Security Requirements Overview
What is a Classified Contract?

A classified contract is one in which the contractor requires access to classified information in the performance of the contract and/or the contractor must provide cleared personnel.

The actual contract document itself usually is not classified.
Facility Clearance

Does your company have a Facility Clearance (FCL)?

Many DoS Overseas Buildings Operations efforts **do not require** that a firm have a facility clearance (FCL) in order to compete for contracts.

- Only in certain circumstances does DoS restrict qualification to firms who already possess an FCL.

The FedBizOpps announcements for OBO contracts always include information detailing the FCL requirements. Examples:

- **In order to be eligible to perform under this contract, the successful offeror must possess or be able to obtain a Department of Defense (DoD) Secret FCL.**

- **If a selected offeror does not possess the necessary FCL, the Department of State will sponsor the firm for an FCL. Sponsorship does not guarantee that the firm will receive the clearance. A period of **90 days** from the date of final selection of the final offeror will be allowed for the selected firm to obtain the necessary FCL. After this period, the Government may, at its discretion, consider awarding the contract to another firm.**

- **Firms which form joint ventures must also comply with the above FCL and personnel security clearance requirements. All entities comprising a joint venture for this effort must be issued an FCL, as well as the joint venture.**
Safeguarding & Processing

A Facility Clearance (FCL) is the base requirement. It means that DSS has investigated the company and its Key Management and has determined that the company can be trusted with classified work. Upon issuance of the FCL, the company can process its personnel in for personnel clearances. However, OBO contract security requirements also generally include:

- **Secret safeguarding** authorization is a secondary requirement. After a company is granted an FCL, DSS will separately inspect the company location for an approved GSA Class 5 or 6 container and appropriate procedures.

- Many OBO contracts also require **generation of classified materials electronically**. The Defense Security Service is also responsible for accrediting classified information system and contractor facilities.

- Finally, performance on many OBO contracts will require access to the Department’s **ProjNet-C**, for secure electronic receipt and transmission of classified information.
Foreign Ownership, Control, or Influence

- FCLs may be granted only to contractors organized and existing under the laws of the U.S. or Puerto Rico.
- Facilities which are determined to be under Foreign Ownership, Control or Influence (FOCI) are not eligible for a FCL, unless actions (as directed and approved by DSS) can be taken to effectively negate or reduce associated FOCI risks to an acceptable level.
- When there are FOCI issues with a firm that has been sponsored for an FCL, many factors determine whether DSS can grant the FCL - and whether or not the government agency will support the sponsorship, as it is often a long and involved process. This process often takes more than the 90 days allotted by DoS for obtaining an FCL for possible contract award. (The current average is over 200 days!)
- Additionally, uncleared firms should be mindful of which companies they opt to establish a joint venture with, as both entities of the joint venture must be cleared on their own merit before a joint venture FCL will be granted. If one of the joint partners is not eligible for an FCL, the joint venture will not be eligible for an FCL.
- For more information on the clearance process, please log on to the DSS website, at http://www.dss.mil. Go to the main page and click on the box entitled "Industrial Security".
Prohibited Countries List

Citizens from, and firms owned by citizens from, or operated in, the following countries may not be utilized in any capacity, and may not be granted access to any information concerning OBO projects:

- Belarus
- Cuba
- Iran
- North Korea
- Peoples Republic of China
- Russia
- Venezuela
- Vietnam

General Policy: The use of host country workers from the countries listed is permitted for projects in that country.

- Please note: After selection, it will be the selected offeror’s responsibility to provide a complete list of all non-U.S. citizens intended to perform on this contract in any capacity, in writing. Offerors must provide non-U.S. citizen personal information to include full name, date and place of birth, country of citizenship, country where passport is issued, passport number, date of issue and expiration and description of services to be provided.

- Non-US firms owned or operated by firms or citizens on the Prohibited Countries List will not be approved for use in any capacity on OBO projects. US-based firms, branch offices, or subsidiaries, which are owned by firms or citizens on the Prohibited Countries List, will not be approved for use in any capacity on OBO projects.
Public Release of Information

- There shall be no press release of information or photographs concerning any aspect of the design, construction, or other services relating to this project, or other documents resulting therefrom, without the written prior approval of the Contracting Officer. The contractor shall include the substance of this provision in all subcontracts.

- Photographs of any diplomatic overseas building or facility must be authorized in advance by the RSO or OBO Design Coordinator, who will establish any controls, limits, and/or restrictions as necessary.

- Exposed film or electronic photography depicting any Controlled Access Area and/or sensitive equipment must be developed or electronically processed in a U.S. - controlled environment by appropriately cleared personnel.

- No further dissemination, publication, duplication, or other use beyond that which was requested and approved is authorized without specific, advance approval from DS.

- DS reserves the right to demand retention of all copies of said photographs and/or negatives or electronic format photography, following fulfillment of the previously authorized usage.
Questions
DS/IS/IND Points of Contact

Feel free to contact DS/IS/IND with any security-related questions.

DS_IND_OBOTeam@state.gov

<table>
<thead>
<tr>
<th>NAME</th>
<th>TITLE</th>
<th>E-MAIL</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kimberly Baugher</td>
<td>Division Chief – DS/IS/IND</td>
<td><a href="mailto:BaugherK2@state.gov">BaugherK2@state.gov</a></td>
<td>(571) 345-3032</td>
</tr>
<tr>
<td>Roderick Webb</td>
<td>Worldwide Contract Security Support Section Chief – DS/IS/IND</td>
<td><a href="mailto:WebbRL1@state.gov">WebbRL1@state.gov</a></td>
<td>(571) 345-3023</td>
</tr>
<tr>
<td>Rachel Bibee</td>
<td>Deputy Section Chief – DS/IS/IND</td>
<td><a href="mailto:BibeeR@state.gov">BibeeR@state.gov</a></td>
<td>(571) 345-3014</td>
</tr>
<tr>
<td>Nisha Faumuina</td>
<td>OBO Projects Team/DD254</td>
<td><a href="mailto:FaumuinaAD@state.gov">FaumuinaAD@state.gov</a></td>
<td>(571) 345-3016</td>
</tr>
<tr>
<td>Elena Chamberlain</td>
<td>OBO Projects Team/CAG-CST</td>
<td><a href="mailto:ChamberlainEM@state.gov">ChamberlainEM@state.gov</a></td>
<td>(571) 345-2252</td>
</tr>
<tr>
<td>Denise Forbes</td>
<td>OBO Projects Team/Country Clearances</td>
<td><a href="mailto:ForbesDL@state.gov">ForbesDL@state.gov</a></td>
<td>(571) 345-3025</td>
</tr>
<tr>
<td>Latonya Lamb</td>
<td>OBO Projects Team/VARs, DD254</td>
<td><a href="mailto:LambLB@state.gov">LambLB@state.gov</a></td>
<td>(571) 345-3013</td>
</tr>
<tr>
<td>Frank Augusto</td>
<td>OBO Projects Team/ Country Clearances</td>
<td><a href="mailto:AugustoFR@state.gov">AugustoFR@state.gov</a></td>
<td>(571) 345-3012</td>
</tr>
<tr>
<td>Lynn Chiem</td>
<td>OBO Projects Team/VARs</td>
<td><a href="mailto:ChiemLM@state.gov">ChiemLM@state.gov</a></td>
<td>(571) 345-3024</td>
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