

Federal Bureau of Investigation (FBI) Solicitation Channelers to the FBI Criminal Justice Information Services (CJIS) Division for National Noncriminal Justice Fingerprint Submissions

1 **PURPOSE**

The purpose of this solicitation is to select and award a no-cost contract to one or more contractors for Channeler services, serving as a conduit to the FBI, for processing services for authorized national noncriminal justice fingerprint submissions from an:

- Authorized Recipient (AR),
- AR requesting to participate in the Next Generation Identification (NGI) System's Noncriminal Justice Rap Back Service, and/or
- Authorized Individual (AI) seeking their own criminal history record pursuant to *U.S. Department of Justice Order 556-73*, also known as Departmental Order (DO) 556-73.

The selected contractor(s) shall obtain a contract/agreement with an AR and/or a request from an AI, receive fingerprints, collect associated fees, and electronically forward fingerprint submissions to the FBI CJIS Division for a national noncriminal justice criminal history record check. The selected contractor(s) must be able to receive electronic record check responses for immediate dissemination to an AR/AI from the FBI, pursuant to the *National Crime Prevention and Privacy Compact Council's (Council's) Outsourcing Rule* (Council's Outsourcing Rule), the *Security and Management Control Outsourcing Standard for Channelers* (Outsourcing Standard for Channelers), and the DO 556-73.

2 **DEFINITIONS**

The definitions provided in this Statement of Work are for reference in providing a response to the Request for Proposal (RFP).

- 2.1 Definitions pertaining to the Outsourcing Standard for Channelers may be found on the Internet at <https://www.fbi.gov/file-repository/compact-council-security-and-management-control-outsourcing-standard-for-channelers.pdf/view>.
- 2.2 Definitions pertaining to the FBI *CJIS Security Policy* (CSP) may be found on the Internet at <https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>.
- 2.3 RFP specific definitions
 - 2.3.1 **Authorized Individual**: A U.S. person (an individual who is a citizen of the United States or a lawful permanent resident of the United States) requesting a copy of their national Identity History Summary (IdHS) for review or proof that one does not exist. A lawful permanent resident is any person, not a citizen of the United States, who is residing in the United States under legally recognized and lawfully recorded permanent resident as an immigrant.

6.4.10.1.3 When a contractor discovers a cyber incident has occurred, the contractor shall preserve and protect images of all known affected information systems and all relevant monitoring/packet capture data for at least 90 days from the submission of the cyber incident report to allow the FBI to request the media or decline interest. Upon request by the FBI, the contractor shall provide access to additional information or equipment that is necessary to conduct a forensic analysis.

6.4.10.1.4 The FBI will protect against the unauthorized use or release of information obtained from the contractor that includes contractor attributional/proprietary information. To the maximum extent practicable, the contractor shall identify and mark attributional/proprietary information.

6.4.10.2 The contractor shall include the requirements in this section [\(6.4.10\)](#) in their contracts with any subcontractors.

6.5 Audits

- 6.5.1 The contractor shall be subject to an FBI audit within 90 calendar days of the date the contractor first receives CHRI under the approved outsourcing agreement and, at a minimum, a triennial audit with the first of such audits to be conducted within one year of the date the contractor first receives CHRI under the approved outsourcing agreement. The 90-day audit shall be waived for an existing contractor that is participating in triennial audits. An audit may also be conducted on a more frequent basis, should the FBI determine there is a need to do so.
- 6.5.2 Current and former FBI contractors may be subject to having their two most recent audits conducted by the FBI CJIS Division to be used in evaluation and assessment of this RFP. This may include compliance findings and documentation showing when/how findings were corrected or mitigated.
- 6.5.3 The contractor shall comply in a timely manner with all requests made by the FBI during audits and security inspections for access to personnel, facilities, and information. Requests may include, but are not limited to, interviewing staff, observing work processes and areas, inspecting data centers, reviewing documentation of policies and procedures, and reviewing transaction logs.
- 6.5.4 The FBI CJIS Division reserves the right to conduct a final audit of the contractor's operations and system following termination and/or conclusion of this contract with the FBI.

- 6.5.5 In addition to formal audits of the contractor conducted by the FBI, the contractor must implement its own formal audit program whereby, at a minimum, the contractor ensures:
- 6.5.5.1 An independent third-party provider/vendor hired by the contractor, at the contractor's expense, conducts the audits. The name of, and contact information for, the third-party provider/vendor shall be provided in writing to the FBI within 90 calendar days of award. Notification of any changes by the contractor to a different provider/vendor must be submitted to the FBI 30 calendar days prior to making the change.
 - 6.5.5.2 The first audit of the contractor is completed within one year of the date this contract is awarded, and subsequent audits are completed annually thereafter with no more than one year passing between the start of each audit.
 - 6.5.5.3 Each audit includes an assessment of the contractor's compliance with requirements established by the RFP, the Outsourcing Standard for Channelers, the FBI CSP and any additional documents provided following award as the FBI deems necessary.
 - 6.5.5.4 Each audit incorporates a review of all electronic/digital and manual/hardcopy systems, procedures, controls, and locations used by the contractor to perform channeling functions, including those used to process, access, transmit, store, dispose of, or otherwise maintain criminal history record information, regardless of format, received from the FBI pursuant to the RFP.
 - 6.5.5.5 Each audit documents the following information:
 - All requirements assessed.
 - All participants and locations.
 - All findings of noncompliance, each of which must: identify the requirement for which there is a shortfall; describe the facts and observations supporting the shortfall; qualify/quantify the extent of the shortfall; provide the cause for the shortfall; and recommend action to correct the shortfall.
 - All actions completed or planned for completion by the contractor to address findings of noncompliance to include dates of completion or proposed timelines for completion.
 - 6.5.5.6 All documentation described above for each audit is maintained by the contractor for the life of this contract and is provided to the FBI upon request.

6.5.5.7 All findings of noncompliance identified during each audit are forwarded to the FBI CO/COR and the FBI CJIS ISO within 30 calendar days of such findings being reported to the contractor.

6.6 Use and Dissemination of CHRI

- 6.6.1 The contractor shall only request and use CHRI for authorized channeling functions. In addition, if it is reasonably evident when processing a request for CHRI on behalf of an AR/AI that the request is for an unauthorized purpose, then the contractor shall not process the request and shall notify the AR/AI of the possible discrepancy.
- 6.6.2 The NGI System data is sensitive information and security will be enforced to prevent any unauthorized access, use, or dissemination of the information. Improper access, use, and dissemination of CHRI is a serious offense and may result in the imposition of administrative sanctions including, but not limited to, termination of services and state and federal criminal penalties.
- 6.6.3 CHRI may be transmitted via a facsimile device which is not connected to a NGI System as long as both agencies involved in the transmission have an authorized FBI-provided identifier and all technical security requirements have been met. Prior to the transmission, the sending agency shall verify the receiving agency's authenticity.
- 6.6.4 Access to the information provided from the NGI System is restricted to contractor personnel, acting on behalf of an AR/AI, for direct and immediate dissemination to the AR/AI as authorized by the FBI.
- 6.6.5 Contractor access to the system shall be available only for official purposes consistent with the contract/agreement between the contractor and the AR/AI and this RFP. Any dissemination of CHRI data or, if applicable, RBMS data to authorized employees of the contractor shall be for official purposes only.
- 6.6.6 Information contained in or about the NGI System shall only be provided to: (1) the AR(s) pursuant to a signed contract/agreement with the contractor and in accordance with the written approval from the FBI Compact Officer; (2) the AI pursuant to a signed agreement; or (3) the attorney identified by the AI, when documentation requirements as specified in Section 6.14.9 are met.
- 6.6.7 The contractor shall maintain an up-to-date log concerning dissemination of CHRI for a minimum of 365 calendar days after the CHRI is disseminated. At no time shall the log contain CHRI or indicate the outcome of the criminal history record check response. This log must clearly identify: