

**NDA FORM FOR  
ACCESS TO  
CONTROLLED UNCLASSIFIED INFORMATION (CUI) AND LEGACY OFFICIAL  
USE ONLY (OUO) INFORMATION**

I, \_\_\_\_\_, hereby certify that:

1. I am (Check one):

A United States citizen by birth; or

Naturalization.

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2. I sign this form in my capacity as \_\_\_\_\_ [Title] of

\_\_\_\_\_  
[Name of Corporation, LLC, J.V., Partnership, College/University, Not for Profit, Not-For-Profit, Etc.] (hereinafter the "Company"). In doing so, I acknowledge I have the requisite authority to sign or obligate the Company. My business address, telephone number and email address are:

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3. The Company is (Check One):

Foreign Owned; or

Has a percentage of foreign ownership; or

Is totally U.S. owned

Its corporate headquarters or principal place of business is:

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4. Foreign ownership of the Company consists of citizens or companies from the following nations:

5. As a foreign owned or controlled company, does this company have, an existing fully executed Foreign Ownership, Control and Influence (FOCI) Mitigation Agreement with the U.S. Department of Energy (DOE)? If yes, provide a copy of the FOCI Mitigation Agreement along with this executed agreement to the Contracting Officer herein. (Check One)

Yes

No

NA

Please provide date of said agreement: \_\_\_\_\_

I understand and agree that if the Company is part of a consortium, joint venture, or other teaming arrangement, or if the Company has a parent or subsidiary corporation, each parent or subsidiary corporation, or each entity comprising the consortium, joint venture or other teaming arrangement must submit a *“Non-Disclosure Agreement Form for Access to the Department of Energy PORTSMOUTH DECONTAMINATION AND DECOMMISSIONING (D&D) SOLICITATION NO. 89303321REM000092 Controlled Unclassified Information (CUI)”* agreement form in order to gain access to CONTROLLED UNCLASSIFIED INFORMATION (CUI). Under no circumstances shall the Company share this CONTROLLED UNCLASSIFIED INFORMATION with another entity, including a parent or subsidiary corporation, or an employee thereof. I understand and agree that the term “Company” and the certifications contained herein refer only to the entity recorded above.

6. I am an employee of the Company. There exists a relationship between myself and the Company, which, for purposes of this form, means that the certifications contained herein are legally binding on both the company and myself.
7. For purposes of this form, I understand and agree that the term “foreign national” means an individual who is not a citizen of the United States of America.
8. As used in this agreement and as defined in 32 CFR Part 2002, Controlled Unclassified Information (CUI) is information the Government creates or possesses, or that an entity creates or possesses for or on behalf of the Government, that a law, regulation, or Government-wide policy (LRGWP) requires or permits an agency to handle using safeguarding or dissemination controls.
9. The Company [Has] / [Has No] (check one) foreign national employees that require access to the requested CONTROLLED UNCLASSIFIED INFORMATION (CUI). (If answered in the affirmative, additional documentation will be required for

DOE review and approval. This documentation may be provided by the Contracting Officer (CO) upon request.)

10. I understand and acknowledge that DOE is providing access to the requested CONTROLLED UNCLASSIFIED INFORMATION for the specific purpose of responding to a Request for Proposals. Furthermore, I understand and acknowledge that Company employees approved to have access to the requested information will comply with the duties and responsibilities identified herein.
11. The Company “shall” limit and control the requested CONTROLLED UNCLASSIFIED INFORMATION to the minimum number of individuals required to respond to the Request for Proposal. This Request for Proposal is being held in accordance with a lawful Government Purpose (LGP) under applicable laws, regulations, and Government-wide policies (LRGWP’s). All individuals will be required to sign this Non-Disclosure Agreement and provide it to the Contracting Officer herein.
12. I understand and acknowledge the Company has a continuous obligation to limit dissemination and safeguard all requested CONTROLLED UNCLASSIFIED INFORMATION (CUI) in accordance with the following Laws, Regulations, Orders and Publications: (This is not an all-inclusive or exhaustive list)
  - a. Executive Order 13566, *Controlled Unclassified Information*;
  - b. 32 CFR, Part 2002, *Controlled Unclassified Information*;
  - c. DOE-O-470.4B, *Safeguards and Securities Program*;
  - d. DOE-O-471.7, *Controlled Unclassified Information*;
  - e. FIPS PUB 140-3, *Security Requirements for Cryptographic Modules*;
  - f. FIPS PUB 199, *Standards for Security Categorization of Federal Information and Information Systems*; and
  - g. NIST Special Publications 800-171, *Protecting Controlled Unclassified Information in Nonfederal Systems*

I agree that I shall promptly report to the Contracting Officer any unauthorized disclosure that I have knowledge of whether or not I am personally involved. I also understand that my anonymity will be preserved to the extent possible when reporting such violations.

13. If I violate the terms and conditions of this agreement, such violation may result in cancellation of my access to CUI, and, depending upon the laws that govern the CUI, may result in civil and criminal sanctions. This may also serve as a basis for denying me access to other types of information under DOE’s control.
14. I understand that the Company may be contacted to verify the statements made herein and that DOE may visit the Company to ensure that the proper information security practices are in place and are being followed. The Company agrees to cooperate fully in DOE’s effort in this regard.

PORTSMOUTH DECONTAMINATION AND DECOMMISSIONING (D&D)  
NON-DISCLOSURE AGREEMENT (NDA) FORM  
SOLICITATION NO. 89303321REM000092

15. My statements in the agreement form are true, complete and correct to the best of my knowledge, information and belief. They are made in good faith for the purposes of obtaining access to the Department of Energy Portsmouth Decontamination & Decommissioning Solicitation No. 89303321REM000092 Controlled Unclassified Information (CUI) in order to submit a full and complete proposal. I understand and acknowledge that a knowing and willful false statement in this form is punishable by fine, imprisonment, or both, pursuant to *18 United States Code, Section 1001*.

Name: \_\_\_\_\_

Title/Position \_\_\_\_\_

Phone: \_\_\_\_\_

Name of Company: \_\_\_\_\_

Name of Offeror: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Signature and Date: \_\_\_\_\_