Webinar guests submitted several questions before and during the February 14, 2013 New Facility Clearance Sponsorship for Government Contracting Activities and Prime Contractors session. The following responses are provided by the Center for Development of Security Excellence (CDSE).

General FCL Questions

**Question:** After my company receives a Facility Security Clearance (FCL), who is my point of contact?
**Answer:** Each company holding a FCL is assigned to the local DSS field office and an Industrial Security Representative (ISR) who would be the point of contact for all matters related to the National Industrial Security Program.

**Question:** How long is an FCL good for?
**Answer:** A Facility Security Clearance is valid as long as the company is adhering to the National Industrial Security Program Operating Manual (NISPOM) and has a valid justification which requires access to classified information.

**Question:** What are the average times to process for interim and final FCL?
**Answer:** 137 days Secret, 151 days TS, 98 days Interim.

**Question:** Can a subcontractor issue a sponsorship for a facility clearance to a third tier contractor if they are not the prime on the contract?
**Answer:** Yes.

**Question:** Can we also discuss clearing multiple facilities (off-site, out of state locations utilizing same corporate structure) and what is required?
**Answer:** Your assigned ISR will help you to determine if a location can be considered a cleared off-site location. There are many different types of corporate structures. DSS would need to review the corporate structure to advise each specific situation.

**Question:** If a contractor is competing for a government contract which requires them to have a facility clearance at time of contract award, how would that process work? Is it possible?
**Answer:** A company must need access to classified information in connection with a legitimate U.S. Government or foreign government requirement in order to be sponsored for a FCL.

**Question:** We are working with a sub-contractor that might need to request a facility clearance. I would like to know how to help them initiate the request and what we would need to do to sponsor them in that request.  
**Answer:** Please refer back to the webinar briefing.

**Question:** Is it possible to know if a company has checked your FCL status?  
**Answer:** No.

**Question:** How do you request a final FCL if you have not received the final after all KMP are eligible?  
**Answer:** Please reach out to your Industrial Security Representative for a status on your FCL.

**Question:** How many employees must a company have to get a facility clearance?  
**Answer:** More information would be needed in order to answer this accurately.

**Upgrading or Downgrading an FCL**

**Question:** What if my company holds a SECRET FCL and is awarded a contract that requires a TOP SECRET?  
**Answer:** If a company requires an UPGRADE of their FCL, the company would be required to be sponsored by a Government Contracting Activity or another cleared contractor. A request for upgrade of the FCL would need to be submitted to DSS, Facility Clearance Branch (FCB).

**Question:** What if you have a Top Secret (TS) FCL and the contract for TS expires and you only need a Secret FCL? Do you need to be downgraded or is no action required?  
**Answer:** If your company only requires a Secret FCL, then the FCL would be downgraded to Secret.

**Question:** Who initiates an FCL upgrade for an industry company upon award of their first prime IDIQ Contract (with associated TS/SCI DD 254)? Must the FCL upgrade process wait until the first Task Order award to the new prime vendor or should the FCL process start with the IDIQ award? Can the industry company awarded the contract help speed up the process?  
**Answer:** The Government Contracting Activity (GCA) would sponsor a company for a FCL upgrade when the contract is awarded.

**Question:** How do the requirements differ for an upgrade or downgrade in the level of the FCL?  
**Answer:** An upgrade requires sponsorship. A downgrade is an administrative action when a facility no longer requires a FCL at the level which they currently hold.

**Question:** How long do upgrades from SECRET to TOP SECRET take? With no new FOCI to review, but will the President (KMP) require an upgrade to TOP SECRET as well?
**New FCL Sponsorship for GCAs and PCs**

**Answer:** This is dependent on Personnel Clearances and the timeframe will vary.

**Question:** Does the process of upgrading from a SECRET FCL to a TOP SECRET FCL go any faster than initial FCL since KMP are already cleared?

**Answer:** Please see question above.

**Question:** What if you have a TOP SECRET Facility Clearance (FCL), yet after the contract for your TOP SECRET expires, you only need a Secret FCL. Do you need to be downgraded or is no action required?

**Answer:** This change should be reported to your Industrial Security Representative prior to or immediately upon the change. DSS will take action to downgrade your facility clearance.

### Interim FCLs

**Question:** If a facility is granted interim FCL, can the facility start processing the Personnel Security Clearance (PCL) for interim?

**Answer:** Yes, once the facility has an interim FCL and a JPAS account, they can start processing the employees that are required to access classified for a PCL.

**Question:** If a facility is granted interim FCL, can the facility start processing the PCL for interim?

**Answer:** Please refer to question above.

**Question:** Can a company pick up personnel clearances for individuals who are within the 2 year window, if the KMPs have not been cleared yet?

**Answer:** NISPOM 2-200(d) The contractor shall limit requests for PCLs to the minimal number of employees necessary for operational efficiency, consistent with contractual obligations and other requirements of the NISPOM. Requests for PCLs shall not be made to establish pools of cleared employees. In other words, a company may not process anyone for a personnel clearance if there is not a contractual requirement for them to have access to classified information.

**Question:** To clarify, can a company get an interim clearance in order to receive classified RFP documents, prior to award?

**Answer:** If access to classified information is required during the pre-award stage and the company is sponsored for a FCL in order to receive classified RFP documents, then the company may access classified once the facility is granted an interim FCL.

### DD Form 2051

**Question:** Who submits the DD Form 2051 when completed? The Sponsoring Prime Contractor or agency requesting the FCL?

**Answer:** The guidance for the DD Form 2051 is provided by Defense Logistics Agency (DLA). Please follow the instructions on the DD Form 2051 or contact DLA.

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Sponsorship for FCL

**Question:** Please be sure and cover the requirement of a bona fide classified contract where another company's experience is needed to meet the requirements to justify sponsorship for FCL. I had a friend of an employee trying to get them to get me to sponsor them for FCL when there was no contractual requirement.

**Answer:** Per the NISPOM, a classified contract is any contract requiring access to classified information by a contractor or his or her employees in the performance of the contract. The requirements prescribed for a “classified contract” also are applicable to all phases of pre-contract activity, including solicitations, pre-contract negotiations, post-contract activity, or other Government Contracting Agency (GCA) program or project which requires access to classified information by a contractor.

**Question:** What is the role of and how is the government responsible for sponsoring a company? What should the government request or have identified from/about the company to accept to sponsor it for a facility clearance?

**Answer:** NISPOM 2-102 indicates that a contractor or prospective contractor cannot apply for its own FCL. A GCA or a currently cleared contractor may sponsor an uncleared company for an FCL. The GCA will sponsor the company when access to classified is required.

**Question:** Is there a type of company DSS will not sponsor?

**Answer:** DSS does not sponsor companies into the NISP. Government Contracting Activities or Cleared Defense Contractors can sponsor companies.

**Question:** I was informed by a rep at the FCB that a DD 254 must accompany a sponsor letter.

**Answer:** A justification must accompany a sponsorship letter. The most common justification is the DD 254. Please reference the sponsorship pamphlet for additional types of justifications.

**Question:** Can the sponsor letter be signed by direction of Commander?

**Answer:** Yes.

**Question:** What responsibilities do the sponsoring companies have?

**Answer:** NISPOM Chapter 7 outlines Prime Contractor Responsibilities when subcontracting.

### DD Form 254

**Question:** What role does the DD Form 254 play in the process, and when does the DD Form 254 get generated, when special access will be required such as NATO, COMSEC, and SCI? Our GCA will not allow a DD Form 254 to be issued without an existing FCL, and will not indicate any special access unless the Industrial Security Facilities Database (ISFD) is already showing the special access. Clarification on this would be greatly appreciated.

**Answer:** A DD Form 254 is one acceptable justification for a FCL that can be submitted with the sponsorship letter. A DD Form 254 is a contract security classification specification which lays out the security requirements for performance on a classified contract.
**Question:** Should a copy of the DD Form 254 be submitted along with the Facility Clearance Sponsorship request? Who signs the DD 254? Must a draft DD 254 be provided to the potential subcontractors in the pre-bid selection? How do you decide to sponsor a small company and does it make sense to sponsor a company with just two people? Likewise, do they have to be a teaming partner to be sponsored?

**Answer:** A DD Form 254 is one acceptable justification for a FCL that can be submitted with the sponsorship letter. The DD Form 254 can be signed by a designated official who has knowledge about the security requirements pertaining to the classified contract. The issuing of the DD Form 254 must be provided prior to access to classified information. There are small businesses that are part of the National Industrial Security Program.

**Government Contracting Activity (GCA)**

**Question:** Please define the scope of the GCA; must it be the KO, contract specialist or can it be a COR or Contract Monitor? NISPOM 9-304 only states authorization of the releasing agency.

**Answer:** The GCA will determine who the delegated official authorized to release intelligence information under NISPOM 9-304.

**Question:** Please clarify, GCA can sponsor via email?

**Answer:** Yes, the GCA can send unclassified sponsorship packages through email to occ.facilities@dss.mil.

**Question:** Is it possible to transfer a facility clearance to a new company in the event that the former company is bought out? Our GCA wouldn't sign off because they said that was possible.

**Answer:** More information would be needed on this in order to provide an accurate answer.

**Miscellaneous**

**Question:** Do additional locations need their own CAGE code or can they be under the main office? In general, all locations need their own CAGE code. This is not applicable if the location is a cleared off-site location of another office.

**Answer:** Your assigned ISR will help you to determine if a location can be considered a cleared off-site location.

**Question:** How long does the process take for a company that's not under Foreign Ownership Control or Influence (FOCI) to be granted a FCL?

**Answer:** There are many factors that contribute to the time required to issue a FCL. The average is 137 days Secret, 151 days TS.

**Question:** Please discuss joint ventures.

**Answer:** If there are questions on a specific joint venture, please contact your assigned ISR or FCB.
Question: My company wants to utilize cleared employees of an employment company that does not possess an FCL. My DSS rep said as long as the employee is employed by and receives their pay from the employment company, that company must be cleared in order for my company to be able to utilize their employees’ personnel security clearances. I understand that the employment company is considered a subcontractor and we need to give them a 254 and sponsor them for an FCL, but there seems to be confusion generally on this topic both by industry and by government help desk representatives: Some think employment companies are exempt. Can you clarify?

Answer: If an individual is a consultant to the company and is being paid directly, the consultant shall be considered an employee of the using contractor for security administration purposes. If the cleared facility is directly paying a subcontractor, then NISPOM 2-100 applies.

Question: Who can request a SAM account?
Answer: Please contact the Federal Service Desk at 1-866-606-8220 or www.fsd.gov.

Question: What is required to clear a branch office which will require Secret storage/stand-alone computer system? Any special computer/software purchase?
Answer: An Industrial Security Representative will work with the company regarding security requirements.

Question: If a KMP has an existing clearance but also has a pending incident report, will the FCL be delayed until the incident report is adjudicated?
Answer: As long as the KMP has a Personnel Clearance at the required level and all other requirements of the FCL have been met, DSS may issue the FCL.

Question: For a two-person company, do both individuals need to be officially on payroll? Can they be family members?

Question: What occurs with the facility clearance if a new FSO takes over?
Answer: This change should be reported to your Industrial Security Representative prior to or immediately upon the change.