

memorandum

DATE: September 01, 2023

REPLY TO: CP
ATTN OF:

SUBJECT: BPI Interim Policy Update FY2024. Export Control.

to: Lynnial Trusty – NSS

The purpose of this memorandum is to provide an 'Export Control' interim policy update to the Bonneville Purchasing Instructions (BPI) (referred to as the "Interim Policy"). This interim policy is effective October 01, 2023 and will remain in place until further notice.

The interim policy update complies with Bonneville Power Administration's export control program policy 430-3, procedure 430-3-1 and Executive and Department orders and policy updates related to cyber, data and information risk management. The updates align with revisions to BPA Procedure 433-1-2 (Controlled unclassified information).

The interim policy updates existing prescriptions, provisions and clauses, and adds new prescriptions, provisions and clauses. A new Appendix 15 'Export Control Procedures' provides additional information to assist requisitions, COR's and CO's with implementation.

Summary of changes:

- Updates 11.6 Protecting Agency Controlled Unclassified and Classified Information. Adds (f) and (g).
- Updates 15.10 Homeland Security
 - 15.10.1 Definitions
 - Updates existing definitions
 - Adds new definitions
 - Updates 15.10.2 Designation and Policy.
 - Updates 15.10.3 Contract Clause. Revises criteria for when a CO shall include the clause 15-18, Homeland Security in solicitations and contracts
- Updates Clause 15-18, HOMELAND SECURITY.
- Adds 15.11 Export Control. Updates and replaces 17.6.1.2 Restrictions on Citizenship.
 - Adds 15.11.1 Policy. Updates and replaces 17.6.1.2.1 Policy
 - Adds 15.11.2 Procedure. Updates and replaces 17.6.1.2.2 Procedure
- Adds 15.11.2 Solicitation Provisions, (a) and (b).
 - Adds Provision 15-20. Export Control (OCT 2023)
 - Adds Provision 15-21. Re-Export Control (OCT 2023)
- Adds 15.11.3 Contract Clauses, (a) and (b).

- Adds Clause 15-22. Export Control (OCT 2023)
- Adds Clause 15-23. Re-Export Control (OCT 2023)
- Adds 15.12 Restrictions on Foreign Entity and Service Location. Updates and replaces, deleted 17.6.1.3 Restrictions on Entity and Service Location
- Adds 15.12.1 Policy. Updates and replaces 17.6.1.3.1 Policy
- Adds 15.12.2 Procedure. Updates and replaces 17.6.1.3.2 Procedure
- Adds 15.12.3 Contract Clause. Updates and replaces 17.6.1.3.3 Contract Clause
- Updates 17.0 Patents, Copyright and Data.
- Updates 17.6.2 Nondisclosure – Safeguarding of Information
- Updates 17.6.2.1 Policy (c)
- Updates 17.6.2.3.1 Procedure
- Adds New Appendix 15. Export Control
 - 1. Export Control Requirements and Procedures
 - 2. Export Control Export Control and Homeland Security Links

The attached conformed policy and clauses supersedes BPI 22-1, dated February 28, 2022.

Applicability and effective dates. Bonneville is required to include the applicable provisions and clauses in solicitations and contracts as follows;

- New solicitations issued on or after September 15, 2023; and
- New contracts awarded on or after October 01, 2023; and
- Options, extensions or modifications of existing contracts including Task/Delivery Orders awarded on or after October 01, 2023.

Exclusions. These prescriptions, provisions and clauses shall not be applied to:

- Financial Assistance (Grants or Cooperative Agreements); or
- Contracts and subcontracts with Indian Tribes under the Indian Self Determination and Education Assistance Act (the exclusion would not apply to a procurement contract or subcontract under the BPI to an Indian-owned or tribally-owned business entity); or
- Contracts not subject to the Bonneville Purchasing Instructions (BPI).

Nicholas M. Jenkins
 Head of the Contracting Activity
 Bonneville Power Administration

cc:

Matt DeLong – NSS
 Dan Guffey – NSS
 Wesley Saway – NSS