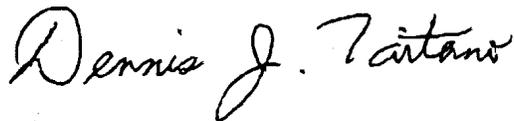


**For:** State and County Offices

**Personal Identity Verification (PIV) of Lessor and Lessor Employees in FSA/CCC Leasing  
Actions**

**Approved by:** Acting Deputy Administrator, Management



**1 Overview**

**A Background**

Homeland Security Presidential Directive 12 (HSPD-12), dated August 27, 2004, requires a common identification standard for 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 PIV 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.

**B Purpose**

This notice provides interim procedures applicable to all FSA/CCC leasing actions, including new and succeeding leases, lease renewals, and lease amendments.

<b>Disposal Date</b>  January 1, 2008	<b>Distribution</b>  State Offices; State Offices relay to County Offices
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## Notice AS-2118

### 2 Interim Procedures

#### A Interim Procedure Applicability

Interim procedures:

- apply when contract performance requires contractor and/or subcontractor personnel to have physical access to a Federally-controlled facility and/or information systems within USDA/FFAS

**Note:** Before award of a new or succeeding lease, the lessor and their subcontractors (the persons that have physical access to the building) shall comply with PIV policy.

- cover lessor employees that require long-term, unrestricted, and unaccompanied physical access such as, janitorial staff, maintenance staff, and property managers who routinely visit sites to make repairs, etc.

These interim procedures do **not** cover lessor employees that require short-term access and are observed by federal employees while in the facility such as painters; locksmiths; heating, ventilation, and air conditioning staff; etc.

#### B Instructions

Effective immediately, employees shall take the following actions:

- add Exhibit 1 as a special requirement to all Solicitations for Offers to lease space when executing new or succeeding leases

**Note:** This language has been adapted from AGAR 452.204-71, “Personal Identity Verification of Contractor Employees (Mar 2006)”

- add Exhibit 2 to all :
  - CCC-2’s and SF-2’s when executing new or succeeding leases
  - CCC-2-A’s and FSA-7’s, as an addendum, when executing lease renewals or amendments.

**Note:** This language has been adapted from FAR 52.204-9, “Personal Identity Verification of Lessor Personnel (Jan 2006)”

#### C Contacts

For all questions about this notice, contact 1 of the following:

- Steve Jones at 202-720-8729
- Morrell Jordan at 202-720-7832
- Jeannie Simmons at 816-926-1241.

**Solicitations for Offers Special Requirement**

The following shall be added as a special requirement to all Solicitations for Offers to lease space, when executing a new or succeeding lease.

**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. 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](http://www.opm.gov/forms/pdf_fill/sf85.pdf); or [http://www.opm.gov/forms/pdf\\_fill/sf85p.pdf](http://www.opm.gov/forms/pdf_fill/sf85p.pdf); or [http://www.opm.gov/forms/pdf\\_fill/sf86.pdf](http://www.opm.gov/forms/pdf_fill/sf86.pdf); and [http://www.opm.gov/forms/pdf\\_fill/of0306.pdf](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](mailto: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.

**Solicitations for Offers Special Requirement (Continued)**

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.

(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.

\*Agency representative shall insert the appropriate information.

**Attachments for CCC-2's, CCC-2-A's, FSA-7's, and SF-2's**

The following shall be added to all:

- CCC-2's and SF-2's, when executing new or succeeding leases
- CCC-2-A's and FSA-7's, as an addendum, when executing lease renewals or amendments.

**52.204-9 Personal Identity Verification of Lessor Personnel (Jan 2006)**

- (a) The Lessor shall comply with agency personal identity verification procedures identified in the contract that implement Homeland Security Presidential Directive-12 (HSPD-12), Office of Management and Budget (OMB) guidance M-05-24, and Federal information Processing Standards Publication (FIPS PUB) Number 201.
- (b) The Lessor shall insert this clause in all subcontracts when the subcontractor is required to have physical access to a federally-controlled facility or access to a Federal information system.
- (c) For additional information, go to the following website: <http://hspd12.usda.gov>.