

RFP N0003922R0003 Questions and Responses

1. Our company requests clarification on the intent of Paragraph 6.15 of the PWS for the NILE ISS RFP. We intend to support this program as a collaborative effort between two organizations. Can we utilize a controlled access SharePoint site that is approved for CUI and ITAR controlled data for collaboration to include any unclassified contract deliverables and meeting material? Work would be completed using computers connected to the internet, but data would reside on access controlled collaborative workspace. This would be required for our company to collaborate across sites and to train new team members to support NILE programs. Unclassified data would also be required to be provided on a connected company information system for export authorization review prior to export. Would this be acceptable?

Answer: The Government requires that all CUI data be controlled in accordance with SECTION IX - CONTROLLED UNCLASSIFIED INFORMATION, of the MOU. This section requires that each Member Nation “take all lawful steps”, which may include national classification, available to it to keep such information free from further disclosure, unless the Member Nation that originated the NILE data consents to disclosure. In the United States, this means that CUI data must be transmitted over a network that is Federal Risk and Authorization Management Program (FedRAMP) Impact Level 5 (IL-5) certified.

Given the above, if the Offeror plans on using a network as described above under the ISS5 contract, the Offeror shall describe in its Offer how it will be able to comply with the SECTION IX of MOU when storing and transmitting CUI data. The Offeror should state whether its network is FedRAMP IL5 certified or if not, whether it holds a national certification that is equivalent to FedRAMP IL5.

2. Our company seeks clarification regarding the export of classified and unclassified data to the NILE nations. We would require an ITAR exemption to allow export of ITAR data to the NILE Nations. We need confirmation that such an exemption would be approved as well as identification of the nations to be included for export licensing.

Answer: The Memorandum of Understanding (MOU) Attachment 9 is the authorization for export and ITAR exemption. The MOU was approved through multiple agencies of the US Government including US Department of State (DOS).

Attachment 9, Section VIII, Disclosure and Use of Project Information, applies to the transfer (export) of Projection Information that is export controlled. Directed export of NILE information is not a direct commercial sale, which would require an export license. There are currently seven (7) NILE Nations. Export to third party sales (3PS) nations is via an FMS case approved through the US DOS and other US agencies. Export to a 3PS nation is similarly not a direct commercial sale. There are currently 12 approved 3PS nations. The ISS5 Solicitation includes delivery requirements from the vendor to NILE Nations in accordance with Attachment 9. Please keep in mind that export authorization notwithstanding, the successful Offeror would also need to comply with the requirements of MOU Section XI, Security, when transmitting classified data and MOU Section IX, when transmitting unclassified data that is CUI.

3. Is there an incumbent contractor performing these services, or if this is a brand new contract? If there is an incumbent, could you please provide the current contract number?

Answer: The Solicitation services are currently performed under contract N0003917C0017, awarded to Northrop Grumman Systems Corporation.

4. Requesting a 30-day extension to submit the proposal. Is this possible?

Answer: The Government extended the solicitation due date to 31 January 2022.