

## NON-DISCLOSURE AGREEMENT

I understand that in the course of my duties and responsibilities as \_\_\_\_\_ at \_\_\_\_\_ (company) in support of **NORTHERN GUAM LENS AQUIFER (NGLA) MONITORING SYSTEM EXPANSION PROJECT FOR THE GUAM WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS PROGRAM (RE-BID)**, I may have access to Department of Defense ("DoD") non-public information. Non-public information is defined as information that is not available to the general public. Collectively referred to as "Controlled Unclassified Information (CUI)", it includes information that is not releasable under the Freedom of Information Act (FOIA 5 U.S.C. 552), protected by the Privacy Act (5 U.S.C. 552a), classified (18 U.S.C. § 798), protected by the Procurement Integrity Act (41 U.S.C. § 423), protected by the Trade Secrets Act (18 U.S.C. § 1905), information identified as defense critical infrastructure security information (DCRIT) (10 U.S.C. § 130e), and information labeled "For Official Use Only (FOUO)," or "Sensitive But Unclassified (SBU)."

I understand that federal law prohibits the unauthorized disclosure of such information. I agree not to disclose such information to any individual outside of the **NORTHERN GUAM LENS AQUIFER (NGLA) MONITORING SYSTEM EXPANSION PROJECT FOR THE GUAM WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS PROGRAM** team members and advisors without the express authorization of Naval Facilities Engineering Command Marianas ("NAVFAC Marianas"). I understand that my obligation not to disclose the information survives the termination of this agreement.

DCRIT includes:

- Detailed system drawings, plans, and other blueprints;
- Detailed system requirements and specifications;
- Security documentation;
- Disaster recovery and continuity of operations planning;
- Analysis of the potential for exploitation and potential threat impact to DoD networks;
- DoD system and network risk assessments;
- Site and system configurations;
- Details of circuit and internal routing information;
- Circuit and routing troubleshooting and maintenance actions;
- Network depictions (drawings, topology, or graphics) when legends or other explanatory material reveals sensitive terminology or relationships;
- Fault reporting;
- Operational logs, such as master station logs, containing information on daily operations;
- Raw or summary data for traffic density and patterns;
- Circuitry performance information regarding threat or vulnerability mitigation;
- Information which reveals or describes DoD networks and National Security Systems cybersecurity capabilities or methods, to include descriptions of compliance with security controls used to combat published threats without further association;
- Detailed network Security Architecture diagrams;

- Identification of operations systems, software, and hardware configurations;
- The specific capability being pursued by the U.S. Government in response to a stated cybersecurity mission need or commercially identified cyber vulnerability;
- General test plans or test objectives; and
- Specific configuration settings of cyber sensors and other Defensive Cyber Operations devices.

I will safeguard and process CUI in accordance with DoDM 5200.01, Volume 4, dated Feb 24, 2012, as amended.

I agree not to disclose such information to any individual or organization without the express written authorization of NAVFAC Marianas. I understand that my obligation not to disclose the information described above continues beyond the completion or termination of my employment. Any request for records related to the **NORTHERN GUAM LENS AQUIFER (NGLA) MONITORING SYSTEM EXPANSION PROJECT FOR THE GUAM WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS PROGRAM (RE-BID)** received pursuant to the FOIA shall be referred to the appropriate federal agency responsible for generating or maintaining the record.

During working hours, I will take reasonable steps to minimize the risk of access by unauthorized personnel (e.g., not reading, discussing, or leaving CUI unattended where unauthorized personnel are present). After working hours, I will store CUI in locked desks, locked file cabinets, or locked rooms.

I will limit access to CUI materials under my control to other recipients of the identical material. I understand that any copies I make become subject to the same procedures and handling requirements under this NDA.

Electronic CUI will be processed and stored on DoD information systems and networks unless otherwise authorized in writing by the NAVFAC Marianas. Any GWA or contractor-owned non-DoD information systems which process CUI will meet at a minimum, all security requirements of NIST 800-171 standards 3.1 to 3.14. I understand privately owned information systems may not be used for processing CUI.

I understand that I have a responsibility to destroy electronic and/or hard copies of CUI documents upon completion of the work or sooner upon written request from NAVFAC Marianas. CUI will be destroyed by any of the means approved for the destruction of classified information or by any other means that would make it difficult to recognize or reconstruct the information.

When incorporating, paraphrasing, restating, or generating controlled information in a new form or document, I will identify it as such by marking or similar means, in accordance with DoD derivative classification procedures described in DoDM 5200.01-V1, February 24, 2012, as amended.

I will report any cyber incidents involving non-DoD systems used to process or store CUI in accordance with this agreement.

I further understand that intentional disclosure of non-public information may result in the imposition of civil and/or criminal penalties.

**RECEIVING PARTY:**

\_\_\_\_\_  
**CONTRACTOR**

\_\_\_\_\_  
Date

Signature:

Name:

Title:

Address:

**DISCLOSING PARTY:**

**GUAM WATERWORKS AUTHORITY**

Signature:

\_\_\_\_\_  
Date

Name: Brett E, Railey, P.E.

Title: Acting Chief Engineer

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