



## Sponsored Project Administration Procedure

<b>Procedure:</b>	<b>SPA Review for Controlled Unclassified Information (CUI) at time Proposal and at time of Contracting</b>
<b>Owner:</b>	<b>Sponsored Project Administration</b>
<b>Effective date:</b>	<b>11/1/2021</b>
<b>Last Updated:</b>	<b>3/24/2023</b>

## Background

This federal government has launched a Controlled Unclassified Information (CUI) Program.

The CUI Program standardizes the way the federal agencies will identify and manage information that does not qualify as classified, but requires protection under laws, regulations, or Government-wide policies.

CUI requires strict safeguarding and dissemination control.

CUI markings for unclassified documents will include the acronym “CUI” in the banner and footer of the document.

Prior to the CUI Program, agencies often employed ad hoc, agency-specific policies, procedures, and markings to handle this information. This patchwork approach caused agencies to mark and handle information inconsistently, implement unclear or unnecessarily restrictive disseminating policies, and create obstacles to sharing information.

In addition, effective 30 November 2020, the Defense Federal Acquisition Regulation (DFAR) Clause 252.204-7012 requires all Department of Defense (DoD) contractors and subcontractors to implement cybersecurity requirements in National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, Protecting Controlled Unclassified Information in Nonfederal Systems. NIST assessment results must be documented in the federal Supplier Performance Risk System (SPRS) at <https://www.sprs.csd.disa.mil/>.

Failure to have a NIST assessment documented in SPRS results in being ineligible to receive DoD funded contracts or subcontracts.

DFARS 252.204-7012 is required to be in all DoD contracts including subcontracts, even if performing fundamental research, which by definition may not include working with Controlled Unclassified Information.

## Purpose

The purpose of this procedure is to codify a process within SPA to help identify at time of proposal and/or at time of award, projects that will need access or receive CUI to conduct the project work (CUI Project).

Where SPA identifies a CUI Project, SPA will connect the Principal Investigator to UVM’s Chief Information Security Officer who will then work with the researchers to develop an appropriate Information Security Plan (ISP), which safeguards the CUI and controls unauthorized dissemination.



## Roles and Responsibilities

### Principal Investigator (PI):

- Understand a project's data needs.
- When needed, confirms if a project should be declared a fundamental research project, which by definition may not involve use of CUI.
- When needed, confirms if a project will not require access or receive CUI to conduct the project work.
- Engages with SPA, Chief Information Security Officer, and Sponsor to determine if a project will need access or receive CUI to conduct the project work.
- Follows the Information Security Plan (ISP), when developed for CUI projects.

### Unit Administrator (UA):

- Assist the PI in complying with the applicable terms and conditions of the award.

### SPA Research Administrator (RA) and Award Acceptance Officer (AAO):

- SPA RAs review proposal submissions.
- SPA AAOs review awards, grants, contracts.
- RA and AAO have the CUI review responsibilities as outlined below.

### Chief Information Security Officer (CIO)

- Will engage with researchers to develop an appropriate Information Security Plan (ISP) for those projects that will need access or receive CUI to conduct the project work.

## Definitions

**Controlled Unclassified Information (CUI):** Government created or owned UNCLASSIFIED information that by law, regulation, or Government-wide policy must be safeguarded from unauthorized disclosure. See [Executive Order 13556](#).

**NIST Special Publication 800-171:** NIST SP 800-171 is a NIST Special Publication that provides the requirements for protecting controlled unclassified information (CUI). As required by the federal government, CUI can only be stored and processed on IT systems that have been risk assessed to comply with NIST SP 800-171 standards.

**Information Security Plan (ISP):** A plan developed by the Chief Information Security Officer with participation of the Principal Investigator and research team that will safeguard and control dissemination of CUI.

**Fundamental Research:** Means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from Industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reason.

**CUI Project:** Means a project that will need access or receive CUI to conduct the project work.



## Procedure – At Time of Proposal Submission

### At Time of Proposal

The following will be SPAs approach to reviewing technical proposals being submitted in response to federal and in particular DOD Requests for Proposal (RFP), Contracts, Subcontracts (not grants or subawards) where the RFP identifies the resulting contract will need access to CUI to conduct the work and/or will contain the following clauses.

- [DFAR 252.204-7000](#) Disclosure of Information
- [DFAR 252.204-7012](#) Safeguarding Covered Defense Information
- [DFAR 252.204-7019](#) Notice of NIST SP 800-171 DoD Assessment Requirements
- [DFAR 252.204-7020](#) NIST SP 800-171 DoD Assessment Requirements
- [DFAR 252.204-7021](#) Cybersecurity Maturity Model Certification Requirements

1. **In consultation with the PI, the SPA RA, where appropriate, will advise that a declaration is made within the proposal that the scope of work to be conducted by UVM is fundamental research work. For example, in a proposal cover letter or in the body of the proposal, include the following statement:**

“Any resulting award should contain the federal contracting officer’s written determination that the University of Vermont scope of work has been scoped to be fundamental research.”

2. **When a SPA RA needs to address a question at time of proposal about how UVM would manage Controlled Unclassified Information (CUI) use the following statement:**

“UVM as a public land grant research university is expecting to conduct fundamental research under the resulting award and will not need access to or generate controlled unclassified information (CUI) or covered defense information (CDI) as defined in the clause at DFARS 252.204-7012. In any resulting award the University of Vermont requests or will request the contracting officer’s written determination that the University of Vermont effort has been scoped to be fundamental research.”

3. The SPA RA shall document the UVMClick – Funding Proposal (FP) record with a “Log Comment” or upload an attachment “Other Supporting Documents” noting any action taken as described in 1 or 2 above.

## Procedure – At Time of Contracting

### At Time of Contracting

The following will be SPAs approach to reviewing incoming federal contracts or subcontracts for CUI.

1. Where it is evident the project will not need access or receive CUI to conduct the project work, the SPA AAO may proceed with the normal award acceptance process. (i.e.: fundamental research, no publication restrictions, no foreign person restrictions, not a data driven project, PI confirms no CUI).



2. Where the fundamental research exemption has been lost under a contract or subcontract due to a clear publication restriction (i.e.: may not publish or release project information without sponsor approval) or where the contract prohibits use of foreign persons, the SPA AAO will confirm with the PI, that the project will not need access or receive CUI to conduct the project work, Upon confirmation the SPA AAO may proceed with the normal award acceptance process.
3. For DoD funded contracts or subcontracts where one or both of the following DFAR clauses are included.
  - [DFAR 252.204-7000](#) Disclosure of Information
  - [DFAR 252.204-7012](#) Safeguarding Covered Defense Information
  - a) The SPA AAO will consult with the PI to confirm the project meets the definition fundamental research.
    - See: [DARPA Definition of Fundamental Research](#)
    - See: [NSDA 189 Definition of Fundamental Research](#)
  - b) Where the PI determines the project should be declared fundamental research, the SPA AAO will request a written declaration from the federal contracting officer that declares the UVM work has been scoped as fundamental research. The request is submitted to either to the subcontractor representative or directly to the federal contracting officer where the contract is direct with UVM.
  - c) In your request, make this point to the Contracting Officer, that the fundamental research declaration is allowed under DFAR 252.7000, (3), as follows:

“The information results from or arises during the performance of a project that involves no covered defense information (as defined in the clause at DFARS 252.204-7012 ) and has been scoped and negotiated by the contracting activity with the contractor and research performer and determined in writing by the contracting officer to be fundamental research (which by definition cannot involve any covered defense information), in accordance with National Security Decision Directive 189, National Policy on the Transfer of Scientific, Technical and Engineering Information, in effect on the date of contract award and the Under Secretary of Defense (Acquisition, Technology, and Logistics) memoranda on Fundamental Research, dated May 24, 2010, and on Contracted Fundamental Research, dated June 26, 2008 (available at DFARS PGI 204.4 ).”
4. An alternative approach may be used with subcontractors where negotiations stall, for example with small businesses that do not understand DFAR contracting; the SPA AAO can request the following statement be included in the flow down section of the subcontract:
  - **It is recognized that non-applicable contract clauses shall be self-deleting or self-adjust, as the case may be.**
5. In these cases, have the PI confirm the project will not access or receive CUI to conduct the project work. Upon confirmation, the SPA AAO may proceed with the normal award acceptance process.
6. Always document the PI’s confirmation the project will not access or receive CUI to conduct the project work, using UVMClick Log Correspondence.



## Procedure – CUI Project Identified

### Identified CUI Projects, Next Steps

1. Where the SPA AAO identifies a CUI Project, SPA will connect the Principal Investigator to UVM's Chief Information Security Officer.
2. Once the Investigator and CIO connection is made, the SPA AAO may proceed with the normal award acceptance process.
3. The CIO will work with the researcher's team to develop an appropriate Information Security Plan (ISP), which safeguards and controls unauthorized dissemination of the CUI.

## Helpful Links

### University of Vermont

### External

- [DoD CUI Program](#)
- [National Archives: CUI Resource Page](#)

## Document Change Record

Date	Version	Author	Change Details
11/1/2021	1	SPA	Initial release
3/24/2023	1	BP	Added additional hyperlinks to resources