

April 27, 2018



From left: Patricia Simpson (Florida PTAC) and Carlie Shafroth (Nebraska PTAC)

DoD draft guidance re: Cybersecurity requirements

On April 24, [DoD issued draft guidance](#) for procurements that require compliance with DFARS Clause 252.204-7012 (Safeguarding Covered Defense Information) and implementation of NIST SP 800-171. The draft guidance includes [a matrix of NIST 800-171 requirements](#) that contractors and DoD agencies should prioritize as well as [several approaches for DoD agencies to evaluate NIST 800-171 implementation](#) during the source selection process. Comments are due by May 31, 2018 and [can be submitted here](#). Jon Burd and Megan Brown of Wiley Rein, LLP have written a helpful analysis, titled: [DoD Issues Draft Guidance Showing Evolving Approach to Contractor Cybersecurity Requirements](#). They note four “take-aways,” which are summarized below:

1. The guidance confirms that a contractor may comply with its contractual obligations by demonstrating a plan for implementing NIST 800-171 requirements in the future by describing in a System Security Plan (SSP) how the specific security requirements are met or how the firm plans to meet them, as well as developing a plan of action that describes how unimplemented requirements will be met and mitigations implemented (POAM).
2. DoD is prioritizing the most rigorous (and resource-intensive) requirements. The requirements matrix assigns a “DoD Value” for every NIST 800-171 requirement, from 1 (lowest priority) to 5 (highest priority). This value is intended to assess the risk posed by a requirement unimplemented or with a deficiency and address the priority for implementation. But the vast majority of requirements (91) are assigned the highest priority rating, with only 19 receiving one of the lower priority ratings. The lower-priority requirements tend to be the low-hanging fruit and comparatively easy to implement.
3. DoD is getting serious about assessing NIST 800-171 compliance during source selections. Alternative approaches are provided for DoD agencies to evaluate compliance, from establishing minimum acceptability (Go/No Go) to assessing implementation as a separate technical evaluation factor. It anticipates offerors will submit copies of their SSPs and POAMs and contemplates that the Government will track implementation after contract award by (in some cases) requiring contractors to continue submitting revised/updated SSPs and POAMs. This means that contractors who rely on SSPs and POAMs to temporarily bridge the gap to full NIST 800-171 compliance will have to demonstrate progress toward that goal and will not be able to rely permanently on those plans.
4. Expect Cybersecurity requirements from other agencies, which may be modeled on the DFARS cyber clause. [Click here to read the entire article.](#)

Reminder: The [Cybersecurity Video](#), created by GA Tech Procurement Assistance Center and posted on their website, provides instructions consistent with these take-aways. Take advantage of it!

Contracting News:

[Amazon vies for federal business, denies crowding competitors](#)

[Latest effort to reform DoD acquisition borrows heavily from expert panel's recommendations](#)

[Tips for surviving compromise of government's vendor database \(updated\)](#)

[President revokes 'Fair Pay And Safe Workplaces' EOs](#)

[GSA is giving a bird's-eye-view of emerging government tech](#)



Number of the Week:

\$571

In PTAC client contract awards (2017) for every federal dollar invested in the PTAP

Update re: SAM/DUNS exemption for farmers



Please see the [following release](#) from the USDA Natural Resources Conservation Service:

“Effectively immediately, Natural Resources Conservation Service (NRCS) financial assistance program participants will no longer need a Dun and Bradstreet Universal Number System (DUNS) number, or to register in the System for Award Management (SAM). The Consolidated Appropriations Act of 2018 (2018 Omnibus Bill), signed by President Donald Trump on March 23, eliminated these requirements.

According to U.S. Secretary of Agriculture Sonny Perdue, DUNS and SAM were designed for billion-dollar government contractors, not everyday farmers trying to support their families. These changes help streamline the customer experience of farmers, which is a top priority at USDA, he said.

The exemption does not apply to any current or future agreements or federal contracts with eligible entities, project sponsors, vendors, partners, or other non-exempt landowners or producers.

DUNS/SAM registration is still required for:

- Partnership agreements entered through the Regional Conservation Partnership Program (RCPP).
- All agreements with eligible entities under the Farm and Ranchland Protection Program (FRPP)
- Agreements under the Agricultural Land Easement (ALE) component of ACEP.
- Partnership agreements under the Wetland Reserve Enhancement Program (WREP) component of ACEP-Wetland Reserve Easements (WRE).
- Watershed operations agreements with project sponsors.
- Emergency Watershed Protection Program (EWP) agreements with project sponsors, including Recovery and Floodplain Easements.
- All cooperative, contribution, interagency, or partnership agreements of Federal contracts used by NRCS to procure goods or services.

NRCS advises participants in its programs to ignore any emails, phone calls or other communications from third-party vendors offering assistance for registering in SAMS or applying for a DUNS number.” (emphasis added)

[Click here to view the full release.](#)

APTAC is heartened to see the final paragraph alerting participants about third-party vendors. Such notices are an important step in preventing small businesses from being taken advantage of by the aggressive tactics of some third-party firms.

APTAC Notes—Updates and information

Share what you know—propose a session for APTAC’s 2018 Fall Conference: Do you have an area of expertise within your PTAC? If so, consider sharing it with the entire APTAC membership by presenting at our 2018 Fall Training Conference! The perspectives and best practices of experienced PTAC professionals are invaluable to the many new counselors who join the program each year. So pick a topic and submit a session. Or better yet, connect with a couple of your favorite colleagues and propose a panel! [Click here for our Call for Presentations](#), which includes information and instructions for submitting a session proposal. The deadline is June 15.



SBA’s Small Business Awards—Let us know if you have any winners! With National Small Business week just around the corner, we know that announcements are being made of state and regional Small Business Award winners and Small Business Champions. Many years, PTAC clients—and sometimes PTAC counselors—are recognized for their important accomplishments and contributions. [Please let us know](#) if you or your client receives an award—we’d love to brag about it on APTAC’s newsfeed!

A Warm APTAC Welcome to:

Jean Hill
Florida PTAC

