Insert the following at EDAR 3404.470:

3404.470 Contractor Security Vetting Requirements

3404.470-1 Contract Clause

The contracting officer must include the provision at 3452.204-71 "Notice to Offerors of Contractor Security Vetting Requirements" (DEVIATION) (JUN 2021) in solicitations and clause at 3452.204-72 (DEVIATION) (JUN 2021) "Contractor Security Vetting Requirements" in contracts when it is anticipated that contractor employees will have access to proprietary or sensitive ED information including "Controlled Unclassified Information" as defined in 32 CFR Part 2002.4(h), ED Information Technology (IT) systems, contractor systems operated with ED data or interfacing with ED systems, ED facilities/space, and/or perform duties in a school or in a location where children are present.

Insert the following provision at 3452.204-71:

3452.204-71 Notice to Offerors of Department Contractor Security Vetting Requirements (DEVIATION) (JUN 2021)

(a) The successful offeror shall comply with Department of Education personnel, cyber, privacy, security policy requirements as set forth in "Contractor Security Vetting Requirements" at http://www.ed.gov/fund/contract/about/bsp.html.

(b) Contractor employees who will have access to proprietary or sensitive ED information including "Controlled Unclassified Information" as defined in 32 CFR Part 2002.4(h), ED IT systems, contractor systems operated with ED data or interfacing with ED systems, ED facilities or space, and/or perform duties in a school or in a location where children are present, must undergo a personnel security screening and a receive favorable determination and are subject to reinvestigation as described in the "Contractor Vetting Security Requirements." Compliance with the "Contractor Vetting Security Requirements," as amended, is required.

(c) The type of security investigation required to commence work on an ED contract is dictated by the position designation determination assigned by ED. All ED contractor positions are designated commensurate with their position risk/sensitivity, in accordance with Title 5 Code of Federal Regulations (5 CFR 731.106) and OPM's Position Designation Tool (PDT) located at: https://pdt.nbis.mil/. The position designation determines the risk level and the corresponding level of background investigations required.

(d) The contractor shall comply with all contractor position designations established by ED.

(e) The following are the contractor employee positions required under this contract and their designated risk levels:

High Risk (HR): *(Specify HR positions or Insert "Not Applicable")*
Moderate Risk (MR): *(Specify MR positions or Insert "Not Applicable")*
Low Risk (LR): *(Specify LR positions or Insert "Not Applicable")*

(f) For performance-based contracts where ED has not identified required labor categories for contractor positions, ED considers the risk sensitivity of the services to be performed and the access to ED facilities and systems that will be required during performance, to determine the uniform contractor position risk level designation for all contractor employees who will be providing services under the contract. The uniform contractor position risk level designation applicable to this performance-based contract is:

(Contracting Officer to complete with overall risk level; or insert "Not Applicable")

(g) Only U.S. citizens will be eligible for employment on contracts requiring a Moderate Risk/Public Trust, High Risk/Public Trust, or a National Security designation.

(h) Permanent resident aliens may be eligible for employment on contracts requiring Low Risk/ Public Trust access.

(i) An approved waiver, in accordance with "Contractor Vetting Security Requirements" is required for any exception to the requirements of paragraphs (g) and (h) above.

(j) The Contractor shall-

(1) Comply with the Principal Office (PO) processing requirements for personnel security screening,
(2) Ensure that no contractor employee is placed in a higher risk position than for which he or she is approved,
(3) Ensure contractor employees submit required security forms for reinvestigation in accordance with the timeframes set forth in the "Contractor Vetting Security Requirements,"
(4) Report to the COR any information (i.e., personal conduct, criminal conduct, financial difficulties, etc.) that would raise a concern about the suitability of a contractor or whether a contractor employee's continued employment would promote the efficiency of the service or violate the public trust,
(5) Protect sensitive and Privacy Act-protected, including "Controlled Unclassified Information" as defined in 32 CFR Part 2002.4(h), from unauthorized access, use or misuse by its contractor employees, prevent unauthorized access by others, and report any instances of unauthorized access, use or misuse to the COR,
(6) Report to the COR within two business days any removal of a contractor employee from a contract; or within one business day if removed for cause,
(7) Upon the occurrence of any of the events listed under paragraph (b) of FAR Clause 52.204-9, Personal Identity Verification of Contractor Personnel, return a PIV ID to the COR within seven business days of the contractor employee's departure; and
(8) Report to the COR any change to job activities that could result in a change in the contractor employee's position or the need for increased security access.

(k) Failure to comply with any of the personnel security requirements, set forth in "Contractor Security Vetting Requirements" at http://www.ed.gov/fund/contract/about/bsp.html, may result in a termination of the contract for default or cause.

(End of provision)

Insert the following clause at 3452.204-72:

3452.204-72 Contractor Security Vetting Requirements. (DEVIATION) (JUN 2021)

(a) The contractor and its subcontractors shall comply with Department of Education personnel, cyber, privacy, security policy requirements as set forth in "Contractor Security Vetting Requirements" at http://www.ed.gov/fund/contract/about/bsp.html.

(b) Contractor employees who will have access to proprietary or sensitive ED information including "Controlled Unclassified Information" as defined in 32 CFR Part 2002.4(h), ED IT systems, contractor systems operated with ED data or interfacing with ED systems, ED facilities or space, and/or perform duties in a school or in a location where children are present, must undergo a personnel security screening and a receive favorable determination and are subject to reinvestigation as described in the "Contractor Vetting Security Requirements." Compliance with the "Contractor Vetting Security Requirements," as amended, is required.

(c) The type of security investigation required to commence work on an ED contract is dictated by the position designation determination assigned by ED. All ED contractor positions are designated commensurate with their position risk/sensitivity, in accordance with Title 5 Code of Federal Regulations (5 CFR 731.106) and OPM's Position Designation Tool (PDT) located at: https://pdt.nbis.mil/. The position designation determines the risk level and the corresponding level of background investigations required.

(d) The contractor shall comply with all contractor position designations established by ED.

(e) The following are the contractor employee positions required under this contract and their designated risk levels:

High Risk (HR): *(Specify HR positions or Insert "Not Applicable")*
Moderate Risk (MR): *(Specify MR positions or Insert "Not Applicable")*
Low Risk (LR): *(Specify LR positions or Insert "Not Applicable")*

(f) For performance-based contracts where ED has not identified required labor categories for contractor positions, ED considers the risk sensitivity of the services to be performed and the access to ED facilities and systems that will be required during performance, to determine the uniform contractor position risk level designation for all contractor employees who will be providing services under the contract. The uniform contractor position risk level designation applicable to this performance-based contract is:

(Contracting Officer to complete with overall risk level; or insert "Not Applicable")

(g) Only U.S. citizens will be eligible for employment on contracts requiring a Moderate Risk/Public Trust, High Risk/Public Trust, or a National Security designation.

(h) Permanent resident aliens may be eligible for employment on contracts requiring Low Risk/ Public Trust access.

(i) An approved waiver, in accordance with "Contractor Vetting Security Requirements" is required for any exception to the requirements of paragraphs (g) and (h) above.

(j) The Contractor shall-

(1) Comply with the Principal Office (PO) processing requirements for personnel security screening,
(2) Ensure that no contractor employee is placed in a higher risk position than for which he or she is approved,
(3) Ensure contractor employees submit required security forms for reinvestigation in accordance with the timeframes set forth in the "Contractor Vetting Security Requirements,"
(4) Report to the COR any information (i.e., personal conduct, criminal conduct, financial difficulties, etc.) that would raise a concern about the suitability of a contractor or whether a contractor employee's continued employment would promote the efficiency of the service or violate the public trust,
(5) Protect sensitive and Privacy Act-protected, including "Controlled Unclassified Information" as defined in 32 CFR Part 2002.4(h), from unauthorized access, use or misuse by its contractor employees, prevent unauthorized access by others, and report any instances of unauthorized access, use or misuse to the COR,
(6) Report to the COR within two business days any removal of a contractor employee from a contract; or within one business day if removed for cause,
(7) Upon the occurrence of any of the events listed under paragraph (b) of FAR Clause 52.204-9, Personal Identity Verification of Contractor Personnel, return a PIV ID to the COR within seven business days of the contractor employee's departure; and
(8) Report to the COR any change to job activities that could result in a change in the contractor employee's position or the need for increased security access.

(k) Failure to comply with any of the personnel security requirements, set forth in "Contractor Security Vetting Requirements" at http://www.ed.gov/fund/contract/about/bsp.html, may result in a termination of the contract for default or cause.

(End of Clause)