insert Item(s) '?????'  
Insert Item(s) '?????'

# CUI AND PROPOSALS

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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

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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?

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- 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?

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