



SIMPLIFIED ACQUISITION PROCEDURES PERFORMANCE WORK STATEMENT (PWS)

DEPARTMENT OF VETERANS AFFAIRS
Office of Information & Technology
Austin Information Technology Center (AITC)

Generator Intake & Exhaust Louver Repair Project

Date: August 17, 2017
TAC-17-44689
PWS Version Number: 1.2

Generator Intake & Exhaust Louver Repair Project

TAC Number: TAC-17-44689

1.0 DESCRIPTION OF SERVICES

This service is for Lump-Sum, Turn-Key project for repair of generator room intake & exhaust louvers serving Generators #1, #2 & #3 and associated electrical actuators/controls.

DESCRIPTION OF WORK:

The purpose of this project is to improve Generator performance to ensure Data Center Sustainability. Here project focus below:

- Contractor shall replace eight (8) roof mounted air intake louvers in existing penthouse, two (2) exhaust air louvers at Generators #1 & #2, one (1) air intake louver at Generator #3, one (1) exhaust air louver at Generators #3, and associated electrical actuators. Contractor shall install Ruskin Model CD36 with matching Belimo actuators or VA-AITC Engineer approved equal.
- **Contractor shall propose separate work as “Alternate #1” for replacing existing penthouses, matching existing brand, model and size. The intent is to complete all work through a single purchase order, however the government reserves the right to make award with or without Alternate #1.**

Prior to Contractor bidding this work, it is recommended that the Contractor field verify all necessary information in order to assemble a turn-key bid project.

Contractor shall provide services as listed below.

SERVICES:

- Contractor shall provide VA-AITC COR with equipment submittals for approval prior to purchasing of equipment.
- Contractor shall be responsible of demolition/removal of existing intake & exhaust louvers actuators.
- Contractor shall hire Austin Generator (AITC generator maintenance contractor) for operating generators for louver operation interfacing and during final third party commissioning.
- Contractor shall only have one of three generators offline during installation at anytime and must notify COR each time generators are taken offline.
- Contractor shall replace existing, eight (8) roof mounted air intake louver in penthouse with new dampers & electric actuators.
- Contractor shall replace existing, two (2) exhaust air louvers in front of Generators #1 & #2, with new dampers & electric actuators. This will required temporary removal of exterior fix louver, for damper installation.

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- Contractor shall replace existing, one (1) air intake louver at Generator #3, with new damper and electrical actuator.
- Contractor shall replace existing, one (1) exhaust air louvers in front of Generators #3, with new dampers & electric actuators. This will required temporary removal of exterior fix louver, for damper installation.
- All damper installation shall be positively sealed for waterproof installation
- **Contractor shall propose the following as “Alternate #1” for Penthouses replacements:**
 - **Three (3), 11 tier 8'-0" Long x 4'-10" wide x 4'-4 ½" high**
 - **Five (5), 8 tier 6'-0" Long x 3'-0" wide x 2'-10" high**
- Upon completion of work, project shall be commissioned by third party contractor.

GENERAL NOTES:

- All work shall be install according with latest International Mechanical Code and City of Austin Mechanical Code requirements.
- Modifications to electric/control system shall meet N.E.C. requirements.
- The electrical contractor shall adequately support all wire/conduit runs as required.
- The electrical contractor shall provide all labor, materials & etc. to complete scope of work.
- The electrical contractor shall follow good workmanship and common electrical practices/standards while installing electrical work.
- The electrical contractor shall follow N.E.C., safety guidelines and all other applicable electrical codes during course of this work.
- No utility interruptions shall be allowed associated with the computer room.
- All interruption of utilities (not associated with computer room) shall be scheduled a minimum of 7 days prior to interruption.
- All work to be performed in compliance with OSHA standards.
- Provide MSDS sheets for materials as requested by the Government (i.e. paint, caulk and etc.)

DAMPER SPECIFICATION:

Dampers shall be Ruskin Model CD36 or VA-AITC Engineer approved equal.

Standard Construction

Frame: 5" x 1" x 16 gage hot dipped, rolled formed galvanized steel.

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Blade: 6" x 16 gage hot dipped, rolled formed galvanized steel.

Axles: ½" nominal hexagonal zinc plated steel.

Bearings: High impact, molded synthetic, formed to hexagonal axle shape.

Blade Seals: Mechanically fastened, fire resistant, vinyl coated polyester. Meets requirements to qualify for UL94, 5903

Jamb Seals: 300 series stainless steel compression type

Linkage: Shake proof Swedgelock plated steel assembly, concealed out of airstream
Pressure: Up to 5" W.C.

Velocity: Up to 3,000 FPM

Linkage: AMCA Class 2

Temperature: Standard, -25 Deg. F to +185 Deg. F

Features

One-piece roll formed frame

Mechanically fastened blades seals

Front, rear or double flange frame

Stainless axles, bearings and linkage

Factory mounted sleeves with round and oval transitions

Factory mounted and commissioned electric actuators

DAMPER ACTUATOR SPECIFICATION:

Dampers Actuator for three (3) roof mounted louvers 58" wide x 96" long, shall be Belimo Model MS8120 or VA-AITC Engineer approved equal. Requiring two (2) actuators per damper.

Dampers Actuator for one (1) Generator #3 intake louver, 60" wide x 71.5" long, shall be Belimo Model AFBUP-RUS or VA-AITC Engineer approved equal. Requiring one (1) actuator.

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Dampers Actuator for one (1) generator #3 exhaust louver, 117" wide x 116" long shall be Belimo Model AFBUP-RUS or VA-AITC Engineer approved equal. Requiring five (5) actuators.

Dampers Actuator for five (5) roof mounted louvers 36" wide x 72" long, shall be Belimo Model NFBUP-RUS or VA-AITC Engineer approved equal. Requiring one (1) actuator per damper.

Dampers Actuator for one (1) generator #1 exhaust louver, 99.5" wide x 99" long shall be Belimo Model MS8120 or VA-AITC Engineer approved equal. Requiring three (3) actuators.

Dampers Actuator for one (1) generator #2 exhaust louver, 99.5" wide x 99" long shall be Belimo Model MS8120 or VA-AITC Engineer approved equal. Requiring three (3) actuators.

Typical Specification:

On/Off spring return damper actuators shall be direct coupled type which require no crank arm and linkage and be capable of direct mounting to a jackshaft up to a 1.05" diameter. The actuators must be designed so that they may be used for either clockwise or counterclockwise fail-safe operation. Actuators shall be protected from overload at all angles of rotation. If required, two SPDT auxiliary switch shall be provided having the capability of one being adjustable. Actuators with auxiliary switches must be constructed to meet the requirements for Double Insulation so an electrical ground is not required to meet agency listings. Actuators shall be cULus approved and have a 5 year warranty, and be manufactured under ISO 9001 International Quality Control Standards.

ALTERNATE #1: PENTHOUSE SPECIFICATION:

Dampers shall be Ruskin or VA-AITC Engineer approved equal.

Standard Construction

Roof: .063 aluminum with aluminum louver.

Structural Support: 20 gage galvanized formed steel or 1 ½" x 4" x 1 ½" 6063T5 extruded aluminum.

Corner: Mitered

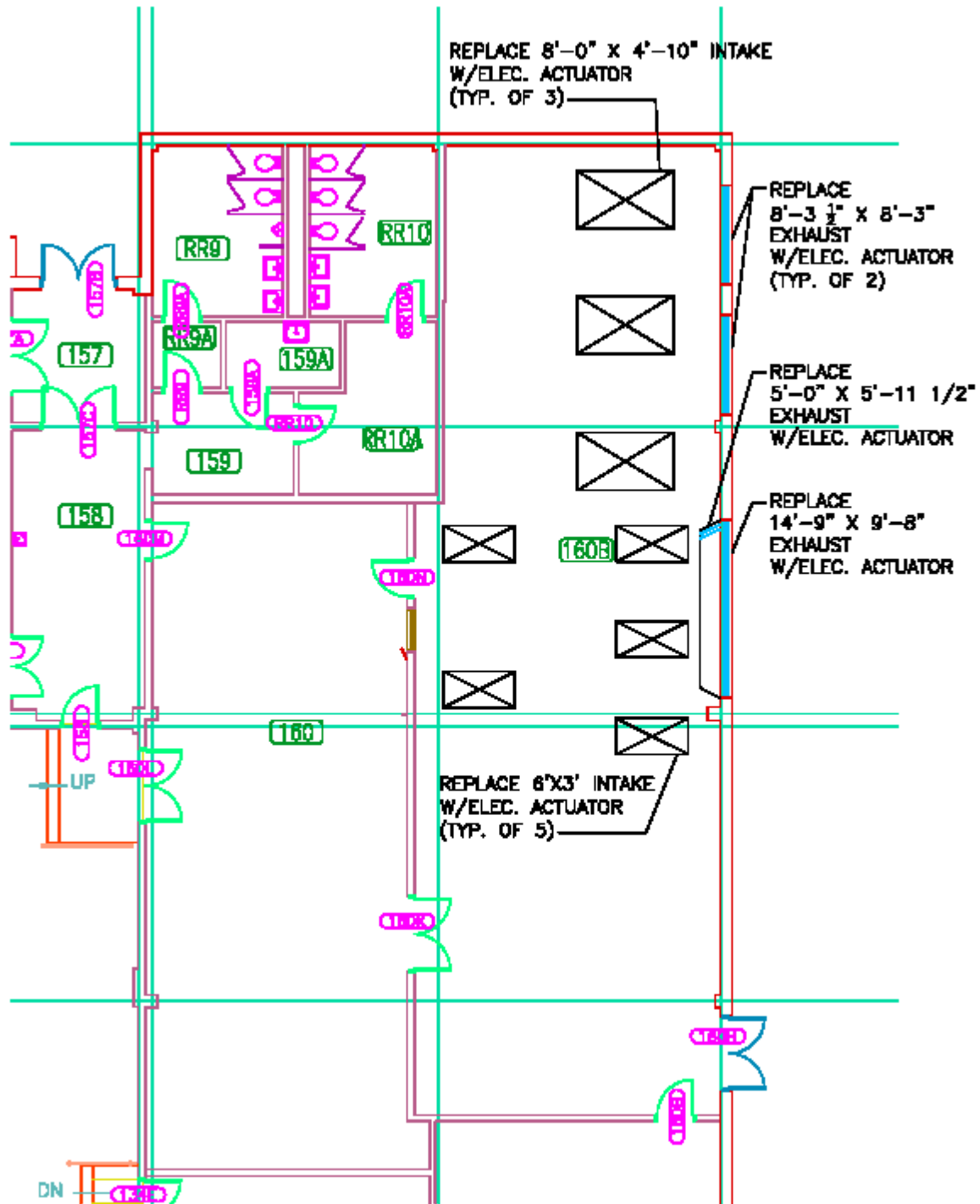
Screen: ¾" x .051" expanded flattened aluminum bird screen with aluminum louver.

Finish: Mill

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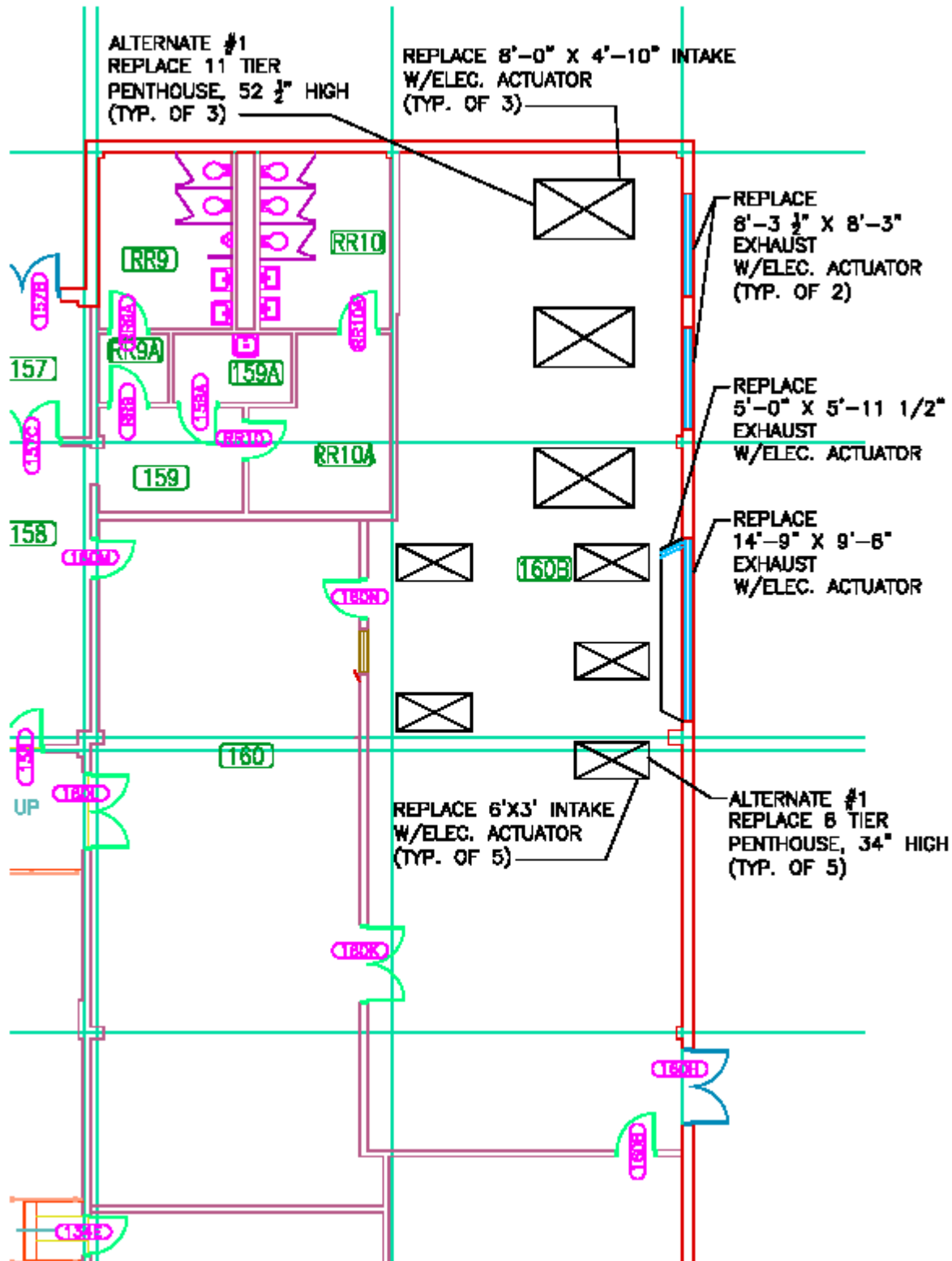
Drawing Layout:



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Drawing Layout – to include Alternate #1



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2.0 PERFORMANCE DETAILS

2.1 PERFORMANCE PERIOD

The period of performance (PoP) shall start upon contract award with project duration of six (6) months.

Any work at the Government site shall not take place on Federal holidays or weekends unless directed by the Contracting Officer Representative (COR).

2.2 PLACE OF PERFORMANCE

Tasks under this PWS shall be performed in VA facilities located in Austin, TX. 78772 (Austin Information Technology Center). Work may be performed at remote locations with prior concurrence from the Contracting Officer's Representative (COR).

Tasks under this PWS shall be performed at Contractor facilities, such billing, engineering and report development. The Contractor shall identify the Contractor's place of performance in their Task Execution Plan submission.

3.0 SPECIFIC TASKS AND DELIVERABLES

The Contractor shall perform the following:

- Equipment selection submittals
- Installation of eleven (11) dampers with electric actuators.
- Commissioning of damper installation project.

3.1 REPORTING REQUIREMENTS

The Contractor shall provide the COR with Weekly Progress Reports in electronic form in Microsoft Word and Project formats. The report shall include detailed instructions/explanations for each required data element, to ensure that data is accurate and consistent. These reports shall reflect data as of the last day of the preceding Week.

The Week Progress Reports shall cover all work completed during the reporting period and work planned for the subsequent reporting period. The report shall also identify any problems that arose and a description of how the problems were resolved. If problems have not been completely resolved, the Contractor shall provide an explanation including their plan and timeframe for resolving the issue. The report shall also include an itemized list of all Electronic and Information Technology (EIT) deliverables and their current Section 508 conformance status. It is expected that the Contractor will keep in communication with VA accordingly so that issues that arise are transparent to both parties to prevent escalation of outstanding issues.

Deliverable:

- A. Weekly Progress Report

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4.0 GENERAL REQUIREMENTS

4.1 SECURITY AND PRIVACY REQUIREMENTS

N/A

4.1.1 CONTRACTOR PERSONNEL SECURITY REQUIREMENTS

The position sensitivity and the level of background investigation commensurate with the required level of access is:

☒ MBI/Tier 2

Contractor Responsibilities:

- a. For a MBI/Tier 2 Risk designation, with a period of performance requirement of 180 days or less, a Special Agreement Check (SAC) is required. A completed Security and Investigations Center (SIC) Fingerprint Request Form is required for fingerprinting. This should be submitted to the CO or COR after award has been made.
- b. Within 3 business days after award, the Contractor shall provide a roster of Contractor and Subcontractor employees to the COR to begin their background investigations in accordance with the ProPath (PAL) template. The Contractor Staff Roster shall contain the Contractor's Full Name, Date of Birth, Place of Birth, individual background investigation level requirement of MBI Tier 2 SAC. The Contractor shall submit full Social Security Numbers either within the Contractor Staff Roster or under separate cover to the COR. The Contractor Staff Roster shall be updated and provided to VA within 1 day of any changes in employee status, training certification completion status, Background Investigation level status, additions/removal of employees, etc. throughout the Period of Performance. The Contractor Staff Roster shall remain a historical document indicating all past information and the Contractor shall indicate in the Comment field, employees no longer supporting this contract. The preferred method to send the Contractor Staff Roster or Social Security Number is by encrypted e-mail. If unable to send encrypted e-mail, other methods which comply with FIPS 140-2 are to encrypt the file, use a secure fax, or use a traceable mail service.
- c. The Contractor should coordinate the location of the nearest VA fingerprinting office through the COR. Only electronic fingerprints are authorized. The Contractor shall bring their completed Security and Investigations Center (SIC) Fingerprint request form with them (see paragraph a. above) when getting fingerprints taken.
- d. The Contractor shall be responsible for the actions of all personnel provided to work for VA under this contract. In the event that damages arise from work performed by Contractor provided personnel, under the auspices of this contract, the Contractor shall be responsible for all resources necessary to remedy the incident.

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- e. A Contractor may be granted unescorted access to VA facilities and/or access to VA Information Technology resources (network and/or protected data) with a favorably adjudicated Special Agreement Check (SAC), completed training delineated in VA Handbook 6500.6 (Appendix C, Section 9), signed "Contractor Rules of Behavior", and with a valid, operational PIV credential for PIV-only logical access to VA's network. A PIV card credential can be issued once your SAC has been favorably adjudicated and your background investigation has been scheduled by OPM. However, the Contractor will be responsible for the actions of the Contractor personnel they provide to perform work for VA. The investigative history for Contractor personnel working under this contract must be maintained in the database of the Office of Personnel Management (OPM).
- f. The Contractor, when notified of an unfavorably adjudicated background investigation on a Contractor employee as determined by the Government, shall withdraw the employee from consideration in working under the contract.
- g. Failure to comply with the Contractor personnel security investigative requirements may result in loss of physical and/or logical access to VA facilities and systems by Contractor and Subcontractor employees and/or termination of the contract for default.
- h. Identity Credential Holders must follow all HSPD-12 policies and procedures as well as use and protect their assigned identity credentials in accordance with VA policies and procedures, displaying their badges at all times, and returning the identity credentials upon termination of their relationship with VA.

Deliverable:

- A. Contractor Staff Roster

4.2 METHOD AND DISTRIBUTION OF DELIVERABLES

The Contractor shall deliver documentation in electronic format, unless otherwise directed in Section B of the solicitation/contract. Acceptable electronic media include: MS Word 2000/2003/2007/2010, MS Excel 2000/2003/2007/2010, MS PowerPoint 2000/2003/2007/2010, MS Project 2000/2003/2007/2010, MS Access 2000/2003/2007/2010, MS Visio 2000/2002/2003/2007/2010, AutoCAD 2002/2004/2007/2010, and Adobe Postscript Data Format (PDF).

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4.3 SHIPMENT OF HARDWARE OR EQUIPMENT

Inspection: Destination
Acceptance: Destination
Free on Board (FOB): Destination

Ship To and Mark For:

	Primary		Alternate
Name:	Wesley Patton	Name:	Paul Hoffman
Address:	1615 Woodward Street, Austin, TX. 78772	Address:	1615 Woodward Street, Austin, TX. 78772
Voice:	512-326-6868	Voice:	512-326-6504
Email:	Wesley.patton@va.gov	Email:	Paul.hoffman@va.gov

Special Shipping Instructions:

Prior to shipping, Contractor shall notify Site POCs, by phone followed by email, of all incoming deliveries including line-by-line details for review of requirements. Contractor shall not make any changes to the delivery schedule at the request of Site POC.

Contractors shall coordinate deliveries with Site POCs before shipment of hardware to ensure sites have adequate storage space.

All shipments, either single or multiple container deliveries, shall bear the VA IFCAP Purchase Order number on external shipping labels and associated manifests or packing lists. In the case of multiple container deliveries, a statement readable near the VA IFCAP PO number shall indicate total number of containers for the complete shipment (e.g. "Package 1 of 2"), clearly readable on manifests and external shipping labels.

Packing Slips/Labels and Lists shall also include the following:

IFCAP PO #: _____ (e.g., 166-E11234 (the IFCAP PO number is located in block #20 of the SF 1449))

Project Description: (e.g. Tier I Lifecycle Refresh)

Total number of Containers: Package ____ of _____. (e.g., Package 1 of 3)

5.0 APPLICABLE DOCUMENTS

In the performance of the tasks associated with this Performance Work Statement, the Contractor shall comply with the following:

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1. 44 U.S.C. § 3541, "Federal Information Security Management Act (FISMA) of 2002"
2. Federal Information Processing Standards (FIPS) Publication 140-2, "Security Requirements For Cryptographic Modules"
3. FIPS Pub 201-2, "Personal Identity Verification of Federal Employees and Contractors," August 2013
4. 10 U.S.C. § 2224, "Defense Information Assurance Program"
5. 5 U.S.C. § 552a, as amended, "The Privacy Act of 1974"
6. 42 U.S.C. § 2000d "Title VI of the Civil Rights Act of 1964"
7. VA Directive 0710, "Personnel Suitability and Security Program," June 4, 2010, <http://www1.va.gov/vapubs/>
8. VA Handbook 0710, "Personnel Suitability and Security Program", May 2, 2016, <http://www1.va.gov/vapubs/>
9. VA Directive and Handbook 6102, "Internet/Intranet Services," July 15, 2008
10. 36 C.F.R. Part 1194 "Electronic and Information Technology Accessibility Standards," July 1, 2003
11. OMB Circular A-130, "Managing Federal Information as a Strategic Resource," July 28, 2016
12. Sections 504 and 508 of the Rehabilitation Act (29 U.S.C. § 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998
13. Homeland Security Presidential Directive (12) (HSPD-12), August 27, 2004
14. VA Directive 6500, "Managing Information Security Risk: VA Information Security Program," September 20, 2012
15. VA Handbook 6500, "Risk Management Framework for VA Information Systems – Tier 3: VA Information Security Program," March 10, 2015
16. VA Handbook 6500.1, "Electronic Media Sanitization," November 03, 2008
17. VA Handbook 6500.2, "Management of Breaches Involving Sensitive Personal Information (SPI)", July 28, 2016
18. VA Handbook 6500.3, "Assessment, Authorization, And Continuous Monitoring Of VA Information Systems," February 3, 2014
19. VA Handbook, 6500.5, "Incorporating Security and Privacy in System Development Lifecycle", March 22, 2010
20. VA Handbook 6500.6, "Contract Security," March 12, 2010
21. OMB Memorandum, "Transition to IPv6", September 28, 2010
22. VA Directive 0735, Homeland Security Presidential Directive 12 (HSPD-12) Program, October 26, 2015
23. VA Handbook 0735, Homeland Security Presidential Directive 12 (HSPD-12) Program, March 24, 2014
24. OMB Memorandum 05-24, Implementation of Homeland Security Presidential Directive (HSPD) 12 – Policy for a Common Identification Standard for Federal Employees and Contractors, August 5, 2005
25. OMB memorandum M-11-11, "Continued Implementation of Homeland Security Presidential Directive (HSPD) 12 – Policy for a Common

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- Identification Standard for Federal Employees and Contractors, February 3, 2011
26. OMB Memorandum, Guidance for Homeland Security Presidential Directive (HSPD) 12 Implementation, May 23, 2008
 27. Federal Identity, Credential, and Access Management (FICAM) Roadmap and Implementation Guidance, December 2, 2011
 28. NIST SP 800-116, A Recommendation for the Use of Personal Identity Verification (PIV) Credentials in Physical Access Control Systems, November 20, 2008
 29. OMB Memorandum M-07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information, May 22, 2007
 30. NIST SP 800-63-2, Electronic Authentication Guideline, August 2013
 31. Draft NIST SP 800-157, Guidelines for Derived PIV Credentials, December 2014
 32. NIST SP 800-164, Guidelines on Hardware-Rooted Security in Mobile Devices (Draft), October 2012
 33. Draft National Institute of Standards and Technology Interagency Report (NISTIR) 7981 Mobile, PIV, and Authentication, March 2014
 34. VA Memorandum, VAIQ #7100147, Continued Implementation of Homeland Security Presidential Directive 12 (HSPD-12), April 29, 2011 (reference <https://www.voa.va.gov/documentlistpublic.aspx?NodeID=514>)
 35. VA Memorandum, VAIQ #7497987, Compliance – Electronic Product Environmental Assessment Tool (EPEAT) – IT Electronic Equipment, August 11, 2014 (reference Document Libraries, EPEAT/Green Purchasing Section, <https://www.voa.va.gov/documentlistpublic.aspx?NodeID=552>)
 36. Sections 524 and 525 of the Energy Independence and Security Act of 2007, (Public Law 110–140), December 19, 2007
 37. Section 104 of the Energy Policy Act of 2005, (Public Law 109–58), August 8, 2005
 38. Executive Order 13693, “Planning for Federal Sustainability in the Next Decade”, dated March 19, 2015
 39. Executive Order 13221, “Energy-Efficient Standby Power Devices,” August 2, 2001
 40. VA Directive 0058, “VA Green Purchasing Program”, July 19, 2013
 41. VA Handbook 0058, “VA Green Purchasing Program”, July 19, 2013
 42. Clinger-Cohen Act of 1996, 40 U.S.C. §11101 and §11103

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ADDENDUM A – ADDITIONAL VA REQUIREMENTS, CONSOLIDATED

A1.0 Physical Security & Safety Requirements:

The Contractor and their personnel shall follow all VA policies, standard operating procedures, applicable laws and regulations while on VA property. Violations of VA regulations and policies may result in citation and disciplinary measures for persons violating the law.

1. The Contractor and their personnel shall wear visible identification at all times while they are on the premises.
2. VA does not provide parking spaces at the work site; the Contractor must obtain parking at the work site if needed. It is the responsibility of the Contractor to park in the appropriate designated parking areas. VA will not invalidate or make reimbursement for parking violations of the Contractor under any conditions.
3. Smoking is prohibited inside/outside any building other than the designated smoking areas.
4. Possession of weapons is prohibited.
5. The Contractor shall obtain all necessary licenses and/or permits required to perform the work, with the exception of software licenses that need to be procured from a Contractor or vendor in accordance with the requirements document. The Contractor shall take all reasonable precautions necessary to protect persons and property from injury or damage during the performance of this contract.

A2.0 Information Technology Using Energy-Efficient Products

The Contractor shall comply with Sections 524 and Sections 525 of the Energy Independence and Security Act of 2007; Section 104 of the Energy Policy Act of 2005; Executive Order 13693, "Planning for Federal Sustainability in the Next Decade", dated March 19, 2015; Executive Order 13221, "Energy-Efficient Standby Power Devices," dated August 2, 2001; and the Federal Acquisition Regulation (FAR) to provide ENERGY STAR®, Federal Energy Management Program (FEMP) designated, low standby power, and Electronic Product Environmental Assessment Tool (EPEAT) registered products in providing information technology products and/or services.

The Contractor shall ensure that information technology products are procured and/or services are performed with products that meet and/or exceed ENERGY STAR, FEMP designated, low standby power, and EPEAT guidelines. The Contractor shall provide/use products that earn the ENERGY STAR label and meet the ENERGY STAR specifications for energy efficiency. Specifically, the Contractor shall:

1. Provide/use ENERGY STAR products, as specified at www.energystar.gov/products (contains complete product specifications and updated lists of qualifying products).

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2. Provide/use the purchasing specifications listed for FEMP designated products at https://www4.eere.energy.gov/femp/requirements/laws_and_requirements/energy_star_and_femp_designated_products_procurement_requirements . The Contractor shall use the low standby power products specified at <http://energy.gov/eere/femp/low-standby-power-products>.
3. Provide/use EPEAT registered products as specified at www.epeat.net. At a minimum, the Contractor shall acquire EPEAT® Bronze registered products. EPEAT registered products are required to meet the technical specifications of ENERGY STAR, but are not automatically on the ENERGY STAR qualified product lists. The Contractor shall ensure that applicable products are on both the EPEAT Registry and ENERGY STAR Qualified Product Lists.
4. The Contractor shall use these products to the maximum extent possible without jeopardizing the intended end use or detracting from the overall quality delivered to the end user.

The following is a list of information technology products for which ENERGY STAR, FEMP designated, low standby power, and EPEAT registered products are available:

1. Computer Desktops, Laptops, Notebooks, Displays, Monitors, Integrated Desktop Computers, Workstation Desktops, Thin Clients, Disk Drives
2. Imaging Equipment (Printers Copiers, Multi-Function Devices, Scanners, Fax Machines, Digital Duplicators, Mailing Machines)
3. Televisions, Multimedia Projectors

This list is continually evolving, and as a result is not all-inclusive.

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ADDENDUM B – VA INFORMATION AND INFORMATION SYSTEM SECURITY/PRIVACY LANGUAGE

APPLICABLE PARAGRAPHS TAILORED FROM: *THE VA INFORMATION AND INFORMATION SYSTEM SECURITY/PRIVACY LANGUAGE, VA HANDBOOK 6500.6, APPENDIX C, MARCH 12, 2010*

B1. GENERAL

Contractors, Contractor personnel, Subcontractors, and Subcontractor personnel shall be subject to the same Federal laws, regulations, standards, and VA Directives and Handbooks as VA and VA personnel regarding information and information system security.

B2. ACCESS TO VA INFORMATION AND VA INFORMATION SYSTEMS

a. A Contractor/Subcontractor shall request logical (technical) or physical access to VA information and VA information systems for their employees, Subcontractors, and affiliates only to the extent necessary to perform the services specified in the contract, agreement, or task order.

b. All Contractors, Subcontractors, and third-party servicers and associates working with VA information are subject to the same investigative requirements as those of VA appointees or employees who have access to the same types of information. The level and process of background security investigations for Contractors must be in accordance with VA Directive and Handbook 0710, *Personnel Suitability and Security Program*. The Office for Operations, Security, and Preparedness is responsible for these policies and procedures.

c. Contract personnel who require access to national security programs must have a valid security clearance. National Industrial Security Program (NISP) was established by Executive Order 12829 to ensure that cleared U.S. defense industry contract personnel safeguard the classified information in their possession while performing work on contracts, programs, bids, or research and development efforts. The Department of Veterans Affairs does not have a Memorandum of Agreement with Defense Security Service (DSS). Verification of a Security Clearance must be processed through the Special Security Officer located in the Planning and National Security Service within the Office of Operations, Security, and Preparedness.

d. Custom software development and outsourced operations must be located in the U.S. to the maximum extent practical. If such services are proposed to be performed abroad and are not disallowed by other VA policy or mandates (e.g. Business Associate Agreement, Section 3G), the Contractor/Subcontractor must state where all non-U.S. services are provided and detail a security plan, deemed to be acceptable by VA,

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specifically to address mitigation of the resulting problems of communication, control, data protection, and so forth. Location within the U.S. may be an evaluation factor.

e. The Contractor or Subcontractor must notify the CO immediately when an employee working on a VA system or with access to VA information is reassigned or leaves the Contractor or Subcontractor's employ. The CO must also be notified immediately by the Contractor or Subcontractor prior to an unfriendly termination.

B3. VA INFORMATION CUSTODIAL LANGUAGE

1. Information made available to the Contractor or Subcontractor by VA for the performance or administration of this contract or information developed by the Contractor/Subcontractor in performance or administration of the contract shall be used only for those purposes and shall not be used in any other way without the prior written agreement of VA. This clause expressly limits the Contractor/Subcontractor's rights to use data as described in Rights in Data - General, FAR 52.227-14(d) (1).

2. VA information should not be co-mingled, if possible, with any other data on the Contractors/Subcontractor's information systems or media storage systems in order to ensure VA requirements related to data protection and media sanitization can be met. If co-mingling must be allowed to meet the requirements of the business need, the Contractor must ensure that VA information is returned to VA or destroyed in accordance with VA's sanitization requirements. VA reserves the right to conduct on site inspections of Contractor and Subcontractor IT resources to ensure data security controls, separation of data and job duties, and destruction/media sanitization procedures are in compliance with VA directive requirements.

3. Prior to termination or completion of this contract, Contractor/Subcontractor must not destroy information received from VA, or gathered/created by the Contractor in the course of performing this contract without prior written approval by VA. Any data destruction done on behalf of VA by a Contractor/Subcontractor must be done in accordance with National Archives and Records Administration (NARA) requirements as outlined in VA Directive 6300, *Records and Information Management* and its Handbook 6300.1 *Records Management Procedures*, applicable VA Records Control Schedules, and VA Handbook 6500.1, *Electronic Media Sanitization*. Self-certification by the Contractor that the data destruction requirements above have been met must be sent to the VA CO within 30 days of termination of the contract.

4. The Contractor/Subcontractor must receive, gather, store, back up, maintain, use, disclose and dispose of VA information only in compliance with the terms of the contract and applicable Federal and VA information confidentiality and security laws, regulations and policies. If Federal or VA information confidentiality and security laws, regulations and policies become applicable to VA information or information systems after execution of the contract, or if NIST issues or updates applicable FIPS or Special Publications (SP) after execution of this contract, the parties agree to negotiate in good

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faith to implement the information confidentiality and security laws, regulations and policies in this contract.

5. The Contractor/Subcontractor shall not make copies of VA information except as authorized and necessary to perform the terms of the agreement or to preserve electronic information stored on Contractor/Subcontractor electronic storage media for restoration in case any electronic equipment or data used by the Contractor/Subcontractor needs to be restored to an operating state. If copies are made for restoration purposes, after the restoration is complete, the copies must be appropriately destroyed.

6. If VA determines that the Contractor has violated any of the information confidentiality, privacy, and security provisions of the contract, it shall be sufficient grounds for VA to withhold payment to the Contractor or third party or terminate the contract for default or terminate for cause under Federal Acquisition Regulation (FAR) part 12.

7. If a VHA contract is terminated for cause, the associated Business Associate Agreement (BAA) must also be terminated and appropriate actions taken in accordance with VHA Handbook 1600.05, *Business Associate Agreements*. Absent an agreement to use or disclose protected health information, there is no business associate relationship.

8. The Contractor/Subcontractor must store, transport, or transmit VA sensitive information in an encrypted form, using VA-approved encryption tools that are, at a minimum, FIPS 140-2 validated.

9. The Contractor/Subcontractor's firewall and Web services security controls, if applicable, shall meet or exceed VA minimum requirements. VA Configuration Guidelines are available upon request.

10. Except for uses and disclosures of VA information authorized by this contract for performance of the contract, the Contractor/Subcontractor may use and disclose VA information only in two other situations: (i) in response to a qualifying order of a court of competent jurisdiction, or (ii) with VA prior written approval. The Contractor/Subcontractor must refer all requests for, demands for production of, or inquiries about, VA information and information systems to the VA CO for response.

11. Notwithstanding the provision above, the Contractor/Subcontractor shall not release VA records protected by Title 38 U.S.C. 5705, confidentiality of medical quality assurance records and/or Title 38 U.S.C. 7332, confidentiality of certain health records pertaining to drug addiction, sickle cell anemia, alcoholism or alcohol abuse, or infection with human immunodeficiency virus. If the Contractor/Subcontractor is in receipt of a court order or other requests for the above mentioned information, that Contractor/Subcontractor shall immediately refer such court orders or other requests to the VA CO for response.

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12. For service that involves the storage, generating, transmitting, or exchanging of VA sensitive information but does not require Assessment and Authorization (A&A) or a Memorandum of Understanding-Interconnection Security Agreement (MOU-ISA) for system interconnection, the Contractor/Subcontractor must complete a Contractor Security Control Assessment (CSCA) on a yearly basis and provide it to the COR.

B4. SECURITY INCIDENT INVESTIGATION

a. The term “security incident” means an event that has, or could have, resulted in unauthorized access to, loss or damage to VA assets, or sensitive information, or an action that breaches VA security procedures. The Contractor/Subcontractor shall immediately notify the COR and simultaneously, the designated ISO and Privacy Officer for the contract of any known or suspected security/privacy incidents, or any unauthorized disclosure of sensitive information, including that contained in system(s) to which the Contractor/Subcontractor has access.

b. To the extent known by the Contractor/Subcontractor, the Contractor/Subcontractor’s notice to VA shall identify the information involved, the circumstances surrounding the incident (including to whom, how, when, and where the VA information or assets were placed at risk or compromised), and any other information that the Contractor/Subcontractor considers relevant.

c. With respect to unsecured protected health information, the business associate is deemed to have discovered a data breach when the business associate knew or should have known of a breach of such information. Upon discovery, the business associate must notify the covered entity of the breach. Notifications need to be made in accordance with the executed business associate agreement.

d. In instances of theft or break-in or other criminal activity, the Contractor/Subcontractor must concurrently report the incident to the appropriate law enforcement entity (or entities) of jurisdiction, including the VA OIG and Security and Law Enforcement. The Contractor, its employees, and its Subcontractors and their employees shall cooperate with VA and any law enforcement authority responsible for the investigation and prosecution of any possible criminal law violation(s) associated with any incident. The Contractor/Subcontractor shall cooperate with VA in any civil litigation to recover VA information, obtain monetary or other compensation from a third party for damages arising from any incident, or obtain injunctive relief against any third party arising from, or related to, the incident.

B5. SECURITY CONTROLS COMPLIANCE TESTING

On a periodic basis, VA, including the Office of Inspector General, reserves the right to evaluate any or all of the security controls and privacy practices implemented by the Contractor under the clauses contained within the contract. With 10 working-day's

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notice, at the request of the Government, the Contractor must fully cooperate and assist in a Government-sponsored security controls assessment at each location wherein VA information is processed or stored, or information systems are developed, operated, maintained, or used on behalf of VA, including those initiated by the Office of Inspector General. The Government may conduct a security control assessment on shorter notice (to include unannounced assessments) as determined by VA in the event of a security incident or at any other time.

B6. TRAINING

- a. All Contractor employees and Subcontractor employees requiring access to VA information and VA information systems shall complete the following before being granted access to VA information and its systems:
 - 1) Successfully complete the *VA Privacy and Information Security Awareness and Rules of Behavior* course (TMS #10176) and complete this required privacy and security training annually; Sign and acknowledge (electronically through TMS #10176) understanding of and responsibilities for compliance with the *Contractor Rules of Behavior*, Appendix D relating to access to VA information and information systems.
 - 2) Successfully complete any additional cyber security or privacy training, as required for VA personnel with equivalent information system access *[to be defined by the VA program official and provided to the CO for inclusion in the solicitation document – e.g., any role-based information security training required in accordance with NIST Special Publication 800-16, Information Technology Security Training Requirements.]*
- b. The Contractor shall provide to the CO and/or the COR a copy of the training certificates and certification of signing the Contractor Rules of Behavior for each applicable employee within 2 days of the initiation of the contract and annually thereafter, as required.
- c. Failure to complete the mandatory annual training and electronically sign the Rules of Behavior annually, within the timeframe required, is grounds for suspension or termination of all physical or electronic access privileges and removal from work on the contract until such time as the training and documents are complete.

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