



FEDERAL DEMONSTRATION PARTNERSHIP
Redefining the Government & University Research Partnership

Contracts and Data Stewardship Subcommittees

FDP Virtual Meeting January 2021

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Session Agenda

- Troublesome Clauses Database 2.0 planning
- Pilot information collection – DoD request to COGR
- Cybersecurity Maturity Model Certification (CMMC)
- NIST 800-171 self-assessment registration process
- Keeping an eye on the pending CUI FAR case
- Final NIH Policy for Data Management and Sharing
- Discussion/next steps



Troublesome Clauses Database

Add Record

Record No.	Not Assigned	Date Created	01-11-2021
Institution	<input type="text"/>	Contact Name	<input type="text"/>
Publish Institution & Contact Info	Select One ▾	Contact Email	<input type="text"/>
		<input type="button" value="Request New Agency"/>	
Type of Agreement	Select Type ▾	Federal Agency	<input type="text"/>
Award No./Inst. Tracking No.	<input type="text"/>	Passthrough	Select One ▾
Related To	Select One ▾		

Issues

You must save the initial record before adding issues.



Troublesome Clauses Database

Search Clauses

Search Criteria

Enter data in any or all of the criteria fields below and click on the "Search" button. You can use partial information in the fields. For example, you can enter "70" in the Clause Number field and the system will return all records where the "70" appears anywhere in Clause Number such as 7000, 2705 or 1970. You must use at least one search field to return any data.

Record Number:	<input type="text"/>
Sponsor:	<input type="text" value="Select Sponsor"/>
Type of Agreement:	<input type="text" value="Select Type"/>
Clause Number:	<input type="text"/>
Issue:	<input type="text" value="Select Issue"/>
Outcome:	<input type="text" value="Select Outcome"/>

Search

[Return to Main Menu](#)



Troublesome Clauses Database

Rpt Issue Type Prime Sponsor

Prime Sponsor	Instances Reported	Export Control Restriction	Foreign National Control	Intellectual Property Restriction	Liability/Indemnity	Other	Proprietary Data Restriction	Publication Control	Publication Control - 7000 Clause
Agency for									

- Three main reporting options:
 - Time to Resolution by Issue Type
 - Outcome by Issue Type
 - Issue Type by Prime Sponsor



Troublesome Clauses Database 2.0!

- **Goals:**

- Update the user interface to enhance usability and enable use of single FDP password to access
- Allow users to easily identify troublesome clauses and how colleague institutions may have handled
- Enable access to information necessary to collaborate with agency colleagues to identify opportunities for streamlining of negotiations
- Develop sustainability plan to ensure database is regularly updated for current issues and new versions of clauses
- Enable reporting by topic area, clause, and sponsor
- Disseminate information on generalizable themes in contracting as these become identifiable in the database



DoD request to COGR

- Similar to the initial database, the planning phase will include a pilot information collection in response to a DoD request to COGR for information on contract negotiation issues/delays.
- Current Working Group members will complete a Qualtrics survey to provide information on their GFY 2020 DoD contract negotiations.
- Survey will be launched shortly to collect information in time for a February meeting.





(Draft) Pilot Survey Questions

- Did this solicitation or award include DFARS 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting and/or other heightened data safeguarding standards for Covered Defense Information (CDI)/Controlled Unclassified Information (CUI)?
- If yes, was your institution receiving CDI/CUI?
- If yes, was the CDI/CUI appropriately marked?



(Draft) Pilot Survey Questions

- Did your institution determine the proposed work was/is fundamental research?
- If yes, did you receive an initial draft of the agreement that was consistent with the performance of fundamental research?
- If no, what was the outcome?
- If you were successful in negotiation, did you resolve your issues with the contracting officer and/or program officer, or did you have to escalate further (such as the Security Officers or the DoD Office of Basic Science)?
- If you were successful in negotiation, what argument was ultimately successful?
- How long did it take to reach final resolution?

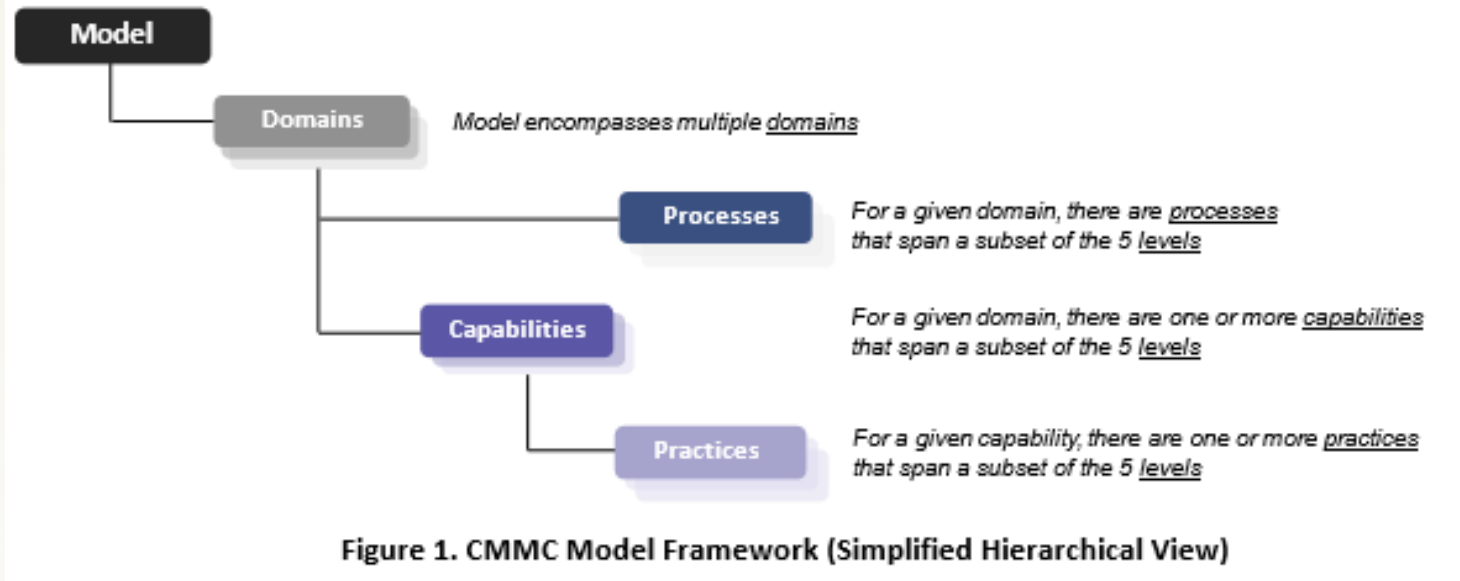


(Draft) Pilot Survey Questions

- Will request specific information about both prime contractor and subcontractor situations with one survey to be completed for each contract/subcontract.
- Companion survey of COGR member institutions will request generalized information about experiences with DoD negotiations.



Cybersecurity Maturity Model Certification (CMMC)



- “The CMMC effort builds upon existing regulation (DFARS 252.204-7012) that is based on trust by adding a verification component with respect to cybersecurity requirements.” (<https://www.acq.osd.mil/cmmc/index.html>)
- Based on five progressive levels with the expectation that the RFI/RFP will state the required level. Each level consists of more **practices** and **processes** on top of those in lower levels.



How is this different from CUI?

- CUI:
 - Can be met with a self-assessment via SPRS.
- CMMC
 - Certification must be obtained from a third party.
 - Third-party certification must be required prior to award.
 - In addition to assessing the implementation of cybersecurity practices, the CMMC will also assess the institutionalization of cybersecurity processes.



Anticipated Agency Implementation

- Initial implementation is expected only in DoD contracts with no more than 15 new Prime acquisitions required to meet CMMC requirements within FY2021.
- CMMC requirements added to relevant RFPs beginning in October 2020.
- Eventually, we may see CMMC requirements applying to all DoD funding, including assistance agreements.
- Complete DoD coverage targeted for Fall 2026.



Poll

- Has your institution received a contract that requires CMMC third-party certification?
 - Yes
 - No
 - I'm not sure



Poll

- Has your organization begun entering NIST 800-171 self-assessment scores in the Supplier Performance Risk System (SPRS)?
 - Yes; we've entered a single score for the whole organization
 - Yes; we have entered multiple scores for individual lab/PI security plans
 - Not yet; we are just beginning our planning for SPRS entry
 - Not yet; we haven't received any contracts that would require this (thank goodness!)
 - No; we have not begun discussing SPRS entry
 - Other



Institution experiences with SPRS registration

- What challenges has your institution experienced with navigating registration in SPRS?
- Do you have one person responsible for entering all scores or is this responsibility distributed?
- What advice would you give a colleague who is just starting their SPRS journey?
- Other questions/comments?



From the faculty perspective?

- What impact is this having on administrative burden for faculty performing the impacted research?
- What strategies are institution's employing to communicate with faculty on these new requirements?



CUI FAR Case

- The new estimated comment period for the CUI FAR case is March to May 2021.
- The Information Security Oversight Office (ISOO) has indicated they plan to hold an ad hoc stakeholders meeting during the comment period to answer questions.
- Can follow the CUI Program blog via <https://isoo.blogs.archives.gov/>



Final NIH Policy for Data Management and Sharing

- [Final NIH Policy for Data Management and Sharing](#) posted on October 29, 2020 with an effective date of January 25, 2023.
- Supplemental information also posted:
 - [Elements of an NIH Data Management and Sharing Plan](#)
 - [Allowable Costs for Data Management and Sharing](#)
 - [Selecting a Repository for Data Resulting from NIH-Supported Research](#)



Poll

- Has your institution begun planning to support compliance with this new policy?
 - No (with everything going on with Foreign Influence and COVID-19, who has time for a policy that isn't effective until 2023?!)
 - Yes, we just began planning when the final policy was posted
 - Yes, we began discussing implementation when the draft policy was posted
 - Yes, we already have policies and processes in place that will support compliance with this new NIH policy
 - Other



How can FDP help?

- Potential to collaborate with COGR Working Group recently initiated
- Collaborate with NIH and Finance, Audit, and Costing to develop FAQs regarding budgeting/charging costs associated with compliance (similar to Single IRB FAQs)?
- Develop a repository of standardized Data Management Plan language, especially if the project will leverage common repositories?
- Other Suggestions?



Suggestions or willing to volunteer?

Contact Us!

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