



Transportation Security Administration

EXPLOSIVE DETECTION SYSTEM QUALIFIED PRODUCTS LIST (EDS QPL)

Overview

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SECTION 1 – QUALIFIED PRODUCTS LIST (QPL) OVERVIEW

1.1 Background

Pursuant to Public Law 107-71, 100% of checked baggage must be screened at all Federalized airports across the United States. The primary method that the Transportation Security Administration (TSA) uses to screen checked baggage are Explosive Detection Systems (EDS). The Electronic Baggage Screening Program (EBSP) tests, procures, deploys, and maintains approximately 1,650 EDS devices actively deployed in the field at approximately 440 U.S. federalized airports across the United States as well as government facilities.

TSA intends to establish a Qualified Products List (QPL) for next generation requirements for EDS to include Type I EDS and Type II EDS. A Type I EDS is integrated with an in-line conveyor infrastructure, providing high baggage throughput and accurate bag tracking. These systems are multiplexed technology (i.e., the capability of linking multiple EDS machines with multiple viewing stations), centralized control room(s), On Screen Resolution capability, multiple baggage inputs, and Checked Baggage Resolution Areas. A Type II EDS is designed to be employed in a stand-alone EDS configuration not connected to a BHS or as a single non-multiplexed EDS integrated with a BHS (mini in-line). Type I and Type II EDS have functional requirements common to both as well as Type-specific requirements.

In order to be added to the QPL, certified systems will likely not need to be re-certified if they are *exactly* the same as when certified. Please refer to the applicable Request for Qualification Verification Package (RFQVP) for more information regarding the required documentation for certified systems.

1.2 Establishment of a Qualification Process

TSA will establish a Qualification Process for EDS in consideration of the requirements of Federal Acquisition Regulation (FAR) 9.202. The Qualification Process is the means by which the performance of products is evaluated against requirements. Only vendors that successfully meet the requirements are added to the QPL.

In creating the Qualification Process, TSA intends to establish and maintain the QPL for EDS with the use of Functional Categories. Accordingly, TSA intends to qualify different variants of EDS which will be designated as a specific Functional Category. With each Functional Category, there may exist specific “Tracks” that account for various Baselines and requirement variants based on intended uses and/or technologies that provide the Functional Category core capabilities. All EDS’ that are proposed to meet the solicited requirements under a specific Functional Category will be required to pass all tests as identified in the Qualification Process. The type of testing required will depend on the needs of TSA for that particular Functional Category. Once qualified, the system will then be added to the EDS QPL.

Successful qualification and placement on a EDS QPL does not guarantee a contract award for EDS, and TSA has no further obligation to a qualified vendor. Once qualified, procurement

decisions will be made as appropriate requirements arise. EDS awards may be made via competition or sole source justification, depending on TSA's requirements and business practices.

1.3 Period of Performance of the QPL

The EDS QPL will remain in effect until it is discontinued by TSA.

1.4 Applicable Regulations

This QPL for EDS and any resulting acquisition(s) are subject to a qualification requirement and are governed by the policies and procedures set forth in FAR Subpart 9.2 - Qualification Requirements.

SECTION 2 – QPL QUALIFICATION PROCESS

2.1 Overview of Qualification Process

The Qualification Process will be conducted as an integral part of Steps 1 - 8 of the overall Qualification Process used by TSA to place approved EDS on the QPL. Each step is discussed in detail starting in paragraph 2.2, but Figure 1 provides an overview of the steps.

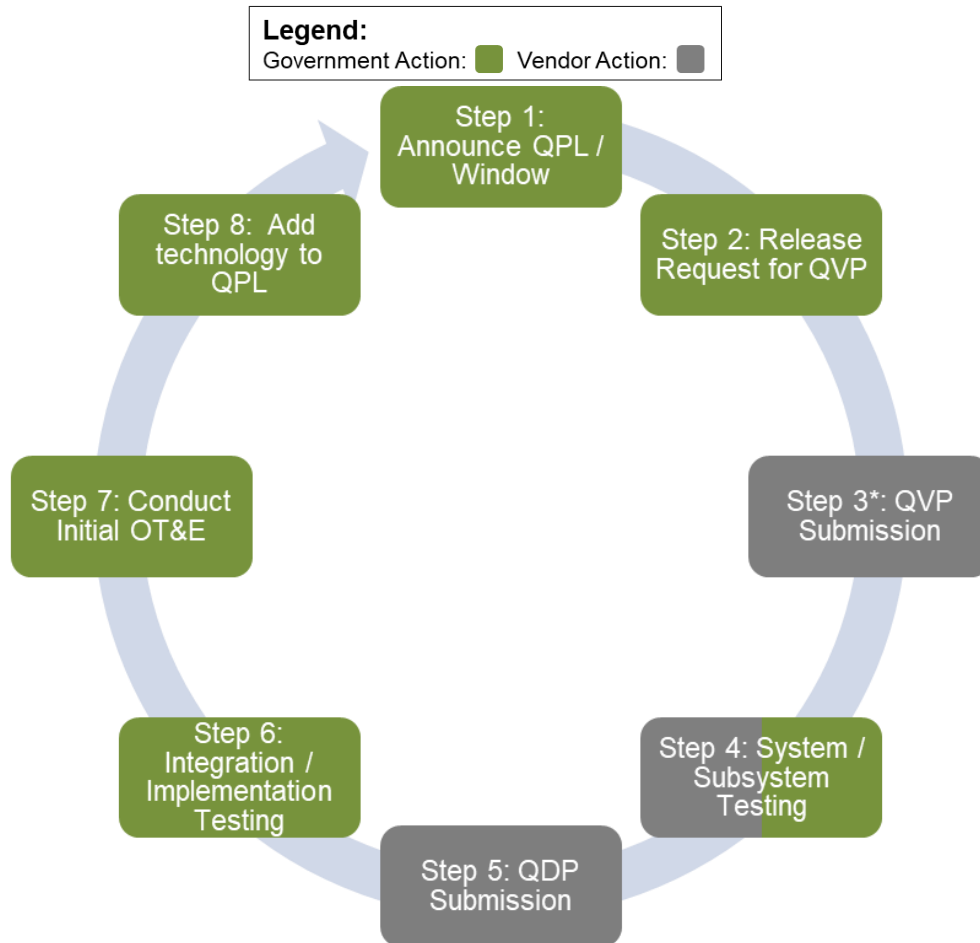


Figure 1. Qualification Process Overview

*Vendors must still submit a TSL Certification Data Package (CDP) per the Checked Baggage Certification Management Plan (DHS/ST/TSL-10/50, June 2010)

2.2 Step 1 – Announce QPL Functional Category/Track/Window

The TSA will announce various EDS requirements by utilizing Functional Categories, Tracks, and Windows. Functional Categories, Tracks and Windows will be posted as an amendment to Federal Business Opportunities (FBO) Announcement 70T04019R9CAP1086. The definition of Functional Categories, Tracks and Windows is provided below starting in paragraph 2.2.1, but Figure 2 provides a notional overview.



Figure 2. QPL Structure

- 2.2.1. **Functional Category** – Functional Categories (synonymously EDS Types) represent the different categories of EDS being sought for qualification under this QPL.

Functional Categories may be open through the life of the EDS QPL or may be closed if TSA makes a determination that there is no longer a need for that EDS system.

A sample list* of known and potential Functional Categories include the following:

- a. Type I – In-Line EDS Configuration
- b. Type II – Stand-Alone and Mini-In-Line EDS Configuration

*The Government reserves the right to change the order and type of system under each Functional Category and/or add additional Functional Categories as needed

- 2.2.2. **Tracks** – Tracks represent the different versions of requirements under a specific Functional Category. TSA intends to open a new Track when the TSA makes significant changes to EDS requirements or the technology changes significantly. Significant changes are defined as any change to functional requirements that must be met for a system to be considered qualified under that Functional Category. In these cases, TSA may close the previous version EDS Track. An unlimited number of Tracks may be opened under a Functional Category.

For example, the Tracks and associated Functional Requirements Documents (FRD) under Functional Category Type II may look like the following (the following is only an example and the Government reserves the right to change the information):

Functional Category – Type II – Stand-alone and Mini-In-Line EDS

- i. EBSF Functional Requirements Document v4.0, Type II, Track 0
- ii. EBSF Functional Requirements Document v4.2, Type II, Track 1
- iii. EBSF Functional Requirements Document v4.5, Type II, Track 2

- 2.2.3. **Windows** – Windows are the periods of time that submissions will be accepted for entry into the Qualification Process. Windows will be opened under a Functional Category/Track to request Qualification Verification Package (QVP) submissions, specifically through a RFQVP.

The RFQVP will provide, at a minimum, the following information:

- a. Functional Category/Track under which the Window is being opened.
- b. Instructions to request and access the applicable requirement document(s) and the Qualification Management Plan (QMP) (see Step 2 for more information)
- c. Time period for which the Window will be open
- d. General Instructions for QVP Submission

Windows are anticipated to be open between 5 months – 1 year to allow for QVP submissions, but the time frame will depend on the complexity of the requirement. An unlimited number of Windows may be opened under a particular Track. Windows will be opened and closed based on TSA determination.

2.3 Step 2 – Release QMP and Requirement Documents

The RFQVP will provide instructions to request and access applicable documents that cannot be released on FBO due to the sensitivity of the information. The following provides a description of the RFQVP documents where access is likely to be restricted:

- 2.3.1. Qualification Management Plan – The QMP will provide, based on the Qualification level required, the following information:
 - a. QVP Evaluation Overview
 - b. Instructions for QVP Submission
 - c. Overview for Certification Testing
 - d. QDP Evaluation Overview
 - e. Instructions for QDP Submission
 - f. Overview for the Qualification Process
 - g. Data Item Descriptions (DID) for Approved Submission Forms
- 2.3.2. Applicable requirement documents include: Functional Requirements Document (FRD), Functional Requirements Matrix (FRM), and Detection Standards.

TSA anticipates that for most Functional Categories, the Functional Requirement Documents and the QMP will be designated as Sensitive Security Information (SSI) and For Official Use Only (FOUO), respectively. In addition, requirement documents may include portions that are designated as Classified. Specific instructions to request and receive the requirements will be provided within the RFQVP, and may include employee vetting and/or the completion of a DD 254.

2.4 Step 3 - Qualification Verification Package Submission

The QVP is the initial vendor submission into the Qualification Process and establishes the system baseline for qualification testing. As stated above, submission instructions for the QVP will be detailed in each Window's RFQVP, and specifically within the QMP. QVPs can be submitted at any time during an open Window period.

TSA will evaluate QVPs as noted within the RFQVP and the QMP. Evaluation of a QVP submission is anticipated to take about four (4) weeks depending on the complexity of the QVP. TSA will provide evaluation results in writing. Verbal discussions of evaluation results may be conducted if determined to be necessary.

After submission, vendors must coordinate with and gain approval from TSA or receive a specific request by the TSA prior to making any changes to a submitted QVP. After the Window closes, vendors will have to wait until the next Window is opened to resubmit or make changes to their QVP. It is in the vendor's best interest to submit a complete QVP as early as possible in the Window to allow time to fix any problems.

2.5 Overview of Qualification Process

The Qualification Process is the means by which systems are proposed by Original Equipment Manufacturers and its performance evaluated against requirements. Only those systems that successfully meet the requirements will be accepted onto the QPL.

Figure 3 identifies the various activities, sequencing and actions that make up the EDS CP2 Qualification Process.

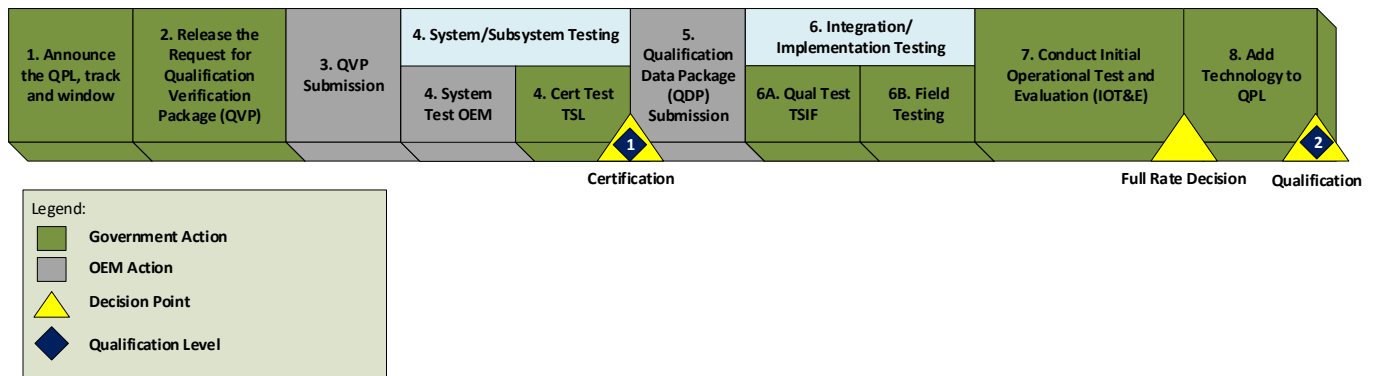


Figure 3. EBS P CP2 Qualification Process

2.6 Step 4 – System / Subsystem Testing

System / Subsystem Testing is the type of testing which verifies that the System Under Test (SUT) meets all technical requirements. System / Subsystem Testing is generally any testing used to assist in the development and maturation of products, product elements, manufacturing or support processes, any engineering-type test used to verify status of technical progress, verify that design risks are minimized, substantiate achievement of contract technical performance, or support readiness for Initial Operational Test and Evaluation (IOT&E). System / Subsystem Testing events require instrumentation and measurements and are accomplished by engineers, technicians, or operator-maintainer test personnel in a controlled environment to facilitate failure analysis. System / Subsystem Testing may be comprised of the two following test events:

- 2.6.1. **Step 4A – System Test by Vendor** – Testing conducted to verify that the system meets technical requirements defined in the QMP. This testing event will determine the maturity of the system design to meet the TSA FRD requirements and will be used to determine system readiness to proceed into future Qualification Testing. This testing will be performed at the vendor facilities and/or a third party test organization facility at the vendor's responsibility.
- 2.6.2. **Step 4B – Certification Test by TSL** – Testing includes independent testing and evaluation of explosives detection equipment. The results inform a Program Manager certification that the equipment has met the detection requirements. This testing event includes evaluating the Probability of Detection (P_D) against defined threats and system Probability of False Alarm (P_{FA}) in comparison to the detection standard.

Testing will be conducted at the Transportation Security Laboratory (TSL). The Government may limit the number of certification testing rounds. Successful completion of this testing results in a TSA Certification Memorandum which identifies the approved system configuration.

2.7 Step 5 – Qualification Data Package Submission

The QDP is the second vendor submission in the Qualification Process and establishes the system baseline for Integration / Implementation Testing based on the results and findings from Step 4. Submission instructions for the QDP will be detailed in each Window's RFQVP, and specifically within the QMP. QDPs will be expected to be submitted within a reasonable time following QVP approval and receipt of Certification Letter from Certification Testing as detailed in the RFQVP.

After submission, vendors must coordinate with and gain approval from TSA or receive a specific request by the TSA prior to making any changes to a submitted QDP. TSA will evaluate QDPs as noted within the RFQVP and the QMP. Evaluation of a QDP submission is anticipated to take up to three (3) months, depending on the complexity of the QDP. TSA will provide evaluation results in writing. Verbal discussions of evaluation results may be conducted if determined to be necessary. The Government may limit the number of QDP submissions.

2.8 Step 6 – Integration/ Implementation Testing

The goals of Integration / Implementation Testing are to: 1) ensure the system is ready to proceed into the field for live operations, 2) assess and reduce the risk of an unsuccessful IOT&E, and 3) confirm the system will not pose any operations or security risks. Integration / Implementation Testing will be tailored for each SUT and will include early user in the loop events, system endurance tests integrated at an operational field site and an assessment of performance in full operations prior to the conduct of IOT&E. Integration / Implementation Testing may be comprised of the two following test events and, if both events are required, are intended to be conducted in series.

2.8.1. Step 6A – Qualification Testing – Qualification Testing verifies the design and manufacturing process. This testing event confirms the integrity of the system design over the operational and environmental range. Qualification Testing is conducted at the unit, subsystem, and system level on production items and is completed before the production decision. The results of these tests are a critical factor in assessing the systems readiness for production or fielding. Testing will be conducted at TSA's Transportation Security Integration Facility (TSIF). The Government may limit the number of Qualification Testing rounds. Examples of the tests measures used in this test event include:

- a. Technical performance including effectiveness
- b. Reliability
- c. Availability
- d. Maintainability
- e. Compatibility
- f. Interoperability
- g. Cybersecurity

- h. Safety
- i. Supportability
- j. HSI (early user in the loop)
- k. Standard Operating Procedure verification

2.8.2. **Step 6B – Field Testing** – Field testing is conducted in the operationally realistic environment prior to IOT&E and is used to ensure the SUT is installed, integrated and ready to proceed to IOT&E. This testing event allows for one last Developmental Test checkpoint prior to IOT&E to ensure successful Operational Test outcome. Testing will be conducted at the operation field site identified by the DHS. The Government may limit the number of Field Testing rounds. Field Testing objectives include:

- a. Further system performance verification that cannot be fully verified in the operationally-representative (TSIF) environment
- b. Follow-on integration testing in an operationally-realistic environment to ensure the system and system of systems are functioning properly
- c. Dry run the IOT&E efforts to identify performance shortfalls and to ensure the highest chance of IOT&E success
- d. Conduct Hazards and Environmental Safety and Occupational Health trials in the operationally realistic environment to verify system safety analysis done during Qualification Testing (Subset of Occupational Safety Health, and Environment testing from TSIF)
- e. Component Standard Operating Procedures (SOP) and training evaluation
 - i. Conduct SOP evaluations to ensure the SOP is correct for IOT&E
 - ii. Training verification to reduce the “learning curve” and ensure adherence to the SOP during IOT&E

2.9 Step 7 – Initial Operational Test and Evaluation (IOT&E)

IOT&E is the type of testing which validates that the SUT meets all operational requirements and intended uses. IOT&E is generally used to inform the acquisition decision for products, product elements, system and system of systems, to validate that system and operations risks are minimized, and certify that the system is effective and suitable. IOT&E is conducted using properly trained user operators in an uncontrolled operational environment.

2.9.1. **Initial Operational Test and Evaluation (IOT&E)** - IOT&E is the final dedicated phase of testing preceding a full-rate production decision. It is the final evaluation of production representative test articles and uses typical operational scenarios that are as realistic as possible. The Government may limit the number of IOT&E testing events. IOT&E is conducted by the Operational Test Agent, independent of the contractor, Program Management Office, or developing agency and is conducted to:

- a. Estimate system operational effectiveness and suitability
- b. Identify operational deficiencies
- c. Evaluate changes in production configuration

- d. Evaluate system capability against currently deployed capability to validate system utility
- e. Provide information for developing and refining logistics support requirements for the system, training, and SOP
- f. Provide information to refine Operations and Support (O&S) cost estimates and identify system characteristics or deficiencies that can significantly impact O&S costs
- g. Determine whether the technical publications and support equipment are adequate in the operational environment

2.10 Step 8 - Add Technology to QPL

Once a system passes testing as required by the level of qualification as defined in the QMP and the system receives a favorable production decision, as defined in the latest version of the DHS Instruction 102-01-001 Acquisition Management Instruction, the vendor's systems will be added to the EDS QPL. The EDS QPL will be posted on FBO in writing by the Contracting Officer. In addition, the QPL serves as the official record of system qualification. The EDS QPL will detail the qualified systems under each specific Functional Category and each specific Track. No contract will be awarded for the qualification of a system. Please see Section 3 for requirements to continue to remain on the EDS QPL.

2.11 Competing Procurement Contracts

When a need is identified, TSA Contracting Officers may solicit, compete, and award contracts under specific QPL Functional Categories / Tracks. All qualified vendors under a given Functional Category / Track will be given the opportunity to compete unless a specific justification is provided. Per FAR 9.206-1, TSA may use pre-solicitation notices in appropriate cases to advise potential vendors before issuing solicitations. TSA requirements will be competed in accordance with FAR Part 12 – Commercial Items. TSA may solicit, under one contract procurement, the products and services that support the deployment of a EDS system - such as but not limited to Shipping, Installation, Training, Warranty/ Maintenance, and other necessary Deliverables. The Government is not required to delay a proposed award in order to provide a potential vendor with an opportunity to demonstrate its ability to meet the standards, even if the vendor has been accepted into the qualification testing process.

2.12 Criteria for a New Functional Category, Track, or Window

If TSA determines a capability gap that needs to be filled, has the need for advancement in technology, and/or makes significant changes to EDS requirements, a new Functional Category, Track and/or Window may be opened to allow for the qualification of a new or upgraded system. Significant changes are defined as any change to functional requirements that must be met for a system to be considered qualified under that Functional Category. Additionally, TSA reserves the right to open a Window under an already established Functional Category/Track.

There will be no guaranteed funding provided to the vendors on the QPL to meet new requirements. If changes to the systems require additional testing to ensure the system is still qualified, vendors will follow the testing process as defined within the QPL Functional Category/Track/Window, specifically as stated within the RFQVP.

SECTION 3 – QUALIFICATION REQUIREMENTS

Once qualified (passes all required steps above), a vendor's submitted system will be added to the EDS QPL as posted on FBO. To continue to remain qualified and for the system to remain on the EDS QPL, the qualified vendor shall complete the following tasks. Removal from the EDS QPL will be in accordance with FAR 9.207 (b).

3.1 Deliverables

Upon being added to the EDS QPL, qualified vendors shall submit the following deliverables via e-mail to the Contracting Officer, in accordance with the duration listed below.

Table 1. Qualification Requirement Deliverables

Document Number	Deliverable Title	Description Reference	Duration
1	SSI Training Completion Deliverable	Paragraph 3.1.1	No Later Than (NLT) thirty (30) business days after being added to the QPL and NLT ten (10) business days for any new individual added per Paragraph 3.1.1.
2	SSI Compliance Deliverable	Paragraph 3.1.2	Every 60 days upon receipt of SSI Information
3	Master Component Items List (MCIL) with cost breakdown	Paragraph 3.1.3.	NLT ten (10) business days after being added to the QPL and NLT five (5) business days after approval of any change request

3.1.1. SSI Training Completion Deliverable – No Later Than (NLT) thirty (30) business days after being added to the QPL, all individuals associated with the QPL, all individuals issued requirement documents under the EDS QPL, and/or all individuals associated with the configuration management of the qualified system shall be required to be vetted (as stated within the applicable Window) and shall take TSA SSI training. This training will be provided to the qualified vendor either electronically or via CD. The deliverable shall include a list of names who have completed the training and the date that the training was completed and shall be submitted to the Contracting Officer. Any individuals added after the initial deliverable is submitted will be required to be vetted in accordance with the process stated within the applicable Window. NLT ten (10) business days after vetting is completed, the individual shall take the TSA SSI training and the vendor shall update the SSI training completion deliverable.

3.1.2. SSI Compliance Document – Under a particular Window, vendors will have designated a single, Senior Corporate Official who will serve as the single point of

contact for sensitive information. This individual must apply 5 USC 552, 49 CFR Parts 15 and 1520 and must certify that all appropriate protections will be followed, only authorized individuals will have access to the sensitive information, and that those individuals adequately understand their responsibilities to protect the information.

While being on the QPL, this official must also certify to the Contracting Officer every 60 days that all appropriate protections have been followed, only authorized individuals have access to the sensitive information, and that those individuals with access adequately understand their responsibilities to protect the information. This official must also ensure that the Contracting Officer is notified of staffing changes or circumstances in which individuals no longer need access to the information.

- 3.1.3. **Master Component Items List (MCIL)** – Upon being added to the EDS QPL, qualified vendors shall submit a MCIL with a cost breakdown to the Contracting Officer.

The MCIL establishes and maintains the definitive, current basis for control and status accounting of a system and its designated hardware, software, and firmware Configuration Items (CIs) throughout its lifecycle. This information is needed to manage and support those items during their lifecycle.

The MCIL shall identify all CIs. All system CIs shall be listed to the Line Replaceable Unit (LRU) level, software to the version level and shall be uniquely identified. LRU is defined as an essential support item removed and replaced at field level to restore an end item to an operationally ready condition. The LRU is to be defined at the lowest level possible that can be troubleshot and corrected in the field.

Specifically, this document shall include the following information for each CI.

- i. Part Number;
- ii. Revision/Version;
- iii. Description;
- iv. Date/Time Added;
- v. Date/Time Removed;
- vi. Part/Vendor/manufacture;
- vii. Cost

The Master Configuration Item List (MCIL) provides definition of the approved product configuration. As a part is changed by an approved change request, the part number will be changed with a removal and add date and time and the revised MCIL shall be submitted to the Contracting Officer within 5 business days of the change. A template will be provided to each qualified vendor upon being added to the EDS QPL.

3.2 Configuration Change Management Overview

The following defines the three types of configuration changes that may occur under this EDS QPL.

- 3.2.1. Configuration Change Management during Testing: If a change to the system is necessary during the testing process (i.e. a change to any CIs and/or software versions), the vendor shall follow the configuration management process defined within the Functional Category's applicable QMP.
- 3.2.2. Configuration Change Management After Qualification: Upon being added to the QPL, qualified vendors are subject to FAR 9.207. Therefore, if a change to the system is necessary after the system is added to the QPL, for example a change to any Configuration Items (CIs) due to discontinuation (see FAR 9.207(a)(4)), vendors will be required to follow the configuration change management process defined in the Configuration Management Plan (CMP). This document will be provided upon being placed on the QPL. At a minimum, the vendor will be responsible for developing Engineering Change Proposals (ECP) and coordinating them with the Government Configuration Control Board (CCB) as defined in the provided CMP.
- 3.2.3. Configuration Change Management After Contract Award/Deployment: The change management process for deployed systems will be defined within the applicable RFQVP and/or subsequent award.

SECTION 4 – APPLICABLE QPL CLAUSES

4.1 FAR 52.209-1 -- Qualification Requirements (Feb 1995)

(a) *Definition.* "Qualification requirement," as used in this clause, means a Government requirement for testing or other quality assurance demonstration that must be completed before award.

(b) One or more qualification requirements apply to the supplies or services covered by this contract. For those supplies or services requiring qualification, whether the covered product or service is an end item under this contract or simply a component of an end item, the product, manufacturer, or source must have demonstrated that it meets the standards prescribed for qualification before award of this contract. The product, manufacturer, or source must be qualified at the time of award whether or not the name of the product, manufacturer, or source is actually included on a qualified products list, qualified manufacturers list, or qualified bidders list. Offerors should contact the agency activity designated below to obtain all requirements that they or their products or services, or their subcontractors or their products or services, must satisfy to become qualified and to arrange for an opportunity to demonstrate their abilities to meet the standards specified for qualification.

(Name) Transportation Security Administration

(Address) 601 S. 12th Street, Arlington, VA 20598

(c) If an offeror, manufacturer, source, product or service covered by a qualification requirement has already met the standards specified, the relevant information noted below should be provided.

Offeror's Name _____

Manufacturer's Name _____

Source's Name _____

Item Name _____

Service Identification _____

Test Number _____ (to the extent known)

(d) Even though a product or service subject to a qualification requirement is not itself an end item under this contract, the product, manufacturer, or source must nevertheless be qualified at the time of award of this contract. This is necessary whether the Contractor or a subcontractor will ultimately provide the product or service in question. If, after award, the Contracting Officer discovers that an applicable qualification requirement was not in fact met at the time of award, the Contracting Officer may either terminate this contract for default or allow performance to continue if adequate consideration is offered and the action is determined to be otherwise in the Government's best interests.

(e) If an offeror, manufacturer, source, product or service has met the qualification requirement but is not yet on a qualified products list, qualified manufacturers list, or qualified bidders list, the offeror must submit evidence of qualification prior to award of this contract. Unless determined to be in the Government's interest, award of this contract shall not be delayed to permit an offeror to submit evidence of qualification.

(f) Any change in location or ownership of the plant where a previously qualified product or service was manufactured or performed requires reevaluation of the qualification. Similarly, any change in location or ownership of a previously qualified manufacturer or source requires reevaluation of the qualification. The reevaluation must be accomplished before the date of award.

(End of Clause)

4.2 FAR 52.225-1 Buy American-Supplies (May 2014)

(a) Definitions. As used in this clause-

“Commercially available off-the-shelf (COTS) item”-

(1) Means any item of supply (including construction material) that is-

- (i) A commercial item (as defined in paragraph (1) of the definition at FAR 2.101);
- (ii) Sold in substantial quantities in the commercial marketplace; and
- (iii) Offered to the Government, under a contract or subcontract at any tier, without modification, in the same form in which it is sold in the commercial marketplace; and

(2) Does not include bulk cargo, as defined in 46 U.S.C. 40102(4), such as agricultural products and petroleum products.

“Component” means an article, material, or supply incorporated directly into an end product.

“Cost of components” means-

(3) For components purchased by the Contractor, the acquisition cost, including transportation costs to the place of incorporation into the end product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(4) For components manufactured by the Contractor, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (1) of this definition, plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the end product.

“Domestic end product” means-

- (1) An unmanufactured end product mined or produced in the United States;
- (2) An end product manufactured in the United States, if-

- (i) The cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. Components of foreign origin of the same class or kind as those that the agency determines are not mined, produced, or manufactured in sufficient and reasonably available commercial quantities of a satisfactory quality are treated as domestic. Scrap generated, collected, and prepared for processing in the United States is considered domestic; or

- (ii) The end product is a COTS item.

“End product” means those articles, materials, and supplies to be acquired under the contract for public use.

“Foreign end product” means an end product other than a domestic end product.

“United States” means the 50 States, the District of Columbia, and outlying areas.

(b) 41 U.S.C. chapter 83, Buy American, provides a preference for domestic end products for supplies acquired for use in the United States. In accordance with 41 U.S.C. 1907, the component test of the Buy American statute is waived for an end product that is a COTS item (See 12.505(a)(1)).

(c) Offerors may obtain from the Contracting Officer a list of foreign articles that the Contracting Officer will treat as domestic for this contract.

(d) The Contractor shall deliver only domestic end products except to the extent that it specified delivery of foreign end products in the provision of the solicitation entitled "Buy American Certificate."

(End of clause)

4.3 FAR 52.225-2 Buy American Certificate (May 2014)

(a) The offeror certifies that each end product, except those listed in paragraph (b) of this provision, is a domestic end product and that for other than COTS items, the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The offeror shall list as foreign end products those end products manufactured in the United States that do not qualify as domestic end products, i.e., an end product that is not a COTS item and does not meet the component test in paragraph (2) of the definition of "domestic end product." The terms "commercially available off-the-shelf (COTS) item," "component," "domestic end product," "end product," "foreign end product," and "United States" are defined in the clause of this solicitation entitled "Buy American-Supplies."

(b) Foreign End Products:

Line Item No.	Country of Origin
_____	_____
_____	_____
_____	_____

[List as necessary]

(c) The Government will evaluate offers in accordance with the policies and procedures of [Part 25](#) of the Federal Acquisition Regulation.

(End of provision)

4.4 FAR 52.225-5 Trade Agreements (Aug 2018)

(a) *Definitions.* As used in this clause --

“Caribbean Basin country end product”

(1) Means an article that—

(i)

(A) Is wholly the growth, product, or manufacture of a Caribbean Basin country; or

(B) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a Caribbean Basin country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed; and

(ii) Is not excluded from duty-free treatment for Caribbean countries under 19 U.S.C. 2703(b).

(A) For this reason, the following articles are not Caribbean Basin country end products:

(1) Tuna, prepared or preserved in any manner in airtight containers;

(2) Petroleum, or any product derived from petroleum;

(3) Watches and watch parts (including cases, bracelets, and straps) of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material that is the product of any country to which the Harmonized Tariff Schedule of the United States (HTSUS) column 2 rates of duty apply (*i.e.*, Afghanistan, Cuba, Laos, North Korea, and Vietnam); and

(4) Certain of the following: textiles and apparel articles; footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel; or handloomed, handmade, and folklore articles;

(B) Access to the HTSUS to determine duty-free status of articles of these types is available at <https://usitc.gov/tata/hts/index.htm>. In particular, see the following:

(1) General Note 3(c), Products Eligible for Special Tariff treatment.

(2) General Note 17, Products of Countries Designated as Beneficiary Countries under the United States—Caribbean Basin Trade Partnership Act of 2000.

(3) Section XXII, Chapter 98, Subchapter II Articles Exported and Returned, Advanced or Improved Abroad, U.S. Note 7(b).

(4) Section XXII, Chapter 98, Subchapter XX Goods Eligible for Special Tariff Benefits under the United States—Caribbean Basin Trade Partnership Act; and

(2) Refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the acquisition, includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

“Designated country” means any of the following countries:

(1) A World Trade Organization Government Procurement Agreement (WTO GPA) country (Armenia, Aruba, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Taiwan (known in the World Trade Organization as “the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei)”), Ukraine, or United Kingdom);

(2) A Free Trade Agreement (FTA) country (Australia, Bahrain, Canada, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Korea (Republic of), Mexico, Morocco, Nicaragua, Oman, Panama, Peru, or Singapore);

(3) A least developed country (Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Laos, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Nepal, Niger, Rwanda, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, South Sudan, Tanzania, Timor-Leste, Togo, Tuvalu, Uganda, Vanuatu, Yemen, or Zambia); or

(4) A Caribbean Basin country (Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Bonaire, British Virgin Islands, Curacao, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saba, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Sint Eustatius, Sint Maarten, or Trinidad and Tobago).

“Designated country end product” means a WTO GPA country end product, an FTA country end product, a least developed country end product, or a Caribbean Basin country end product.

“End product” means those articles, materials, and supplies to be acquired under the contract for public use.

“Free Trade Agreement country end product” means an article that--

(1) Is wholly the growth, product, or manufacture of a Free Trade Agreement (FTA) country; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in an FTA country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

“Least developed country end product” means an article that--

(1) Is wholly the growth, product, or manufacture of a least developed country; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a least developed country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product, includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

“United States” means the 50 States, the District of Columbia, and outlying areas.

“U.S.-made end product” means an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

“WTO GPA country end product” means an article that--

(1) Is wholly the growth, product, or manufacture of a WTO GPA country; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a WTO GPA country into a new and different article of commerce with a name, character, or use distinct from that of the

article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services, (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

(b) *Delivery of end products.* The Contracting Officer has determined that the WTO GPA and FTAs apply to this acquisition. Unless otherwise specified, these trade agreements apply to all items in the Schedule. The Contractor shall deliver under this contract only U.S.-made or designated country end products except to the extent that, in its offer, it specified delivery of other end products in the provision entitled "Trade Agreements Certificate."

(End of clause)

4.5 FAR 52.225-6 Trade Agreements Certificate. (May 2014)

(a) The offeror certifies that each end product, except those listed in paragraph (b) of this provision, is a U.S.-made or designated country end product, as defined in the clause of this solicitation entitled "Trade Agreements."

(b) The offeror shall list as other end products those supplies that are not U.S.-made or designated country end products.

Other End Products:

Line Item No.	Country of Origin
_____	_____
_____	_____
_____	_____

[List as necessary]

(c) The Government will evaluate offers in accordance with the policies and procedures of [Part 25](#) of the Federal Acquisition Regulation. For line items covered by the WTO GPA, the Government will evaluate offers of U.S.-made or designated country end products without regard to the restrictions of the Buy American statute. The Government will consider for award only offers of U.S.-made or designated country end products unless the Contracting Officer determines that there are no offers for such products or that the offers for those products are insufficient to fulfill the requirements of this solicitation.

(End of provision)

4.6 TSA 5200.204.004 Requirements and Duties for Handling Sensitive Security Information (SSI) (SEP 2018)

Pursuant to 49 U.S.C. § 114(r), *Sensitive Security Information* and *Nondisclosure of Security Activities*, Sensitive Security Information (SSI) is a category of sensitive but unclassified (SBU) information that must be protected because it is information that, if publicly released, would be detrimental to the security of transportation. Under 49 Code of Federal Regulations Part 1520.5(a), the SSI Regulation also provides additional reasons for protecting information as SSI beyond the condition that the release of the information would be detrimental to the security of transportation. TSA, however, primarily uses the criterion of “detrimental to the security of transportation” when determining whether information is SSI.

Title 49 of the Code of Federal Regulations, Part 1520 defines the scope, categorization, handling requirements and disposition of information deemed SSI is the 49 C.F.R. Part 1520 (<http://ecfr.gpoaccess.gov/>). Persons authorized to access specific SSI (i.e., covered persons) include those contracted to DHS or TSA with a need-to-know basis for specific information in the course of fulfilling their TSA contractual obligations. TSA may deliver SSI materials to the Contractor. Also, materials created by the Contractor may require SSI designation and protection, and the Contractor has the responsibility to identify such materials to TSA as possible SSI. For guidance while working on TSA and DHS matters, see the TSA SSI Application Guide, 2011_04_01 for identifying the type of information covered by the regulation.

For purposes of this clause, the term “Contractor” shall include an individual or other legal entity who performs work for or on behalf of TSA or DHS under a contract, interagency agreement, or other transaction agreement. Such contracts include, but are not limited to, contracts between any non-Federal entity and/or TSA or DHS and subcontracts, joint venture agreements, and teaming agreements between any non-Federal entity and another non-Federal entity to perform work related to the primary contract with the TSA or DHS.

While SSI is not classified national security information subject to the handling requirements governing classified information, it is subject to certain legal disclosure limitations. To ensure regulatory compliance, the Contractor shall be subject to the following requirements and include this entire clause as flow-down in subcontracts, etc.:

- (a) **Handling and Safeguarding.** The TSA Contractor shall safeguard and handle any SSI in accordance with the policies and procedures outlined in 49 C.F.R. Part 1520, as well as the DHS and TSA policies and procedures for handling and safeguarding SSI. These safeguarding procedures shall include SSI recognition, identification and marking of materials that possibly contain SSI, including Contractor-created materials, as well as following restrictions on disclosure, storage, handling, sharing, dissemination and destruction of SSI. The Contractor, without exception, shall place this requirement in all subcontracts, joint venture agreements, and teaming agreements related to the performance of this contract.
- (b) **Non-Disclosure Agreements (NDAs).** (DHS Form 11000-6, NDAs are required to be signed by all Contractor personnel when access to SSI is necessary for performance of the

contract. By signing the NDA, the recipient certifies in writing that they will take the necessary steps to prevent the unauthorized disclosure and use of information.

- (c) **Request for Access to SSI materials.** Pursuant to 49 C.F.R. Part 1520.9(a)(3), the Contractor must contact SSI@tsa.dhs.gov for guidance on handling requests to access to SSI (before using SSI materials) for any other purpose besides activities falling within the scope of the contract by other persons, including requests from experts, consultants, and legal counsel (“requesters”) hired by the Contractor. The Contractor shall include the Contracting Officer (CO) and Contracting Officer Representative (COR) as a carbon copy “cc” recipient of its contact to SSI@tsa.dhs.gov. The TSA SSI Office must first make a determination as to whether the requesters are a “covered person” with a “need to know” under 49 C.F.R. Parts 1520.7 and 1520.11. Special request processing and handling requirements apply to contractor employees who may be foreign nationals. The Contractor must clearly identify any employees who are not US citizens who are otherwise requested to have access to SSI; the requirements of TSA Management Directive 2810.3 “Management of Foreign Access to Sensitive Information” apply.
- (d) **Training and Certification.** All Contractor personnel who are covered persons with a need-to-know basis must complete the TSA-mandated SSI Awareness Training course prior to accessing SSI, and on an annual basis for the duration of the contract or for the duration of the requester’s need for access to SSI, whichever is later. Contractor personnel must also review and adhere to the [SSI Quick Reference Guide for DHS Employees and Contractors](#). The Contractor shall certify to the Contracting Officer annually that all covered persons have completed the mandated SSI training, that all SSI policies and procedures have been followed, and that those individuals with access understand their responsibilities to protect the information.
- (e) **Breach.** In accordance with 49 C.F.R. Part 1520.9(c), the Contractor agrees that in the event of any actual or suspected breach of SSI (i.e., loss of control, compromise, unauthorized disclosure, access for an unauthorized purpose, or other unauthorized access, whether physical or electronic), the Contractor shall immediately, and in no event later than one hour of discovery, report the breach to the Contracting Officer and the COR. The Contractor is responsible for positively verifying that notification is received and acknowledged by at least one of the foregoing Government officials.

In the event that an SSI breach occurs as a result of the violation of a term of this contract by the Contractor or its employees, or the Contractor’s covered persons, the Contractor shall, as directed by the Contracting Officer and at no cost to the Government, without delay correct or mitigate the violation.

For unauthorized disclosure of SSI, the Contractor and Contractor's employees and Contractor’s covered persons may also be subject to civil penalties and other consequences as set forth in 49 CFR Part 1520.17.

(End of term)

4.7 TSA 5200.224.002 Controlled Unclassified Information Data Privacy and Protection (DEC 2015)

The Contractor shall be responsible for the security of: i) all data that is generated by the contractor on behalf of the Government ii) Government data transmitted by the contractor, and iii) Government data otherwise stored or processed by the contractor, regardless of who owns or controls the underlying systems while that data is under the contractor's control. All Government data, including but not limited to Personal Identifiable Information (PII), Sensitive Security Information (SSI), and Sensitive But Unclassified (SBU), and/or Critical Infrastructure Information (CII), shall be protected according to Department of Homeland Security information security policies and mandates.

At the expiration of the contract, the contractor shall return all Government information and IT resources provided to the contractor during the contract.

The contractor must satisfy requirements to work with and safeguard Sensitive Security Information (SSI), and Personally Identifiable Information (PII). All support personnel must understand and rigorously follow all applicable DHS Component Agency's requirements, policies, and procedures for safeguarding SSI and PII. Contractor personnel will be required to complete online training for SSI, Informational Security and Privacy training, if required by the DHS Component Agency

The Contractor, and those operating on its behalf, shall adhere to the requirements of the non-disclosure agreement unless authorized in writing by the Contracting Officer.

The Government will identify IT systems transmitting unclassified/SSI information that will require protection based on a risk assessment as applicable. If encryption is required, the following methods are acceptable for encrypting sensitive information:

- a. Products Advanced Encryption Standard (AES) algorithms that have been validated under FIPS 140-2.
- b. National Security Agency (NSA) Type 2 or Type 1 encryption.
- c. Public Key Infrastructure (PKI) (see paragraph 5.5.2.1 of the Department of Homeland Security (DHS) IT Security Program Handbook (DHS Management Directive (MD) 4300A) for Sensitive Systems).

The contractor shall maintain data control according to the applicable DHS Component Agency's security level of the data. Data separation will include the use of discretionary access control methods, VPN encryption methods, data aggregation controls, data tagging, media marking, backup actions, and data disaster planning and recovery. Contractors handling PII must comply with TSA MD 3700.4 if applicable.

Users of Government IT assets shall adhere to all system security requirements to ensure the confidentiality, integrity, availability, and non-repudiation of information under their control. All users accessing Government IT assets are expected to actively apply the practices specified in the

TSA Information Technology Security Policy (ITSP) Handbook, Chapter 3, Section 6, Privacy and Acceptable Use, or similar DHS Component Agency's guidance or policy.

The contractor shall comply with the all data disposition requirements stated in the applicable DHS Component Agency's Information Security Policy. For all TSA orders the contractor shall comply with Information Security Policy Handbook Chapter 3, Section 17 Computer Data Storage Disposition, as well as TSA Management Directive 3700.4.

(End of term)

(End of Overview)