

Appendix V

Outline for Clause Selection (JUN 2015)

SCOPE: This Outline applies to the clauses published as version 2.0 of the Compendium. This Outline is not a substitute for a working knowledge of each clause's guidance. All these clauses have been placed into production in SCEIS as of June 8, 2015.

1. Whether to include the following clauses depends on your answers to the following questions. For the foreseeable future, these questions will not appear in Document Builder; you must conduct this analysis and include the clauses manually.
 - a. Does the acquisition include either a significant component of information technology or contractor access to government information? If yes, include these clauses.
 - i. 07-7B104-1, Information Security - Definitions (Feb 2015)
 - ii. 07-7B105-1, Information Security - Safeguarding Requirements (Feb 2015)
 - iii. 07-7B108-1, Information Use and Disclosure (Feb 2015)
 - b. Does the acquisition involve contractor access to sensitive or confidential information (e.g., computer security plans, student records, protected health information, or personally identifying information)? If yes, include these clauses. (Document procurement file regarding agency approval of clause 7B110.)
 - i. 04-4027-1, Service Provider Security Assessment Questionnaire - Required (Feb 2015)
 - ii. 07-7B007-1, Bankruptcy - Government Information (Feb 2015)
 - iii. 07-7B058-1, Contractor's Liability Insurance - Information Security and Privacy (Feb 2015)
 - iv. 07-7B102-1, Indemnification - Third Party Claims - Disclosures of Information (Feb 2015)
 - v. 07-7B110-1, Information Use and Disclosure - Standards (Feb 2015)
 - vi. 07-7B217-1, Service Provider Security Representation (Feb 2015)
 - vii. 09-9025-1, Service Provider Security Assessment Questionnaire (Feb 2015)
 - c. When using clauses called for by item b above, you should consider - in conjunction with the using agency - whether to include these clauses, which will not be addressed in the Documents Builder dialog.
 - i. 07-7B106-1, Information Security -Location of Data (Feb 2015)
 - ii. 07-7B122-1, Offshore Contracting Prohibited (Feb 2015)
 - d. Does the acquisition involve wide-spread, computerized, web-based interaction directly between the contractor and either public employees, citizens, or population groups receiving services (e.g., students, patients, inmates)? If yes, include this clause. As a practical matter, use of this clause may necessitate negotiations.
 - i. 07-7B212-1, Restrictions on Presenting Terms of Use or Offering Additional Services (Feb 2015) (replacing 07-7B195-1, Privacy – Web Services (Jan 2006))
2. Software Licensing. The following clauses facilitate the licensing of software and should be used only with the assistance of senior procurement staff at the information technology management office. For the foreseeable future, these questions will not appear in Document Builder; you must conduct this analysis and include the clauses manually.
 - a. 07-7B042-1, Contract Documents & Order of Precedence-Software Licensing-Single Agency (Feb 2015)
 - b. 07-7B223-2, Software Licensing Agreements for Statewide Term Contracts (Feb 2015)
 - c. 07-7B224-1, Software Licensing Agreements - Single Solicitation (Feb 2015)
 - d. 09-9030-1, South Carolina Standard Amendment to End User License Agreements for Commercial Off-The-Shelf Software - Single Agency.
 - e. 09-9035-1, Software Table

This page is intentionally blank.