

**Management System:** Safeguards and Security

**Subject Area:** Program Management and Support

## **Procedure: Addressing and Identifying Foreign Ownership, Control & Influence**

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### **1.0 Applicability**

This procedure applies to Environmental Management Consolidated Business Center (EMCBC) and small sites personnel responsible for ensuring that contractor organizations requiring access to classified information or matter or to Special Nuclear Material are not under Foreign Ownership, Control, or Influence (FOCI) to such a degree that it would pose an unacceptable risk to the national security.

### **2.0 Required Procedure**

<b>Step 1</b>	The Procurement Request Originator (PRO) identifies and documents the security requirements of the classified contract.
<b>Step 2</b>	The PRO completes DOE F 470.1, Contract Security Classification Specification (CSCS), and forwards it to the Contracting Officer (CO).
<b>Step 3</b>	The CO incorporates the required security clauses in the solicitation.
<b>Step 4</b>	The CO requests verification from the Cognizant Security Authority (CSA)/Cognizant Security Office (CSO) of the Facility Clearance (FCL) status of all offerors within the competitive range and preliminary selection criteria for the proposed contract.
<b>Step 5</b>	If a FCL exists, the CO submits a CSCS for review and approval by the CSA/CSO.  <b>NOTE:</b> Once the CSA/CSO signs and registers the CSCS in the Safeguards and Security Information Management System (SSIMS), the CO can award the contract.
<b>Step 6</b>	If a FCL does not exist, the CO must obtain a complete FOCI package from the offeror. The offeror may submit the FOCI package electronically or in

	hardcopy.
<b>Step 7</b>	<p>The CSA/CSO reviews the submission and if the data does not exceed the local decision rendering threshold, makes a determination as to whether or not the FOCI status is acceptable.</p> <p><b>NOTE:</b> Exclusion procedures may be invoked when the offeror is controlled by a parent company.</p>
<b>Step 8</b>	If the CSA/CSO cannot render a decision based on threshold limitations, the FOCI submission is referred to DOE HQ FOCI officials.
<b>Step 9</b>	<p>The CSA/CSO provides written notification stating whether the FOCI submission will or will not prevent contract award.</p> <p><b>NOTE:</b> A favorable FOCI determination is one element required to obtain an FCL. Department of Energy Acquisition Regulations (DEAR) prohibit the award of a classified contract until an FCL has been granted and issued.</p>

### 3.0 References – Forms/Attachments/Exhibits

#### 3.1 References

- Safeguards and Security Information Management System (SSIMS)

#### 3.2 Forms

- DOE F 470.1, Contract Security Classification Specification (CSCS)

### 4.0 Records Generated

Records generated through implementation of this procedure are identified as follows, and are maintained by the Office of Technical Support and Asset Management and the Office of Contracting in accordance with the EMCBC Organizational File Plan:

<b>Records Category Code</b>	<b>Records Title</b>	<b>Responsible Organization</b>	<b>Quality Records Classification (Lifetime or Non-Permanent)</b>
ADM 18-08.7-B	Foreign Ownership, Control, or Influence (FOCI) Files	Office of Technical Support & Asset Management	N/A
ADM 03-03-A1A	Routine Procurement Files – Transactions above the Simplified Threshold	Office of Contracting	N/A

**EMCBC RECORD OF REVISION**

**DOCUMENT TITLE: Addressing and Identifying Foreign Ownership, Control & Influence**

If there are changes to the controlled document before the two-year review cycle, the revision number stays the same; one of the following will indicate the change:

**I** Placing a vertical black line in the left margin adjacent to sentence or paragraph that was revised; or

**I** Placing the words GENERAL REVISION at the beginning of the text. This statement is used when entire sections of the document are revised.

If changes and updates occur at the two-year review cycle, the revision number increases by one.

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<b>Rev. No.</b>	<b>Description of Changes</b>	<b>Revision on Pages</b>	<b>Date</b>
0	Initial Document on MSD		8/23/12
1	Minor editorial changes in Steps 6, 8, and 9	1,2	1/11/16
	Added sections 3.1 and 3.2	2	

