

## 239.7100

(h) Before a contract is awarded, consider the results of the screening. Do not make an exchange if another Government agency wants to acquire the replaced equipment.

(1) If another agency is going to acquire the replaced equipment, do not include the exchange allowance in the contract price.

(2) The actual sale price to the agency acquiring the replaced equipment will be the exchange allowance (if any) of the successful offeror.

(i) If no Government agency wants to acquire the replaced equipment, the contract price shall include the exchange allowance, if any.

(j) If no exchange allowance was offered by the successful contractor, see the Defense Automation Resources Management Manual for disposal instructions.

[62 FR 1059, Jan. 8, 1997, as amended at 62 FR 34127, June 24, 1997; 62 FR 49305, Sept. 19, 1997]

### **Subpart 239.71—Security and Privacy for Computer Systems**

#### **239.7100 Scope of subpart.**

This subpart applies to all acquisitions for computer systems. It covers both security and Privacy Act considerations.

#### **239.7101 General.**

Security requirements are in addition to provisions concerning protection of privacy of individuals (see FAR subpart 24.1).

#### **239.7102 Security against compromising emanations.**

##### **239.7102-1 General.**

(a) The National Security or Atomic Energy Acts, as amended, may require protection of information that is—

- (1) Processed;
- (2) Transmitted;
- (3) Stored;
- (4) Retrieved; or
- (5) Displayed.

(b) When acquiring computer equipment to be used to process classified information, the contracting officer shall obtain from the requiring activity—

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(1) A determination as to whether the equipment must provide protection against compromising emanations; and

(2) Identification of an established National TEMPEST standard (e.g., NACSEM 5100, NACSIM 5100A) or a standard used by other authority.

(c) When contracts will require the use of FIP resources involving classified data, programs, etc., the contracting officer shall obtain from the requiring activity—

(1) Advice to whether to require contractors performing these services to use equipment meeting the requirements in paragraph (a) of this subsection (as prescribed in the clause at 252.239-7000, Protection Against Compromising Emanations;

(2) Information concerning any requirement for marking of TEMPEST-certified equipment (especially if to be reused); and

(3) Information on how to validate TEMPEST equipment compliance with required standards.

#### **239.7102-2 Validation of TEMPEST compliance.**

Include requirements for validation of TEMPEST compliance in section E (Inspection and Acceptance) of the contract.

#### **239.7102-3 Contract clause.**

When contracting for computer equipment or systems that are to be used to process classified information, use the clause at 252.239-7000, Protection Against Compromising Emanations.

[62 FR 34127, June 24, 1997]

### **Subpart 239.72—Standards**

#### **239.7200 Scope of subpart.**

This subpart contains guidance for implementing—

- (a) Federal Information Processing Standards (FIPS); and
- (b) Federal Telecommunications Standards (FED-STD).

#### **239.7201 [Reserved]**

#### **239.7202 Waivers.**

(a) The Secretary of Commerce has delegated to the Secretary of Defense the authority to waive FIP standards,