SECURITY PROCESS FOR VETTING CONTRACTORS

This security process is to inform all vendors who want to compete, bid or team with other vendors for a PEO STRI or STE Other Transaction Authority (OTA) agreement. This security process is posted and made available for all vendors and or offerors to review and become familiar with.

Agreements with PEO STRI range from Unclassified//FOUO up to TS/SCI and in accordance with AR 380-49 Industrial Security and AR 380-10 Foreign Disclosure and Contacts with Foreign Representatives, DoDM 5220.22M National Industrial Security Operating Manual (NISPOM) all vendors (Prime and Subs) and or offerors must be vetted for eligibility, suitability, national status e.g. Foreign contractor or USA Foreign Owned, Controlled and Influenced (USA FOCI) when bidding on government agreements.

All Vendor(s) and or offeror(s) (Prime and Subs) who do not meet the vetting process listed below are considered ineligible for award. The Vendor(s) and or offeror(s) (Prime and Subs) will be notified by the Agreements Officer (AO) of their deficiencies and provided information on what they would need to do to become competitive.

Joint Ventures (JV) must meet the vetting process and submit their JV agreement, which should indicate the authority of any of the joint ventures to direct or decide matters affecting the JV business organization. Depending on the JV business structure, the terms of the JV agreement, and the clearance statues, the government will determine the JV's ability to receive technical data packages or be cleared. (see DoDM 5220.22 Vol 2, 1 Aug 2018, section 4 FCLs chapter 4.8c(6).

CRITERIA FOR PUBLIC RELEASE

The criteria for government information to be published to the public domain is for the Requiring Activity (RA) to mark all materials “Distribution A – Authorized for Public Release”. The process for release to the public is the responsibility of the Requiring Activity for an OPSEC, and Legal review and PAO approval prior to release!

SECURITY VETTING CRITERIA

VENDOR(S) and or OFFEROR(S) THAT REQUIRE ACCESS TO UNCLASSIFIED//FOUO AGREEMENTS with TECHNICAL DATA PACKAGES

All vendor(s) and or offeror(s) (Prime and Subs) must certify in writing to the Agreement Officer that their company and or sub vendors(s) are or are not;

- Foreign Owned or under
- USA Foreign Owned, Controlled or Influenced (USA FOCI) status.
Also, the vendor shall certify if they are in merger and or purchasing discussions with a Foreign company or USA FOCI company. This certification should be provided to the Agreement Officer using the company letterhead answering the above questions and providing the following;

- Full company name
- Cage Code
- Identify country of origin

All vendors, prospective vendors or offerors will be vetted to verify their eligibility to receive agreement unclassified technical data packages containing CUI, CTI, ITAR and or EAR information. The NSTXL Facility Security Officer (FSO) in accordance with the regulations listed in the second paragraph and in coordination with the Requiring Activity Cognizant Security Office and Agreement Officer is responsible for ensuring that all vendor(s) and or offeror(s) (Prime and Subs) who have interest to bid on a DA agreement are vetted for eligibility to receive the appropriate level of information, this includes proper mitigation of Foreign and USA Foreign Ownership Control or Influence (USA FOCI) companies.

Failure or inability to verify vendor eligibility for receipt of CUI, ITAR, EAR information or classified information will make the vendor ineligible to receive agreement technical data packages unless the following has been met:

All vendor(s) must be organized and existing under the laws of any of the fifty States, the District of Columbia, or Puerto Rico, and be located in the U.S. or its territories.

1. All vendor(s) and or offeror(s) must be registered in the System for Award Management (SAM) database.

2. All vendor(s) and or offeror(s) (Prime and Subs) must have a reputation for integrity and lawful conduct in its business dealings. The company and its Key Management Personnel (KMP) must not be barred from participation in Government contracts.

3. All vendor(s) and or offeror(s) (Prime and Subs) that are NOT Foreign or NOT under USA FOCI status and do not have a facility clearance must provide information about previous contracts or government work.

All vendor(s) and or offeror(s) (Prime and Subs) must not be under Foreign Owned or USA FOCI or must have USA FOCI mitigated with the following;

a. Be registered with the U.S. State Department and provide a copy of the registration along with the appropriate DSP license or TAA documents to the agreement officer. Visit or contact the U.S. State Department at http://www.pmddtc.state.gov/ to meet this requirement.
b. Canadian Companies must provide to the Agreement, a copy of their DD2345 Military Critical Technical Data Agreement form signed by the United States/Canada Joint Certification Office in order to receive unclassified TDPs.

VENDOR(S) and or OFFEROR(S) THAT REQUIRE A COLLATERAL SECRET SECURITY CLEARANCE, COLLATERAL SECRET FACILITY CLEARANCE to HANDLE and or STORE CLASSIFIED INFORMATION and or MATERIAL

1. All vendor(s) and or offeror(s) must meet all of the above criteria for Unclassified//FOUO.

2. All vendor(s) and or offeror(s) (Prime and Subs) must be listed in the Defense Security Services (DSS) National Industrial Security System (NISS) which must reflect;
   a. Valid Facility Clearance (FCL)
   b. Foreign and USA FOCI companies will not have access to SAP or COMSEC materials without a completed Special Security Agreement (SSA) approved by DSS.

3. All vendor(s) and or offeror(s) (Prime and Subs) that are **not** Foreign or **not** under USA FOCI status and have a valid facility clearance need to provide their company name and cage code for vetting by the NSTXL Facility Security Officer (FSO). NSTXL should request assistance from the Requiring Activity (RA) Cognizant security office as needed.

4. All vendor(s) and or offeror(s) (Prime and Subs) that are **NOT** Foreign or **NOT** under USA FOCI status and do not have a facility clearance must meet the following;
   a. Be awarded an Agreement and sponsored by the Requiring Activity.
   b. Coordinate with the Requiring Activity and contact the local DSS office to start the paperwork to become cleared. [https://search.usa.gov/search?affiliate=dod_dss&query=SPONSORSHIP](https://search.usa.gov/search?affiliate=dod_dss&query=SPONSORSHIP)

5. All Foreign Owned or USA FOCI must meet and provide the following to be competitive;
   a. Be awarded an Agreement and sponsored by the Requiring Activity.
   b. Coordinate with the Requiring Activity and contact the local DSS office to start the paperwork to become cleared. [https://search.usa.gov/search?affiliate=dod_dss&query=SPONSORSHIP](https://search.usa.gov/search?affiliate=dod_dss&query=SPONSORSHIP)
c. Coordinate with DSS to have their Foreign or USA FOCI mitigated by the Defense Security Services (DSS). Visit DSS at https://search.usa.gov/search?affiliate=dod_dss&query=FOCI%20Mitigation

NOTE*** The vendor cannot charge the Government or Requiring Activity for reimbursable cost for vendor vetting, sponsorship or Foreign or USA FOCI mitigation by DSS!

d. Be registered with the U.S. State Department and provide a copy of the registration along with the appropriate DSP license or TAA documents to the agreement officer. Visit or contact the U.S. State Department at http://www.pmddtc.state.gov/

VENDOR(S) and or OFFEROR(S) THAT REQUIRE A TOP SECRET SCI SECURITY CLEARANCE, TOP SECRET SCI FACILITY CLEARANCE to HANDLE and or STORE TS/SCI INFORMATION and or MATERIAL

1. All vendor(s) and or offeror(s) must meet all of the above criteria for Unclassified//FOUO and collateral SECRET.

2. All vendor(s) and or offeror(s) (Prime and Subs) must be listed in the Defense Security Services (DSS) National Industrial Security System (NISS) which must reflect;

   a. Valid Facility Clearance (FCL)

   b. Foreign and USA FOCI companies will not have access to SAP or COMSEC materials without a completed National Intelligence Determination (NID) and completed Special Security Agreement (SSA) approved by DSS.

3. All vendor(s) and or offeror(s) (Prime and Subs) that are NOT Foreign or NOT under USA FOCI status and have a valid facility clearance need to provide their company name and cage code for vetting by the NSTXL Facility Security Officer (FSO). NSTXL should request assistance from the Requiring Activity (RA) Cognizant Security Office as needed.

4. All vendor(s) and or offeror(s) (Prime and Subs) that are NOT Foreign or NOT under USA FOCI status and do not have a facility clearance must meet the following;

   a. Be awarded an Agreement and sponsored by the Requiring Activity.

   b. Coordinate with the Requiring Activity and contact the local DSS office to start the paperwork to become cleared. https://search.usa.gov/search?affiliate=dod_dss&query=SPONSORSHIP

5. All Foreign Owned or USA FOCI must meet and provide the following to be competitive;

   a. Be awarded an Agreement and sponsored by the Requiring Activity.
b. Coordinate with the Requiring Activity and contact the local DSS office to start the paperwork to become cleared.  
https://search.usa.gov/search?affiliate=dod_dss&query=SPONSORSHIP

c. Coordinate with DSS to have their Foreign or USA FOCI mitigated by the Defense Security Services (DSS). Visit DSS at  
https://search.usa.gov/search?affiliate=dod_dss&query=FOCI%20Mitigation

NOTE*** The vendor cannot charge the Government or Requiring Activity for reimbursable cost for vendor vetting, sponsorship or Foreign or USA FOCI mitigation by DSS!

NOTE ***

*** All information is available via the DSS Portal accessible by your company FSO.

*** The timeline for a non-cleared, non-FOCI company to get cleared by DSS is approximately 45 days. Visit DSS at  
https://search.usa.gov/search?affiliate=dod_dss&query=SPONSORSHIP

*** The timeline for a non-cleared Foreign or USA FOCI company to get cleared by DSS is approximately 18 to 24 months. Visit DSS at  
https://search.usa.gov/search?affiliate=dod_dss&query=FOCI%20Mitigation

*** The vendor cannot charge the Government or Requiring Activity for reimbursable cost for vendor vetting, sponsorship or Foreign or USA FOCI mitigation by DSS!

*** The timeline for a Foreign or USA FOCI company to get a DSP license and or a Technical Assistance Agreement (TAA) from the U.S. State Department is approximately 75 days. Visit U.S. State Department at http://www.pmddtc.state.gov

The PEO STRI government office responsibility for this process is PEO STRI G2, Industrial Security Specialist (ISS) and can be contacted at 407-384-3540,  
usamy.orlando.peo-stri.list.g2@mail.mil

All companies must meet the appropriate security processes that affect their company’s security status prior to being issued any Unclassified Technical Data Packages (TDP) that are export controlled and or Classified information. All companies must also meet these requirements as it applies to Request For White Papers (RFWPs) or Request For Solutions (RFS) prior to Agreement award unless the Government or Requiring Activity has selected a vendor for sponsorship and or USA FOCI mitigation!