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## INTELLIGENCE COMMUNITY DIRECTIVE NUMBER 612



### INTELLIGENCE COMMUNITY CORE CONTRACT PERSONNEL (EFFECTIVE: 30 OCTOBER 2009)

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

**B. PURPOSE:** This Directive establishes policy for managing the use of core contract personnel that support intelligence missions.

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

#### **D. POLICY**

1. Core contract personnel will not engage in inherently governmental activities, as defined by Office of Management and Budget *Circular A-76*, as revised.

2. IC elements generally retain and use core contract personnel under one or more of the following circumstances:

a. **Immediate Surge:** To provide surge support for a particular IC mission area. In this regard, the use of a contractor enables the IC element to rapidly expand to meet a mission or business exigency, and then curtail that contract support when the exigency passes. A surge requirement may be of extended duration.

b. **Discrete Non-Recurring Task:** To accomplish 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 Expertise:** To provide unique technical, professional, managerial, or intellectual expertise to the IC element, where such expertise is not otherwise available from U.S. Government (USG) civilian or military personnel.

d. **Specified Service:** To provide a specified service, including technical assistance, in support of a core mission or function, where that service is of indefinite quantity.

e. **Insufficient Staffing Resources:** To perform work that would otherwise have been provided by a USG civilian given sufficient resources.

f. **Transfer of Institutional Knowledge:** To maintain 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 USG civilian or military personnel, or other similar exigency.

g. **More Efficient or Effective:** To provide support or administrative services, where the provision of such services by contract personnel is determined to be effective or efficient.

3. For each contract providing core contract personnel that begins after the effective date of this Directive, IC elements will request that for each contract covered by this Directive, the contractor provide information regarding individual core contract personnel competencies and compensation practices and policies, including applicable salary ranges, for those personnel performing work under the contract in question. The information will be limited to the scope of the applicable contract and will not include any personally identifiable information.

a. The request for compensation information shall apply only to contracts covered by this Directive with obligations in excess of \$5 million over a 12-month period. In turn, the Associate Director of National Intelligence and IC Chief Human Capital Officer (ADNI/CHCO) will use this information to conduct labor market surveys and analysis on the IC's behalf. To the extent information is marked "proprietary" by the contractor, it will be treated as such in accordance with existing policies and procedures.

b. The IC element shall attempt, to the extent possible, to obtain the information requested in Section D.3, but may withdraw or modify the request in order to conclude contract negotiations. If the contract does not provide for the information requested in Section D.3, the IC element shall notify the ADNI/CHCO in writing.

c. If the IC element can provide the information requested in Section D.3 by alternative means, the head of the IC element or his or her designee may waive the requirement to request such information.

4. IC elements are encouraged to reemploy Federal civilian annuitants as USG employees under the National Intelligence Reserve Corps and other applicable authorities rather than as independent contractors. IC elements will annually report the number of Federal civilian annuitants reemployed as independent contractors, as part of the reporting requirement set forth in Section E below.

**E. REPORTING**

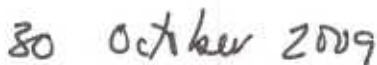
1. By 1 December annually, IC elements will submit to the ADNI/CHCO information regarding their core contract personnel for the preceding fiscal year.
2. By 1 March annually, the ADNI/CHCO, using data submitted in accordance with Section E.1 of this Directive, will issue a report to all IC element heads regarding the use of core contract personnel in the IC.
3. The ADNI/CHCO shall establish, in coordination with IC elements, the scope, form, and format for the information provided pursuant to Sections D.3, D.4, E.1, and F.2 of this Directive. This shall be promulgated as an IC Standard.

**F. STRATEGIC WORKFORCE PLANNING**

1. Coincident with the submission of the Fiscal Year 2011 National Intelligence Program and Military Intelligence Program President's Budget, and annually thereafter, IC elements will determine, review, and evaluate the actual and projected number and uses of core contract personnel in support of their intelligence mission.
2. The results of this review and evaluation will be reflected in the IC element's annual budget submission, to include relevant workforce budget displays and justification in a format to be determined by the ADNI/CHCO, in accordance with Section E.3 of this Directive.

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

  
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Director of National Intelligence

  
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Date

**APPENDIX A – DEFINITIONS**  
**ICD 612, INTELLIGENCE COMMUNITY CORE CONTRACT PERSONNEL**

1. *Contractor*: For the purposes of this Directive, the term “contractor” refers to either an independent contractor or an industrial contractor.

a. *Independent Contractor*: A self-employed individual with whom an IC element enters into a contract to provide specific services.

b. *Industrial Contractor*: A commercial business entity (other than an independent contractor or sole proprietorship), which enters into contracts with the IC to provide goods or services.

2. *Core Contract Personnel*

a. For the purposes of this Directive, core contract personnel are those independent contractors or individuals employed by industrial contractors who augment USG civilian and military personnel by providing direct technical, managerial, or administrative support to IC elements. Core contract personnel typically work alongside and are integrated with USG civilian and military personnel and perform staff-like work.

b. Core contract personnel are not:

(1) Individuals employed by contractors that produce or supply a particular industrial commodity or product, such as satellites or other manufactured equipment, or provide ongoing operational support to such a system that is an integral part of a product’s value chain life cycle.

(2) Individuals employed by contractors that provide widely available commercial services and functions, as defined by Office of Management and Budget *Circular A-76* and the *Federal Acquisition Regulation*, such as food and catering; janitorial, grounds, and facilities maintenance; and building or facility security; which are not specific or tailored to the business or mission of the IC.

(3) Individuals employed by contractors who are not required to possess a security clearance in order to perform their work, unless they are performing work specific to the mission of the IC, e.g., open source collection and analysis.