

## **NOTICE TO C M ENGINEERING (CME)'S GOVERNMENT CONTRACT SUPPLY BASE.**

### **SUBJECT: NEW DFARS INTERIM RULE AND CYBERSECURITY REQUIREMENTS**

As a member of the US Government contracting community, it is required that CME makes our suppliers aware that the Department of Defense (**DoD**) published a new “interim rule”, DFARS Case 2019-D041, Assessing Contractor Implementation of Cybersecurity Requirements, which went into **effect on November 30, 2020**. The Interim Rule enhances the protection of controlled unclassified information (**CUI**) within the DoD supply base and requires all members of the DoD supply base to take immediate action to be eligible to receive awards after the Interim Rule went into effect.

The Interim Rule contains three new DFARS clauses:

1. DFARS 252.204-7019, Notice of NIST SP800-171 DoD Assessment Requirements
2. DFARS 252.204-7020, NIST SP800-171 Assessment Requirements
3. DFARS 252.204-7021, Cybersecurity Maturity Model Certification Requirements DFARS Clause 252.204-7012

The Interim Rule requires each contractor to provide “adequate security” for any system that is owned, or operated by or for, a contractor and that processes, stores, or transmits information that originated from a DoD contract. The standards for determining “adequate security” are found in National Institute of Standard and Technology (**NIST**) Special Publication (**SP**) 800-171. These three new clauses implement two cybersecurity initiatives: NIST SP 800-171 DoD Assessment Requirements and the Cybersecurity Maturity Model Certification (**CMMC**) framework, which will be rolled out over a 5-year period.

The Government has started including the first two CUI clauses in its solicitations and contracts, subject to limited exceptions for commercial-off-the-shelf (**COTS**) items. In addition to the requirements of 252.204-7012, the two additional CUI clauses require, contractors and subcontractors to report their compliance using the [NIST SP 800-171 DoD Assessment Methodology](#) either directly into the Supplier Performance Risk System (**SPRS**) or via encrypted email to [webpmsmh@navy.mil](mailto:webpmsmh@navy.mil) for posting to the SPRS. **The flow of this obligation is directed toward all organizations in our supply base who receive CUI from CME.**

CUI includes all information that is subject to US export control laws, including firearms drawings, specifications, blueprints, and similar technical data.

#### **Subcontractor Requirements:**

C M Engineering **may not** continue sending purchase orders that are associated with DoD contracts to a subcontractor unless a DoD Assessment score in SPRS in accordance with NIST SP 800-171 DoD Assessment Methodology (or in the alternative the Government performed Medium or High Assessment) has been submitted within the last three years for all covered contractor information systems relevant to DFARS Clause 252.204-7012.

**We urge our suppliers to report their assessment scores in SPRS as soon as possible.**

DFARS 252.204-7020 is a mandatory flow-down clause to all tiers of subcontractors. Therefore, it is required that the substance of DFARS 252.204-7020, including paragraph (g), be inserted in all solicitations and contracts, other than solicitations or contracts solely for the acquisition of COTS items.

**See CM-QMFS-1035 Purchase Order Clauses Q33 found under the supplier resources tab on the [cm-engineering.org](http://cm-engineering.org) website.**

**CME's DoD supplier base is required to incorporate DFARS 252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting into their current management systems. If a cyber incident(s) has occurred or is suspect to have occurred, suppliers are required to notify CME's Quality Department by email to [jason.sisk@cm-engineering.org](mailto:jason.sisk@cm-engineering.org) and [michael.shaw@cm-engineering.org](mailto:michael.shaw@cm-engineering.org)**

#### **Additional Resources**

- The Interim Rule can be viewed at:

<https://www.federalregister.gov/documents/2020/09/29/2020-21123/defense-federalacquisition-regulation-supplement-assessing-contractor-implementation-of>.

- The CMMC Model and accompanying DoD information is available for download at: <https://www.acq.osd.mil/cmmc/draft.html>.

- The Supplier Performance Risk Systems can be accessed at: <https://www.sprs.csd.disa.mil/>