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Core Contract Personnel

A. AUTHORITY: The National Security Act of 1947, as amended; Executive Order (EO) 12333, as amended; and other applicable provisions of law.

B. PURPOSE

1. This Intelligence Community Directive (ICD) establishes policy for managing the use of core contract personnel.

2. This Directive replaces ICD 612, *Intelligence Community Core Contract Personnel*, 30 October 2009.

C. APPLICABILITY: This Directive applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended; and to such elements of any other department or agency as may be designated an element of the IC by the President, or designated jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned.

D. POLICY

1. Core contract personnel are independent contractors, or individuals employed by industrial contractors, who provide direct technical, managerial, or administrative support to the U.S. Government. Core contract personnel typically work alongside and are integrated with U.S. Government civilian and military personnel and perform staff-like functions.

a. *Independent Contractor* is a self-employed individual with whom the U.S. Government enters into a contract to provide specific services.

b. *Industrial Contractor* is a commercial business entity (other than an independent contractor or sole proprietorship) that enters into contracts with the U.S. Government to provide goods or services.

2. IC elements shall ensure that core contract personnel do not perform inherently governmental functions consistent with the Office of Federal Procurement Policy (OFPP) Policy Letter 11-01, *Performance of Inherently Governmental and Critical Functions*. *Inherently governmental function* means a function that is so intimately related to the public interest as to require performance by Federal Government employees.

3. Core contract personnel may perform:

a. Functions that are necessary for an IC element to effectively perform and maintain control of its mission and operations, so long as the

IC element maintains control of its mission and functions through its officers and employees, and it is cost effective to contract for the services.

b. Functions that are closely associated with inherently governmental functions, consistent with OFPP Policy Letter 11-01.

c. Administrative support functions that are fully integrated into daily office operations on a long-term basis, such as support to human resources, financial management, and recruitment.

d. Training support functions that are unique to the IC mission. If the training is available through a commercial vendor, such as financial planning, career planning, or leadership training, it is not considered a function of core contract personnel.

e. Information technology (IT) functions that provide pre-acquisition support in the requirements planning of an IT system or post-deployment decision support, and IT services that are related to unique IC element mission-specific software or systems.

f. Functions that provide support to decision making by government personnel regarding the operations and sustainment of specific commodities or products (such as a satellite collection system or analytic software program).

4. Core contract personnel do not include:

a. Personnel employed as contractors who produce or supply a particular industrial commodity or product, such as satellites, other manufactured equipment, information technology systems or software, or who provide ongoing operational support to such a commodity, product, or system that is an integral part of a product's value chain life cycle.

b. Personnel employed as contractors who provide widely available commercial services and functions that are not specific or tailored to the business or mission of the IC, such as food and catering; janitorial, grounds, and facilities maintenance or construction; and building or facility security.

c. Personnel employed as contractors who provide IT services focused on the design, development, testing, modification, installation, integration, or implementation of an IT system or software; day-to-day operation or administration of a specialized IT system that supports an IC element's backbone IT infrastructure; or IT services for a commercially available IT system.

5. IC elements may retain and use core contract personnel under one or more of the following circumstances so long as the use of core contract personnel is otherwise consistent with this Directive:

a. Immediate Surge: Providing support for a particular IC mission area that enables the IC element to rapidly expand to meet an urgent mission or business need and then curtail that contract support when the urgent need passes. A surge requirement may be for an extended duration.

b. Discrete Non-Recurring Task: Performing a discrete, nonrecurring, or temporary project, work assignment, or task of definite duration or deliverable, such that the contract ends when the project, assignment, or task is completed.

c. Unique or Specialized Expertise: Providing unique or specialized technical, professional, managerial, or intellectual expertise to the IC element in support of a core mission

or function, where such expertise is not otherwise available from a U.S. Government civilian or military personnel within the IC element and is of indefinite duration.

d. Insufficient Staffing Resources: Performing work, consistent with Sections D.1 through D.3 above, that would otherwise have been provided by a U.S. Government civilian given sufficient resources.

e. Transfer of Institutional Knowledge: Maintaining critical continuity or skills in support of a particular mission or functional area in the face of skills gaps, the loss (anticipated or otherwise) of mission-essential U.S. Government civilian or military personnel, or other similar exigency.

f. More Efficient or Effective Services: Providing technical or administrative support that can more efficiently or cost-effectively accomplish a function that does not require an advanced skill set for which the IC element has a long-term in-house requirement.

E. ROLES AND RESPONSIBILITIES

1. The Assistant DNI for Human Capital (ADNI/HC) shall:

a. Issue guidance on defining core contract personnel and the proper use of such contractors consistent with this Directive;

b. Request information from IC elements regarding the use of core contract personnel;

c. Review IC element methodology to understand how IC elements completed the core contract data call, to ensure consistency throughout the IC; and

d. Annually review at least two IC element submissions on the number and functions of core contract personnel to validate the accuracy of the information reported by the element.

2. The ADNI for Acquisition, Technology, and Facilities shall create and provide a standard for summarizing and reporting the number of their core contract personnel to the heads of IC elements and collaborate with ADNI/HC to review and update, as necessary, the issuance of guidance identified in Section E.1.a.

3. Heads of IC elements shall:

a. Ensure compliance with OFPP Policy Letter 11-01 or successor issuances;

b. Implement a process for conducting an annual inventory of their element's core contract personnel and functions; and

c. Report to the DNI, through the ADNI/HC, the number and functions of core contract personnel on the first Friday of each December in accordance with annual fiscal guidance.

F. EFFECTIVE DATE: This Directive becomes effective on the date of signature.

James R. Clapper

Director of National Intelligence

17 August 2015

Date