

CIC Attendees

Government	Industry
Steve Harnig	Manny Lovgren (Orbis)
Kelly Cannady	Mark Miller (Chugach)
Allison Huber	Peter Woodhull (Modus21)
Sheela Casper	Ed Cheron (LATG)*
Audrey Orvin	Tad Walls (BAH)
Jesse Seaton	
Todd Rollins	
Andrew Lucas*	
John O'Connor*	
Michelle DeForest	
Kristy Penninger*	
Jee Youn Fickling*	
Michaela Judge*	
Larry Collette*	
Steve Ghiringhelli*	

*Attended via Microsoft Teams

Opening Remarks

Steve kicked off the meeting and welcomed all attendees. Today’s meeting was held at the BAH facility and we had a very good in-person turnout.

Routine Discussion Topics

Discussion Topic 1 – Communication Challenges

Michaela Judge, Larry Collette, and Steve Ghiringhelli, from NIWC Atlantic’s Public Affairs Office (PAO), joined today’s session to introduce a new NIWC Atlantic public-facing Industry-oriented website. Ms. Judge asks that Industry provide feedback on site contents and note any potential missing information.

Mr. Collette provided a brief introduction to the new website, and asks that CIC members review the site and provide feedback (<https://www.niwcatlantic.navy.mil/>). In addition to the new website, PAO is also establishing a web application. NIWC Atlantic is seeking feedback on both the website and the new mobile app. Access the mobile app mockup here: [OneNavwar \(adobe.com\)](#). PAO functional mailbox: niwc_lant_ch_pao.fct@us.navy.mil

Mr. Ghiringhelli provided a brief overview of the Palmetto Tech Bridge, which is basically an outreach arm of NIWC Atlantic. The Tech Bridge does not have funding authority and is more of a collaboration network intended to encourage conversations between NIWC Atlantic and technology developers in the commercial and academic arenas. Best way to connect is through LinkedIn site, search for NavalX Palmetto Tech Bridge (<https://www.linkedin.com/company/navalx-mid-atlantic-tech-bridge>), or search for Erik Gardner by name. Link to Tech Bridge site here: <https://www.niwcatlantic.navy.mil/palmetto-tech-bridge/>

Discussion Topic 2 – Process and Tools (Best Practices, and Training/Education of Industrial Base)

Allison Huber gave a quick update on CMMC. Stated things are continuing to evolve; difficult to know what the ultimate state is going to be until DFARS rules are final. She has heard the DFARS rule anticipated to get to the CMMC 2.0 model should be coming out any time (November/December). Also, two proposed rules related to Cyber Threat and Incident Reporting and Information Sharing (FAR Case 2021-017) and Standardization of Cybersecurity Requirements for Unclassified Federal Information Systems (FAR Case 2021-019) recently issued. Both are FAR rules, thus not specific only to DoD. Industry feedback has been crucial in informing the entities shaping the rules. Both still open for public comment until beginning of December. We want to make sure the dialogue is ongoing until the October 2025 CMMC full implementation date so we do not have any Govt. projects that experience gaps due to current or prospective vendors not being certified at the level required for that contract.

Steve mentioned that there has not been a lot of information coming out over the last year or so. Damon Shivvers briefed yesterday at the Contracts Strategy Steering Committee meeting, and encouraged contractors to make progress now, look for gaps in their processes. Requirements owners will be determining CMMC levels in future solicitations.

Allison addressed concern regarding impact of the new CMMC rules for 1099 contractors. Damon has been communicating with CMMC communities at both DoN and DoD levels, and has taken the question to these groups, but has not received an authoritative answer to date.

Discussion Topic 3 – Barriers to Entry and How to Address

Standard labor categories and shift to eCRAFT. Michelle DeForest provided an update on potential impact of the DON CIO memo dated 4 May 2023 and MACE Act, which are both specific to the cybersecurity workforce. DoDM 8140 replaced DoDM 8570 and is currently in place for government personnel. Michelle receives multiple questions from tech codes and contractors as to when 8140 will be relevant for contract services, but currently waiting for DoD CIO to come out with DFARS that will instruct contractors to follow 8140 manual. She stated there are supposedly a lot more positions and allowances made for education and experience in the new manual. Unsure when 8140 will become effective for contractors. The current PWS language addresses that a contractor is responsible for adhering to 8570 and its subsequent replacement manual 8140 prior to accessing DoD information systems.

The MACE Act is currently still a bill, awaiting Senate approval. Michelle stated eCRAFT labor categories are set up to allow for flexibility, and eCRAFT is not restrictive in education degree requirements for cybersecurity workforce as long as the training and certification requirements are met.

NIWC Atlantic's labor categories/requirements are still being refined in anticipation of transition to eCRAFT. Intent is to get rid of the "middle document" that NIWC Atlantic manages, which is a cross-walk of experience. Establishing business rules and internal processes to build contracts/requirements within eCRAFT is still in process. eCRAFT requirements are more liberal to adherence since the requirements are cited as "typical" vs "minimal." Michelle is still working with the Expeditionary group to determine a way to form business rules on how to use eCRAFT the way NAVSEA and NUWC do. Also intend to gather input via a survey to see how the Command as a whole is looking at labor support. Asking them to look at the entire eCRAFT document vs looking at NIWC Atlantic's isolated labor categories and determine where the work cannot be fulfilled by those.

Slides embedded below for reference:



Upcoming Computer LCAT Changes

Upcoming Policy Change	Summary	Status
DoD Manual 8140.03 – Cyberspace Workforce Qualification and Management Program (Effective date 15 Feb 23)	<p>Cancels DoD 8570.01-M, Information Assurance Workforce Improvement Program or 19 Dec 05.</p> <p>This manual implements policy, assigns responsibilities, and prescribes procedures for the qualification of personnel identified as members of the DoD cyberspace workforce; and identifies members of the DoD cyberspace workforce based on the cyberspace work role(s) of the position(s) assigned, as described in DoD Instruction (DoDI) 8140.02.</p>	<p>DON CIO Memo, dated 4 May 23, mandates all applicable Navy and Marine Corp commands must have personnel in compliance with DoDM 8140 requirements within 12 months of the issuance of the memo (4 May 24); however, contract personnel must continue to follow the requirements of the DFARS 252.239-7001 clause (mandating DoDM 8570.01 compliance) until forthcoming qualification guidance is provided from the DOD CIO.</p>

27 Oct 23 CIC Agenda Topics Update

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Upcoming Computer LCAT Changes

Upcoming Policy Change	Summary	Status
Modernizing the Acquisition of Cybersecurity Experts (MACE) Act (H.R. 4502)	<p>Federal agencies would not be able to place minimum education requirements on cybersecurity jobs unless required by law. The bill also mandates no later than one year after enactment, the Office of Personnel Management (OPM) to publish annual progress reports detailing changes to minimum qualifications for cybersecurity positions and data on the education level of people in those positions.</p>	<p>Passed in the House of Representative on 2 Oct 23, this bill is to be presented to the Senate for consideration.</p> <p>No estimated timeline found for presentation to the Senate.</p>

27 Oct 23 CIC Agenda Topics Update

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Question regarding eCRAFT typical labor categories – historically NIWC Atlantic LCAT requirements are written as “minimums”, so asks what is the distinction eCRAFT makes with regards to “typical.” Michelle’s understanding is that they found it to be more flexible. But if an IPT has hard (non-flexible) requirements, challenge in how to differentiate that. “Typical” does not hold an individual to a minimum requirement, i.e., a 4-year degree with 3 years of experience. With using the “typical” designation, this would not be a hard-fail if the person had 2.5 years of experience. LANT has not fully determined how this will impact execution time, waivers. Looking at how other Commands, such as NAVWAR HQ and

NAVSEA manage their labor categories, some Commands issue a “key personnel qualification listing” and these specified LCATS cannot be deviated from. For cybersecurity positions, for example, we cannot deviate from the DODM 8570 regulations for training and certifications. Michelle stated it appears that NAVWAR HQ moves these types of positions into key personnel designation.

Wartime Acquisition Response Plan (WARP) brief given by Jee Youn Fickling – slides below.
Feedback requested by 12 November 2023; see slide 12.



Naval Information Warfare Center Atlantic
Wartime Acquisition Response Plan (WARP)

27 October 2023

Don Sallee
 60D Acquisition Planning Services
 NIWC Atlantic



ASN RDA Directive
 Develop Wartime Acquisition Response Plans (WARP)

- ▼ SYSCOMs, PEOs, and Field Activities are directed to:
 - **Designate a WARP Strategic Lead with the scope, authority and resources to generate and implement WARP strategic guidance**
 - **Deliverables** – WARP Playbook, Command and Control Plan, Prioritized Investments for Expansion, Table Top Exercises, Fleet Exercise Integration Plans
 - **Develop Tools** – WARP Instructions and Policy, wartime modeling and simulation requirements/policy, predictive response models, assessment packages, etc.
 - **Aggregate and Manage** – DoN level WARP risks, supply chain vulnerabilities
 - **Develop a SYSCOM Wartime Acquisition Response Plan**
 - PEO and Field Activity input provided as appropriate
 - **Long term** – Refinement and continuous engagement
 - Organize and execute a wartime acquisition response TTX to test wartime response plans to include command and control; critical to continuous dev’t and refinement of WARPs and Playbooks
 - Expand WARP validation efforts to Fleet Exercises and OPNAV war games
 - Expand to include international partner nations



Overview Wartime Acquisition Response Plan (WARP)



- ▼ What is it?
 - The Wartime Acquisition Response Plan (WARP) Playbook provides NAVWAR leadership with the **ability to execute a series of preplanned actions** that will shape positive outcomes for our warfighters in the event of war and improve the readiness of the Command to support a war.
- ▼ How did it start?
 - The Wartime Acquisition Support Plan (WASP) Working Group was established in July 2018 to address the acquisition community's preparedness to **support a pivot to wartime acquisition requirements.**
- ▼ How is it implemented?
 - WASP-led Table-Top Exercises (TTX) and War Games were held which **uncovered gaps and vulnerabilities within wartime planning.**

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WARP Strategic Objectives

Capacity Building — Analyze and develop material capabilities plans

Capability Building — Analyze and identify gaps and develop organizational plans for rapid emergent requirements

Data-driven Actions and Investment — Identify actionable metrics that inform resourcing and S&T investment decisions

Execute Contingency Operations — Identify mechanisms and processes to maximize use of accelerated acquisition authorities

Train and Exercise the Workforce to Pivot During Wartime — Administratively and Procedurally

People and Culture — Develop a workforce culture for transition from peacetime to crisis/wartime acquisition

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Industry is an Important Partner

WARP efforts depend on Industry input and feed back

▼ Goals for our Collaboration

- The Government is seeking language to be added to base contracts, task orders, and CDRL updates that support surge capacity and support for essential functions during a wartime scenario or and extended contingency event.
- The ideal status is that the language would only be used as needed with the minimum amount of financial burden on awardees (think "Surge CLIN"activated only when needed)

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Objective for Today — Collaboration

▼ Goals:

- Discuss and identify contract language that will best provide bilateral agreements today that will provide the best opportunities for the government and industry to react in Wartime Situation or extended contingency environment.
- Assess and understand the impact to Industry for additional administrative burden, costs, and other resourcing impacts
- Discuss appropriate times to begin incorporating the language (ie statement to current contract/order vs new contract/orders)
- Establish an optional Surge CLIN that would only be exercised if needed

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Three Parts

▼ DFARS 252.237-7023

- Continuation of Essential Contractor Services
- Included in contract/orders

▼ DFARS 252.237-7024

- Notice of Continuation of Essential Contractor Services
- Included in RFPs/Solicitation

▼ Surge Support Option

- Option CLIN

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DFARS 252.237-7023

Continuation of Essential Contractor Services

Language:

- ▼ (a) Definitions. As used in this clause—
 - ▼ (1) "Essential contractor service" means a service provided by a firm or individual under contract to DoD to support mission-essential functions, such as support of vital systems, including ships owned, leased, or operated in support of military missions or roles at sea; associated support activities, including installation, garrison, and base support services; and similar services provided to foreign military sales customers under the Security Assistance Program. Services are essential if the effectiveness of defense systems or operations has the potential to be seriously impaired by the interruption of these services, as determined by the appropriate functional commander or civilian equivalent.
 - ▼ (2) "Mission-essential functions" means those organizational activities that must be performed under all circumstances to achieve DoD component missions or responsibilities, as determined by the appropriate functional commander or civilian equivalent. Failure to perform or sustain these functions would significantly affect DoD's ability to provide vital services or exercise authority, direction, and control.
- ▼ (b) The Government has identified all or a portion of the contractor services performed under this contract as essential contractor services in support of mission essential functions. These services are listed in attachment __ Mission-Essential Contractor Services, dated _____.
- ▼ (c)(1) The Mission-Essential Contractor Services Plan submitted by the Contractor, is incorporated in this contract.
- ▼ (2) The Contractor shall maintain and update its plan as necessary. The Contractor shall provide all plan updates to the Contracting Officer for approval.
- ▼ (3) As directed by the Contracting Officer, the Contractor shall participate in training events, exercises, and drills associated with Government efforts to test the effectiveness of continuity of operations procedures and practices.
- ▼ (d)(1) Notwithstanding any other clause of this contract, the contractor shall be responsible to perform those services identified as essential contractor services during crisis situations (as directed by the Contracting Officer), in accordance with its Mission-Essential Contractor Services Plan.
- ▼ (2) In the event the Contractor anticipates not being able to perform any of the essential contractor services identified in accordance with paragraph (b) of this section during a crisis situation, the Contractor shall notify the Contracting Officer or other designated representative as expeditiously as possible and use its best efforts to cooperate with the Government in the Government's efforts to maintain the continuity of operations.
- ▼ (e) The Government reserves the right in such crisis situations to use Federal employees, military personnel or contract support from other contractors, or to enter into new contracts for essential contractor services.
- ▼ (f) Changes. The Contractor shall segregate and separately identify all costs incurred in continuing performance of essential services in a crisis situation. The Contractor shall notify the Contracting Officer of an increase or decrease in costs within ninety days after continued performance has been directed by the Contracting Officer, or within any additional period that the Contracting Officer approves in writing, but not later than the date of final payment under the contract. The Contractor's notice shall include the Contractor's proposal for an equitable adjustment and any data supporting the increase or decrease in the form prescribed by the Contracting Officer. The parties shall negotiate an equitable price adjustment to the contract price, delivery schedule, or both as soon as is practicable after receipt of the Contractor's proposal.
- ▼ (g) The Contractor shall include the substance of this clause, including this paragraph (g), in subcontracts for the essential services.

Deliverables:

- Mission-Essential Contractor Services Plan.
- Regular updates to the Mission-Essential Contractor Services Plan as required.
- Participation in training events, exercises, and drills as directed.

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DFARS 252.237-7024 Continuation of Essential Contractor Services

- ▼ NOTICE OF CONTINUATION OF ESSENTIAL CONTRACTOR SERVICES (OCT 2010)
 - a) Definitions. "Essential contractor service" and "mission-essential functions" have the meanings given in the clause at 252.237-7023 , Continuation of Essential Contractor Services, in this solicitation.
 - b) The offeror shall provide with its offer a written plan describing how it will continue to perform the essential contractor services listed in attachment ____, Mission Essential Contractor Services, dated _____, during periods of crisis. The offeror shall—
 - 1) Identify provisions made for the acquisition of essential personnel and resources, if necessary, for continuity of operations for up to 30 days or until normal operations can be resumed
 - 2) Address in the plan, at a minimum —
 - i. Challenges associated with maintaining essential contractor services during an extended event, such as a pandemic that occurs in repeated waves
 - ii. The time lapse associated with the initiation of the acquisition of essential personnel and resources and their actual availability on site
 - iii. The components, processes, and requirements for the identification, training, and preparedness of personnel who are capable of relocating to alternate facilities or performing work from home
 - iv. Any established alert and notification procedures for mobilizing identified "essential contractor service" personnel
 - v. The approach for communicating expectations to contractor employees regarding their roles and responsibilities during a crisis.

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Surge Support Language - Example

- ▼ Surge requirements are an unanticipated demand for labor during wartime and peacetime emergencies. This includes the ability of the contractor to ramp-up quickly to meet early requirements as well as to sustain the increased pace throughout the emergency. The Government may require surge support during the period of performance and provide increased support (up to __% increase of the effort for the associated labor categories) for the following defined PWS task areas: _____.
- ▼ Would this increase be included in the IGE and the total level of effort awarded under the order?

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Administration

- ▼ The following would be added as references to the Contract/Task Order :
 - DFARS 252.237-7023 Continuation of Essential Contractor Services (included as a clause)
 - DFARS 252.237-7024 Notice of Continuation of Essential Contractor Services (included as a provision)

- ▼ The “Surge Support” language would be added into the PWS/SOW/SOW and as an “Option CLIN”. (Note: It is expected that this may change slightly dependent on Program, Project, and Requirements)

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Next Steps:

- ▼ Review language and provide feedback as to the impacts in the execution of performance today and into the future.

- ▼ Feedback to be provided to:
 - Donald Sallee, NIWC Atlantic 60D Acquisition Planning Services
– donald.w.sallee.civ@us.navy.mil
 - Sasha Pascual, NIWC Atlantic 60D Acquisition Planning Services
– sashacamille.s.pascual.civ@us.navy.mil

Please provide feedback by 12 November 2023

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Mission:

Conduct research, development, prototyping, engineering, test and evaluation, installation, and sustainment of integrated information warfare capabilities and services across all warfighting domains with an emphasis on Expeditionary Tactical Capabilities & Enterprise IT and Business Systems in order to drive innovation and warfighter information advantage.

Vision:

WIN THE INFORMATION WAR.

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In reference to the above, Steve asked that Industry members send any ideas/examples of what others are doing in this realm. Manny said he will provide one from NUWC Keyport and how they responded. Jesse Seaton stated internally we are looking to get more representation/input from departments. We can also look back at what we did during Afghanistan/Iraq conflicts for reference. An Industry member mentioned issues with budget (travel and materials) during a previous surge. Jesse also mentioned in-scope modes to "plus-up."

Open Discussion/Questions:

Jesse provided an update on the size status recertification. We will follow what the SeaPort program office puts out. They have indicated starting in early January, the size certification for small business set-asides will be at the task order/solicitation level vs the contract level. Jesse still has not seen updates to the standard operating procedures. We recognize there is currently still a gap between SBA regulations and SeaPort. Manny said Mr. Gunter mentioned 3 contracts at NAVWAR level, and so Industry wanted to know if there is an impact at NIWC Atlantic level (that would need to be re-solicited), and will we recertify at the option years as well. Jesse stated NIWC Atlantic was very close to meeting small business goals for FY 2023. Moving forward, we need to focus on certain areas where we think we can improve small business achievement, but does not believe we will need to do anything drastic.

Wrap-up: Next meeting likely January 2024. Please send proposed topics and/or questions to Manny for discussion at next meeting.