



U.S. Department of Justice

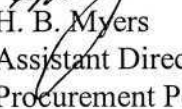
Justice Management Division

Management and Planning Staff

Washington, D.C. 20530

October 28, 2005

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM: 
H. B. Myers
Assistant Director
Procurement Policy and Review Group

SUBJECT: DOJ Procurement Guidance Document (PGD) 05-09
Department of Justice Implementation of the Federal Technical Data Solution (FedTeDS)

The Federal Technical Data Solution (FedTeDS) is an e-Government initiative under the President's Management Agenda that is fully integrated within the Integrated Acquisition Environment (IAE). It is a web-based system designed specifically for the dissemination of sensitive, but unclassified (SBU) acquisition related materials. FedTeDS provides users with a method of securely transmitting and disseminating SBU acquisition information related to solicitations found on Federal Business Opportunities (FedBizOpps, FBO). The web site is located at: www.fedteds.gov.

In brief, FedTeDS allows for real time on-line vendor access to SBU acquisition related information while counterbalancing the requirements for competition and need to tighten access to sensitive data. FedTeDS provides a layer of security by validating the requestor's identity with the Central Contractor Registration (CCR) and maintains a record of individuals receiving the SBU information. Unlike FBO, FedTeDS is a secure and reliable real-time solution for posting SBU acquisition related materials via the Internet.

Program officials are ultimately responsible for determining the sensitivity of their requirement documents. In making that determination they should use good judgment and apply a principle that the more open the forum, the more generic or conceptual the information must be. Additionally, the information must be considered both alone and in the aggregate. In doing so, consideration should be given to the magnitude of its loss or the harm that could result from inadvertent or deliberate disclosure, alteration or destruction of the data.

Contracting officials need to be particularly sensitive to the need to identify and safeguard this kind of information and should work closely with program officials to assure that this issue is addressed while requirements are being developed. Procurement request packages should

specify those requirement documents containing SBU information. At the very least, contracting officials should use their discretion to verify the sensitivity of the information involved in the procurement action.

Following are examples of acquisitions that are likely to include SBU information. The list is meant to be illustrative rather than comprehensive:

- building designs (such as floor plans)
- construction plans and specifications
- renovation/alterations plans
- equipment plans and locations
- building operating plans
- information used for building service contracts
- services essential to the security and management of a facility
- location of utilities, information technology systems, power distribution systems, emergency generation equipment, uninterrupted power sources
- gas and oil storage and transportation
- contract guard services
- continuity of operations information
- electronic surveillance operations
- detention services and facilities
- judicial services
- security equipment and installation

The rules regarding the use of SBU information are complex. This PGD is not intended to be used as a means to deny public access to normally accessible information nor as a means to release information that should be deemed classified. Information designated as SBU is not automatically exempt from the provisions of the Freedom of Information Act (FOIA). Information requested by the public and falling within a FOIA exempt category must still be reviewed on a case-by-case basis. Decisions not to release information based on a FOIA exemption must be able to withstand scrutiny in a court of law should such decisions be challenged.

Within the “sensitive but unclassified” arena there are numerous caveats used by various agencies to identify unclassified information as sensitive, (e.g., For Official Use Only; Law Enforcement Sensitive; Official Use Only; Agency Sensitive; etc). Regardless of the caveat used, in most instances, what does not change is the reason for the designation. Information is designated as sensitive to control and restrict access to certain information, the release of which could cause harm to a person’s privacy or welfare, adversely impact economic or industrial institutions, or compromise programs or operations essential to the safeguarding of our national interests.

Acquisition related SBU information will not be disseminated in any manner, orally, visually, or electronically to unauthorized personnel. In some cases, the disseminator should take additional precautions as circumstances dictate. Disseminators must make every effort to apply the

following principles in those cases where circumstances require adaptation, by using good judgment, common sense and reasonableness. The principles are:

- (1) only give the information to those who have a need to know;
- (2) keep records of who was provided the information; and,
- (3) safeguard the information during use and destroy it properly after use.

Effective immediately, please assure that your contracting personnel do not post SBU information on FBO and begin working with your program officials to develop procedures to identify SBU information. SBU information should only be posted to FedTeDS.

The FedTeDS system operates in tandem with FBO. Similarly, its use requires us to establish a hierarchy of administrators and users within DOJ. Please nominate a FedTeDS Administrator for your organization by forwarding an email to anne.d.hudson@smojmd.usdoj.gov . Your FedTeDS Administrator will coordinate with the Department FedTeDS Administrator, Anne D. Hudson to establish a Bureau Implementation Plan that provides FedTeDS user training, registration and further assistance, as needed. If you have any technical questions do not hesitate to contact Ms. Hudson on 202/616-3759.