

# **PGI 239.76 -CLOUD COMPUTING**

**Parent topic:** PGI Part 239 - ACQUISITION OF INFORMATION TECHNOLOGY

## **PGI 239.7602 Policy and responsibilities.**

### **PGI 239.7602-1 General.**

(c)(6) When the clause at DFARS 252.239-7010 applies, the contracting officer shall provide the contractor with the name of the responsible Government official to contact in response to any spillage occurring in connection with the cloud computing services being provided. The requiring activity will provide the contracting officer with the name of the responsible official in accordance with agency procedures, as required by Enclosure 7 of DoDM 5200.01-V3, DoD Information Security Program: Protection of Classified Information.

### **PGI 239.7602-2 Required storage of data within the United States or outlying areas.**

(b) Prior to authorizing storage of data outside the United States and outlying areas, the contracting officer must receive written authorization from the authorizing official.

## **PGI 239.7603 Procedures.**

### **PGI 239.7603-1 General.**

(a) When the apparently successful offeror indicates in the provision at DFARS 252.239-7009 that cloud computing services will be used in the performance of the contract, the contracting officer shall review the DoD Cloud Service Catalog at <http://www.disa.mil/Computing/Cloud-Services/Cloud-Support> (look under the “Additional Information” tab for “Service Catalog”) to verify that the cloud service provider’s offering to be used in the performance of the contract has a provisional authorization prior to award (see DFARS 239.7602-1(b)).

(b) When the contractor indicated in the provision at DFARS 252.239-7009 that it did not anticipate the use of cloud computing services in the performance of the contract and requests, after award, in accordance with the clause at DFARS 252.239-7010(b)(1), that the contracting officer approve the use of cloud computing services in the performance of the contract, the contracting officer shall—

(1) Request approval from the requiring activity for the contractor to use cloud computing services; and

(2) If the requiring activity provides approval, review the DoD Cloud Service Catalog at <http://www.disa.mil/Computing/Cloud-Services/Cloud-Support> (look under the “Additional Information” tab for “Service Catalog”) to verify that the cloud service provider’s offering to be used in the performance of the contract has a provisional authorization (see DFARS 239.7602-1(b)).

## **PGI 239.7603-2 Notification of third party access requests.**

When a contractor provides notification of a request from a third party for access to Government data or Government-related data, in accordance with DFARS [252.239-7010\(j\)](#), the contracting officer shall convey the request to the requiring activity. The requiring activity will coordinate a response with the mission or data owner.

## **PGI 239.7603-3 Cyber incident and compromise reporting.**

(a) When a cyber incident is reported by a contractor, the DoD Cyber Crime Center (DC3) will send an unclassified encrypted email containing the cyber incident report to the contracting officer(s) identified on the Incident Collection Format (ICF). The DC3 may request the contracting officer to send a digitally signed email to DC3.

(1) The procuring contracting officer (PCO) shall notify the requiring activities that have contracts identified in the ICF. In cases where an administrative contracting officer (ACO) receives the cyber incident report, in lieu of the PCO, the ACO shall notify the PCO for each affected contract, who will then notify the requiring activity.

(2) In cases of cyber incidents involving multiple contracts, the DoD components will work together to designate a single contracting officer to coordinate the effort. The requiring activity will notify the contracting officer once a lead is designated.

(b) When requested by the contractor, the contracting officer shall provide the contractor with the "Instructions for Malware Submission" document available at [http://www.acq.osd.mil/dpap/dars/pgi/docs/Instructions\\_for\\_Submitting\\_M...](http://www.acq.osd.mil/dpap/dars/pgi/docs/Instructions_for_Submitting_M...). The contracting officer should never receive malicious software directly from the contractor.

(c) If the requiring activity requests access to contractor information or equipment, in accordance with DFARS [252.239-7010\(g\)](#), the contracting officer shall provide a written request to the contractor.

(d) For additional information on cyber incident reporting, see the frequently asked question document at [http://www.acq.osd.mil/dpap/pdi/network\\_penetration\\_reporting\\_and\\_contr...](http://www.acq.osd.mil/dpap/pdi/network_penetration_reporting_and_contr...)

## **PGI 239.7603-4 DoD damage assessment activities.**

(a) Prior to initiating damage assessment activities, the contracting officer shall verify that a contract(s) identified in the cyber incident report include(s) the clause at DFARS [252.239-7010](#). If the contracting officer determines that a contract identified in the report does not contain the clause, the contracting officer shall notify the requiring activity that damage assessment activities, if required, may be determined to constitute a change to the contract.

(b) In cases of cyber incidents involving multiple contracts, a single contracting officer will be designated to coordinate with the contractor regarding media submission.

(c) If the requiring activity requests the contracting officer obtain media, as defined at DFARS [252.239-7010](#), from the contractor, the contracting officer shall—

(1) Provide a written request for the media;

(2) Provide the contractor with the "Instructions for Media Submission" document available at [http://www.acq.osd.mil/dpap/dars/pgi/docs/Instructions\\_for\\_Submitting\\_M...](http://www.acq.osd.mil/dpap/dars/pgi/docs/Instructions_for_Submitting_M...); and

(3) Provide a copy of the request to DC3, electronically via email at [dcise@dc3.mil](mailto:dcise@dc3.mil), and the requiring activity.

(d) If the contracting officer is notified by the requiring activity that media are not required, the contracting officer shall notify the contractor and simultaneously provide a copy of the notice to DC3 and the requiring activity.

(e) The contracting officer shall document the action taken as required by paragraph (c) or (d) of this section, in the contract file.

(f) Upon receipt of the contractor media, DC3 will confirm receipt in writing to the contractor and the requesting contracting officer.

(g) When the requiring activity determines that the damage assessment activities are complete, the requiring activity will provide the contracting officer with a report documenting the findings from the damage assessment activities affecting covered defense information.

(h) The contracting officer shall include the report documenting the findings in the contract file(s) and provide a copy to the contractor.