

DISA Contracting Session: Mr. Packard and Ms. Daniels

Topics with Questions and Answers:

Cybersecurity Maturity Model Certification as related to DISA (Mr. Packard)

Q: Can you provide a status of the DoD and DISA implementation of the Cybersecurity Maturity Model Certification program; timelines, when is the projected implementation of the CMMC? Has COVID affected the timeline?

A: DISA is closely following DoD CMMC implementation. The Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), led by Ms. Katie Arrington, recognizes that security is foundational to acquisition and should not be traded along with cost, schedule, and performance moving forward. The Department is committed to working with the Defense Industrial Base (DIB) sector to enhance the protection of controlled unclassified information (CUI) within the supply chain.

- The CMMC will review and combine various cybersecurity standards and best practices and map these controls and processes across several maturity levels that range from basic cyber hygiene to advanced cyber hygiene. For a given CMMC level, the associated controls and processes, when implemented, will reduce risk against a specific set of cyber threats.
- The CMMC effort builds upon existing regulations (DFARS clause 252.204-7012) that are based on trust by adding a verification component with respect to cybersecurity requirements.
- The goal is for CMMC to be cost-effective and affordable for small businesses to implement at the lower CMMC levels.
- A CMMC Accreditation Body, an independent third party organization, will conduct audits and inform risk.

Per Ms. Arrington, the Department continues work to implement CMMC under the current COVID physical distancing environment. The DFARS rule-making process requires a public hearing. We understand the DoD is working to conduct this hearing while complying with Center for Disease Control and Prevention (CDC) recommendations.

The DoD plans to conduct 10-15 pathfinder pilots to include the Military Departments (Air Force, Navy) and the Missile Defense Agency in FY21, and require all new contracts to implement CMMC by FY26.

Q: What are the requirements?

A: See <https://www.acq.osd.mil/cmmc/faq.html> for current information regarding the requirements.

Q: What will be the predominate CMMC levels required for DISA solicitations?

A: We still need to see the final models in order to make an informed decision regarding the required levels for each requirement. Based on what we have seen so far and based on our current requirements, it is likely that Level III will be required for most of our requirements.

Q: Are there different variations to the CMMC that DISA will impose?

A: DISA cannot make any determinations until the models are finalized and DoD issues implementing guidance. DISA will comply with DoD instruction; DISA will not develop any DISA-unique levels or variations.

Q: How will the CMMC will be processed with a new service/product?

A: Once the models are finalized and DoD guidance is issued, DISA will determine how to implement CMMC with DISA's requirements.

WOSB certification process as related to DISA (Ms. Daniels)

Q: Is there a specific process that DISA uses so that opportunities get set-aside for Woman-Owned Small Business/Economically Disadvantaged Woman-Owned Small Business (WOSB/EDWOSB companies? Does DISA recognize both EDWOSB & WOSB or is it considered the same?

A: DISA conducts market research to determine acquisition strategies, to include set-asides. Historically, DISA has done well in this category with the number of set-asides specifically for WOSB or EDWOSB. However, we also see that many WOSB or EDWOSB win contracts without the set-asides just for those categories.

DISA does recognize both the WOSB and the EDWOSB categories and they are not considered the same. And, our ability to set-aside contracts to WOSB and/or EDWOSB depends on the assigned North American Industry Classification System (NAICS) code.

Q: An overview of the new process. Please advise what changed regarding the WOSB certification?

A: As of July 15, 2020, the certification process for WOSBs / EDWOSBs changed. SBA implemented Congress' changes to the Women-Owned Small Business Federal Contracting Program, as outlined in the 2015 National Defense Authorization Act (NDAA).

These updated regulations make it easier for qualified women-owned small businesses to participate in the WOSB Federal Contracting Program by improving the customer experience. At the same time, SBA is strengthening oversight and maintaining the integrity of the certification process.

With the updated WOSB Federal Contracting Program regulations in effect:

- SBA's new, free online certification process for WOSBs and EDWOSBs is live on beta.certify.sba.gov.
- SBA allows participation from firms certified by the U.S. Department of Veterans Affairs Center for Verification and Evaluations, provided they meet all eligibility requirements.
- SBA allows continued participation from businesses that utilize approved Third-Party Certifiers (TPC) to obtain WOSB or EDWOSB certification.
- The current self-certification option from certify.sba.gov will be available through October 15, 2020. After that, all firms will have to use the new, free online certification process at beta.certify.sba.gov, including uploading TPC-certified documentation for processing.
- For a copy of the SBA's training slides, contact our Small Business Office.

Q: Which is preferred, third party certification or SBA certification?

A: DISA does not have a preference.

Q: When will DISA be looking for the new WOSB process to be implemented for companies currently certified under the current process?

A: DISA will implement in accordance with SBA's implementation schedule. To keep up to date on changes, you can visit sba.gov.wosbread.

Below are important timelines to keep in mind:

- As of July 15, 2020, firms can submit applications under the new certification process in beta.certify.sba.gov for initial processing.
- The current self-certification process will remain available for firms until October 15, 2020, in certify.sba.gov.
- On October 15, 2020, SBA will begin issuing decisions on certification.

Q: When is DISA open to sole source HUBZone or WOSB awards as allowed by the FAR/DFAR?

A: To sole source to HUBZone companies, all of the conditions at FAR 19.1306 must be met, including the requirement that the contracting officer determines that it is likely to only receive only one proposal from a HUBZone company. To date, this has not been the case as we have been able to find more than one HUBZone company that is likely to submit a proposal.

To sole source to WOSB or EDWOSB companies, all of the conditions at FAR 19.1506 must be met, including the requirement that the contracting officer determines that it is likely to receive only one proposal from a WOSB or EDWOSB company. To date, this has not been the case as we have been able to find more than one WOSB or EDWOSB company that is likely to submit a proposal.

Specific Contracting Questions (Mr. Packard & Ms. Daniels)

Q: How has COVID affected future opportunities? (Packard)

A: COVID has not, to date, affected our current fiscal year execution. If anything, it may have pushed us to execute earlier as we are \$800M ahead of our spend from last year at this time. DISA has been reacting quickly and prioritizing all COVID requirements. To date, we have executed more than 450 actions totaling over \$126M for COVID requirements. And, 68%, approximately \$86M have been awarded to small business prime contractors. It is very hard to predict future COVID requirements; to date, requirements have been focused on products and services to support telework for DOD personnel, to include cyber security requirements.

Q: We have cleared resources, but we don't have a Facility Clearance. Even though we have capabilities, we are not able to bid on opportunities because many of these bids required FCL on submission. How can we get FCL if we cannot even bid on opportunities? Most of the large primes have not shown their willingness to sponsor us for the FCL. It would be great if you could address that. (Daniels)

A: This is one of the top questions that we are asked. We realize that you can't get a contract because you don't have the clearance and you can't get the clearance because you don't have a contract. And, rarely does DISA allow awards of contracts without the required clearance. However, we did award Systems Engineering, Technology, and Innovation (SETI) contracts absent a Facility Clearance, but SETI is a ten-year contract with 25 small business contractors so there was a pool of IDIQ contract holders to allow for adequate competition while clearances were processed. However, generally, our awards are single awards and we just do not have the time to wait for a clearance to be granted.

Therefore, the fastest way to obtain a Facility Clearance may be to be sponsored while a subcontractor by a prime contractor. Don't forget, the prime contractor can be a small business. If a large business, prime contractor is not willing to sponsor you as a subcontractor please contact our Office of Small Business and they work with the large businesses and see if they can help.

Q: Given that the DoD has increased the ceiling on tribal 8(a) direct awards from \$22 million to \$100 million, do you think DISA would take advantage of this in FY 20? (Packard)

A: This is a great tool to have in our toolbox and under the right circumstances, DISA will use it. However, I am a strong advocate of competition and believe we get better solutions and much better pricing when we use competition. As you know, DISA strongly supports the 8(a) program and we continue to execute a fair amount of 8(a) sole sources under the standard \$4M threshold, but above that, we have to look closely at why DISA would want or need to execute a sole source contract above this level. I will personally review requests for an 8(a) sole source procurement exceeding the \$4M threshold to ensure it is the right strategy, as the benefits of competition may outweigh the a sole source requirement. These benefits may include competitive pricing, providing maximum opportunities for small business, and enabling the Agency to get the benefit of selecting the best among multiple solutions to a requirement.

Q: Could the entire contracting workflow be laid out in such a way that industry may understand when or at least the order government milestones occur (especially after proposals are received)? (Daniels)

A: DISA follows the source selection procedures in the DoD Source Selection Guide. The workflow is dependent on the acquisition strategy and cannot be discussed in this one hour. If this is a session/topic that small businesses would like, let our OSBP office know and they can set up another session on this. However, the source selection manual is publically available and can be downloaded here:

<https://www.acq.osd.mil/dpap/policy/policyvault/USA004370-14-DPAP.pdf>

Q: What criteria is used to determine whether a "price realism" assessment will be conducted? (Daniels)

A: Contracting Officers determine whether a price realism analysis will be conducted on a case-by-case basis, taking into consideration the circumstances of the specific requirement at issue. If a Contracting Officer decides a price realism analysis will be conducted under a particular requirement, the Solicitation will clearly notify offerors that it will be conducted.

Q: Will DISA start requiring a cost realism analysis with solicitation proposals? (Daniels)

A: When evaluating a proposal for a contract that includes cost-reimbursable CLINs, the contracting officer is required to perform a cost realism analysis (IAW FAR 15.404-1(d)(1)). Where a cost realism analysis is required, the Solicitation will clearly advise offerors that the realism evaluation will be conducted.

Q: When will DISA stop utilizing LPTA for services contracts, as it has never proven to be beneficial for the customers in the past? (Packard)

A: DISA will comply with Defense Federal Acquisition Regulation Supplement (DFARS). LPTA source selection methodologies may be used when the conditions of DFARS exist.

Q: Does DITCO track LPTA contracts that are terminated, or are in trouble/failing to perform due to inadequate staffing or other non-performance issues? Is DITCO anticipating more/fewer or about the same number of LPTA procurements going forward? (Packard)

A: DISA looks for the root cause and trends in contract terminations. DISA has had very, very few terminations over the last several years. DISA will continue to comply with the DFARS and use LPTA when appropriate for the requirement.

Q: What happened to the fragmented DISA DESS II contract? (Packard)

A: The requirements that had been expected to be awarded under the DESS II multiple award IDIQ contract were executed on other contract vehicles.

Q: What is the process of approval for new products? (Packard)

A: See: <https://storefront.disa.mil/kinetic/disa/service-catalog#/forms/dod-information-network-dodin-apl-testing-and-certification>

Meeting with decision makers/contracting personnel to communicate capabilities.

Q: How do you get a forum/meeting set to communicate capabilities served in other DoD mission areas that could be beneficial to DISA? (Packard)

A: Three main ways: (1) Contact the requirements owner directly and ask for a meeting; (2) Request a meeting through the DISA Corporate Connections office: <https://www.disa.mil/About/Industry-Partners> - select the "Request a Meeting/Submit a Question" bullet, fill out the form and email it back; and (3) Participate in a Technical Exchange Meeting (TEM): <https://dreamport.tech/technical-exchange-meetings.php> and select the "Request to Participate" bullet.

We also encourage vendors to participate in events that DISA hosts and participates in/attends, virtually or otherwise. This is a good way to hear about what DISA is working on and also to meet the requirements owners.

Q: How can DISA, overall, help industry connect with Contracts personnel to obtain more information on upcoming opportunities? (Daniels)

A: The best way to obtain more information on upcoming opportunities is to review the most current forecast, which is always posted to [disa.mil](https://www.disa.mil). We just updated the forecast in July. You can find our forecast here: <https://www.disa.mil/NewsandEvents/Events/Forecast-to-Industry-2020> and click on the “Forecast of Procurement Actions”.

Q: What is the best way to introduce your product/service to DISA? (Packard)

A: This can depend on the product/service and how it would or could be used within DISA or for our customers. We recommend vendors do their homework to answer that question and target meetings with requirements owners or programs that would utilize the product/service. Once you determine what programs or requirements owners could utilize your produce, reach out to the DISA Corporate Connections team for assistance to set up a meeting; their contact information is provided above.

How to start doing business with DISA/win contract/become prime contractor (Ms. Daniels)

A: Ask to attend the monthly DISA 101 Small Business Orientation. Contact DISA’s Office of Small Business Programs for an invite. Email is disa.meade.osbp.mbx.disa-small-business-office@mail.mil

What contract vehicles does DISA use (Mr. Packard)

Q: What set asides or GWACs does DISA leverage for small businesses?

A: DISA can use any federal schedule or Government-wide Acquisition Contract (GWAC) that is available to the DoD. We have historically utilized the GSA Schedules and GWACs, NASA SEWP, as well as the National Institute of Health’s GWAC. We have a preference to use contract vehicles awarded by DISA as they are specifically built for DISA’s and our Mission Partner’s requirements. The following are vehicles that we often use: DISA Premier Contracts (listed on DITCO website), to include ENSORE III, SETI; GSA’s consolidated MAS schedule (including IT-70 and PSS), STARS II, VETS II, and EIS (telecommunications); NIH’s CIO-SP3 Small Business; and NASA SEWP.

How acquisition strategy is decided (Ms. Daniels)

A: By conducting Market Research, which includes contractual history, responses to sources sought notices, scope and magnitude of the requirements, and DISA knowledge of industry and industry’s experience.

DISA has a “Small Business First” policy that means we assume the requirement will be in the small business program unless and until Market Research determines that small business cannot successful execute the requirements.