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Comment on FR Doc # 2024-18110

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1) We understand there will be a three-year phase-in period once the rule is finalized for CMMC and that solicitations will begin to include CMMC-level requirements. The pool of small businesses (SBs) that serve the DoD ecosystem is small (compared to Federal contractor SBs). While it seems this phase-in period may mitigate or decrease impact to SBs serving the DoD, for any solicitation containing CMMC L2-L3, third-party assessed certification, the SB pool will be further reduced for contract awards. Many of the DoD SBs are niche, serving only DoD customers. We want to point out that while SBs are given 3 years, the competition on solicitations will be reduced severely in these years and SBs with limited funding reserves may not be able to survive, thereby reducing the SB ecosystem supporting the DoD.

2) What requirements and thresholds assist a contractor in determining if CMMC Level 2 Self-Assessments are appropriate for their organization, or if they need to pursue a CMMC Level 2 Certification by a 3rd party assessor? This has been unclear for a while. Because of this uncertainty, many contractors may be behind when the final requirements are published.

3) It is unclear if a company will have only 1 UID in SPRS or multiple. If a company has 2 or more "information systems that will process, store, or transmit FCI or CUI during contract performance," will there be separate UIDs they must report to the KO or a single UID that applies to the entire company?

4) In connection with our question 3, if the expectation is that each applicable information system receive a separate UID in SPRS, will each system need assessed to determine CMMC level certification? If each must be assessed separately, has the Government considered the financial impact (especially to SBs) that may have to pay additional costs for multiple information systems assessment?

5) In connection with question 4, public discussion has estimated a SB seeking CMMC L2 assessment and certification will spend approximately \$105K (to include the triennial assessment and two annual affirmations). (This price could increase dramatically if information systems must be assessed separately by a 3rd-party assessor.) At \$105K, a SB budgeting this cost over the three-year roll out period can expect a

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cost of approximately \$35,000 annually. This is not an insignificant cost to SBs currently doing business with the DoD. A small business currently doing business with the DoD may be pushed out of current contracts/re-competes and disqualified from competing on new work during this 3-year phase-in period if solicitations are requiring CMMC Level 2 Certifications and a SBs financially needs all 3 years to budget for and achieve the certification for their organization (or multiple information systems). This could potentially financially harm SBs who only serve the DoD and prevent them from fairly competing on work they are otherwise qualified for.

6) Training and support will be needed for contracting officers on how to use SPRS and eMass for verifying a contractor and subcontractors' CMMC levels. Additionally, training and support will be needed for contracting officers to help them determine what CMMC level is appropriate for inclusion on solicitations.

7) How will a contracting officer determine if the solicitation should require a successful contractor to hold a CMMC Level 2 Self-Assessment or a CMMC Level 2 Certification at time of award?

8) Will the contracting officers and contracting departments be encouraged to take feedback on drafts and live solicitations for consideration if potential bidders believe the CMMC level specified in the solicitation may be incorrect for the contract?

9) Is the Government considering any expemption, especially for SBs, during the 3-year phase-in period while these companies are in-process of 3rd-party assessments?

10) What is the determination process a contracting officer will use during this 3-year phase-in if the solicitation will include the CMMC clause or not?

11) If an organization has multiple information systems that "process, store, or transmit FCI or CUI during contract performance that have a certification at the CMMC level required by the contract" and the systems have different levels of assessment and certifications (perhaps some are self-assessed at L2, some are 3rd-party assessed at L2, and others are L3), how will an assessor determine the organization's overall level? Or will each system be determined separately, and if so, how will the organization's level be determined?

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