

Attachment 4

DISCUSSION OF CONTROLS FOR SENSITIVE CONTRACTING AREAS

Although there are no Advisory and Assistance services being provided under this contract, the Agency still faces contractor performance in two sensitive areas. One area is the presence of contractor personnel in EPA space; the other is the handling of CBI materials. The following is a discussion of the existing controls that address these concerns.

contractor employees will be working in EPA space under this contract. Their location in government workspace is necessary because of the need to interact with the EPA personnel in order to provide operational services in support of the activities of the Division and because of the need to handle Confidential Business Information in a timely and efficient manner.

The contractor employees are situated in a separate space that is clearly labeled as contractor-occupied space. This contractor area is physically separated from the rest of the EPA occupied space in the building. Room access is tightly controlled by issuing electronic badges to contractor employees and only a handful of select and specially trained EPA personnel (see below).

Contractors are required to wear name badges identifying them as contractor employees at all times. Only EPA employees designated as Contracting Officer Representative or Alternate Contracting Officer Representative are allowed to issue technical instruction to the contractor's on-site management. No direct supervision or assignment of work to individual contractor employees is allowed. The contractor is constantly reminded verbally and in writing not to take technical direction from anyone but the EPA Contracting Officer Representative.

Contractor labor hours may be expended assembling information for Freedom of Information Act (FOIA) matters only where it is determined that the responsive materials are available only from the DCFUELS system. Contractor personnel are never placed in a position of having to make any judgments regarding what materials are responsive or appropriate. Their role is limited to providing the means to extract the information from DCFUELS. In most cases, EPA employees alone will use existing query programs to extract the needed information from the database and place it in a form that is appropriate for a FOIA response.

DCFUEL is a Confidential Business Information (CBI) system. Contractor personnel input data from a variety of sources into the system. The data are protected by a scrambling system, the key to which is not stored anywhere in the computer system and is available only to EPA employees.

The DCFUELS database is electronically and physically isolated from the outside world. Contractor personnel although involved in the operation of this system, will only have limited access to CBI data files contained therein. Reporting parties will be informed prior to beginning

work in the databases of the EPA's intention to use contractor support for data entry and processing.

Every step in the processing of data will be closely monitored by the Contracting Officer Representative and other designated EPA employees. All data submitted to the Agency, both in paper and electronic form will be logged in and tracked by EPA personnel. Once this process is completed, the information is turned over to the contractor who logs it in a second time in their records. The Contracting Officer Representative will compare on a monthly basis the two logs to ensure they agree. Any discrepancies will be documented and investigated by the Contracting Officer Representative and the contractor's on-site management.

Contractor employees must sign confidentiality agreements prior to having access to CBI data. In addition, every contractor employee must have a favorable background check before he/she is allowed access to the CBI data. Contractor personnel and the limited number of EPA employees with access to the system must successfully complete the annual EPA computer security-training course and our own (CISD) system specific security training. Failure to complete either training requirement would result in a revocation of that individual's CBI access privileges (EPA or contractor).

All CBI data, whether in paper or electronic form, are accounted for at the end of each workday. The location and distribution of CBI files shall be reported to the Contracting Officer Representative the next business day. The Contracting Officer Representative will document the processing of the data to ensure that only designated EPA employees make policy decisions regarding the registration and reporting of the data submitted by the regulated communities. The EPA Contracting Officer Representative will assign passwords with different levels of access to the contractor for use in data entry & modification and QA/QC. System access passwords will be changed every 30 days. The contractor shall adhere to the provisions of EPA IRM Security Manual.