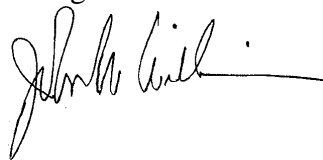


For: FFAS Employees

Processing Contractor Employees to Obtain a USDA Contractor ID Badge

Approved by: Deputy Administrator, Management



1 Overview

A Background

Homeland Security Presidential Directive 12 (HSPD-12), dated August 27, 2004, requires a common identification standard for both Federal and contractor employees. As directed in HSPD-12, the Department of Commerce has issued Federal Information Processing Standards Publication (FIPS PUB) 201-1, "Personal Identity Verification (PIV) of Federal Employees and Contractors", a Federal standard for secure and reliable personal identity verification for access to Federally-controlled facilities and/or information systems. FIPS PUB 201-1 requires the implementation of registration, identity proofing, and issuance procedures for Federal employees and contractors requiring long-term access (6 months or longer) to all Federally-controlled facilities and/or information systems, effective October 27, 2005.

HSPD-12 is being implemented in the following 2 phases.

- PIV I, effective October 27, 2005, requires an identity proofing and registration **process** for all Federal and contractor employees hired **after** October 27, 2005. Federal and contractor employees hired **before** October 27, 2005, will be covered under a different identity proofing and badging schedule, the policy of which will be issued at a later date.
- PIV II, effective October 27, 2006, will require the initial issuance of PIV-II compliant badges to Federal and contractor employees who require long-term access (greater than 6 months) to either Federally-controlled facilities and/or information systems. Issuing the new ID's will be controlled and graduated. Individuals will **not** receive new USDA contractor ID badges until directed by the issuing office.

<p>Disposal Date</p> <p>January 1, 2008</p>	<p>Distribution</p> <p>All FAS, FSA, and RMA Employees, State Offices relay to County Offices</p>
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Notice AO-1366

1 Overview (Continued)

B Purpose

This notice provides **interim procedures** that will apply when contract performance requires a contractor and/or subcontractor personnel to have physical access to a Federally-controlled facility and/or information systems within USDA/FFAS. These interim procedures:

- have been set forth in draft Departmental Manual (DM) 3800-001 (see Exhibit 1)
- will become departmental policy upon issuance of DM 3800-001 in final form.

These interim procedures are required to enable compliance with the FIPS PUB 201-1, PIV I implementation requirements.

C Applicability

This notice applies to the following:

- all USDA/FFAS contractor employees

Note: A contractor is defined as any individual under contract (prime contractor or subcontractor) to a USDA/FFAS agency, requiring routine unaccompanied access to USDA/FFAS-controlled facilities and/or information systems.

- all contractor employees who begin work at USDA/FFAS offices **after August 31, 2006**, and who require long-term access (6 months or longer) to either USDA/FFAS-controlled facilities and/or information systems
- contractor employees who began working at an USDA/FFAS agency **before August 31, 2006**, although there will be a different identity proofing and badging schedule that will apply to those individuals, the policy of which will be issued at a later date.

Notice AO-1366

1 Overview (Continued)

D Implementation Schedule

The following is the implementation schedule for PIV relative to contractor employees.

Date	Required Action
August 31, 2006	All new contractor employees must be compliant with HSPD-12 and undergo a Background Investigation (BI), which includes a FBI fingerprint check and a full National Agency Check With Inquiries (NACI).
October 27, 2006	Contractor employees hired after August 31, 2006 , who have had a successfully adjudicated BI will begin to receive HSPD-12 compliant contractor USDA contractor ID badges on a graduated basis, which will be issued for a 5 year period.
Between October 27, 2006, and October 27, 2008	All contractor employees hired before August 31, 2006 , will be required to have a successfully adjudicated BI.
<p>Note: If a contractor employee:</p> <ul style="list-style-type: none"> • has a current Secret or higher clearance, then that contractor employee may receive authorization for a USDA contractor ID badge immediately, upon receipt by FFAS of their respective active JPAS clearance certificate • does not have an active security JPAS clearance certificate, then the contractor employee must have an FBI fingerprint check in process, at a minimum, before beginning work at a USDA/FFAS facility. A full NACI must be in process. <p>To obtain a permanent USDA contractor ID badge, which will be issued for a period of 5 years, the contractor employee must receive a favorable agency adjudication of both the FBI fingerprint check and the full NACI.</p>	
October 27, 2008	<p>All contractor employees must have USDA contractor ID badges that are HSPD-12 compliant.</p> <p>Note: Once each contractor employee has had a successfully adjudicated BI, the contractor employee will not have to undergo another BI as long as the contractor employee remains on their respective contract.</p>

E Additional Guidance

Draft documents outlining USDA's requirements to implement HSPD-12 can be found at <http://hspd12.usda.gov>.

Notice AO-1366

1 Overview (Continued)

F Contacts

Employees with questions about this notice shall use the following to obtain the appropriate contact.

IF information is needed on...	THEN contact...
the HSPD-12 program	Skip Mielwocki at 202-720-9395.
PIV I requirements for contractor employees in the Washington National Capital Region	Contract Officer's Technical Representative (COTR) and Christine Knierim, MSD, Property and Operations Branch (POB) at 202-720-0123.
PIV I requirements for contractor employees in Kansas City and St. Louis	Randall Hawkinson, KCAO, Administrative Services Division (ASD) at 816-926-6513.
PIV I requirements for contractor employees in APFO	Richard Rozsa, AFPO at 801-975-3500, exten. 201.
PIV I requirements for contractor employees in State and County Offices	State Administrative Officer.
PIV I requirements for FAS contractor employees	Steven Rhodes at 202-720-1759.
PIV I requirements for RMA contractor employees	Wesley Azama at 202-690-4729.

Notice AO-1366

2 PIV I, Identity Proofing and Registration Process

A Requirements

Guidance on incorporating the following interim PIV I requirements in USDA/FFAS contracts was issued in Agriculture Acquisition Regulation (AGAR) Advisory Number 81, dated April 26, 2006, which states the following.

- All contractor employees subject to PIV I will be required to:
 - undergo BI which will include a FBI fingerprint check and NACI
 - provide in **original form**, 2 identity source documents as listed on Form I-9, “Employment Eligibility Verification”, which may be found at <http://uscis.gov/graphics/formsfee/forms/files/index.htm>
Note: See Exhibit 2 for acceptable identity source documents.
 - appear in person during various stages of the PIV registration process .
Note: Specific guidance on where and when to appear will be provided by COTR.
- Before a contractor employee may begin work under a USDA/FFAS contract, the following documents **must** be submitted.
 - Completed SF-85, “Questionnaire for Non-Sensitive Positions”, SF-85P, “Questionnaire for Public Trust Positions”, or SF-86, “Questionnaire for National Security Positions”, as appropriate, and OF-306, “Declaration for Federal Employment”, items 1, 2, 8 through 13, 16, and 17a. These forms are available:
 - at <http://www.opm.gov/forms>
 - for use by all Federal agencies.
 - A completed Fair Credit Reporting Release which is available at <http://www.usda.gov/da/pdsd/Web-Fair.htm>, and two FD-258’s, “Fingerprint Cards”. FD-258, “Fingerprint Cards”, may be obtained by contract companies (not by individuals) by FAXing a request to the U.S. Investigations Services at 724-794-0012, Attn: Michelle Pennington. Include the requestor’s name, mailing address, and number of FD-258’s, “Fingerprint Cards”, requested. Questions about FS-258’s, “Fingerprint Cards” shall be addressed to michelle.pennington@opm.gov.

Notice AO-1366

2 PIV I, Identity Proofing and Registration Process (Continued)

A Requirements (Continued)

- After completing all forms, the contractor employee must appear in person in front of the PIV sponsor (ie. COTR) with completed forms and 2 forms of identity source documents in **original form**. The identity source documents must be documents listed as acceptable on Form I-9, "Employment Eligibility Verification". See Exhibit 2.

Notes: At least 1 document shall be a valid State or Federal Government-issued picture ID card. Applicants who possess a current State drivers license or State picture ID card shall present that document as 1 identity source document before presenting other State or Federal Government-issued picture ID cards. This shall be done before the contractor employee begins work under the contract.

For contractor employees located within the Washington National Capital Region, see Exhibit 3 for supplemental processing requirements.

- It is COTR's responsibility for implementing the provision of PIV I, that is, the identity proofing and registering of all new contractor employees hired as of October 27, 2005, who require long-term access to Federally-controlled facilities and/or information systems.
- No action is required, at this time, for contractor employees needing this access who began work at FFAS facilities before October 27, 2005. Specific instructions will be provided at a later date about the registration process for contractors, based on where the contractors are located.
- MSD will coordinate the identity proofing and registration process with COTR's for all contractor employees under contract to FFAS offices within the Washington National Capital Region.
- KCAO, ASD will handle the identity proofing and registration process of all contractor employees for KC as well as the registration process for St. Louis and APFO in Salt Lake City.
- **Each** State and County Office will be responsible for the identity proofing and registration of all contractor employees on contract to FSA within their respective offices that require long-term unaccompanied access (6 months or longer) to either a Government-controlled facility or information system. See Exhibit 4.

USDA, Office of Procurement and Property Management, AGAR Advisory No. 81

The following is the USDA, Office of Procurement and Property Management, AGAR Advisory No. 81.

April 26, 2006

AGAR ADVISORY

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT
AGAR ADVISORY NO. 81

Common Identification Standard for Contractors

INTRODUCTION: This Agriculture Acquisition Regulation (AGAR) Advisory has been prepared to supplement the Federal Acquisition Regulation (FAR) interim rule (FAR Case 2005-15) that addresses the contractor personal identification requirements in Homeland Security Presidential Directive (HSPD-12), "Policy for a Common Identification Standard for Federal Employees and Contractors," and Federal Information Processing Standards Publication (FIPS PUB) 201, "Personal Identity Verification (PIV) of Federal Employees and Contractors."

SUMMARY: HSPD-12, dated August 27, 2004, requires a common identification standard for Federal and contractor employees. As directed by HSPD-12, on February 25, 2005, the Department of Commerce issued FIPS PUB 201, which is a Federal standard for secure and reliable personal identity verification (PIV) for access to federally controlled facilities or information systems. Office of Management and Budget (OMB) Memorandum M-05-24, dated August 5, 2005, provides implementing instructions for HSPD-12 and FIPS PUB 201. FIPS PUB 201 has two phases, PIV I and PIV II. This Advisory only addresses implementation of PIV I for USDA acquisitions; namely, the procedures and terms needed for contracts or orders awarded, or options exercised, on or after October 27, 2005. Guidance covering the modification of contracts for PIV II implementation will be issued at a later date.

SPECIFIC ISSUES:

USDA Directives

Information related to USDA implementation of HSPD-12 is available at <http://hspd12.usda.gov>. Draft copies of Departmental Regulation (DR) 3800-001, Common Identification Standard for U.S. Department of Agriculture Employees and Contractors, and Departmental Manual (DM) 3800-001, Common Identification Standard for U.S. Department of Agriculture Employees and Contractors, are available at that site for information. Pending issuance of these Directives, attached for information is an excerpt from DM 3800-001 (draft) with guidance concerning the PIV I process.

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AGAR Advisory No. 81, Continued

FAR Requirements

Federal Acquisition Circular (FAC) 2005-07 dated January 3, 2006, included FAR Case 2005-15 (Interim), to address HSPD-12 requirements.

The PIV Sponsor is designated as the official responsible for verifying contractor employee personal identity pursuant to FAR 4.1300(c). The roles and responsibilities assigned to the PIV Sponsor are set forth in the attached excerpt from DM 3800-001.

Contracting officer representatives (CORs; also known as Contracting Officer Technical Representatives), or other designated program/project officers, will serve as PIV Sponsors for contractor personnel. When issuing the appointment memorandum to the COR (or other designated program/project officer) the Contracting Officer will ensure that the memorandum includes the PIV Sponsor duties.

Solicitations and Contracts Affected by this Advisory

- Solicitations and contracts that require the contractor's employees to have access to a federally controlled facility or information system are covered by this Advisory. FAR Subpart 2.1 defines "Federally-controlled facilities" and "Federal information system" as follows:

"Federally controlled facilities" means—

- (1) (i) Federally-owned buildings or leased space, whether for single or multi-tenant occupancy, and its grounds and approaches, all or any portion of which is under the jurisdiction, custody or control of a department or agency;
 - (ii) Federally-controlled commercial space shared with non-government tenants. For example, if a department or agency leased the 10th floor of a commercial building, the Directive applies to the 10th floor only; and
 - (iii) Government owned, contractor-operated facilities, including laboratories engaged in national defense research and production activities.
- (2) The term does not apply to educational institutions that conduct activities on behalf of departments or agencies or at which Federal employees are hosted unless specifically designated as such by the sponsoring department or agency.

"Federal information system" means an information system (44 U.S.C. 3502(8)) used or operated by a Federal agency, or a contractor or other organization on behalf of the agency.

- Solicitations and contracts for supplies or services where the contractor's employees will not have access to a federally controlled facility or information system, or whose access will be on a short-term basis (less than 6 months), may be excluded from coverage by this Advisory based on a PIV needs assessment which will be conducted by USDA as part of the PIV I registration, identity proofing, and I.D. badge issuance procedures. "Long-Term access" is defined as access to a federally-controlled facility or information system that is expected to last 6 months or more.

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AGAR Advisory No. 81, Continued

- Contracts which when originally awarded did not include the PIV requirements because the period of performance was less than 6 months, but which will be modified to extend the period of performance to last, in the aggregate, 6 months or more in either a single continuous contract or series of contracts, are covered by this Advisory.

The Contracting Officer shall consult with the requiring office (and the site security officer) to determine the applicability of the requirements of HSPD-12, FIPS PUB 201, OMB Memorandum M-05-24, and this Advisory.

Solicitations and contracts where the contractor's employees will intermittently access a federally-controlled facility or information system will be subject to a USDA PIV needs assessment, which may or may not subject them to the PIV I requirements addressed in this Advisory. Examples of probable exclusions are couriers, express mail and package, for other delivery persons.

Questions Regarding Applicability of PIV requirements to a Solicitation or Contract.

If there is a question concerning applicability of the PIV requirements or other HSPD-12, FIPS PUB 201, or OMB Memorandum M-05-24 requirements CORs may contact the Office of Procurement and Property Management, Personnel and Document Security Division (OPPM, PDSD) for guidance. Include the OPPM, PDSD guidance in the solicitation and/or contract file.

Procedures for the Employees of the Contractor

The procedures to be followed by contractors and contractor employees are set forth in the attached excerpt from DM 3800-001. Should the results of the PIV process require exclusion of a contractor's employee, the contracting officer shall notify the contractor in writing.

Protection of Information

Privacy of PIV information must be maintained in accordance with the instructions in the attached excerpt from DM 3800-001.

Clause for Solicitation and Contracts

FAR Subpart 4.13, Personal Identify Verification of Contractor Personnel, establishes the policy and use requirements for FAR clause 52.204-9, Personal Identify Verification of Contractor Personnel. Insert a clause that contains language similar to that in 452.204-71 in all covered solicitations and contracts which include FAR clause 52.204-9. Pending issuance of USDA Directives 3800 series, use Alternate I of 452.204-71. A template for AGAR clause 452.204-71 will be available in the Integrated Acquisition System.

Contracting officers should amend covered solicitations, to the maximum extent practicable, to ensure that FAR Clause 52.204-9 and the appropriate AGAR clause are included, to minimize the number of subsequent modifications that will be required.

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USDA, Office of Procurement and Property Management, AGAR Advisory No. 81 (Continued)

AGAR Advisory No. 81, Continued

452.204-71 PERSONAL IDENTITY VERIFICATION OF CONTRACTOR EMPLOYEES (Mar 2006)

(a) The contractor shall comply with the personal identity verification (PIV) policies and procedures established by Department of Agriculture (USDA) Directives 3800 series.

(b) Should the results of the PIV process require the exclusion of a contractor's employee, the contracting officer will notify the contractor in writing.

(c) The contractor must appoint a representative to manage this activity and to maintain a list of employees eligible for a USDA PIV ID Badge required for performance of the work.

(d) The responsibility of maintaining a sufficient workforce remains with the contractor. Employees may be barred by the Government from performance of the work should they be found ineligible or to have lost eligibility for a USDA PIV ID Badge. Failure to maintain a sufficient workforce of employees eligible for a USDA PIV ID Badge may be grounds for termination of the contract.

(e) The contractor shall insert this clause in all subcontracts when the subcontractor is required to have access to a federally-controlled facility or information system.

(f) The PIV Sponsor for this contract is the contracting officer representative (COR), unless otherwise specified in this contract. The PIV Sponsor will be available to receive contractor identity information from _____* (hours and days) to _____* (hours and days) at _____* (office address for registration). The Government shall notify the contractor if there is a change in the PIV Sponsor, the office address, or the office hours for registration.
(End of clause)

*Contracting Officer shall insert the appropriate information.

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AGAR Advisory No. 81, Continued

Alternate I: Pending issuance of USDA Directives 3800 series, replace paragraph (a) of 452.204-71 with the following paragraph (a):

- (a) Before an employee may begin work on this contract, each employee must, as directed by the PIV Sponsor:
1. Complete either a SF-85, Questionnaire for Nonsensitive Positions, SF-85P, Questionnaire for Public Trust Positions, or SF-86, Questionnaire for National Security Positions, as appropriate, and items 1, 2, 8 through 13, 16 and 17a of the OF-306, Declaration for Federal Employment. The current versions of forms SF85, SF-85P, and SF-86 carry Office of Management and Budget (OMB) control number 3206-0005. Form OF-306 has OMB control number 3206-0182. See http://www.opm.gov/forms/pdf_fill/sf85.pdf; or http://www.opm.gov/forms/pdf_fill/sf85p.pdf; or http://www.opm.gov/forms/pdf_fill/sf86.pdf; and http://www.opm.gov/forms/pdf_fill/of0306.pdf.
 2. Complete a Fair Credit Reporting Release, and 2 FD-258, Fingerprint Charts. The Fair Credit Reporting Release is located at: <http://www.usda.gov/da/pdsd/Web-Fair.htm>. The FD-258, Fingerprint Charts, may be obtained by contract companies (not individuals) by faxing a request to US Investigations Services at 724-794-0012 Attn: Michelle Pennington. Include the requestor's name, mailing address, and number of FD-258, Fingerprint Charts requested. Questions regarding fingerprint charts may be addressed to michelle.pennington@opm.gov. Contractor employees' fingerprints shall be taken by a Federal security office, or Federal, State, municipal, or local law enforcement agency.
 3. The contractor's employee must appear in person in front of the PIV Sponsor or his or her designee with the completed forms and 2 identity source documents in original form. The identity source documents must be documents listed as acceptable for establishing identity on Form I-9, Employment Eligibility Verification, List A and B. The I-9 Form may be found at <http://uscis.gov/graphics/formsfee/forms/files/i-9.pdf>. At least one document shall be a valid State or Federal government-issued picture identification (ID) card. Applicants who possess a current State Drivers License or State Picture ID card shall present that document as one identity source document before presenting other State or Federal government-issued picture ID cards. This shall be done before or at the time the contract employee begins work under the contract.
 4. Receive a finding that no potentially disqualifying information is listed on the above noted forms.

After beginning work under the contract, the contractor employee must receive a favorable agency adjudication of the FBI fingerprint and NACI results, or other U.S. Office of Personnel Management or National Security community background investigation.

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USDA, Office of Procurement and Property Management, AGAR Advisory No. 81 (Continued)

AGAR Advisory No. 81, Continued

Orders Against Other Agency Contracts

Other agency contracts, including Federal Supply Schedules, may not have similar terms included in the contract. Before placing covered orders against such contracts, the Contracting Officer must review the terms, and if the contract does not include the necessary terms, either not use the contract or include these terms in the order placed against the contract.

Access to Classified National Security Information is Covered Elsewhere

When a proposed solicitation is likely to require access to information that is safeguarded pursuant to Executive Order 12958, Classified National Security Information, the requirements official shall follow AGAR Advisory 61, "Safeguarding National Security Information," the requirements identified in the National Industrial Security Program Operating Manual, and DM 3800-001, Appendix D. Contracting Officers or COR's should consult with OPPM, PDSO regarding the procedures to be followed.

QUESTIONS:

Questions that Contracting Officers and CORs have about DR or DM 3800-001, including any security requirements addressed in this Advisory, should be addressed to Martin Brumback, Personnel and Document Security Division, by telephone at 202-7207373, by fax at (202) 720-7708, or by email to martin.brumbach@usda.gov.

For other questions about this Advisory, please contact Todd Repass, Procurement Policy Division, by telephone at 202-690-1060, by fax at 202-720-8972, or by email to todd.repass@usda.gov.

This Advisory is available at
<http://www.usda.gov/procurement/policy/advisories.html>.

EXPIRATION DATE: One year after the issue date of this Advisory.

[END]

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DRAFT

DM 3800-001

CHAPTER 2

PIV I

1 PIV I APPLICABILITY

PIV I requires the implementation of registration, identity proofing, and issuance procedures in line with the requirements of FIPS 201. PIV I does not require the implementation of any new systems or technology.

PIV I applies to Federal employees and contractors requiring long-term access (6 months or longer) to federally controlled facilities or information systems, who began work at the USDA on or after October 27, 2005. These individuals shall follow the procedures outlined in the Appendices to apply for and receive their badges. Agencies will continue to issue existing badges under PIV I, but the process for application and issuance will change to include identity proofing and background investigations.

Pending publication of this requirement in the Federal Register by the Department, the following individuals may be subject to the PIV requirements of this Manual: Short-term (i.e., less than 6 months) guest researchers; volunteers; intermittent, temporary, or seasonal employees who do not meet the 5 U.S.C. 2105 definition of "Employee;" individuals collaborating with the Department under a Memorandum of Understanding (including state and local government employees); and any other specific categories of individuals deemed by the Department or a USDA agency to be covered following a risk-based decision.

2 PRIVACY POLICY

HSPD 12 explicitly states that "protect[ing] personal privacy" is a requirement of the PIV system. As such, agencies shall implement the PIV system in accordance with the spirit and letter of all privacy controls specified in FIPS 201, as well as those specified in Federal privacy laws and policies including but not limited to the E-Government Act of 2002, the Privacy Act of 1974, and OMB Memorandum M-03-22 (OMB322), as applicable.

FIPS 201 states that departments and agencies may have a wide variety of uses of the PIV system and its components that were not intended or anticipated by the President in issuing HSPD-12. In considering whether a proposed use of the PIV system is appropriate, departments and agencies shall consider the aforementioned control objectives and the purpose of the PIV standard, namely "to enhance security, increase Government efficiency, reduce identity fraud, and protect personal privacy." No department or agency shall implement a use of the identity credential inconsistent with these control objectives.

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DRAFT

DM 3800-001

To ensure the privacy of applicants, FIPS 201 lists 10 control objectives that should be considered by departments and agencies. See FIPS 201, 2.4, PIV Privacy Requirements, pages 7-8, for a list of those control objectives.

Background investigation records are subject to the Privacy Act. Agencies must ensure those records are:

- Secured against unauthorized access.
- Accessed by only those whose official duties require such access.
- Stored in a locked metal file cabinet or secure room.

Agencies must also:

Establish procedures to allow employees or their designated representatives access to their own records, while ensuring that the records remain subject to agency control at all times.

Ensure that those authorized to access personnel records subject to the Privacy Act understand how to apply the Act's restrictions on disclosing information from a system of records.

See OPM's Guide to Personnel Recordkeeping, Chapters 1 and 6, at: <http://www.opm.gov/feddata/recguide.pdf> for instructions on proper safeguarding of personnel records, and DR 3080, Records Management, at: <http://www.ocio.usda.gov/directives/files/dr/DR3080-001.pdf>

3 BACKGROUND INVESTIGATION REQUIREMENTS

A NACI is the minimum background investigation that must be performed for all individuals to whom this Directive applies, except when the position requires a more in-depth Office of Personnel Management or National Security community background investigation (OPM/NS BI). In such cases the OPM/NS BI shall be scheduled in lieu of the NACI.

The above requirement may also be met by referencing a previous NACI or other OPM/NS BI. Applicants may request proof of their previous NACI by contacting their former agency or contract security office. Applicants who previously held a security clearance shall provide a copy of the clearance certificate when possible. Agency human resources offices can meet the above requirement by completing the SF-75, Request for Preliminary Employment Data, Section K, Security Data, for federal employees transferring to the Department.

Attachment to AGAR Advisory No. 81, Page 2

USDA, Office of Procurement and Property Management, AGAR Advisory No. 81 (Continued)

DRAFT

DM 3800-001

Agencies are responsible for ensuring proper position designation for employees and contractors, and completion of background investigations consistent with those designations. See PDSB Personnel Security Bulletin 06-04, Position Designation Advisory, located at: <http://www.usda.gov/da/pdsd/bulletin06-04.pdf> for guidance on position designation.

Agencies will submit the SF-85, Questionnaire for Nonsensitive Positions, and related documents needed to conduct an NACI, directly to the U.S. Office of Personnel Management (OPM) and make final PIV identity and eligibility determinations.

Agencies will submit the SF-85P, Questionnaire for Public Trust Positions, and SF-86, Questionnaire for National Security Positions, and related documents needed to conduct an OPM/NS BI directly to the Office of Procurement and Property Management, Personnel and Document Security Division (PDSB). PDSB will provide the submitting agency a recommended PIV ID Badge eligibility determination.

OMB guidance states, "Before issuing the badge, [federal] agencies should receive notification of results of the National Agency Checks (NAC). If [the NAC results are not received] in 5 days, the identity badge can be issued based on the FBI National Criminal History Check (fingerprint check)." Accordingly, USDA agencies may issue a PIV ID Badge after successful adjudication of the FBI fingerprint check. Completion and successful adjudication of the final NACI results or OPM/NS BI are still required.

Applicants shall complete the Electronic Questionnaire for Investigations Processing (e-QIP) SF-85 (when available to USDA agencies), SF-85P, and SF86 located on the OPM secure website. Completing e-QIP web-based security questionnaires will lead to improved processing time of all types of investigations and dramatically reduce the overall error and rejection rates of federal security questionnaires.

See Appendix A, and the Draft Frequently Asked Questions (FAQs) for Registrars and Adjudicators located on the USDA HSPD-12 website for instructions on scheduling and adjudicating NACI's.

4 REGISTRATION, IDENTITY PROOFING, & BADGE ISSUANCE

The PIV I process contains critical roles associated with the identity proofing, registration, and issuance process. These roles may be collateral duties assigned to personnel who have other primary duties, but no single individual may assume more than one of these roles. Each task from a role may be assigned to different individuals, as long as no single individual assumes tasks from more than one role. If separation of roles and tasks is not possible, agencies may submit written waiver requests to the Director, Office of Procurement and Property Management, Departmental Administration. Waiver requests must state the specific circumstances preventing separation of roles.

Attachment to AGAR Advisory No. 81, Page 3

USDA, Office of Procurement and Property Management, AGAR Advisory No. 81 (Continued)

DRAFT

DM 3800-001

The following roles shall be employed for identity proofing, registration, and issuance. As indicated below, whether the Registrar or Issuer captures the Applicant's photograph is an agency determination. See Appendices A-D for more detailed information on the processes.

a Roles and Responsibilities

(1) PIV Applicant

The Applicant is an individual who requires a PIV ID badge to perform his/her duties. Applicant responsibilities include:

- Complete PIV Enrollment documents.
- Provide two identity source documents in original form.
- Appear in person during various stages of the registration process.

(2) PIV Sponsor

The Sponsor is the individual who substantiates the Applicant's need for a PIV ID badge and provides sponsorship to the Applicant. The recommended completion time of Sponsor activities is one calendar day after the Applicant provides the Sponsor the completed PIV Enrollment documents. Sponsor responsibilities include:

- Coordinate initial registration activities.
- Examine and make photocopies of Applicant's identity source documents.
- Review Applicant's SF-85, Questionnaire for Non-Sensitive Positions, and OF-306, Declaration for Federal Employment.
- Send Applicant's completed PIV Enrollment documents to Registrar.
- Serve as intermediary between Applicant and Registrar.

Attachment to AGAR Advisory No. 81, Page 4

USDA, Office of Procurement and Property Management, AGAR Advisory No. 81 (Continued)

DRAFT

DM 3800-001

(3) PIV Registrar

The Registrar is the individual who ensures that the Applicant's PIV Enrollment documents are complete and that the NACI is scheduled. The recommended completion time for Registrar activities is six calendar days after receipt of the PIV Enrollment documents from the Sponsor. Registrar responsibilities include:

- Register the applicant in e-QIP for the SF-86 and SF-85P (and SF-85 when it becomes available in e-QIP).
- Review Applicant's PIV Enrollment documents prior to scheduling the NACI.
- Fingerprint Applicant or receive Applicant's fingerprints directly from the Applicant.
- Capture photograph (when authorized).
- Schedule the NACI.
- Update OPF/Contract file.

(4) U.S. Office of Personnel Management (OPM)

The OPM is responsible for conducting the FBI fingerprint check, NAC, and NACI.

(5) PIV Agency Adjudicator

The agency Adjudicator is responsible for adjudicating the NACI results and providing PIV ID badge approval or denial. Agency Adjudicator responsibilities include:

- Attempt to resolve potentially disqualifying information listed on Applicant PIV enrollment documents prior to the Registrar scheduling the NACI.
- Adjudicate FBI fingerprint check and NAC results.
- Adjudicate final NACI results.
- Update OPF/Contract file.

(6) PIV Issuer

The Issuer performs badge personalization operations and issues

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the identity badge to the Applicant after all identity proofing, fingerprint checks, and related approvals have been completed. Issuer responsibilities include:

- Confirm Applicant identification source document.
- Capture photograph (when authorized).
- Issue Provisional PIV ID badge.
- Issue PIV ID badge.
- Serve as a resource in resolving problem identification documents.

b Registration, Identity Proofing, and Issuance Procedures

The Appendices provide sequential lists of steps to follow when applying for and issuing badges compliant with USDA's PIV I identity proofing and registration process. These procedures provide a detailed description of the logical flow, dependencies, and responsible parties. Because the sequential list of steps vary with position designation, background investigation requirement, and individual employment status, separate appendices are required.

c Adjudication

- (1) When making a PIV eligibility determination, the Adjudicator must find whether or not the identity provided to the Sponsor and Registrar during the registration process is the Applicant's true identity. The Adjudicator will consult with the federal applicant or employee's servicing human resources office before making a final determination whether to deny or revoke a badge. If the adjudication confirms the individual's true identity but reveals potentially disqualifying information that involve criteria 1 through 8 below, an adjudication using Title 5, C.F.R. Part 731 criteria shall be conducted. Title, 5 C.F.R. Part 731 criteria are:
 - (a) Misconduct or negligence in employment;
 - (b) Criminal or dishonest conduct;
 - (c) Material, intentional false statement or deception or fraud in examination or appointment;
 - (d) Refusal to furnish testimony as required by §5.4 of Title 5, C.F.R.;

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- (e) Alcohol abuse of a nature and duration which suggests that the applicant or appointee would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of others;
 - (f) Illegal use of narcotics, drugs, or other controlled substances, without evidence of substantial rehabilitation;
 - (g) Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force;
 - (h) Any statutory or regulatory bar which prevents the lawful employment of the person involved in the position in question.
- (2) When making a PIV ID Badge eligibility determination using Title 5 C.F.R. Part 731 criteria, the following factors shall be considered to the extent they are deemed pertinent to the individual case:
- (a) The nature of the position for which the person is applying or in which the person is employed;
 - (b) The nature and seriousness of the conduct;
 - (c) The circumstances surrounding the conduct;
 - (d) The recency of the conduct;
 - (e) The age of the person involved at the time of the conduct;
 - (f) Contributing societal conditions; and
 - (g) The absence or presence of rehabilitation or efforts toward rehabilitation.

d Appeal Procedures for Denial or Revocation of Badge

(1) Appeal Rights for Federal Service PIV ID Badge Applicants

When the Adjudicator determines that a Applicant has not provided his or her true identity during the registration process or

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is found ineligible for a PIV ID Badge, and the determination results in a decision by the agency to withdraw an employment offer, or remove the employee from the federal service, the procedures and appeals rights of either 5 CFR Part 731, Subparts D and E (Suitability), 5 CFR Part 315, Subpart H (Probationary Employees), or 5 CFR Part 752, Subparts D through F (Adverse Actions) will be followed, depending on the employment status of the federal service applicant, appointee, or employee. Employees who are removed from federal service are entitled to dispute this action using applicable grievance, appeal, or complaint procedures available under Federal regulations, Departmental directives, or collective bargaining agreement (if the employee is covered).

(2) Appeal Rights for Contractor and Affiliate PIV ID Badge Applicants

- (a) Notice of Proposed Action - When the Adjudicator determines that an Applicant has not provided his or her true identity or is found ineligible for a PIV ID Badge, the Adjudicator shall provide the Applicant reasonable notice of the determination including the reason (s) the Applicant has been determined to not have provided his or her true identity or is otherwise ineligible. The notice shall state the specific reasons for the determination, and that the individual has the right to answer the notice in writing. The notice shall inform the Applicant of the time limits for response, as well as the address to which such response should be made.
- (b) Answer - The Applicant may respond to the determination in writing and furnish documentation that addresses the validity, truthfulness, and/or completeness of the specific reasons for the determination in support of the response.
- (c) Decision - After consideration of the determination and any documentation submitted by the Applicant for reconsideration of the initial determination, the Agency Head/Staff Office Director or his/her designee will issue a written decision which informs the Applicant of the reasons for the decision. The reconsideration decision will be final.

e Record Retention

- (1) The SF-85, SF-85P, SF-86, OF-306, SF-87, FD-258, and

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summaries of reports and other records reflecting the processing of the NACI or OPM/NS BI, exclusive of copies of investigative reports furnished by the investigative agency: Destroy upon notification of death or not later than 5 years after separation or transfer of employee or no later than 5 years after contract or affiliate relationship expires, which ever is applicable.

- (2) Investigative reports and related documents furnished to agencies by investigative organizations for use in making PIV ID badge eligibility determinations: Destroy in accordance with the investigating agency instructions.
- (3) Appeal records related to unsuccessful adjudications: Destroy no sooner than 4 years but no later than 7 years after final appeal decision. See General Records Schedule 1 and 18 at:
<http://www.archives.gov/records-mgmt/ardor/recordsschedules.html> and DR 3080-01, and DR 3080-001, Records Management, at:
<http://www.ocio.usda.gov/directives/files/dr/DR3080-001.pdf>

5 EXPIRATION DATE REQUIREMENTS

All badges issued by the USDA must have an expiration date printed on them. The expiration date for all badges must be 5 years or less from the date of issuance.

All applicable existing badges in the NCR, MCF, and metropolitan areas must be replaced with PIV II-compliant badges no later than October 27, 2007. Applicable employees with less than 15 years of Federal service, and all applicable contractors must have their badges replaced with PIV II-compliant badges by October 27, 2007. Applicable employees with more than 15 years of Federal service must have their badges replaced with PIV II-compliant badges by October 27, 2008.

All badges issued to applicable employees and contractors outside the NCR, MCF, and metropolitan areas must be replaced with PIV II-compliant badges by October 27, 2007.

6 CASES WHERE PIV I DOES NOT APPLY

As outlined above in Section 1, PIV I applies to Federal employees and contractors requiring long-term access (6 months or longer) to a federally controlled facility or information system who began work at the USDA on or after October 27, 2005. USDA has identified several cases where the PIV I process

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does not need to be followed to secure a badge. Agencies may choose to implement stricter requirements at their own discretion following a PIV ID Badge needs assessment.

a Replacement Badges

Replacement badges are to be issued when an employee or contractor badge is lost, damaged, stolen, or expired. Employees and contractors who need replacement badges because their badges were lost or stolen must be identity proofed. Sponsors are required to complete the Sponsor Section of the AD 1197 and check the replacement badge box. Sponsor and Applicant will follow pre-existing badge issuance procedures for obtaining a replacement badge. These procedures will vary by agency and facility.

b Temporary Badges

Temporary badges or identification with basic access rights may be issued to temporary employees or contractors (employed less than 6 months), short term guests, and/or occasional visitors. In addition, should a long term employee or contractor forget his/her badge on a particular day, they will be issued a temporary badge after their identity is confirmed.

c Visitor Badge

Agencies shall follow existing procedures for issuing visitor badges.

7 CONTRACTING IMPACTS

All contractors must abide by the identity proofing and registration requirements outlined in Chapter 2, Section 4 above. USDA contracts must indicate that (1) all applicable contractor employees requiring long-term access to federally controlled facilities or information systems must go through the identity proofing and registration process, and (2) all incumbents must be successfully identity proofed and have a successfully adjudicated NACI or OPM/NS BI to serve on the contract.

Certain PIV language must be implemented in all contracts. Please refer to AGAR Advisory, titled "Common Identification Standard for Contractors" for specific language.

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Acceptable Documents

The following are documents that establish **both identity and employment eligibility**.

- U.S. Passport (unexpired or expired).
- Certificate of U.S. Citizenship (Form N-560 or N-561).
- Certificate of Naturalization (Form N-550 or N-570).
- Unexpired foreign passport with I-551 stamp or attached Form I-94 indicating unexpired employment authorization.
- Permanent Resident Card or Alien Registration Receipt Card with photograph (Form I-551).
- Unexpired Temporary Resident Card (Form I-688).
- Unexpired Employment Authorization Card (Form I-688A).
- Unexpired Reentry Permit (Form I-327).
- Unexpired Refugee Travel Document (Form I-571).
- Unexpired Employment Authorization Document issued by DHS that contains a photograph (Form I-688B).

Acceptable Documents (Continued)

The following are documents that **establish identity**.

- Driver's license or ID card issued by a State or outlying possession of U.S. provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address.
- ID card issued by Federal, State, or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address.
- School ID card with a photograph.
- Voter's registration card.
- U.S. Military card or draft record.
- Military dependent's ID card.
- U.S. Coast Guard Merchant Mariner Card.
- Native American tribal document.
- Driver's license issued by a Canadian government authority.

Supplemental Processing Requirements for Contractor Employees Located Within the Washington National Capital Region

Contractor employees located within the Washington National Capital Region shall arrange to be fingerprinted according to the following by FSA, HRD, Services Group.

Step	Action
1	COTR must make an appointment for the contractor employee with FSA, HRD, Services Group, located at 1280 Portals Bldg, Suite 433, by telephone at 202-401-0651 to be fingerprinted in-house and must appear with the contractor employee at the time of the fingerprinting.
2	COTR shall be responsible for delivering all paperwork, including AD-1197, "Request for USDA Identification (ID) Badge", to MSD, POB, 1250 Portals Bldg, Suite 520, for processing after the contractor employee has been fingerprinted by FSA, HRD, Services Group.
3	MSD will submit all contractor employee paperwork to OPM for further processing. The timeline for processing the FBI fingerprint check alone may take 30 days or longer. While the FBI fingerprint check is being processed, the contractor employee may be issued a provisional USDA contractor ID badge. A 5 year permanent USDA contractor ID badge will not be issued until a fully adjudicated BI with FBI fingerprint check and full NACI is issued by MSD. Negative or unfavorable adjudications of BI or fingerprint check will result in revoking the USDA provisional photo ID and the inability for the contractor employee to receive a permanent USDA contractor ID badge.
4	After MSD has received all necessary documentation required for the contractor employee to receive their USDA contractor ID badge, COTR shall escort the contractor employee to the Office of Operations ID Badge Issuing Office located in the South Building, Room SM7 to acquire their USDA contractor ID badge.

Note: During calendar year 2007, the Department will work with GSA in providing a shared solution implementation of HSPD-12 in the form of Enrollment Stations. When the Enrollment Stations begin to be deployed, the Department will issue new procedures which will be phased in across the country along with the Enrollment Stations.

State and County Office Guidance on Cleaning Contractors and other Similar Contractors

Departmental guidance on the need for USDA contractor ID badges and contractor BI's relative to cleaning contractors and other similar contracts on **new** agency contracts or renegotiations of existing contracts is being left up to each agency's determination. FFAS has been instructed to use a common sense approach, while at the same time staying within the parameters of AGAR Advisory No. 81, dated April 26, 2006, (see Exhibit 1, "Solicitations and Contracts Affected by this Advisory", Page 2 of 6). FSA must continue to minimize the opportunity for nongovernment employees to gain access to confidential information, whether that information is resident in hard copy format or in Federal information systems.

The following are some examples which display the "common sense approach" which USDA would like FFAS to use.

Example 1: State or County Office with a fully serviced lease in commercial space. Both the building and/or floor are shared with nongovernment tenants. Building owner hires the cleaning company and all cleaning is accomplished during the day, during regular business hours while Agency staff are present.

BI's would **not** be required of the cleaning staff, nor would USDA PIV II ID's be required. That being said, the Government can always require during lease renewals or renegotiations, that BI's be performed on individuals with access to government space based upon an Agency determination that the need exists.

Example 2: State or County Office with a fully serviced lease in commercial space. Both the building and/or floor are shared with nongovernment tenants. Building owner hires the cleaning company and the cleaning crew cleans the building at night when there are no tenants present.

The emphasis is that there would be no government staff present during night time cleaning hours and government information would definitely be at risk. In this situation, there would be greater opportunity to obtain confidential information from government offices as well as the ability to hack into the Federal information system to gain access to confidential information when government staff are not present. In this instance, the government can require that BI's are performed of all cleaning crew staff and anyone else having after hours access to the government's space when the current contract expires, a new contract is negotiated, or when the existing contract is modified. The best resolution would be to require that all cleaning be accomplished during regular business hours. By so doing, FFAS would **not** be required to have BI's performed, nor would USDA contractor ID badges be required.

**State and County Office Guidance on Cleaning Contractors and other Similar Contractors
(Continued)**

Example 3: County Office with **all** government tenants in the building, such as Service Centers.

The lead agency COTR would be responsible for ensuring that BI's are performed and would be responsible for ensuring that the contractor staff had a USDA contractor ID badge when the new contract is negotiated or the existing contract is modified. The lead agency could be GSA if the building is leased by GSA, or if leased by a Service Center agency, the lead agency would be responsible for ensuring that BI's were completed.

Example 4: State or County Office has a cleaning contract with a contractor that has a high turnover rate for its employees. For example, the average cleaning contractor employee, based upon past employment history, is with the contractor consistently for less than 6 months.

HSPD-12 states that contractor employees (the employee's employment vs. the length of the contractor's contract) must be hired for 6 months or more to require BI's. In this example, it would not be financially prudent for the government to process BI's on the cleaning contractor employees, as they would not be around when the BI results were finally reported back to the Agency. A note to the contract file should be attached to reflect the inconsistent employment of contractor employees.

Example 5: State Office or County Office is located in a Federal building.

GSA would be responsible for obtaining BI's on the cleaning crew and for government contractor ID's when a new contract is negotiated or the current contract is modified, unless FFAS directly contracts with the cleaning company.

**State and County Office Guidance on Cleaning Contractors and other Similar Contractors
(Continued)**

Example 6: State Office is located on a State university campus in university space. USDA is the only tenant in the space.

COTR for the USDA contract would be responsible for ensuring that the building cleaning contract, whether it is with the university or USDA, contains a clause when the lease is renewed, that BI's will be required of anyone hired to clean USDA space, as long as the individuals were hired for periods to exceed 6 months. USDA contractor photo ID's would be required.

Notes: When a current building lease terminates, is amended, or renegotiated for any reason, this would be the appropriate time to add the BI requirements to the new or amended lease contract for any contractors the leaser intends to use for unsupervised access to Agency space, such as night time office cleaning. The cost for processing BI is the responsibility of the Government, as it is the Government's requirement. If the Government is requiring the leaser to prepare or process any of the paperwork, that cost can be added to the price of the lease during negotiations or renegotiation.

Under HSPD-12, **how** PIV-II contractor photo ID's will be issued and **who** will be issuing them is still undecided at this point in time. A request for bids on the PIV-II "Smart Card" contract has yet to be issued by GSA.