

Project Work Plan

Compliance Guide

Agency Reviews

Per policy delineated in FAR 35.017, Federally Funded Research and Development Centers FFRDC's were established to meet special long-term or development needs which cannot be met as effectively by in-house or contractor resources. It is not the Government's intent that an FFRDC be allowed to compete with the private sector but rather to supplement capabilities where the private sector falls short. In addition, the FAR delegates responsibility to the Primary Sponsor to allow an FFRDC to accept work from other than the Primary Sponsor if delineated in the Sponsor Agreement. The SEI Sponsor Agreement does include the provision for non-sponsor work of which must be accomplished through a Project Work Plan (PWP) that is reviewed and approved by the Primary Sponsor or delegate.

To that effect, the Primary Sponsor requires work sponsors (agencies that are not party to the sponsoring agreement) to conduct compliance reviews to ensure the efforts

delineated in their specific PWP are in compliance with and do not conflict with the provisions of the primary SEI contract and to assure appropriate actions or measures have been completed, when required, prior to placing the PWPs onto the prime contract. In order to aid work sponsors and SEI in accomplishing the required compliance reviews a list of pointed questions is included below that should enable the reviewer to determine what, if any, additional actions may be required to assure compliance.

This document is an instruction guide for addressing specific agency review sections of the PWP. This guide is intended to expedite the review and approval process for PWP's. This guide is intended to aide SEI and the work sponsor to address additional review requirements or actions that may be triggered when the PWPs include activities or actions that require specific measures in order to be in compliance with the law, FAR clauses, DoD Regulations or instructions.

A. Human Subject Research (HSR)

1. Will any of the research activities of this project involve obtaining information/data about living individuals? *

Yes No

– If **Yes**, proceed to the next question. If **No**, there is no HSR involved so proceed to the next compliance subject.

2. Will the data about the living individual(s) be individually identifiable and considered private?

Yes No

– If **Yes**, proceed to item four below. If **No**, proceed to the next question.

3. Will the information/data about the living individual(s) be obtained through interventions or interactions with the individual(s) (e.g., physical procedures such as a venipuncture or having a subject play a computer game, manipulations of the subject or subject's environment, interviews, focus groups, online surveys, paper-and-pencil questionnaires)?

Yes No

– If **Yes**, proceed to the next question. If **No**, there is no HSR involved so proceed to the next compliance subject.

4. Acknowledge this PWP will be submitted to the SEI IRB and then to the AF HRPO Office.

5. If the PWP includes HSR, need to ensure paragraph 1.5 Human Subject Research of the PWP includes identification that the SEI IRB has approved the project protocol and submitted the IRB Approved Protocol application with accompanying required documentation to AFMRA/SGE-C; include the SEI Protocol Number and Title. The PWP paragraph should also identify that AFMRA/SGE-C has approved the Protocol to include the approval date and AFMRA/SGE-C designated Protocol Number.

Note: Question 1 and the entire former compliance subject is associated with research activities. For clarification the definition of research is as defined in 32 CFR 219.

Laws Regulations and Policies pertaining to HSR: 32 CFR 219, DoDI 3216.02, AFI 40-402, 10 USC 980.

Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

Human Subject means a living individual about whom an investigator conducting research obtains (1) data through intervention or interaction with the individual or, (2) identifiable private information. HSR includes prospective and retrospective collection, review or use of data about and individual for research purposes.

B. Export Control

1. Does this effort involve a foreign nation, a foreign national and or communicating or otherwise providing data or other information to a foreign nation, foreign entity, or foreign national? *

Yes No

- If **Yes**, a duly authorized representative from the U.S. Agency requesting the services must complete the following questions and complete any of the required actions. The U.S. Agency must either (1) identify the legal basis, policy or other authority that allows the U.S. Agency to participate in the specified activity or (2) explain why no legal authority or policy is required to engage in the activity.

2. Does the effort include work on or with a technology or information that will be transferred to a foreign nation(s)?

Yes No

- If **Yes**, cite the authority¹ that authorizes the transfer of this technology/equipment:

(If the technology or information has already been released to the public, cite the authority that allows for this publicly available technology or information to be further released or explain in the comments box below what office determined the technology or information is publicly available and therefore may be further released or that the technology and/or information are the results of a fundamental research project).

- If **Yes**, include identification of the technology or information in the PWP and cite the authority in the PWP.

3. Does the effort include work on or with Classified Military Information that will be disclosed to a foreign nation?

Yes No

- If **Yes**, cite the authority that authorizes this disclosure and cite the authority in the PWP.

4. Does the effort include work on or with any technology/equipment that will be transferred to a foreign nation *and* requires an export license and/or customs clearance?

Yes No

- If **Yes**, cite the authority that provides the license and/or clearance and document in the PWP.

5. Does the effort include participating in any visits, assignments, and or exchanges with/of a foreign national(s) who will represent a foreign nation?

Yes No

- If **Yes**, cite the authority that governs the visit, assignment, and/or exchange (*this authority may address participation of personnel, sharing of information, and/or locations for contractors to operate*).

¹ This authority may be statutory, regulatory, or other internal departmental authority.

6. Does the effort include release of any information directly to a foreign nation or foreign national?

Yes No

- If **Yes**, explain what federal oversight will exist for the release and include in the PWP.

7. Does the effort include work on or with technology/equipment that requires a System Specific Technology Release?

Yes No

- If **Yes**, provide the name of the U.S. Agency office that provided the release and include in the PWP.

8. Does the effort include performing any other service that the agency has determined is subject to a US law, regulation, and/or US Federal Policy not identified above that applies to this project specifically as a result of the involvement of a foreign nation?

Yes No

- If **Yes**, cite the applicable law(s), regulation(s), or other policy and confirm compliance by identifying "compliant", include in the PWP.

If the response to Question 1 was **Yes**, then the PWP must include a statement and signature from a duly authorized representative from the US Agency requesting the services. In addition, if there is an authorized agreement in place between the US and the foreign nation, a copy of the agreement must be provided to AFLCMC/AZS. Add the following to the Export Control paragraph of the PWP:

"I, acting as the cognizant official for the [Funding Sponsor], have reviewed this PWP from an export perspective and acknowledge that this project does involve a foreign nation, a foreign national and or communicating or otherwise providing data or other information to a foreign nation, foreign entity, or foreign national. I have reviewed the measures to be followed in connection with such export and agree that such measures sufficiently address compliance with the applicable export laws and regulations.

[Print Name]

[Print Title]"

C. Conflict of Interest (COI)

1. Does any work sponsor employee(s) working on this project for the sponsor have a COI with SEI or any subcontractor SEI plans to hire to perform this project? *

Yes No

- If **Yes**, answer the following:

Has any employee(s) with the identified COI been removed from this project?

Yes No

If **No**, an explanation of why any employee with a COI has continued to work on this project from a work sponsor attorney is required.

2. Has any actual or potential Organizational Conflict of Interest (OCI) between SEI and any other organization in this project been identified? *

Yes No

- If **Yes**, explain what federal oversight will exist for the release and include in the PWP.

Section 1.17 should end with the following statement and signature by the work sponsor attorney:

"I have reviewed this PWP from a COI perspective and have determined that (describe the OCI, e.g., the appearance of a COI, a potential OCI, etc.) and that the measures described sufficiently avoid, neutralize or mitigate the same.

[Print Name]

[Print Title]"

D. Personally Identifiable Information (PII)

Note: Protected Health Information (PHI) is considered a subset of PII.

Note: Inclusion of insider threat analyses within a PWP is considered a subset of PII and as such, a privacy official review and signature is required.

1. Will SEI have access to work sponsor systems and/or data that contain PII during performance of this project? *

Yes No

2. If **Yes** to 1 above, can the work sponsor take measures to avoid exposing SEI to data that contains PII (such as replacing with test or fictional data or de-identifying the data) during the performance of this project?

Yes No

- If **Yes**, consider removing exposure of work sponsor PII to SEI during this project. If **No**, proceed to the next question below.

3. Will SEI collect, store and/or use or maintain PII during performance of this project? *

Yes No

If **Yes** to 1 or 3 above, answer the following:

4. Is specific authority needed for this collection of PII?

Yes No

- If **Yes**, identify the authority:

5. How will the PII be maintained by SEI?

6. Does a current SORN cover SEI's maintenance of the PII?

Yes No

- If **Yes**, identify the authority:

- If **No**, explain how this project complies with the Privacy Act

If **Yes** to 1 or 3 above, answer the following:

7. Will the work sponsor privacy official remain actively involved in this project to ensure PII is adequately protected?

Yes No

Work Sponsor Privacy Official sufficiency review and signature is required when the response to 1, 2, or 3 above is Yes.

Section 1.9 must indicate if PII will be used and identify the applicable rules:

- Identify how the SEI will collect, store, and/or process PII
- Identify which specific tasks will involve PII, and for each such task, the following information:

- Indicate from whom PII will come from (Federal employees, federal contractors, private citizens) and what the PII is (name, email, phone number, job title, employer etc...).

- Indicate how PII is collected (voluntarily or involuntarily, from Funding Sponsor, from individual input into a Funding Sponsor system, from PIVs, etc...).

- Explain how SEI may use PII to carry out the project. For example, making PII available on the platform for other users to view, etc...

- Describe any notice requirements (Privacy Notice, Banners, etc...) SEI must use, if any, when carrying out this project.

- Identify the applicable SORN (as determined by Funding Sponsor) and affirmatively state that all requirements of the identified SORN(s) are met for SEI to proceed with the project as outlined in Section 2 of the PWP.
- Identify any other applicable Federal regulation or policy if required.

- Describe what SEI will do with the PII after the project is complete (affirm that all PII has been destroyed, turn PII over to Funding Sponsor, etc...).

Section 1.9 should end with the following statement and signature by a cognizant Privacy Official.

"I, acting as the [Funding Sponsor] Privacy Official for this project, have reviewed this PWP from a privacy perspective and acknowledge that this project does include the collection and storage of PII. I have reviewed the measures taken concerning the collection, use, storage and destruction of the PII and agree they sufficiently address compliance with the applicable PII laws and regulations.

*[Print Name]
[Print Title]"*

This instruction guide is also intended to void the need for external review documents such as the NDAR and the Foreign Nation Checklist, as the required reviews and or measures are incorporated into this instruction. The PAI compliance review could be addressed by inclusion within the PWP template. Below is suggested language for possible inclusion of addressing PAI into the standard PWP template.

Publicly Available Information (PAI)

Publicly Available Information is defined as information that has been published or broadcast for public consumption, is available on request to the public, is accessible online or otherwise to the public, is available to the public by subscription or purchase, could be seen or heard by a casual observer, is made available at a meeting open to the public, or is obtained by visiting a place or attending an event that is open to the public. See DoD Directive 3115.18, Access to and Use of Publicly Available Information (PAI), 20 August 2020.

If publicly available information is used on this project the work sponsor and SEI will ensure the provisions of DoD Directive 3115.18, Access to and Use of Publicly Available Information (PAI) are followed.

Questions

For questions about this form, please contact AFLCMC/AZS:

Program Manager Inbox
AFLCMC.AZS.SEI_PM@us.af.mil

Financial Management Inbox
AFLCMC.AZS.SEI@us.af.mil

About the SEI

The Software Engineering Institute is a federally funded research and development center (FFRDC) that works with defense and government organizations, industry, and academia to advance the state of the art in software engineering and cybersecurity to benefit the public interest. Part of Carnegie Mellon University, the SEI is a national resource in pioneering emerging technologies, cybersecurity, software acquisition, and software lifecycle assurance.

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