

**FAQS Regarding
Identity Protection Services Procurements for the OPM
Background Investigation Records Cyber Incident
August 10, 2015**

Is this a new contract or an award off the GSA schedules? Who is contracting for this and why aren't these documents public?

The General Services Administration (GSA) is establishing blanket purchase agreements (BPAs) for identity protection services that will be available for government wide use, and the Department of Defense (DoD) will award the first task order on behalf of the Government for identity protection services related to the recent Office of Personnel Management (OPM) background investigation records cyber incident.

The requirements for these BPAs and the first task order were developed collaboratively by an interagency team of subject matter experts and represent a coordinated approach to developing stringent technical requirements and establishing an appropriate acquisition strategy.

Because the BPAs and the first task order are being competed among GSA schedule holders, the RFQ's are posted on GSA's eBuy site which is available to GSA Schedule contract holders and other eligible government personnel. Given eBuy's access requirements, to ensure full transparency, GSA is making these documents available simultaneously on its publically available Interact site at website address <https://interact.gsa.gov/group/fabszone-financial-and-business-solutions>

Why did GSA use their Financial and Business Solutions (FABS) schedule and not Schedule 70 or an open market buy?

Identity protection services are commercially-available financial services that have long been offered and provided through several GSA's FABS Schedules. Of note, awards under the current BPA RFQ will replace expired GSA BPA's used to support the government's identity theft services requirements (reference: [OMB Memorandum M-07-04 Use of Commercial Credit Monitoring Services Blanket Purchase Agreements \(BPA\)](#)).

Moreover, the BPA RFQ's principal purpose is to provide identity protection services, not IT services. Ancillary IT services may be required during performance of individual task orders, and may or may not be available or included in service offerings of eligible FABS contractors. Recognizing this, the RFQ allows eligible FABS contractors to team with IT70 SIN 132-51 contractors, if that is their preference.

As required by FAR 7.102, in its planning and market research, GSA considered the commerciality of the services, ensuring adequate competition, appropriate contract type, and use of pre-existing contracts, including interagency and intra-agency contracts, to fulfill the requirement. GSA Schedules best addressed these considerations.

The government has stated award of the first task order will be based on lowest proposed price from among the pool of technically acceptable offerors. Does this mean that the award will be made to the lowest bidder without regarding to quality, which could result in poor performance by the contractor?

The technical capabilities, experience, and past performance will be evaluated as part of the selection process of the BPA. Contractors awarded BPAs through this best value selection process will be eligible for and may compete on subsequent task order RFQs, including the first task order being concurrently competed by the Naval Sea Systems Command (NAVSEA) to support the services requirement necessitated by the recent OPM background investigation records cyber incident.

Services provided under the BPA are highly commercial in nature and industry has demonstrated significant experience with similar work. Moreover, the requirements for this acquisition, which were identified by an inter-agency, inter-disciplinary group of subject matter experts, reflect stringent requisites for security, privacy, customer response times, and other needs. For example, vendors must comply with privacy standards in the National Institute of Standards and Technology Special Publication (NIST SP) 800-88 and NIST SP 800-171 to demonstrate the highest recognized standards for sanitization or destruction of information.

Given the performance standards and rigorous review of BPA awardees, task orders competed under the BPA need only consider price and/or other delivery or performance requirements unique to the individual task orders. As with all Federal contracts, contractor performance will be closely monitored for compliance with terms and conditions, and the Government has a full range of options available to mitigate any performance issues, such as reducing or withholding payment, poor past performance reviews, and other actions that could result in termination.

Why did you allow for multiple award? How will an affected individual know where to go?

Where recurring needs exist, the FAR has a strong preference for multiple award contracts. In this instance, the requirements of FAR 8.405-3 (for services requiring a statement of work) are being followed for award of the BPAs. Under the BPAs, which are in effect for the next five years, federal agencies will have access to a variety of identity protection services covering both routine protection services that include consumer credit reports, address verification reports, and credit risk assessments; and recovery services involving suspected or actual breaches of sensitive personally identifiable information.

The first task order under the BPA, for services necessitated by the recent OPM background investigation records cyber incident, will be awarded by NAVSEA to one contractor.

How are you going to ensure these vendors protect our personally identifiable information (PII) data? Can't their systems be hacked as well?

The inter-agency, inter-disciplinary group of subject matter experts who drafted the BPA performance standards included security and privacy representatives from the Department of Homeland Security, DoD, FTC, and other agencies. Contractors must demonstrate compliance with NIST privacy and other security requirements as outlined in the performance work statement, provide system security plans (as well as updates to the plans), and support onsite security inspections by the Government at any location where protected information is collected, stored, or used.

How did you calculate the minor children rate? Is this the real number or just a number used to evaluate comparable bids?

As an additional benefit to the impacted individuals, all services will be made available to their dependent minor children, regardless of whether or not they were listed on the impacted individual's forms. Dependent minor children include children under the age of 18 years as of July 1, 2015. The exact number of dependent minor children cannot be determined. To assist in the development of their price quotations, vendors should use information available from the Federal Interagency Forum on Child and Family Statistics (<http://www.childstats.gov>). Based on this data, minor children represent ~23% of the US population; therefore, an estimate for dependent minor children is approximately 6.4 million.

There are several proposed legislative changes that would extend coverage requirements. How will this affect the contract?

The BPAs are being established to provide a flexible contract vehicle that will accommodate legislative or other changes. If the coverage requirements change, the Government will determine at that time how best to address and/or order those

requirements through the BPAs and/or task orders that may be impacted by the change.

How did you come up with the timeframe for notifications?

The Government expects to complete the bulk of notifications within the first weeks of the task order award. However, the Government also recognizes the magnitude of validating current addresses for the 21.5 million impacted. This is further compounded by changes in addresses that could occur around the time of award. Allowing an estimated 12 weeks for notifications will allow the Government the time needed to ensure due diligence in obtaining valid addresses to reach the impacted population.

Why is the Government only offering 3 years of service?

Based on the team's ongoing assessments over time, the Government will provide additional coverage associated with this incident, as needed. Limiting the first task order to 3 years will allow the Government to adapt and provide the most up-to-date services. The 3-year service length (base year plus options) also will allow future policy to reflect new information developed by the interagency group that is being convened to develop, in consultation with stakeholders, a longer-term proposal for Federal employee identity protection.