
**OPERATIONAL CONTRACT SUPPORT TACTICS,
TECHNIQUES, AND PROCEDURES**

June 2011

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Headquarters, Department of the Army

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OPERATIONAL CONTRACT SUPPORT TACTICS, TECHNIQUES, AND PROCEDURES

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***This publication superseded FM 3-100.21, 3 Jan 2003**

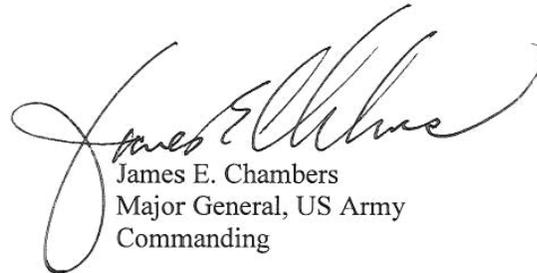
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Forward

The Army continues enhancing its capability to plan and provide effective operational contract support (OCS) for deployed Army and Joint forces. Operational tempo and reduced force structure has created a greater reliance upon commercial support to augment uniformed capabilities. Because of the unique nature of contracted support in contingency operations, the Army has made a concerted effort to improve our capability to plan and effectively integrate OCS into full spectrum operations. While OCS provides a commercial means to fulfill Army requirements, the overall responsibility for mission accomplishment remains with the commander; not with the contracting support organization.

This new Army tactics, techniques and procedures (ATTP) manual is written for Army operational commanders and their non-acquisition officer staffs. It is applicable from brigade to Army Service Component Command levels. It provides “how to” guidance for planning, requirements preparation, and integration of OCS into combat operations. This ATTP will also facilitate the effective transition from combat to security and stability operations. Application of this ATTP will enable Army operational commanders, and their staffs, to efficiently obtain and effectively utilize available commercial support in a theater of operations.



James E. Chambers
Major General, US Army
Commanding

Preface

This Army Tactics, Techniques and Procedures (ATTP) manual provides operational contract support (OCS) “how to” guidance for Army Force commanders and their non-acquisition officer staffs. It is applicable from brigade to Army Service Component Command levels. It serves as the primary reference document for execution of OCS planning and integration and oversight tasks laid out in the Common Battle Staff Task 71-8-4150, *Coordinate Contracting Support* and AR 715-9, *Operational Contract Support Planning and Management*. This publication also serves as the primary reference document for the Army Logistic University’s OCS Course.

This ATTP is the primary doctrinal publication that links previously published OCS related handbooks and graphic training aids that may be accessed through the LogNet OCS website: <https://www.us.army.mil/suite/page/599837>

This ATTP applies to the Active Army, the Army National Guard (ARNG)/Army National Guard of the United States (ARNGUS), and the United States Army (USAR) Reserve unless otherwise stated.

The glossary lists most terms used in this manual having joint or Army definitions.

The proponent for this ATTP is the Combined Arms Support Command (CASCOM). The approving authority is the CASCOM commanding general. The preparing agent is the Acquisition, Logistics and Technology-Integration Office (ALT-IO). The technical review authority is the Headquarters United States Army Materiel Command (USAMC). Send comments and recommendations on Department of the Army (DA) Form 2028 (*Recommendation Changes to Publications and Blank Forms*) to Commander, U.S. Army Combined Arms Support Command, ATTN: ATCL-ALT-IO, 2221 A Avenue, Fort Lee, Virginia 23801.

Chapter 1

INTRODUCTION

OVERVIEW

1-1. The scope of this Army Tactics, Techniques and Procedures (ATTP) manual applies to the execution of operational contract support (OCS) across the full spectrum of military operations in both foreign and domestic contingencies. It is applicable for all units from the brigade to Army service component command (ASCC) levels. Its purpose is to assist commanders at each level to “get OCS right” in the areas of effectiveness (combat readiness), efficiency (being good stewards of United States (US) tax dollars), and ethics (upholding the public’s trust in the US government).

US forces have seen an exponential growth in operational contract support in recent operations. At one point in Bosnia, our Army uniformed presence was 6,000 – supported by 5,900 civilian contractor personnel. In Operation Iraqi Freedom (OIF), the total number of Logistics Civil Augmentation Program related contractor personnel supporting the military force alone exceeds 60,000. A specific example of our significant reliance on contractors can be found with a strategic signal brigade in OIF which had only a few hundred assigned/ attached military members, but had over 3,000 contractor personnel executing this critically important battlefield function! Also, these numbers do not include the tens of thousands of Department of State contractors employed in support of Iraqi reconstruction and related security force efforts.

OPERATIONAL CONTRACT SUPPORT DEFINED

1-2. OCS is the integration of commercial sector support into military operations. OCS consists of two complimentary functions:

a. **Contract Support Integration** - The process of synchronizing operational planning, requirements development and contracting in support of deployed military forces and other designated organizations in the area of operations (AO). The desired end state of contract support integration actions include:

- (1) Increased effectiveness, efficiencies, and cost savings of the contracting effort.
- (2) Increased visibility and control of contracting functions.
- (3) Minimized competition for scarce commercial resources.
- (4) Increased ability for the Army force (ARFOR) commander to enforce priorities of support.
- (5) Decreased and/or mitigated contract fraud.
- (6) Limiting sole source (vice competitively awarded) and cost-plus contracts (vice fixed price) as much as practical.
- (7) Enhanced command operational flexibility through alternative sources of support.

b. **Contractor Management** - The process of managing and integrating contractor personnel and their equipment into military operations. Contractor management includes: planning and deployment/redeployment preparation; in-theater management; force protection and security; and executing government support requirements.

1-3. Integrating the two related OCS functions is a complex and challenging process. Multiple organizations are involved in this process including commanders, their primary/special staffs (at the ASCC down to, and including, battalion levels) and the supporting contracting organizations.

Note: OCS is not just contracting - it is a commander's responsibility requiring active involvement of all primary and special staff members in planning and execution.

GETTING FAMILIAR WITH OTHER KEY TERMS

1-4. It is imperative Army commanders and staffs have a working knowledge of key OCS related processes and terms discussed in this ATTP, and that they understand, and take seriously, their roles and responsibilities in effecting OCS planning and management. Without the basic understanding of these terms, effective planning and execution of this complex source of support is simply not possible.

a. **Contract** - An agreement, enforceable by law, between two or more competent parties, to do or not do something not prohibited by law, for a legal consideration. Federal Acquisition Regulation (FAR) 2.101 defines a contract as a mutually binding legal relationship that obligates the seller to furnish supplies or services (including construction) and the buyer to pay for them.

(1) **Prime Contract** - A contract or contractual action entered into by the United States Government for the purpose of obtaining supplies, materials, equipment, or services of any kind. The prime contractor is the organization that has entered into/signed the contract with the United States. The United States has privity of contract only with the prime contractor.

(2) **Subcontract** - A subcontract is a contract entered into by a prime contractor to a subcontractor for the purpose of obtaining supplies, materials, equipment, or services under a prime contract. The prime contractor is responsible for the actions of the direct subcontractor. Likewise, subcontractors are responsible for managing any subcontractor at the next lower tier. Sub-contractors and their employees must be treated the same as the prime contractor when it comes to contractor management planning and actions.

(3) **Privity of contract** - Privity of contract is the legal relationship that exists between two contracting parties, for example, between the prime contractor and the United States. This term is important to the Army commander in that only the prime contractor has direct responsibility to the government. This fact can limit the ability of Army commanders to directly enforce contractor management policies on subcontractors and their employees. However, a flow-down provision for subcontractor compliance with such policies requires prime contractors to enforce those policies on lower-tier subcontractors when they are included in the terms and conditions of their contract.

Note: Military units receive their guidance and instructions to conduct an operation from published plans and orders, usually operations plans (OPLAN), operation orders (OPORD) and fragmentary orders (FRAGO). These plans and orders describe the mission and the manner in which the operation will be accomplished. Similarly, contractors receive guidance and instructions via the contract, not the OPLAN, OPORD, or FRAGO.

b. **Contractor** - A contractor is an individual or business, to include authorized subcontractors that provide products or services for monetary compensation in accordance with (IAW) the terms and conditions of a contract.

c. **Head of Contracting Activity** - The head of contracting activity is the official who has overall responsibility for managing the contracting activity.

d. **Contracting Officer** - A contracting officer is the military officer, non-commissioned officer (NCO) or Army civilian with the legal authority to enter into, administer, and/or terminate contracts. The contracting officer is appointed in writing through a warrant (Standard Form 1402, *Certificate of Appointment*) by the Head of Contracting Activity (HCA) or designated senior contracting official.

Administrative contracting officers (ACOs) are a subset of contracting officers whose duties are limited to administering the contract.

e. **Requiring Activity** - A requiring activity is a military or other designated supported organization that identifies, plans for, and coordinates for contracted support during military operations. A requiring activity may also be the supported unit.

f. **Supported Unit** - The supported unit is the organization that is the recipient, not necessarily the requestor, of contractor-provided support. A supported unit may also be the requiring activity, if it initiates the request for support.

g. **Contracting Officer Representative (COR)** - The COR (sometimes referred to as a contracting officer technical representative or COTR) is a Service member or Department of Defense (DOD) Civilian, appointed, in writing, by a contracting officer. Responsibilities include monitoring contract performance and performing other duties as specified by their appointment letter. A COR is normally nominated by the requiring activity or designated supported unit and usually serves in this position as an extra duty depending upon the circumstances; it is a key duty that cannot be ignored without creating risk to the government.

h. **Types of Contract Support**

(1) **Theater support contracts** - A type of contingency contract awarded by contracting officers deployed to the operational area serving under the direct contracting authority of the designated HCA for that particular contingency operation. These contracts, normally executed under expedited contracting authority (e.g. reduced time frames for posting of contract solicitations; allowing for simplified acquisition procedures for higher dollar contracts, etc.), provide goods, services, and minor construction from commercial sources, normally within the AO. Also important from a contractor management perspective are local national employees that often make up the bulk of the theater support contract workforce.

(2) **Systems support contracts** - Prearranged contracts awarded by and funded by acquisition program executive officers (PEOs) and project/product management (PM) officers. These contracts provide technical support, maintenance support and, in some cases, Class IX support for a variety of Army weapon and support systems. Systems support contracts are routinely put in place to provide support to newly fielded weapon systems, including aircraft, land combat vehicles, and automated command and control (C2) systems. Systems support contracting authority and contract management resides with the Army Contracting Command, while program management authority and responsibility for requirements development and validation resides with the system materiel acquisition PEO/PM offices. Systems support contractor employees, made up mostly of US citizens, provide support both in garrison and in contingency operations.

Note: Operational commanders generally have less influence on the execution of systems support contracts than other types of contracted support.

(3) **External support contracts** - Contracts awarded by contracting organizations whose contracting authority does not derive directly from the theater support contracting head(s) of contracting activity or from systems support contracting authorities. External support service contracts provide a variety of logistic and other non-combat related services and supply support. External support contracts normally include a mix of US citizens, third-country nationals (TCNs), and local national contractor employees. Examples of external contract support are:

- Service (Air Force, Army and Navy) civil augmentation programs.
- Special skills contract (e.g. staff augmentation, interpreters, interrogators, etc.).
- Defense Logistics Agency prime vendor contract.
- Reach-back contracting support provided by contracting offices outside the operational area.

Note: While reach-back contracting support is technically an external support contract by virtue of the fact the contracting authority is located outside of the operational area, most reach-back contracting is coordinated through the local theater support contracting officer. Planning and coordinating for this reach-back support does not normally require any special requiring activity actions.

The largest and most commonly known external support contract is the Army’s Logistics Civil Augmentation Program (LOGCAP). LOGCAP **may provide supply services** (e.g. storage, warehousing, distribution, etc.) for the 9 classes of supplies, **but the Services source the actual commodities**. LOGCAP does not provide personal services type contracts. Figure 1-1 illustrates some services LOGCAP provides. (Note: This listing is not all-inclusive.)

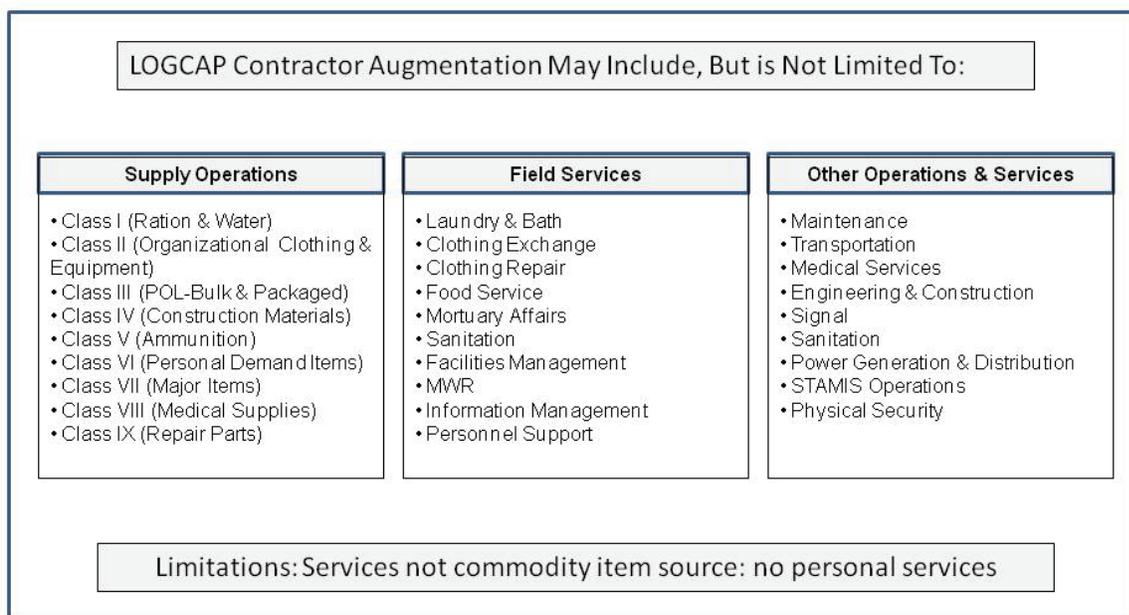


Figure 1-1. Logistics Civil Augmentation Program (LOGCAP) Services

Note: LOGCAP is a Service Contract!

OPERATIONAL CONTRACT SUPPORT IMPERATIVES

1-5. The following imperatives apply to all aspects of OCS planning, integration, and management. Understanding and following these imperatives will optimize OCS and minimize the risks of contract fraud or unauthorized commitments.

a. **Command authority does not equal contracting authority.** Command authority is the legal authority of the operational commander to organize and employ assigned and attached forces; however, command authority does not include the authority to make binding contracts for the US government. Contractors are only obligated to perform functions specified in the terms and conditions of their contract.

WARNING

Only warranted contracting officers, have the authority to award or change a contract. The phrase “other duties as assigned” does not apply to contractor personnel!

b. **The OCS process is based in law.** Contracted support must be administered IAW US public law along with the Federal Acquisition Regulation (FAR), the Defense Federal Acquisition Regulation (DFARS) and the Army Federal Acquisition Regulation Supplement (AFARS). FAR Part 18 and DFARS Part 218 outline emergency procurement authorities that may be available in support of contingency operations.

WARNING

Commanders should never ask, nor direct, their supporting contracting officers to circumvent or violate the FAR. Such command direction would be similar to directing a subordinate to violate the Law of War. The ramifications include monetary fines, punitive discipline, and criminal penalties.

c. Contracting for support requirements does not relieve the commander of mission responsibility. Commanders and their staffs, i.e., the requiring activity, are responsible for contract support planning and management actions. OCS is a team effort between the requiring activity, the contracting officer, and the contractor.

d. **Procurement integrity, conflict-of-interest, and ethics.** Commanders and supporting contracting activities are collectively responsible to ensure the appropriate command climate and training exists covering procurement integrity, conflict-of-interest and ethics, to mitigate fraud, waste and abuse of government resources. Department of Defense’s (DOD’s) joint ethics regulation, administered by the Office of General Counsel, requires the Army to provide training and counseling to educate Soldiers and Department of the Army civilians regarding applicable ethics laws and regulations. All leaders, both operational and acquisition, must ensure training raises individual awareness to enable the recognition and reporting of misconduct, as well as, track and follow up on all reports of acquisition related misconduct. For further information regarding ethics, see Appendix C, General Ethical Principles, of this manual.

Note: Requiring activities and/or subordinate supported units must be prepared to closely monitor contract performance and assist the contracting officer in the contract management process through the nomination and aggressive tracking of qualified contracting officer representatives (for service contracts) and receiving officials (for commodity contracts).

OPERATIONAL CONTRACT SUPPORT PROCESS AND TEAM

1-6. The OCS process synchronizes the military decision making process with the contracting process. The OCS process is a team effort. OCS planning and mission oversight for the Army starts at the ASCC and/or subordinate ARFOR levels. Requiring activities at all levels play a key role in this process. Requiring activities are much more than just customers of contract support; they have an important role to play and are a key member of the OCS team. The actual contracting process can be an effective means to achieve the desired support only if it is employed with careful planning through a coordinated team effort. Figure 1-2 below graphically depicts the overall OCS process and team member roles.

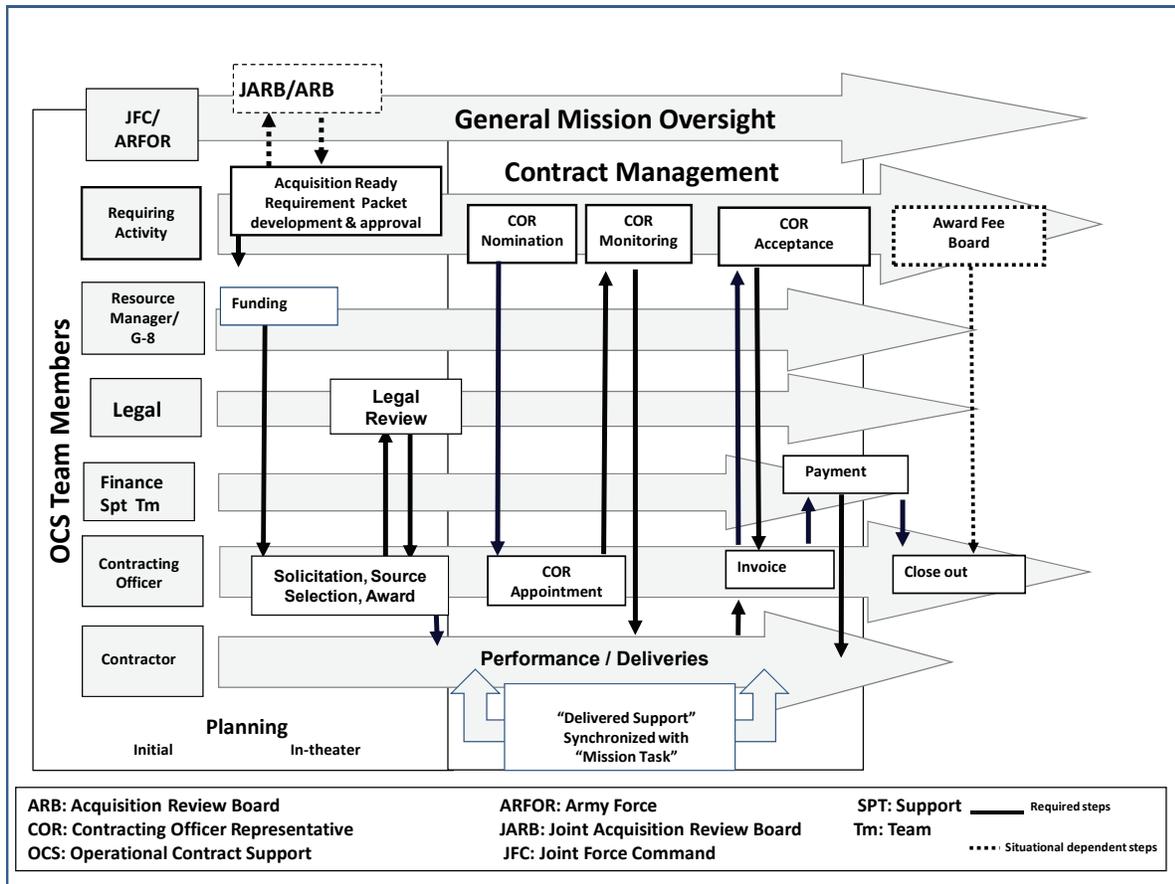


Figure 1-2. The Operational Contract Support Process

Chapter 2

OPERATIONAL CONTRACT SUPPORT STRUCTURE AND RELATED ORGANIZATIONAL INITIATIVES

OVERVIEW

2-1. The transformed modular Army is based on deploying brigade combat teams, with related C2 and support capabilities, anywhere in the world to conduct expeditionary combat and stability operations. The level of operational agility of a deploying brigade combat team and related C2 requires significant organic support capabilities coupled with a commercial augmentation capability. To enhance effective execution and oversight of this “commercial augmentation”, the Army recently directed the consolidation of all theater support contracting capabilities under US Army Materiel Command (USAMC). In addition to its’ theater support contracting mission, USAMC is also the Army’s LOGCAP executing agent. A general overview of the USAMC units and functions, along with other OCS organizational related initiatives, is provided below.

Note: Support units from brigade through Army service component command no longer have assigned contingency contracting officers on their tables of organization and equipment. In the new modular Army, these units’ former contracting staff members have been transformed into separate Table of Organization and Equipment (TOE) contracting units under the C2 of USAMC.

SUBORDINATE COMMANDS OF U. S. ARMY MATERIEL COMMAND

2-2. US Army Contracting Command. US Army Contracting Command (USACC) is a major subordinate command within the USAMC. The USACC provides theater support contracting services to deployed Army forces, and systems contracting support to Army program executive officers (PEOs) and program managers (PM), including the LOGCAP Executive Director. It also provides contracting services to garrison operations through its two subordinate commands: the Expeditionary Contracting Command (ECC) and the Mission and Installation Contracting Command (MICC). In addition, the USACC provides reach back contracting support from its continental United States (CONUS) based contracting centers.

2-3. Expeditionary Contracting Command. The ECC trains, equips, deploys, and commands all active component Army contracting modular commands, units and teams, and reserve contracting elements when activated. It provides trained and ready forces for theater support contracting for Army deployed forces and provides garrison contracting for all outside the continental United States (OCONUS) Army installations and associated forward stationed units. It accomplishes or supports theater contracting support missions through its subordinate Contracting Support Brigades (CSBs).

2-4. Contracting Support Brigade. CSBs are table of organization and equipment (TOE) units that serve as the Army’s primary theater support contracting headquarters (HQs). The CSB commander also serves as the primary OCS planner and advisor to the ASCC.

a. CSBs, through contracting authority delegated by the ECC execute theater support contracting actions in support of Army forces in contingency operations and coordinate other common contracting actions as directed by the ECC and the supported Army force (ARFOR) commander. CSB’s are aligned with a specific regionally focused ASCC. When deployed, the aligned CSB normally has a direct support (DS) relationship with the ARFOR commander in the AO and executes its contracting mission under the direction and contracting authority of the ECC. The ARFOR commander may further delegate this DS relationship per mission, enemy, terrain and weather, troops and support available, time available, civil considerations (METT-TC) factors.

b. CSBs provide C2 over a number of contingency contracting battalions (CCBN), senior contingency contracting teams (SCCTs), and contingency contracting teams (CCTs) as determined during the mission planning process.

2-5. Contingency Contracting Battalions. Like the CSB, the primary mission of the CCBN is planning and C2. The CCBN does not normally write, award or administer contracts. Their subordinate CCTs are responsible for the mission of writing, awarding, and administering contracts. CCBNs are normally placed under the direct command of the deploying CSB or, in small scale operations, may deploy separately from the CSB HQs. In major sustained operations, the CCBN may be combined with SCCTs, CCTs and/or contracting elements from other Services to form a regional contracting center (RCC).

2-6. Senior Contingency Contracting Teams. SCCTs normally deploy under the C2 of a CSB and provide theater support contracting services on a general support (GS) basis within a designated support area or in DS to a designated maneuver or sustainment unit as directed. In long-term operations, SCCTs may be utilized to form regional contracting offices (RCOs) to provide GS support to multiple organizations as directed.

Note: In early phases of an operation, contingency contracting teams may have a DS relationship to major units (brigade through corps), especially if these units are operating in distinctly different sectors within the AO. A GS relationship is the norm for long term stability operations where overall efficiency of support and greater operational-level control over contract support executions is necessary.

2-7. Contingency Contracting Teams. CCTs represent the basic Army contracting “unit of maneuver”. CCTs normally deploy under the C2 of a CCBN and provide theater support contracting, on a DS or GS basis, as directed. In long-term operations, CCTs may be combined with a SCCT or other CCTs to form RCCs and RCOs as required.

For more information regarding the CSB and its subordinate units, see FM 4-92, *Contracting Support Brigade*.

2-8. Army Sustainment Command. ASC is a major subordinate command of USAMC. ASC is USAMC’s field coordinator for national-level sustainment support and is responsible to administer LOGCAP.

a. **Army Field Support Brigade.** AFSBs are subordinate ASC commands designed to provide general USAMC support, synchronization, and coordination of national-level support (less theater support contracting, LOGCAP, and medical contracting) to deployed Army forces. AFSBs are regionally aligned to a designated area of responsibility (AOR) or other support area and serves as the ASC’s bridge between the generating force and the operating force. Their primary OCS focus is the synchronization and coordination of system and sustainment maintenance focused support.

For more information regarding the AFSB, see FMI 4-93.41 *Army Field Support Brigade Tactics, Techniques and Procedures*.

b. **Team LOGCAP Forward.** Team LOGCAP-Forward (TLF) is an ad hoc deployable USAMC element responsible to provide centralized in-theater LOGCAP management structure and to ensure effective and efficient execution of LOGCAP requirements within the AO. As required, TLF is organized, deployed and managed under the auspices and direction of the USAMC’s LOGCAP Executive Director, normally in coordination with (ICW) the supporting CSB. TLFs are usually formed and deployed in support of any major exercise or contingency where LOGCAP support is planned or being executed. The specific size and composition of a deployed TLF is determined by METT-TC factors.

(1) A key element of the TLF is its logistics support officers (LSOs). The US Army Reserve LOGCAP Support Unit provides C2 for the LSO and when activated, is placed in Operational Control (OPCON) for USAMC in support of LOGCAP. LSOs provide LOGCAP mission specific training, and planning

and requirement development assistance to major sustainment and maneuver units designated by the ARFOR commander as having major LOGCAP related requiring activity/functions. LSOs, like the entire TLF, are deployed based on METT-TC factors.

Note: There are no fixed rules of allocation for LSO support. LSOs are provided to selected units (normally sustainment brigade, expeditionary sustainment commands, theater sustainment commands, divisions and/or corps HQs) on a METT-TC basis.

(2) TLF is supported by Defense Contract Management Agency (DCMA) administrative contracting officers (ACOs), quality control representatives, and property book officers. TLF also works very closely with deployed Army Corps of Engineer organizations for facility related support, Defense Contract Audit Agency (DCAA) for audit services, and with any deployed CSB or joint theater support contracting command (JTSCC), if formed, to ensure LOGCAP efforts are properly synchronized with the overall OCS effort.

OTHER ARMY ORGANIZATIONS

2-9. US Army Corps of Engineers. The US Army Corps of Engineers (USACE) is a DOD construction agent responsible for military construction (MILCON) planning and execution in various designated nations across the globe. Joint and Army commanders leverage USACE to provide technical engineering assistance for design and award of construction contracts to civilian companies in support of military operations in their designated support countries. They also have deployable civilian contracting officers who provide in-theater contracting services utilizing USACE contracting authority. Naval Facility Command provides similar support in selected countries outside of USACE's designated support areas. Specific information on the responsibilities of DOD construction agents is contained in Department of Defense Directive (DODD) 4270.5, *Military Construction*.

2-10. US Army Special Operations Command. The US Army Special Operations Command (USASOC) works closely with the ECC and US Special Operations Command (USSOCOM) for OCS planning and execution. USASOC units are normally provided GS support in the AO via a designated lead Service or joint contracting element. In some operations, deployed USASOC units may have their own DS contracting team operating under USSOCOM contracting authority. Normally, the DS USASOC contracting team provides support for special operations' unique services and commodities. In all cases, the USASOC contracting team should coordinate their efforts with the lead Service or joint contracting element providing GS support.

2-11. US Army Medical Command. The US Army Medical Command (USAMEDCOM) is responsible for providing Army Health System support for mobilization, deployment, sustainment operations, and redeployment of Army forces. The USAMEDCOM, through its subordinate research, acquisition, educational, and training institutions, leverage assets to ensure deployed Soldiers receive the best possible health care regardless of their geographic location. Due to stringent requirements of the Food and Drug Administration for pharmaceuticals and the provision of medical care, contracting for host nation support is not always feasible for medical activities and may be restricted to nonmedical functions. However, if medical contingency contracting support is required during deployment, it can be obtained via reach back to the USAMEDCOM's Health Care Acquisition Activity. When required, a request for forces is forwarded to the USAMEDCOM and contracting officers from the Health Care Acquisition Activity deploy as part of the Medical Logistics Management Center's (MLMC) forward support team. The MLMC deploys a forward support team to provide centralized theater-level inventory management of Class VIII materiel for the theater. The MLMC has two forward support teams; one team is deployed per theater. The MLMC forward support team is subordinate to the medical command (deployment support) (MEDCOM [DS]) or senior medical C2 headquarters and collocates with the distribution management center of the TSC/ESC. As part of the MLMC forward support team, the USAMEDCOM contracting officers remain under the C2 of the MEDCOM (DS), maintain home station contracting warrant authority under the Commander, Health Care Acquisition Activity, and collocates with the contracting cell of the CSB.

2-12. US Army Intelligence and Security Command. Like USACE, the US Army Intelligence and Security Command (INSCOM) has its own contracting officers who provide contracting services for military intelligence related requirements. INSCOM's contracting officers normally do not deploy.

JOINT ORGANIZATIONS

2-13. Joint Theater Support Contracting Command. The geographic combatant commander may stand up a JTSCC when warranted. Doctrinally, the JTSCC organizational option is normally applicable only for major, long-term and complex stability operations where the subordinate joint force commander (JFC) requires direct control over all aspects of theater support contracting. The JTSCC commander reports to the subordinate JFC and has overall responsibility to ensure the theater support contracting mission is conducted in an effective, efficient, and well coordinated fashion. The JTSCC commander would also serve as the subordinate JFC's principal OCS advisor, coordinator and integrator. For more information regarding the JTSCC, see Joint Pub 4-10, *Operational Contract Support*.

Note: At the time of this manual's publication, theater support contracting, in both Afghanistan and Iraq, falls under the auspices of Joint Contracting Command-Iraq/Afghanistan.

2-14. Defense Contract Management Agency. DCMA provides contingency contracting administrative services for delegated external support contracts (primarily, but not exclusively, LOGCAP) and for selected theater support contracts. For more information regarding DCMA, see Joint Pub 4-10, *Operational Contract Support*.

Note: DCMA does not develop or award contracts in theater. It provides contingency contract administration services to selected major external support, systems support, and theater support contracts as delegated by the appropriate contracting official.

2-15. Defense Logistics Agency. Defense Logistics Agency (DLA) is the DOD combat support agency responsible for providing worldwide logistics support, for designated commodities to military departments, combatant commands, other DOD components and federal agencies. When authorized, this support can be extended to state and local government organizations, foreign governments and non-governmental organizations. While not a primary function, DLA can provide external support contracts in direct support of contingency operations. OCS planning needs to consider commodities provided by DLA, such as bottled water and food. For more information regarding DLA, see Joint Pub 4-10, *Operational Contract Support*.

2-16. Joint Contingency Acquisition Support Office. The DOD is in the process of standing up a new OCS support organization: the Joint Contingency Acquisition Support Office (JCASO). The JCASO is currently assigned to the DLA. It is intended to provide contingency acquisition management support to combatant commanders' OCS planning efforts and training events. Additionally, when requested, the JCASO can deploy selected personnel to assist subordinate JFC and Service components in OCS planning and management matters.

2-17. Joint Operational Contract Support Planners (JOCSP). The joint operational contract support planners (JOCSP) initiative is a DOD-level funded initiative intended to provide dedicated OCS related planning capability at each Geographic Combatant Command (GCC). The JOCSP mission is to assist GCC and Service component commanders and their staffs in developing theater strategic and operational level OCS related plans, policies and guidance and to ensure these documents are developed IAW current DOD and joint policies.

OPERATIONAL CONTRACT SUPPORT ADDITIONAL SKILL IDENTIFIER

2-18. The Army has recently approved a new, additional skill identifier (ASI); “3C” OCS planning and management. This 3C ASI is awarded to commissioned officers, warrant officers, noncommissioned officers), and Department of the Army civilians upon successful completion of the Army Logistic University’s Operational Contract Support Course. Under the current Army plan, this ASI will be applied to full time positions in the TSC, ESC, and sustainment brigade support operations offices and additional duty positions in all logistics battalion support operations offices and all brigade and above S/G-4 offices. Although specific responsibilities may vary based on unit of assignment, the functions of the 3C ASI officer/NCO include:

- a. Establish OCS reference file including, but not limited to:
 - Contract support integration plan (CSIP).
 - Contractor management plan (CMP).
 - Local command OCS policy and procedure documents.
 - Doctrine, policy, and training publications.
 - Other documents as appropriate.
- b. Advise commander and staff regarding OCS matters.
- c. Coordinate and manage unit OCS training.
- d. Integrate OCS matters/requirements among the staff.
- e. Participate in unit operational planning teams to apply OCS expertise to the planning process.
- f. Develop, review statements of work (SOW)/performance work statements (PWSs), independent government estimates (IGEs), requirement justification documentation, and purchase requests.
- g. Coordinate staffing and submittal of requirements packages.
- h. Monitor, track and coordinate required unit actions associated with:
 - Requirements package processing.
 - Awarded contracts.
 - Contracting officer representatives and receiving officials.
- i. Interface with supporting contracting activities, such as CCTs and RCOs.

***Note:** Documentation of the 3C ASI in TOEs is on-going. At the time of this manual’s publication, only the TSC, ESC and sustainment brigade 3C ASI TOE positions have been formally approved. The other TOE positions are expected to be approved in the near future.*

The vignette below is a “real world” example of one unit’s efforts to meet the challenge of OCS. The inclusion of trained 3C ASI staff in unit TOEs institutionalizes the lessons learned from this and other unit’s OCS related experiences in recent operations.

Contracting Coordination Cell Vignette

The 1st Sustainment Brigade deployed to Iraq in late 2007. In support of two divisions and numerous other customers, the brigade established what they called a “contract coordination cell” or “CCC”. This “out of hide” CCC was deemed necessary in order to gain and maintain visibility and control over its significant amount of OCS efforts. The 1st Sustainment Brigade CCC consisted of an OIC and three sections: quality assurance, purchasing, and plans & programs. Additionally, USAMC provided one LOGCAP contractor and one LOGCAP performance contractor (Kellogg Brown and Root) liaison. Specific responsibilities assigned to each of these sections were:

- a. The quality assurance section:
 - (1) Identifying CORs and tracking unit COR transitions.
 - (2) Coordinating COR appointment and training.
 - (3) Ensuring CORs were provided appropriate contract documentation.
 - (4) Providing liaison to DCMA quality assistance representatives.
 - (5) Receive, review, and forward COR audit reports.
 - (6) Receive, review, and forward monthly performance evaluation board input.
- b. The purchasing branch:
 - (1) Disseminate comptroller guidance to subordinate units.
 - (2) Liaison with comptrollers to ensure purchase requests are processed in a timely and effective manner.
 - (3) Consolidating, processing and tracking all brigade purchase requests.
 - (4) Subordinate S4 support for purchasing requirements.
 - (5) Ensure completion of receiving reports.
- c. The plans and programs section:
 - (1) Operating a contracting helpdesk (for subordinate unit support).
 - (2) Liaison with brigade support operations staff, supporting JCC-I/A RCC, DCMA ACOs, TLF, and contractor program managers to ensure contracted activities support operational plans in a timely, effective manner.
 - (3) Develop, track, obtain joint approval (if required) and ensure funding of requirement packages. All packages include commodity description of PWS, letters of justifications, and IGEs prepared by the requesting unit.
 - (4) Customer/contractor communication and issue resolution.
 - (5) Mission analysis for contract support impact.
 - (6) Maintaining the central database of record for contractual documents.

The CCC was essential to the success of the 1st Sustainment Brigade overall support effort in this deployment.

Chapter 3

OPERATIONAL LEVEL PLANNING

INTRODUCTION

ASCC and subordinate ARFOR commanders are responsible for developing, implementing and executing OCS related plans. Operational level planning begins with the geographic combatant commander (GCC) and flows downward to the Service component commands. Every ASCC/ARFOR OPLAN/OPORD should have a CSIP with an associated CMP. **The importance of OCS planning, integration, and contractor management cannot be overemphasized.**

KEY TERMS

3-1. The following terms and descriptions are key to this chapter:

a. **Contract Support Integration Plan** – provides overarching contract support guidance for a specific operation. The CSIP outlines the organization and initial locations of the supporting contracting organizations, and defines how the force will acquire and manage contracted support.

b. **Contractor Management Plan** – captures key, operational specific, contractor personnel and equipment related information. The CMP defines the government's obligation, under the terms and conditions of the contract, to provide support to include, but not limited to, base life support, medical support, transportation support and force protection to contractor personnel operating on military facilities or in the direct vicinity of US forces.

PLANNING PRINCIPLES

3-2. Contracted support and its associated contractor management challenges must be closely integrated into the overall planning process. Ineffective planning will negatively impact the outcome of the mission.

3-3. There are contract support costs outside the actual dollar cost to the government. OCS planners need to advise their fellow staff officers and commanders that there are often second and third order effects, beyond the monetary factors associated with contracted support that may not be readily apparent. These additional operational costs include, but are not limited to: reduced flexibility due to the inability to assign extra duties to contractor personnel; time delays associated with work changes and contract modifications; government oversight requirements (i.e. supported units must provide CORs); force protection and/or security requirements. These OCS related operational costs must be considered and mitigated when considering the outsourcing of support tasks in contingency operations.

3-4. Contracting requires centralized planning with decentralized execution to ensure effective, efficient use of, and to prevent competition for, limited local resources. In many operations, multiple theater support, systems support, and external support contracting activities, as well as other government agencies and non-governmental organizations, may compete for the same locally available commercial vendor base – with the end result being unintentional inflation of costs and reducing the commander's ability to enforce established priorities of support. It is imperative that supported commands develop adequate plans to ensure visibility of all contract requirements and associated contracts available for execution within the AO. The key to success in this area is to establish requisite OCS related boards and centers along with the publication of requisite command/coordination guidance in a timely manner in the appropriate OPORDs, FRAGOs, and directives.

3-5. Contracted support can have a direct strategic impact on civil aspects of the operation. While the most important factor of contracted support is meeting the requirements of the deployed force, in certain operations, the supported commander may desire to utilize theater support and some external support contracts in a manner maximizing positive economic and social impact on the local populace (e.g. the Iraqi and Afghanistan first programs seen in current operations where contracts were awarded to local national firms first where feasible). Tying the contract support effort directly to the civil-military aspects of the operational plan requires very close coordination between the lead contracting activity, normally the CSB, and the supported commanders’ plans and operations staff. This effort can be especially important in long-term stability operations.

3-6. Contracted support is only one source of support. Logistics and other support planners must consider all potential sources of support to include organic support, support from sister Services, support from multinational partners, and host nation support (HNS) before determining a supply or service support requirement should be met by commercial means. Sources of contract support can range from theater support contracts to external support contracts such as LOGCAP, local DLA prime vendor contracts, existing Navy husbanding contracts and, in North Atlantic Treaty Organization (NATO) operations, contracts through the NATO Maintenance and Supply Agency. The final decision as to source of contracted support should be focused upon obtaining the best value to the government based upon METT-TC factors.

3-7. OCS planning involves more than just logistic planning. While a significant amount of contracted support is for logistic related services, the scope of OCS extends well beyond just logistics and includes critical support services as interpreter, signal, general staff support, etc. Figure 3-1 shows the estimated breakout of contractor personnel in Iraq, by type of service provided, as of 30 September 2009.

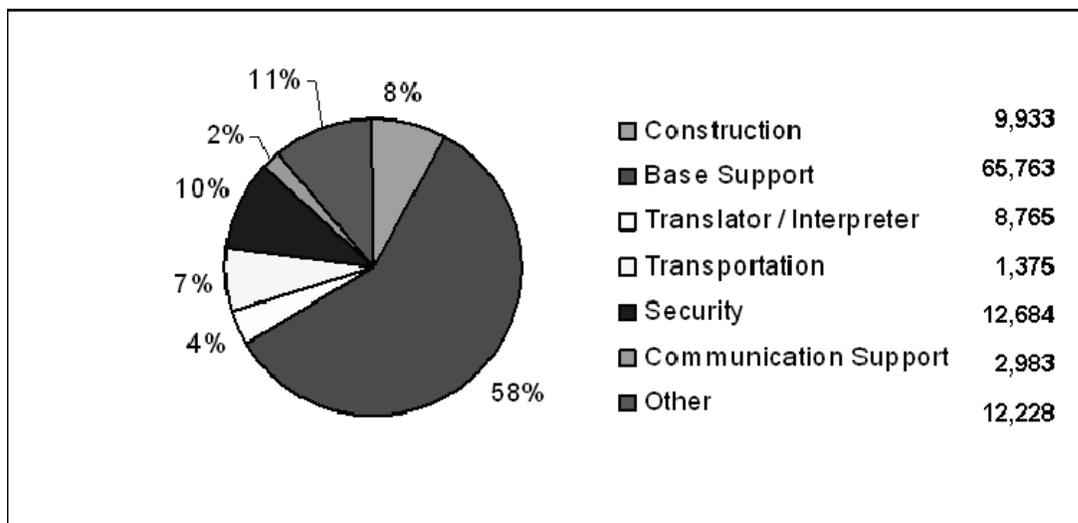


Figure 3-1. DOD Estimated Breakout of Contractor Personnel in Iraq, by Type of Service Provided, as of 30 September 09

JOINT PLANNING OVERVIEW

3-9. Contract support is a key joint force enabler. When properly planned for, OCS can provide the JFC enhanced operational flexibility. The use of commercial support available in or near the operational area may allow the JFC to front-load combat power or high-priority personnel and equipment in the deployment process. Additionally, the JFC may also be able to reduce the uniformed “foot print” within the operational area by employing contracted support to supplement or replace selected military support capabilities.

3-10. GCCs are required by DOD and Chairman of the Joint Chief of Staff policy to develop and promulgate CSIPs in all OPLANs and OPORDs. These JFC CSIPs provide overarching contract support integration guidance for a specific operation. Their focus is not on specific contract support requirements, but on how the

force will, overall, acquire and manage OCS. These plans also address major contractor management guidance either in a separate CMP or in the appropriate sections of the OPLAN/OPORD. Figure 3-2 provides typical joint CSIP guidance.

- Theater support contracting organizational guidance (Service components provide their own support, lead Service designation, formation of a joint theater support contracting command).
- OCS related boards and centers:
 - Commander's Logistics Procurement Support Board (CLPSB).
 - Joint acquisition review board (JARB).
 - Joint contracting support board (JCSB).
 - Joint facilities utilization board (JFUB).
 - Other boards as designated.
- Overall theater acquisition strategy to include:
 - Specific contracting related restrictions.
 - Guidance on use of local national contracts and/or employees.
 - Guidance on transformation from Service civil augmentation program support to theater support contracts.
 - Use of private security contractors and sub-contractors.
- Guidance on transitioning to and from the use of civil augmentation programs to direct external support and/or theater support contracts, Theater business clearance procedures and responsibilities.
- Legal, finance support and funding arrangements.
- Multinational, interagency support requirements and arrangements.
- Contractor personnel theater entrance guidance.
- Any contractor personnel restrictions by phase of the operation or location.

Figure 3-2. Joint Contract Support Integration Plan Guidance

For more information on joint OCS planning see DODD 3020.49, *Orchestrating, Synchronizing, and Integrating Program Management of Contingency Acquisition Planning and Its Operational Execution*, Chairman of the Joint Chiefs of Staff Instruction Manual (CJCSM) 3122.02D, *Joint Operation Planning and Execution*, Joint Pub 4-10, *Operational Contract Support*, and JFC guidance. Operational specific guidance can be found at the following website: http://www.acq.osd.mil/dpap/pacc/cc/areas_of_responsibility.html.

DEVELOPING AN ARMY SERVICE COMPONENT/ARMY FORCE LEVEL PLAN

3-11. General Operational Contract Support Planning Guidance. Contractors will support Army forces operating in military contingencies across the range of Army operations. Contracted support in general, however, should be utilized only after full consideration of all sources of support. In all cases, contracted support planning and execution must follow applicable laws and regulations.

a. **Contract Support Integration Planning.** IAW AR 715-9, all Army Service Component Command (ASCC) and/or separate Army force command (normally a corps or division) level OPLAN and OPORD will include a CSIP. CSBs normally assist the ASCC/ARFOR G-4 to draft the CSIP. Additionally, plans and orders should contain additional contract support guidance, as appropriate; in applicable annexes and appendices within the respective plan (e.g. contracted bulk fuel support guidance should be addressed in the Class III (B)

Appendix to the Logistic Annex). Operational plans at all levels will take in account all applicable OCS related requirements.

b. **Contractor Management Plans.** All CSIPs will also include a separate CMP appendix and/or address the contractor management requirements in the applicable appendix or annex of these plans (e.g. private security contractor rules of the use of force should be addressed in the Rules of Engagement Appendix to the Concept of the Operation Annex). CMPs should address all requisite contractor management matters. Chapter 5 of this ATTP provides contractor management planning information.

c. **Integrating Army and Joint Planning.** All Army CSIPs and associated CMPs must be developed in parallel, and fully synchronized, with the applicable JFC CSIP, and associated CMP.

d. **Staff Integration and Synchronization.** All CSIP actions, and especially CMP actions, must be synchronized and integrated across all primary and special staffs to include applicable contracting organizations.

e. **Role of the CSB Planning Staff and Logistic Civil Augmentation Program Planners.** Under direction of the ASCC and/or subordinate ARFOR G-4, CSB planners and supporting LOGCAP planners assist in the development of the CSIP and CMP. The CSB staff coordinates the CSIP development with the ECC, USACE, TLF, TSC support operations, other organizations/ activities as required.

3-12. General Process. OCS planners should not underestimate the complexity of creating comprehensive and coordinated OCS planning guidance. They also need to find and closely follow GCC/subordinate JFC CSIP and related policy/procedures. OCS planners should begin the planning process as soon as possible and ensure this effort is coordinated across the ASCC/ARFOR primary and special staff sections and other organizations (e.g. USACE, ECC, etc.) as required. OCS planning also must include a thorough risk assessment and must follow policies concerning what is/is not inherently governmental. Throughout the entire process, unit staffs should closely coordinate their actions with the supporting CSB and LOGCAP plans officers. Figure 3-3 below provides more specific guidance on the ASCC/ARFOR level OCS planning process.

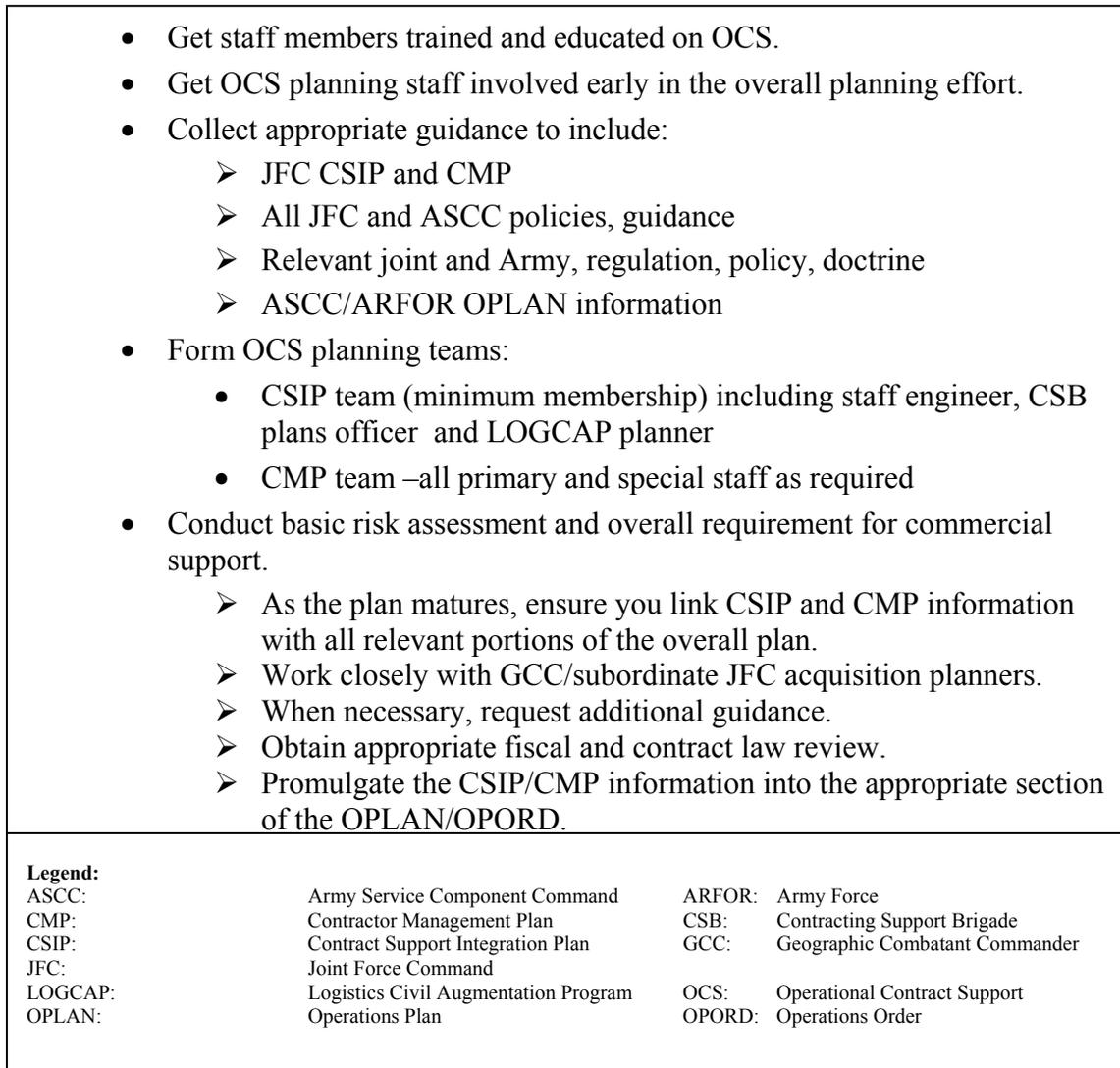


Figure 3-3. Contract Support Integration Planning Steps

3-13. OCS Planning Considerations. There are many aspects of OCS planning. OCS planning considerations range from JFC theater acquisition strategy to interagency support. The OCS planning team must address all of these considerations in determining the specific CSIP guidance. Figure 3-4 below provides a list of key OCS planning considerations while Appendix A provides a more detailed operational level planning checklist.

- Joint theater acquisition strategy/civil military impact.
- Any directed force caps.
- Overall force support requirements.
- Lead Service joint, multinational and/or interagency support requirements.
- Organic, joint, multinational partner and/or host nation support capabilities.
- Status of forces, security agreement, other international restrictions.
- General and operational specific contracting and operational contract support policy.
- Available commercial supplies and services in the operational area as well as adjacent and enroute countries.
- Existing external support contracts (i.e. Defense Logistics Agency prime vendor, Navy husbanding, other governmental agencies).
- Threat level/ operational security implications.
- Time available.

Figure 3-4. Key operational level OCS planning considerations

a. **Restrictions on Contracting Certain Functions.** Army OCS planning and contingency contract actions must take into consideration all JFC directed restrictions on specific contract functions (e.g. restrictions on use of armed security services), understand and seek the appropriate funding source (e.g. major construction contracts must be funded by appropriately authorized military construction funds), and follow regulatory guidance on inherently governmental functions and required sources of supply and services as specified in the FAR, DODI 1100.22, *Policy and Procedures for Determining Workforce Mix*, and AR 715-9. Chapters 4 and 5 contain detailed discussion on inherently governmental functions and on the utilization of private security in contingency operations.

Note: OCS planning is not just about logistics; all primary and special staff members have a role to play, especially when it comes to contractor management planning.

b. **Restrictions on Timing, Organizational Level and Location of Contract.** Contractor personnel are not combatants. It is imperative to keep them out of direct contact with hostile forces as much as practicable. In all operations, Army commanders will follow JFC guidance as well as the terms and conditions of the applicable contract(s) regarding any restrictions to location and/or timing of contract performance. Additionally, commanders may impose further restrictions based on the actual or anticipated METT-TC factors. When such restrictions impact the ability of the contractor to meet the terms and conditions of the contract, the requiring activity/supported unit must report this situation to the contracting officer through their appointed COR as soon as possible.

c. **Host Nation and Other International Legal Considerations.** OCS planners must take into account any specific contract host nation (HNS) arrangements for support to the force. HNS arrangements may, for example, include restrictions on contract functions and contain requirements to hire a certain percentage of local national employees. Additionally, status of forces agreements (SOFAs), other security agreements, local laws and/ or other international legal related restrictions such as work Visa requirements (to include in transit countries) may also directly impact the ability to obtain contract support. These agreements and laws may establish legal obligations independent of contract provisions and may limit the full use of intended contractor support. Also, the use of contractors must be considered when entering into new or revised host nation agreements. Typically, these agreements and laws affect contract support by:

- firms.
- (1) Directing the use of host-nation resources prior to contracting with non-host nation commercial firms.
 - (2) Restricting firms or services to be contracted.
 - (3) Establishing legal obligations to the host nation (such as, customs, taxes, vehicle registration and licensing, communications and facilities support, passports, inter- or intra-country travel, mail, work permits, and hiring of local workers).
 - (4) Prohibiting contract support use altogether.

The JFC-level CSIP should contain HNS and international restrictions, limitations, and constraints.

d. **Risk Assessment.** Another major OCS planning challenge is conducting an accurate risk assessment. Determining acceptable risk levels for various contractor services and balancing this risk with the importance of these services to the overall success of the supported operation is a complicated process. Conducting a thorough risk assessment is particularly important when planning for mission essential contract services and when determining acceptable levels of risk associated with utilizing local national commercial firms and/or employees. Figure 3-5 lists some risks and challenges encountered with OCS.



Figure 3-5. Risks and Challenges

(1) **Continuation of Essential Contractor Services.** As part of the risk assessment process, OCS planners need to understand an individual contractor employee authorized to accompany the force can be considered mission essential (e.g. field service representative to a critical weapon system) and certain contracted functions can also be considered mission essential (e.g. truck drivers when the bulk of truck driver capability are contractor employees). The goal of the risk assessment process is to identify and document the probability of the continuation of essential contract services and develop cogent implementing risk mitigation measures. Per DODI 1100.22, all mission essential contract services in a contingency operation require mitigation plans and procedures to address identified risks. At a minimum, the ASCC, ICW the subordinate ARFOR commander, will addresses the following OCS risk assessment matters:

- Identification of mission essential contract support functions by phase of the operation.
- Anticipated threat level by phase or particular area within the AO and potential impact on contract support actions.
- Risk avoidance procedures for all mission essential contractors/contracts.
- Specific courses of action to replace or mitigate the loss of identified mission essential contracted support functions should it be required in a crisis situation.

(2) **Balancing forces support requirements with the desire to maximize the use of local national contractor services.** In some operations there may be significant challenges in balancing OCS effectiveness and efficiency with the desire to maximize the positive financial impact of contract support on the local populace. In general, maximizing the use of local national firms and employees will increase security risks. Additionally, depending on local commercial conditions, there may also be a noticeable decrease in contract effectiveness and efficiency. When contemplating awarding contract work to local sources or putting policies in place to encourage maximum use of local national employees, the ARFOR commander must assess these risks and make determinations on which requirements can be effectively and safely contracted out to local national firms or employees. It is a generally accepted practice to begin the process of utilizing local vendor support by starting with low risk, non-mission essential services. Other basic methods to mitigate risk include:

- Only contract out a portion of mission essential critical services.
- Require services to be performed off-base or in secure area.
- Ensure adequate base access security procedures in place for local national workers.

WARNING

THERE HAVE BEEN DOCUMENTED CASES IN RECENT OPERATIONS WHERE LOCAL NATIONAL CONTRACTORS' FAILURE TO PERFORM HAVE LED TO SIGNIFICANT INCREASE IN RISK TO US FORCE SAFETY AND SECURITY.

e. **Multinational support.** In most multinational operations, the multinational commander will normally designate a lead nation and/or role specialist nation to provide common user logistics (CUL) support to the entire multinational force. These CUL support requirements may include providing contracting support services. Often, the US Army component of the multinational command will be responsible for CUL support to include theater support contracts and/or LOGCAP support. Challenges to establishing lead/role specialist nation contracting support include, but are not limited to: developing standard terms and procedures; determining support requirements (to include withdrawal decisions of each participating nation); determining funding arrangements and method of payment (e.g., acquisition cross service agreements); agreeing to administrative cost sharing procedures; defining requirements (to include developing a restricted item list); establishing a process for resolving disputes and to amend agreements; and developing common standards of support.

f. **Interagency Support.** Similar to multinational support, the Army component of the joint force will often be designated as the primary interagency support provider. In some operations, interagency support may be limited in scope and may not pose a significant challenge to the ARFOR; however, in some operations such as defense support of civil authorities (DSCA) and major, long-term stability operations, this support can be much more significant. In most cases, the ARFOR provides support to other governmental agencies (OGAs) and possibly non-governmental agencies (NGOs) through theater support contracts and/or LOGCAP task orders. The key to success of interagency support is ensuring OCS planners are aware of and involved in OGA and NGO planning efforts early on in the planning process. Coordination channels, to include designating specific OGA and NGO points of contact, must be identified early. Other important planning points include developing mission specific coordination mechanisms, purchase request procedures, post contract award oversight requirements, and most importantly, approved funding procedures (e.g., Economy Act reimbursement or citation of specific Foreign Assistance Act authority).

3-14. Contract Support Integration Plan Guidance. The ASCC/ARFOR CSIP should not be redundant to the JFC CSIP. It must include specific ASCC/ARFOR commander's guidance on implementing the JFC CSIP and include significantly more detail on actual contract support execution procedures and responsibilities. While a formal Service component CSIP format has not yet been codified in policy, Figure 3-6 provides the minimum information that should be included in the ASCC/ARFOR-level CSIP.

WARNING

AT THE TIME OF THIS MANUAL'S PUBLICATION, THE CSIP FORMAT FOUND IN THE JOINT OPERATIONAL PLANNING AND EXECUTION SYSTEM (JOPES) MANUAL IS INCOMPLETE AND CONTRADICTORY. A JOINT WORKING GROUP IS DEVELOPING A GREATLY REVISED CSIP (ANNEX W) FORMAT. IN THE MEAN TIME, FOLLOW GCC POLICY AND GUIDANCE REGARDING CSIP FORMATS.

3-15. Plan Review Requirements. All ASCC/ARFOR level CSIPs and associated CMP information will be provided to the appropriate GCC for review as required IAW GCC policy and directives. Per Army policy, compliance of CSIPs and associated CMP information will be reported on an annual basis to Headquarters Department of the Army (HQDA) G-4.

<ul style="list-style-type: none"> • Implementation guidance for JFC acquisition strategy. • CSB, AFSB, TLF contracting/contract support unit responsibilities, C2 and/or support relationships. • Army specific guidance related to JFC directed boards and centers formation, membership, and battle rhythm. • Joint board membership and procedural guidance. • Army specific OCS related boards, centers guidance. • Specific guidance on major contract support decisions (e.g. decision to use LOGCAP for all base life support – specific contract support guidance by function should go into the appropriate part of the OPORD). • Standards of support (especially important for facilities). • Guidance on transferring LOGCAP support to theater support contracts by function and/or phase of the operation. • General and unit specific requiring activities related responsibilities missions, tasks, etc. • Specific ARFOR related legal, finance support and funding arrangements, procedures and/or links to other sections of the OPORD/OPLAN for this information. • Additional contractor personnel theater entrance guidance. • Additional contractor personnel restrictions by phase of the operation or location. • Risk assessment analysis and related contingency plans for continuation of essential services. 			
Legend:			
AFSB:	Army Field Support Brigade	C2:	Command and Control
ARFOR:	Army Force	CSB:	Contracting Support Brigade
LOGCAP	Logistics Civil Augmentation Program	JFC:	Joint Force Command
OCS:	Operational Contract Support	OPORD:	Operations Order
OPLAN:	Operations Plan	TLF:	Team LOGCAP – Forward

Figure 3-6. Minimum Army Contract Support Integration Plan content

Chapter 4

TACTICAL PLANNING AND EXECUTION

INTRODUCTION

4-1. OCS planning and management is a commander's responsibility. Battle Command Staff Task 71-8-4150, Coordinate Contracting Support, recognizes OCS as a common battle command staff requirement performed at battalion level and above. Proficiency in this battlefield function can be a challenge due to a lack of resident knowledge and skills, the myriad of contracting options, and the wide variety of contracting authorities. As discussed in Chapter 2, the extensive contracted support requirements during operations in Iraq and Afghanistan caused almost every brigade and above unit to form an ad hoc contract coordination cell in order to plan and manage their OCS requirements. Recognizing the shortfall of these needed skills and positions, the Army approved the creation of the 3C ASI and is currently in the process of documenting 3C ASI positions on unit manning documents.

KEY TACTICAL PLANNING AND EXECUTION RELATED TERMS

4-2. The following terms and associated descriptions are key to understanding OCS tactical planning and execution:

a. **Requirements Determination** – For the purposes of this ATTP, requirements determination is the process of identifying necessary mission support eligible to be contracted, and the planning and coordination this process involves.

b. **Requirements Development** – For the purposes of this ATTP, requirements development is the detailed work of preparing and coordinating an “acquisition ready” requirements package that normally includes: a funding document, a justification for the requirement, SOW/PWS (for a service contract) or item description (for a commodity request), IGE, COR/receiving official nomination letter along with a draft quality assurance and surveillance plan (QASP) (for a service contract) and other locally required documents needed for submission of a requirements package. Additionally, requirements development involves the staffing, internal approval, and tracking of the requirements package through contract award and contractor start of work.

c. **Statement of Work** – A SOW is the portion of a contract developed by the requiring activity describing the actual work to be done by the contractor by means of specifications or other minimum requirements, quantities, performance dates, time and place of performance of services, and quality requirements.

d. **Performance Work Statement** - A PWS is a form of SOW emphasizing measurable performance requirements and quality standards utilizing performance-based language to describe the specifications/requirements. The requiring activity describes its requirements and lets the contractor determine how it will meet them. The contract is based on performance rather than methodology as in a traditional SOW. It is a DOD best practice to use the PWS to the maximum extent practicable when acquiring services. Often times the terms PWS and SOW are used interchangeably. For purposes of this ATTP, the abbreviation SOW/PWS will be used.

e. **Independent Government Estimate** - An IGE is a government produced estimate of the cost/price for goods and/or services to be procured by contract (sometimes referred to as an Independent Government Cost Estimate or IGCE).

WARNING
CONTRACTOR PERSONNEL SHOULD NOT PREPARE IGES.

f. **Acquisition Review Board** –Acquisition review boards (ARBs) are used to control critical common-user logistic supplies and services within the operational area and to recommend the proper sources of support for approved support requirements. ARBs can be formed by a variety of commands. For example, a joint force command level ARB is called a JARB and a coalition force ARB is called a CARB.

g. **Contract Administration** – Contract administration is a subset of the contracting process and includes efforts that ensure supplies and services are delivered IAW the conditions and standards expressed in the contract. Contract administration is the process of contract performance oversight, from contract award to contract close-out, by contracting professionals and designated non-contracting personnel (i.e. CORs). The purpose is to ensure contract parties, government and contractor, meet their respective obligations IAW the terms and conditions of the contract. Contract administration for LOGCAP and some large theater support contracts is accomplished utilizing designated DCMA and/ or Army provided ACOs.

h. **Unauthorized commitment** – An unauthorized commitment (UAC) is an agreement that is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government. It is important for Army commanders and staffs to understand that only warranted contracting officers are authorized to enter into contractual agreements or to change existing contracts. Military members can be held financially liable for a UAC depending on the circumstances and conduct of the individual.

WARNING
A COMMANDER, THE STAFF, A COR OR ANY OTHER GOVERNMENT OFFICIAL, WHO IS NOT A WARRANTED CONTRACTING OFFICER, MUST NOT DIRECT THE CONTRACTOR, WHETHER IMPLICIT OR IMPLIED, TO TAKE ANY ACTION THAT WOULD CHANGE THE CONTRACT OR OBLIGATE THE GOVERNMENT IN ANY SITUATION.

i. **Ratification** – Ratification is the act by an official, who has the authority to do so, of approving an unauthorized commitment. Unless a higher-level official is designated by the agency, the head of contracting authority may ratify any unauthorized commitment if certain conditions are met. Ratification is never automatic; and even when ratification is possible, commanders should take corrective administrative action against the individual(s) having caused the unauthorized commitment.

See paragraph 4-17 for more discussion on unauthorized commitment and ratification.

REQUIRING ACTIVITY AND SUPPORTED UNIT FUNCTIONS

4-3. Army battalions through corps routinely perform requiring activity and/or supported unit functions. Requiring activity responsibilities include planning, requirements package preparation and OCS management (i.e. requirement determination and development; contract and COR tracking; COR nomination and replacement; etc.). In today's operations, nearly all units perform duties as supported units. Specific requiring activity and supported unit functions are described below.

a. **Requiring Activity Duties.** Requiring activity functions begin with the decision that a unit's support requirements (either supply or service) will be fulfilled by contract. All requiring activity functions must be planned for and executed IAW JFC and ARFOR policies and procedures as well as applicable federal, DOD, Army acquisition regulation and policies. Specific requiring activity responsibilities include:

- Conducting initial planning and market research on available sources of support.
- Developing an "acquisition ready" requirements package to include IGE, initial SOW/PWS, and any letters of justification, draft QASP (for service contract), and other supporting documents as needed.
- Obtaining local staff, command and funding approval of all requirements packages.
- Nominating qualified CORs and receiving officials.
- Tracking supporting contracts and associated unit CORs.
- Ensuring subordinate units are prepared to provide CORs to assist in providing adequate government oversight of contract execution.
- Participating in and/or providing input to award fee boards and contractor performance assessments.
- Providing support to contractor personnel and their equipment as directed.
- Integrating contractor personnel into local force protection and security plans.
- Establish and maintain property accountability of equipment purchased, provided or leased via commercial sources for military use.

b. **Supported Unit Duties.** The supported unit is an organization that is the recipient of contractor-provided support. A supported unit may also be the requiring activity, if it initiates the request for support. In many cases, such as with LOGCAP support, the supported unit may not be the requiring activity. In most operations, supported units will be required by their higher headquarters to provide CORs to assist the requiring activity and contracting officer to monitor selected contract support actions. In almost all situations the supported unit plays a role in integrating contractors into local military operations and providing support to designated contractor personnel.

REQUIREMENTS DETERMINATION

4-4. Requirements determination is the process of identifying necessary mission support eligible to be contracted and the associated planning and coordination this process involves. One of the 3C ASI staff officer's primary functions is integrating the OCS requirements determination process into the tactical planning process.

4-5. **OCS and the Military Decision Making Process.** FM 5-0, *The Operations Process*, provides a doctrinal approach to decision making to aid commanders and their staffs to examine a situation, reach logical conclusions, and make informed decisions. FM 5-0 describes the military decision making process (MDMP) as an established and proven analytical planning process. It is an adaptation of Army problem solving. Incorporation of OCS in this process ensures the use of contracted support in military operations is considered early in the planning cycle.

a. **Receipt of Mission.** Upon notification of a receipt of mission, the 3C ASI staff officer should notify the supporting contracting office, LSO and/or ACO representatives of the pending planning to solicit their direct support in this process. Additionally, the 3C ASI staff officer should review pertinent OCS information to include:

- Current OCS policies and guidance including the most current CSIP and CMP information.
- Information on command controlled commodities and services as well as associated dollar thresholds (e.g. ARB/JARB) guidance.
- Current contracts for potential capacity for commodities or services.

Note: Keep your supporting contracting office and/or TLF personnel (LSO and/or ACO) aware of pending unit planning sessions. While these personnel may not always be able to directly participate in these planning meetings, continue to actively seek their advice and guidance as you go through the planning process.

b. **Mission Analysis.** During mission analysis, applicable OCS related restraints, constraints, facts, and assumptions are identified (see Figure 3-3) based on information gathered at the receipt of mission. OCS capabilities should be included, as applicable, in the course of action (COA) development, analysis and approval process. Toward the conclusion of mission analysis, the 3C staff officer would coordinate with their supporting contracting organization and TLF representatives to begin analysis of the feasibility of using contracted support for the identified, specified and implied tasks.

c. **COA Development.** During COA development the 3C staff officer incorporates feasible OCS capabilities into the courses of action designated for COA comparison. Always consider organic support using available forces and the military supply chain as a course of action. Contracted support should not become the default.

d. **COA Analysis.** COA analysis provides the opportunity to evaluate each COA with regards to contract support usage and its limitations (i.e. required delivery date, actual productive contract hours, possible government furnished support requirements, force protection/anti-terrorism [AT]/security issues, level of technical difficulty, surveillance and the ability to monitor contract delivery or performance [i.e. COR requirements]). Other, non-contract, means of support should be identified and analyzed as an alternative to contracted support in the event the contractor defaults. During COA analysis the 3C staff officer ensures COAs comply with JFC and ARFOR OCS policies and guidance. Figure 4-1 lists some key COA evaluation Factors.

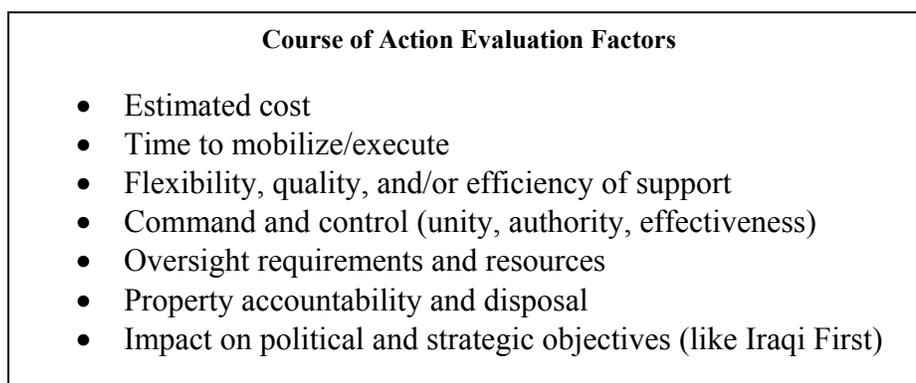


Figure 4-1. Potential Course of Action Evaluation Factors

e. **COA Comparison. OCS related actions during COA comparison include:**

- 3C ASI along with supporting contracting officer and TLF personnel (if available) provide OCS expertise in determining advantages and disadvantages of each COA.
- ICW resource manager, apply initial contract funding estimates to the COA comparison.

f. **COA Approval.** The OCS planner's role in COA approval is providing advice to the commander on the feasibility of OCS related tasks or matters identified in the COAs.

g. **Orders Production.** During orders production, appropriate OCS related information is incorporated into the OPORD, FRAGO, annexes, and appendices by the appropriate staff element. Simultaneous to the orders production is the finalization of the contract support requirements which then can be turned into OCS related OPORD (i.e. new contract) and FRAGO (i.e. change to existing contract).

4-6. Requirements Determination Considerations. Key to effective requirements determination is properly determining which requirements can and should be contracted. Requirements for functions that are inherently governmental cannot be contracted. **Personal services contracts are not normally applicable at the tactical level.** Although requiring activities identify contract eligible requirements, the unit may decide contracted support is not the best option to fulfill the requirement due to METT-TC or other factors. Contracted support also imposes contract management related requirements on a unit that must be considered and incorporated into the unit's planning and execution.

a. **Inherently Governmental Functions.** Current military operations have revealed the necessity for contract support, not only in the traditional areas of logistics support, but in other areas as well. Commanders and their 3C staff must understand there are specific duties, responsibilities, and functions that rest solely with military or federal employees that cannot be performed by the private sector. Inherently governmental functions are those so closely related to the public interest they must be performed by soldiers or Department of the Army civilians. Inherently governmental activities that cannot be contracted normally fall into two categories: the exercise of sovereign government authority or the establishment of procedures (e.g., direction of combat operations or supervision of military/Army civilian personnel) and processes related to the oversight of monetary transactions or entitlements (e.g., contract award). AR 715-9 promulgates DOD policy and FAR guidance regarding inherently governmental functions identified in DODI 1100.22. Additional Army policy regarding inherently governmental functions is found in AR 735-5, *Policies and Procedure for Property Accountability*. Secretary of the Army Memo - *Army Policy for Civilian Workforce Management and Services Contracts*, dated 10 July 2009 provides further guidance on this subject.

b. **Personal Services Contracts.** Personal services contracts are contracts that make the contractor personnel appear to be, in effect, government employees. Key indicator of personal services contracts: "relatively continuous supervision and control" of contractor employees by government officials. Personal services contracts require special authorities and approvals and normally do not apply at the tactical level.

WARNING

IF THERE IS ANY DOUBT AS TO WHETHER A PARTICULAR CONTRACT SUPPORT FUNCTION IS INHERENTLY GOVERNMENTAL OR OF A PERSONAL SERVICES NATURE, CONSULT WITH YOUR LOCAL CONTRACTING OFFICE AND/OR CSB LEGAL SECTION. AND ALSO CHECK WITH YOUR SUPPORTING SJA!

c. **Time.** Time is always a consideration when determining support arrangements. A major challenge is to accurately determine when and to what level the contracted support will be required. Although there is a time lag between the identification of a contract requirement and the delivery of the service or commodity, the same holds true for military support outside the organic capability of the unit. Time lines for contract support can vary from a few hours to many months. For example, a commodity request where there is an existing blanket purchase agreement in place can be processed in very short order depending on JFC/ARFOR staffing and approval guidelines. A contract for a construction related project can take many months between the initial planning and commencement of work. (Note: Commencement of work will not begin until after the contracting officer issues a notice to proceed (NTP) to the contractor). Factors influencing the time from identification to delivery related to contracted support include:

- Complexity of the contracted requirement (size of force, anticipated duration, number of elements associated to requirement).
- Availability of current contract with same service or commodity with excess capacity.
- Requirements package development and processing time. Figure 4-2 below graphically depicts the “normal” contract support process time line.
- Requirement for ARB or other board processing.
- Ability to phase in contract support services.

Note: Getting the acquisition ready requirements package done correctly, so it is approved the first time, is the best way to speed up the contract support process. Also, your requirements package is not “with contracting” until it is approved, funded and accepted by the contracting office!

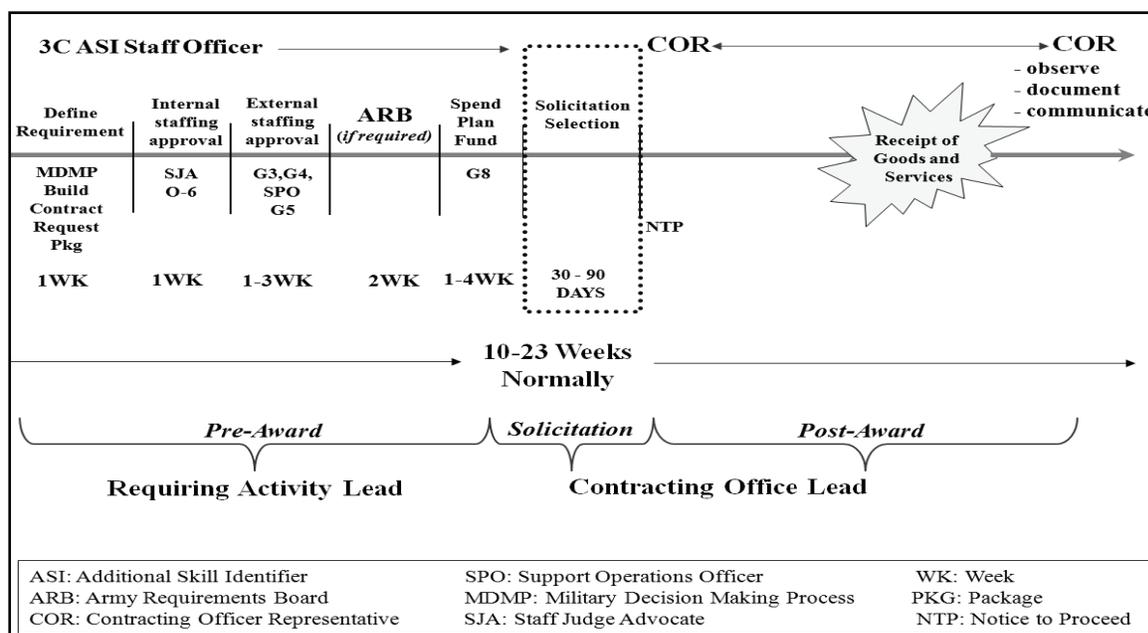


Figure 4-2. Notional Contract Support Process Time Line

d. **Contractor Management.** Requiring activities must address any critical contractor management requirements in the overall OCS planning process. For example, the force protection/AT/security aspects of an on-base local national contract service should be considered in COA analysis. A detailed discussion of contractor management information can be found in Chapter 5 of this ATP.

e. **Contract Limitations.** Contracted support should not be used exclusively to purchase equipment or supplies available in the supply system. Additionally, contractors are generally prohibited from providing personal services, i.e., from being integrated into an organization to the extent contractor employees are essentially government employees.

REQUIREMENTS DEVELOPMENT

4-7. Requirements development is the detailed work of preparing and coordinating an “acquisition ready” requirements package that includes: a funding document (usually a DA Form 3953, Purchase Request and Commitment), a justification for the requirement, SOW/PWS (for a service contract) or item description (for a commodity request), IGE, and other locally required documents needed for submission of a requirements

package. Additionally, requirements development involves the staffing, internal approval, and tracking of the requirements package through contract award, nomination and appointment of CORs and/or identification of a receiving official, and contractor start of work.

4-8. Requirements Development Considerations and Techniques.

- a. Requirements development actions will be developed IAW guidance found in the relevant CSIP, CMP and other local command policies and procedures.
- b. As soldiers, we are accustomed to mission type orders; however, contracted requirements must be written with greater specificity. Normally, service type requirements should be written in performance based language. In circumstances where it is essential the contractor perform the service in a specific manner, the SOW may contain little or no performance based language.
- c. Be specific: provide details such as what, where, how much, what quality, how long, etc. Also include specific conditions such as security procedures, living conditions (for CAAF), environmental restrictions, etc. Do not include details on who should provide this support unless you have a good reason to request a specific contractor and are prepared to develop a sole source letter of justification with strong supporting rationale.
- d. Use functional staff representatives, OCS planner (soldier/Army civilian with 3C ASI) and/or potential COR to assist in requirements development when feasible.
- e. Ask for assistance from your 3C ASI staff officer, supporting contracting officer, or LSO.

Note: Contractor personnel normally should not develop requirements. In certain circumstances contractors may be utilized to assist in requirements development actions when the appropriate non-disclosure and non-competition agreements are in effect. A contractor cannot bid on requirements it developed.

4-9. Staff Roles and Responsibilities. As discussed above, use of contracted support in military operations must be addressed early in the planning cycle. The 3C ASI staff officer (or designated staff officer/NCO if there is no 3C qualified individual on the staff) in the S-4 or support operations office will normally lead the OCS related planning effort, but specific OCS related requirements should be developed by the appropriate functional staff officer. For example, if the request is for a signal item, the S-6 should, at a minimum, develop the item description document and develop the rest of the package ICW the 3C staff officer. No matter the staff function, it is imperative to consider both theater support and external support contract sources and their relationship to the concept of operations in tactical planning, requirements development and integration.

4-10. Requirements Package. If, during requirements determination, it was concluded the requirement was not best filled through existing Army, joint, multinational, HNS means, or existing contract arrangements, then the development of a requirements package is required. Requiring activities are responsible for developing “acquisition ready” requirements packages that include a clear description of the requirement, market research information, appropriate command and staff approvals (to include funding), and points of contact for receipt of goods and services. Contracts will not be awarded without submission of a complete and approved requirements package. Figure 4-3 below graphically depicts a basic requirements package. An “acquisition ready” requirements package will contain, but may not be limited to, the following:

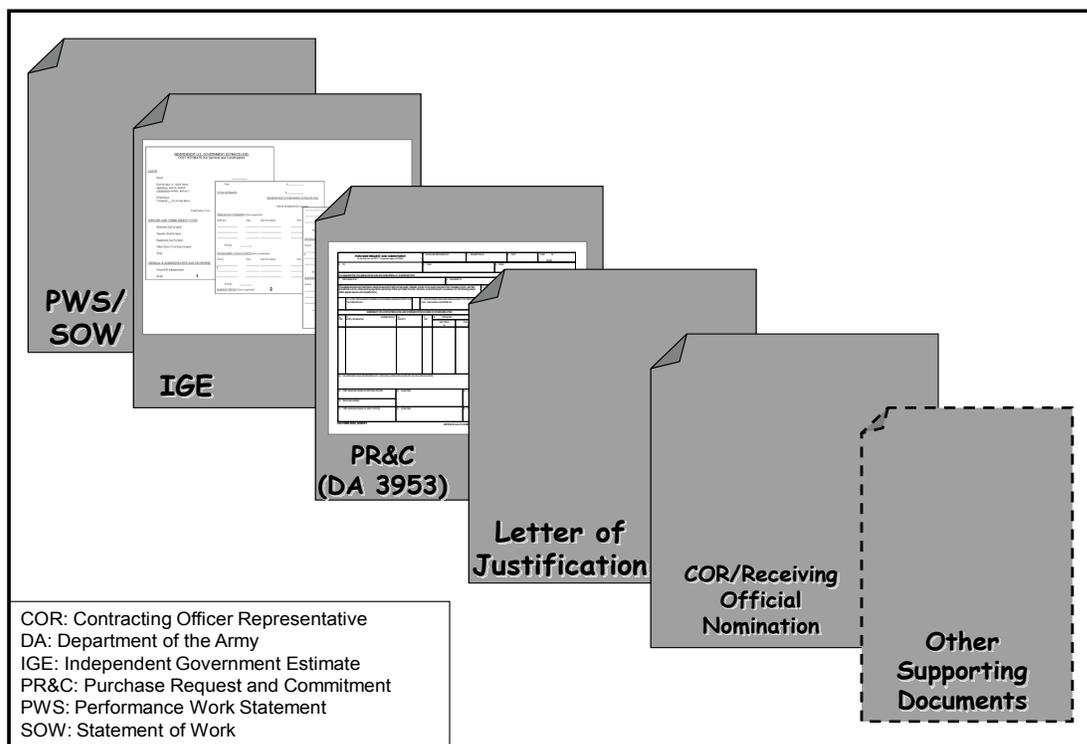


Figure 4-3. Basic Requirements Package Contents

a. **SOW/PWS and/or Item Description.** There are two major categories of acquisitions: services and supplies.

(1) A service contract is a contract that directly engages the time and effort of a contractor whose primary purpose is to perform an identifiable task rather than to furnish an end item of supply. Each service contract requirements package requires a SOW/PWS.

(2) A supply contract is for a specific commodity. Each supply contract requirements package requires a detailed item description.

(3) In some cases, the contractor may be required to provide a specific service related to the delivery of a commodity or vice versa (e.g. supplying river gravel for a parking lot to include ensuring gravel is properly spread). In these situations, the requirements package must include both a SOW/PWS and an item description.

WARNING

DO NOT ASSUME ANYTHING WHEN DEVELOPING YOUR SOW/PWS OR ITEM DESCRIPTION. BE SPECIFIC AND INCLUDE DIAGRAMS WHEN APPLICABLE!

IF YOU WANT ACCESS TO YOUR NEW GUARD TOWERS, MAKE SURE YOU INCLUDE A STAIR OR LADDER REQUIREMENT IN YOUR SOW/PWS AND SUPPORTING DIAGRAM.

IF YOU WANT CEMENT, IT COMES IN VARIOUS TYPES (WITH GRAVEL, WITHOUT GRAVEL; QUICK DRYING, ETC.) AND DELIVERY OPTIONS (50 LBS BAGS TO PRE-MIX BY THE TON).

b. Independent government estimate.

(1) All requirements packages require an IGE. The IGE is prepared by the requiring activity and is used by the commander for budget planning and the unit resource manager as a funding estimate tool. The IGE is also used by the supporting contracting office to determine a fair and reasonable cost when compared to proposals submitted by contractors.

***Note:** IGE development is the responsibility of the requiring activity, not the contracting officer and especially not the contractor! A rough estimate or quote from a contractor is NOT an IGE.*

(2) Sources of IGE information:

- Market research.
- Previous contracts (provided by the local contracting office).
- Personal knowledge.
- General Services Administration (GSA) Schedule pricing guidelines.
- Published local labor rates.

(3) Elements of an IGE:

- **Title** - Describe project or item being purchased to include assumptions used, source of information, and requiring unit POC.
- **Labor Costs** - List labor by individual task and category, rollup task costs, and show option years or option tasks separately.
- **Material Costs** - Determine costs for all materials associated with project. Materials must include everything listed associated with SOW/PWS tasks. Include not only acquisition costs, but operation and maintenance costs for sustained efforts. Describe reasoning for any non-obvious associated materials. A spreadsheet showing quantity and cost is usual method to depict the data.
- **Other Direct Costs** - Include all other associated costs that may affect funding level of project (equipment, supplies, travel, IT support etc.). Document the source or basis of any other direct costs (ODC) estimates.
- **General and Administrative (G&A) Costs** - G&A should be applied for all non labor costs. The supporting contracting office can supply the standard G&A rate. Typically the G&A rate will be 10-15%.

- **Government-furnished property (GFP) information** – Identify property in the possession of the Government that will be subsequently furnished to the contractor for performance of the contract. Government property generally falls into one of several categories: material; special tooling; test equipment; and facilities.

- **Government furnished equipment.** Government furnished equipment (GFE) includes government acquired equipment provided to the contractor for use in support of the contract. Common GFE items includes test equipment, soldier protective items (e.g. helmet, ballistic vests), even military specification vehicles.

- **Government furnished material.** Material is government property which may be consumed in the performance of a contract (e.g. government provided fuel support, Class IX for government furnished equipment, etc.).

- **Government furnished facilities.** Government furnished facilities include such items as buildings, parking areas, etc. provided by the government for contractor use.

Note: The 3C staff officer should seek technical subject matter expertise assistance in developing IGEs for complex service contract requirements.

c. **Requirements justification and command approval.** All requirements packages need some form of justification letter and/or memorandum. These justification documents are directed by regulation, policy or the nature of the requirement. Two common examples include the JARB Letter of Justification and the Request for Contract Service Approval. Normally these justifications include instructions on format and content. Content of the justification may include but is not limited to:

- Rationale for the requirement.
- Operational need.
- Impacts if not funded.
- Results of market research.
- Why the requirement is needed.
- What other sources were examined to fulfill the requirement.
- Why contracting is the best solution to meet the requirement.
- Address any special concerns e.g., force protection.

d. **Funding.** Requiring activities are responsible for coordinating funding. A military interdepartmental purchase request (MIPR) or DA Form 3953 must accompany the requirements package to ensure commitment of funds and compliance with the Anti-Deficiency Act. Normally, LOGCAP funding is secured via a MIPR, while funding theater support contracts uses a DA Form 3953.

Note: Refer to local command policies for specific contract funding documentation requirements.

e. **COR and receiving officials.** As discussed above, the requiring activity (or designated supported units) must nominate qualified CORs and identify receiving officials as part of the requirements package development process. Commanders enhance the quality of the contract support they receive by nominating soldiers to be CORs who have expertise in the services the contract is to provide.

WARNING

COMMANDERS MUST ENSURE THEY COMPLY WITH EXISTING HQDA COR PRE-DEPLOYMENT TRAINING REQUIREMENTS!

(1) **COR nomination and qualification certification.** The requiring activity or designated supported unit is required to provide a trained COR for every service contract. The COR is a soldier or Army civilian, nominated by the requiring activity or designated supported unit and appointed in writing by the contracting officer. The COR is responsible to monitor contract performance, conduct contract surveillance, and perform other duties as specified by their appointment letter. The unit nominating the COR must consider the technical aspects, monitoring frequency, and monetary value of the requirement to ensure the COR's subject matter expertise and availability are commensurate to the requirement.

WARNING

CONTRACTING OFFICERS WILL NOT AWARD SERVICE OR MINOR CONSTRUCTION CONTRACTS UNTIL THEY ARE ASSURED THE NOMINATED COR HAS THE REQUISITE COR TRAINING AND TECHNICAL EXPERIENCE. IF THE REQUIRING ACTIVITY DOES NOT HAVE SOLDIERS WITH THE APPROPRIATE SUBJECT MATTER EXPERTISE (E.G. A CONSTRUCTION CONTRACT COR MUST BE TRAINED AND CERTIFIED IN CONSTRUCTION/BUILDING CODE MATTERS), THIS MATTER MUST BE RAISED THROUGH THE CHAIN-OF-COMMAND AS SOON AS POSSIBLE (ASAP)!

Additional COR information can be found in GTA 90-01-016, *The Deployed Contracting Officer Representative (COR) Smartcard*.

(2) **Receiving official designations.** Requiring activities are required by policy to provide a soldier or Army civilian to act as a receiving official for the delivery of contracted commodities. The receiving official has the responsibility to inspect the item at the point of delivery and may, if necessary, reject the item if it does not meet the contract specifications, terms and conditions. If the item is rejected, the receiving official must immediately notify the contracting officer. After acceptance, the receiving official must certify receipt of supplies/services for payment purposes by completing a DD Form 250, *Material Inspection and Receiving Report* and any required performance assessments. Requiring activities should ensure the receiving official has the skills to perform the duties as receiving official and is made available to perform these duties.

f. **Other supporting documentation.** Federal, DOD, and Army regulation, policy or the nature of the requirement may require additional documentation submission to process. Some examples of additional supporting documents include:

- Justification and approval letter for limiting full and open competition.
- An acquisition strategy/plan.
- A draft QASP (for a service contract).

Many of these documents require specific training and experience to develop. Close coordination with your supporting contracting office and functional experts are integral for successful completion and approval of supporting documentation and ultimately the requirement's package content.

4-11. Requirements Package Processing. All requirements packages for contracted support will be processed IAW command policy and procedures. These packages will also be submitted to the appropriate ARB as directed.

a. **Command Staffing and Approval.** Once the requirements package is completed, the 3C ASI staff officer reviews the package to ensure it is complete IAW local command policy and requirements. The package should then be reviewed by the appropriate staff, approved by the commander, and submitted to higher headquarters, if required, for staffing and approval IAW these command policies. Some packages may require submission to an ARB or other OCS related board for final approval and prioritization. Depending on local command policies and procedures, requirements package staffing and approval can take a considerable amount of time; thus, requirements package staffing and approval timelines must be considered when estimating the overall time it takes to plan and execute contracted support.

b. **Acquisition Review Board.** The role of the ARB is to approve and prioritize designated high-value and/or high-visibility requirements and determine the proper source of support for these requirements. The CSIP and local policies should dictate requirements needing ARB approval and the specifics of the process. The 3C ASI staff should submit accurate requirements packages to the ARB and monitor the status through the process. Figure 4-4 illustrates the basic ARB process. When the package is approved it is submitted to the supporting contracting organization to be placed under contract.

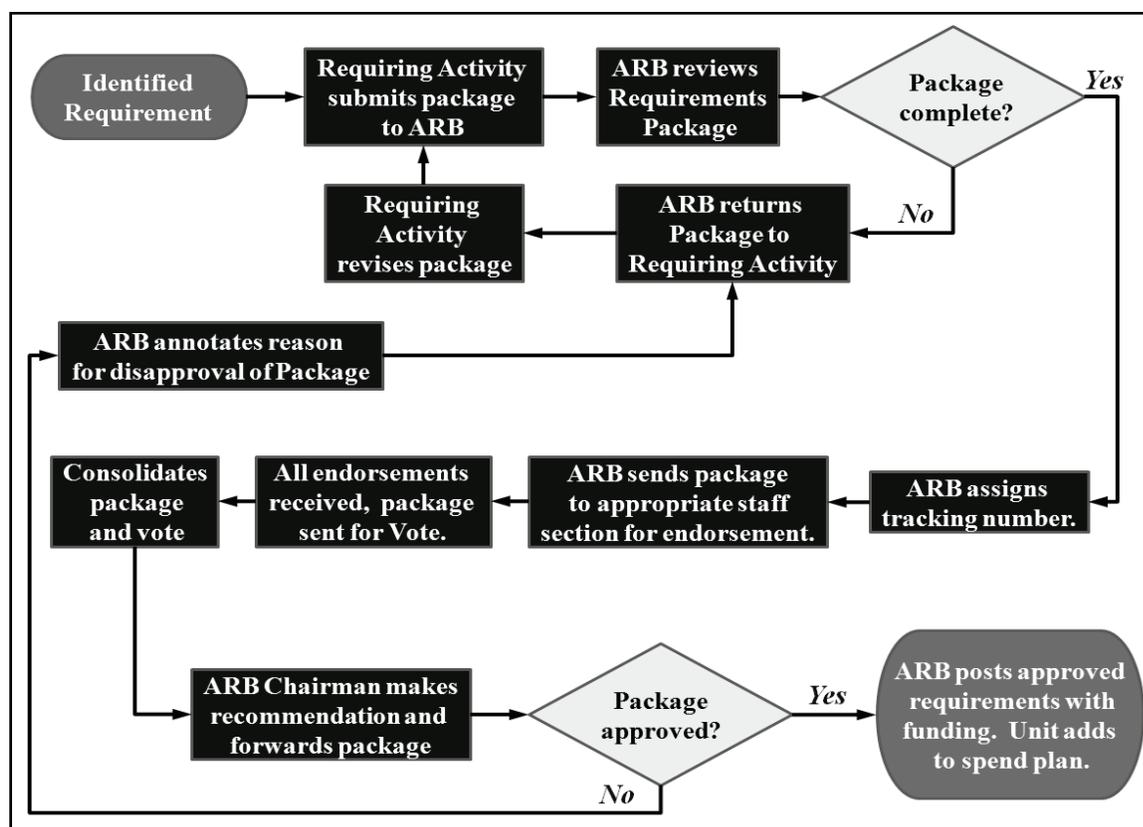


Figure 4-4. Acquisition Review Board process

Note: Many common and/or low cost commodity and services will not be required to go through a formal ARB/JARB approval process. It's solely based on simplified acquisition threshold or set dollar amount.

c. **Tracking.** One of the most important functions of the 3C ASI staff is to monitor and track contract requirements. No matter the method, tracking the requirements through the staffing, approval, and ARB process provides valuable information associated with the status of current packages and overall processing times that will help determine review of the requirement once approved.

Note: Ensure you aggressively track the progress of your requirements package through final command and funding approval. Requirements packages have been known to get “stuck” in this process.

POST CONTRACT AWARD ACTIONS

4-12. The requiring activity and/or supported unit have a critically important role to play in the post contract award process. The 3C staff officer, unit CORs and receiving officials are key players in this process.

Note: The primary focus in post award actions is ensuring we get what we are paying for at a reasonable cost/fair market value!

4-13. Tracking Contract Support. The use of contracted support and its complexity in current operations illustrates the need for detailed contract support monitoring and management by the requiring activity/supported unit. In addition to tracking requirements through the staffing and approval process, the 3C ASI and functional area staff should track and monitor the contract(s) through performance/delivery and close out. The staff should develop and use a system and local procedures for the monitoring and review of contracted requirements.

4-14. COR Monitoring and Tracking. Requiring activities and designated support units must track CORs for all active service contracts and requests for contract support. Additionally, the 3C ASI staff should track personnel trained to be CORs for potential nomination for future contract support requests. Monitoring the appointed CORs planned rotation allows requiring activities to ensure technically competent, trained personnel are available and in place to provide seamless COR coverage. A list of trained CORs with associated technical skills provides the pool of personnel to fill planned and unplanned vacancies.

Note: At a minimum, the following data fields should be included in the 3C staff officer contract/COR tracking spread sheet: tracking #; requisition number; date package submitted; date package approved; package processing time; contract #; contracting officer contact info; contractor name; service/item description; contract cost; period of performance/date of delivery; place of performance/delivery; COR name, unit and rotation date/receiving official name and unit; remarks.

4-15. Performance Evaluation Boards. While not required for fixed price contracts, performance evaluation boards (PEBs) are used as a formal mechanism to provide performance feedback to the contractor for award-fee contracts, identifying strengths, areas for improvement, and areas of emphasis in a uniform, fair, and consistent manner. PEBs are most commonly associated with LOGCAP support. Requiring activities, through their CORs, should be involved in this process, since the service the contractor is performing supports the mission of the unit. The roles and responsibilities within the PEB process include:

a. **DCMA or other designated quality assurance representatives (QARs)** prepares schedule and quality technical evaluation IAW documented audits and findings (traceable to SOW/PWS requirements) as well as brief PEB as required.

b. **CORs** provide schedules and quality technical evaluation summaries based on documented audits and inspections to both the unit chain-of-command and through the QAR to the contracting officer and brief PEB as required.

Note: Unit CORs submit PEB comments to both the on-site QAR and unit chain of command.

c. **Property Administrator** provides evaluation of Contractor Property Control System.

d. **Contractor** provides written self-assessment of accomplishments (read-ahead package) and presents summary of accomplishments at PEB.

4-16. Award Fee Board. An award fee provides a pool of dollars that can be earned based upon the Government's evaluation of the contractor's performance in various performance areas within established time periods. The intent of an award-fee arrangement is to incentivize a contractor to improve performance based upon the Government's assessment of the contractor's progress. Most theater support contracts do not include awards fees. However, the most commonly known external support contract sustaining deployed Army forces, LOGCAP, currently uses an award-fee structure. Evaluations for award fees are based upon impartial monitoring of the contractor's performance against the evaluation criteria specified in the contract. The award fee evaluation team includes a Fee Determining Official, an Award Fee Review Board (AFRB), and performance monitors (i.e. CORs). Commands receiving the services from award fee contracts like LOGCAP can contribute to the evaluation process through input to performance monitors or to the AFRB.

Note: The most effective award fee board input, whether positive or negative is documented and provided frequently during the period of performance rather than only at the time of an award fee determination.

4-17. Unauthorized Commitments (UAC) and Ratification. With the limited exception of special authorizations such as the Commander's Emergency Response Program (CERP) (see paragraph 4-20) and field ordering officers (FOO) (see paragraph 4-21), only warranted contracting officers have the authority to contract for and/or legally obligate the Government for the purchase of supplies or services with federal funds. To procure any supply or service is to process a request through the resource manager and the contracting officer so they can execute the buy in accordance with regulations. UACs are agreements, implicit or implied, made by government personnel (commanders, staff, etc.) to purchase items or services with federal funds; these agreements aren't binding because the government representative who made them lacked the authority to enter into such agreements on behalf of the government. UACs can also occur when a COR or government official exceed their authority under existing contracts. When a COR exceeds their delegated authority or a government official commits a UAC a claim against the Government may result. Examples of situations which could lead to UACs include:

- A COR tells the contractor that the product would be better if the contractor used a different material. A UAC may result if the contractor takes the COR's statement to be direction and substitutes the new material for the old. To avoid an unauthorized commitment, the COR should not discuss changes with the contractor and only submit a recommendation to the contracting officer to modify the contract.

- The unit (Government) continues to conduct business as usual with a contractor after the contract lapses (i.e. it has not been formally renewed or extended). In this case, the failure of the COR to notify the contracting officer in time to renew the contract or to promptly notify the contractor of the situation could be an unauthorized commitment.

- A Camp Mayor tells a contractor to correct electrical problems on a particular facility. If the electrical work is not part of the contractor's current support services scope of work, it could result in an increase to the cost of performance, thus a potential UAC.

- A battalion commander properly contracts for the purchase of air conditioners for Soldiers' tents in the life support area. When the vendor delivers the correct quantity and type of air conditioners, the battalion commander verbally directs him to deliver the same quantity and type air conditioners to a sister battalion. The following morning the air conditioners are delivered and accepted by the government, resulting in an UAC.

a. In general, to avoid an UAC, unit members and CORs must avoid any of the following actions:

- (1) Making any commitment or promise relating to award of contracts or any representation that would be construed as such a commitment.

- (2) Issuing instructions to the contractor to start, change, or stop work.
- (3) Encouraging the contractor by words, actions or a failure to act to undertake new work or an extension of existing work beyond the stated contract period.
- (4) Interfering with the contractor's management prerogatives with its employees, such as "supervising" or otherwise directing the work efforts of an employee.
- (5) Accepting products or services not required by the contract.
- (6) Unless directed by the contracting officer, authorizing a contractor to:
 - Obtain property for use under a contract.
 - Use government property allocated to one contract in the performance of another contract.

Note: If you observe a contractor performing a clearly unsafe act, you can immediately make an on-the-spot correction without causing a UAC, but notify the COR or contracting officer ASAP!

b. UACs place the government in an undesirable position and can create bad will with the company that delivered the supplies/services and with the local population particularly when in a contingency environment.

c. UACs require a ratification process and successful ratification is not automatic. Only the HCA or his designated representative may ratify an unauthorized commitment, and only when the following conditions are met:

- (1) Supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the unauthorized commitment.
- (2) The ratifying official has the authority to enter into a contractual commitment.
- (3) The resulting contract would otherwise have been proper if made by an appropriate contracting officer.
- (4) The contracting officer reviewing the unauthorized commitment determines the price to be fair and reasonable.
- (5) The contracting officer recommends payment and legal counsel concurs in the recommendation, unless agency procedures expressly do not require such concurrence.
- (6) Funds are available and were available at the time the unauthorized commitment was made.
- (7) The ratification is in accordance with any other limitations prescribed under agency procedures.

If these conditions are not met, the ratification authority may determine the unauthorized commitment cannot be ratified. The government may not take responsibility for the act and the contractor may hold the individual who committed the act personally and financially liable.

d. Ratification procedures vary based on the command and situation, but normally a ratification package includes the following:

- A report on the circumstances surrounding the unauthorized commitment.
- A statement from the command on corrective actions taken to prevent a recurrence of the event.
- A description of disciplinary action taken or an explanation why no action was taken against the individual responsible for the UAC.

RELIEF IN PLACE/TRANSFER OF AUTHORITY

4-18. Relief in place/transfer of authority (RIP/TOA) is the sequence of events where one military unit replaces another within the AO. A relief in place is a tactical enabling operation where, by the direction of higher authority, all or part of a unit is replaced in an area by an incoming unit. During stability operations and civil support operations, a relief in place is often referred to as a transfer of authority. During a TOA, in addition to the normal responsibilities of a relief, commanders must also deal with civilians or coalition partners. Planning for the TOA begins as soon as a unit is notified they will be deploying in replacement of a currently deployed organization.

Note: Is your unit replacing another deployed unit in a specific operation? If so, you need to ensure OCS is part of your relief in place/transfer of authority plan to include any pre-deployment site surveys (PDSS).

4-19. OCS RIP/TOA is important. It should be an integral part of the RIP/TOA and associated PDSS process. Though not all operations have RIP/TOA and PDSS opportunities, commanders and staffs rotating into an AO should take advantage of what has already been done (if successful) to mitigate the normal problems associated with RIP/TOA, especially when it concerns OCS. Incoming units need to collect the following from the outgoing unit:

- a. References (CSIP/CMP extracts, OCS related FRAGOs, command policies/procedure documents, funding/resource management information, etc.).
- b. Copy of existing contracts, projected contract requirements, and COR requirements.
- c. Local command COR training policies and procedures.
- d. Any on-going OCS planning and/or requirements development documents.
- e. Information (names, location, support relationship, etc.) of supporting contracting unit/ organization and TLF support personnel.
- f. Local national contract worker base access/security information.
- g. FOO and paying agent related files.

SPECIAL AUTHORITIES AND PROGRAMS

4-20. Special Authorities. Special programs similar to OCS may be authorized to provide rapid support to local reconstruction and humanitarian needs. Authorization for these special authorities must be formally requested by the operational commander and must receive Congressional approval prior to implementation. The Commander's Emergency Response Program (CERP), as seen in current operations in Iraq and Afghanistan, is an example of a special program established through specific Congressional authority. CERP enables area commanders to respond to urgent humanitarian relief and reconstruction requirements that are of an immediate benefit to local nationals within their AOs. CERP is considered a special authority because Congress has exempted CERP projects from normal statutory fiscal and contracting controls; however, these exemptions do not exempt commanders from being good stewards of US Government funds used for CERP.

WARNING**SPECIAL PROGRAMS SIMILAR TO CONTRACT SUPPORT:**

- **REQUIRE SPECIAL CONGRESSIONAL AUTHORIZATION TO IMPLEMENT.**
- **MUST BE COORDINATED WITH LOCAL CONTRACTING OFFICIAL IN ORDER TO PREVENT DUPLICATION OF THE LOCAL CONTRACT SUPPORT EFFORT.**
- **ARE RIPE FOR POTENTIAL FRAUD, WASTE AND ABUSE.**
- **REQUIRE SIGNIFICANT ADDITIONAL TRAINING AND CLOSE COMMANDER OVERSIGHT.**

For more information regarding CERP see GTA 90-01-017, *Commander's Emergency Response Program (CERP) for Leaders*.

4-21. Field Ordering Officers. The role of the FOO is to procure authorized, urgently needed supplies and/or services from local sources during deployments because normal supply channels are either not available or not capable of providing them in a timely manner. FOOs derive their purchasing authority from a warranted contracting officer.

4-22. FOOs may make purchases up to the established micro-purchase threshold. FOOs are also authorized to purchase supplies or non-personal services immediately available; and one delivery/one payment purchases. As with any purchase, FOOs cannot split requirements to meet threshold levels.

For more information regarding FOOs see FAR Part 13; DFARS Part 213; and AFARS Part 5113.

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Chapter 5

CONTRACTOR MANAGEMENT

INTRODUCTION

5-1. In past conflicts, contractor management was often considered only after deployment and only then when serious contractor management issues came to light. Today, it is Army policy to consider the “Total Force”, to include contractor personnel, in operational planning and execution actions. AR 715-9 provides comprehensive policy on the subject of contractor personnel management in contingency operations. This chapter, along with Appendices A and B, provides detailed guidance on integrating contractor personnel and their equipment into military operations. Discussion includes details on contractor personnel legal status, discipline, pre-deployment preparation, deployment in-theater management, force protection/AT/security issues.

KEY TERMS

5-2. The following terms and descriptions are critical to understanding contractor management challenges:

- **Contractors authorized to accompany the force (CAAF).** CAAF are contractor employees and all tiers of subcontractor employees specifically authorized through their contract to accompany the force and have protected legal status IAW international conventions. CAAF normally includes US citizen expatriates and TCN employees who are not normal residents in the AO. However, local national employees may also be afforded CAAF status on an as needed basis METT-TC dependent.

- **Contractors not authorized to accompany the force (Non-CAAF).** Non-CAAF are employees of commercial entities in the AO, but do not accompany the force (e.g. they do not live on base or receive life support from the military). Non-CAAF employees include local national day laborers, delivery personnel, supply contract workers. Non-CAAF contractor employees have no special legal status IAW international conventions or agreements and are legally considered non-combatants rather than civilians authorized to accompany the force.

- **Letter of Authorization (LOA).** The LOA is the travel order equivalent for CAAF. The LOA provides CAAF both travel and in-theater government furnished support authorizations.

- **Contractor acquired property (CAP).** CAP is property/ equipment purchased by the contractor, under terms of the contract, for government use. Once the contract is closed out, the US Government will dispose or redistribute CAP as required.

Note: CAP is also referred to as contractor acquired, government owned (CAGO) property/ equipment in JP 4-10.

- **Government Furnished Property.** If the contract requires GFP, the unit must be aware of all its roles and responsibilities for accountability.

CONTRACTOR MANAGEMENT RISKS AND CHALLENGES

5-3. Integrating contractor personnel and their equipment into military operations can be a significant challenge and may also involve additional mission risk when compared to utilizing organic support capabilities. Challenges such as potential loss of flexibility, additional force protection/security related requirements, limited authority to keep contractor personnel on the job, etc. when compared to military members are not well understood by operational commanders and staff. Figure 5-1 identifies common contractor management risks and challenges. Over time, the new 3C ASI, additional professional military education and the new updated

OCS related policy, doctrine and training publications should greatly assist commanders and their staffs to better understand their role in planning and execution of contractor management.

<p>RISKS</p> <ul style="list-style-type: none"> • Risk to mission accomplishment from contractor non-performance due to force protection/AT/security issues. • Increased force protection requirements to protect contractor personnel. • Increased security risk to the force when utilizing third country national and local national contractors. <p style="text-align: center;">CHALLENGES</p> <ul style="list-style-type: none"> • General lack of knowledge on how to integrate contractor personnel into military operations. • Limited legal authority over contractor personnel. • Restrictions on arming contractors/use of private security firms to protect US forces, facilities and supplies. • Different procedures and automated systems used to establish and maintain contractor personnel accountability. • Enforcing contractor management policies and procedures through multiple tiers of sub-contractors. • Understanding the link between the contract process and contractor management.

Figure 5-1. Contractor Management Risks and Challenges

CONTRACTOR MANAGEMENT PLANNING

5-4. Contractor management planning is related to, but not the same as, contract support integration planning. While the CSIP is focused on overall guidance on how the deployed force will acquire and manage contracted support, contractor management planning is focused on contractor accountability, force protection, government furnished support, etc. This includes developing command policies and procedures required to ensure proper integration of contractor personnel into the military operations. By its very nature, contractor management related planning responsibilities cross all primary and special staff functional lanes. To address this situation, the ASCC or subordinate ARFOR commander should consider establishing a contractor management working group to ensure the various contractor management challenges are addressed and integrated across all primary and special staff lines. Figure 5-2 highlights specific ASCC/ARFOR level contractor management responsibilities.

<u>Staff/Supporting Command</u>	<u>Major Responsibilities</u>
G-1	Accountability Reporting
G-2	Threat Assessment/Screening Policies
G-3	Deployment, Force Protection Planning
G-4	Government Support Requirements
G-5	Overall Integration of Planning Effort
Surgeon	Medical Policy
Staff Judge Advocate	Legal Advice
Contracting Support Brigade	Operational Contract Support Advice/ Planning Assistance

Figure 5-2. Staff Contractor Management Planning Responsibilities

5-5. IAW DOD policy, the supported GCC and Service components must identify operational specific contractor management policies and requirements in the appropriate portion of the OPLAN/OPORD. These requirements include, but are not limited to: restrictions imposed by applicable international and HNS agreements, contractor-related deployment, theater reception and accountability reporting requirements, operational security plans and restrictions, force protection guidance, personnel recovery (PR) policy and procedures, medical support authorizations, and redeployment requirements. For each operation, the ASCC, ICW the supported GCC and/or subordinate ARFOR HQs, should publish operational specific contractor personnel management policies, procedures, and plans in order for subordinate commands to incorporate relevant guidance into their applicable plans. Supporting contracting officers will also include this information into applicable contracts as required. CJCSM 3122.02D, *Joint Operation Planning and Execution*, DODD 3020.49 and AR 715-9 all provide additional information on contractor management policy and procedures.

LINKING CONTRACTOR MANAGEMENT REQUIREMENTS TO THE CONTRACTING PROCESS

5-6. The contracting officer, ICW the requiring activity, is responsible to incorporate contractor management policy and procedural requirements into the contract. The ACO (if appointed) and supported unit CORs are the link to the contracting officer for the oversight of contract performance to include contractor management policy and procedure compliance. For prearranged contracted support, the contracting officer will use standard DFARS deployment clauses to ensure contractors are informed and prepared to execute their contract in a contingency environment. While generic in nature, these clauses ensure contractors are informed of and required to comply with basic deployment preparation and operational specific management requirements. For contracts awarded for a specific operation, operational specific contract clauses should be included in the SOW/PWS and other terms and conditions (T&Cs) of the contract. Contingency contract clause information can be found in DFARS Clause Sub-Part 225.74, *Defense Contracts outside the United States*, and DFARS Procedures, Guidance and Instruction (PGI) 225.7401, *Contracts Requiring Performance or Delivery in a Foreign Country*.

5-7. In some situations, CAAF may be required to live and work under field conditions, often in a hostile environment. Field conditions are quite different from normal civilian life and are characterized by austere and often physically demanding conditions. Requiring activities must coordinate closely with the supporting contracting officers to ensure appropriate performance environment clauses are included in the contract for all CAAF who are expected to perform their duties in field conditions. Requiring activities are responsible to ensure this information is provided in their requirements package. If the requiring activity is at all unsure about these conditions, they must consult with the supported unit to identify the details of the operational environment. Specific field conditions that should/could be addressed in contract SOW/PWS/T&Cs include:

- Limited showers and laundry service.
- Field sanitation (no fixed or even portable latrines).
- Combat rations for extended period of time.
- Sleeping in a tent or even outdoors.
- Exposure to excessive heat, cold and other weather extremes.
- Ability to hike a certain distance each day while carrying a certain weight in a back pack.
- Being subject to enemy action to include improvised explosive devices and direct fire.

WARNING

IF CAAF ARE GOING TO BE REQUIRED TO LIVE AND PERFORM UNDER FIELD CONDITIONS, THE REQUIRING ACTIVITY MUST ADDRESS THE SPECIFICS OF THE EXPECTED OPERATIONAL ENVIRONMENT IN THEIR REQUIREMENTS PACKAGE. DO NOT ASSUME ALL CAAF CAN EASILY ADAPT TO FIELD CONDITIONS – THEY ARE NOT SOLDIERS!

AVOIDING UNSCRUPULOUS LABOR PRACTICES

5-8. The uncontrolled use of labor brokers in order to avoid CAAF deployment and quality of life standards has been identified as a recurring problem in recent operations. Serious cases of these practices in the past have reached the level of a combating trafficking in persons (CTIP) policy violations. The following list contains examples of prohibited CAAF related labor practices seen in recent operations:

- Taking away passports or other travel documents.
- Providing housing that does not meet local command standards.
- Transportation without adequate force protection.
- Denying reasonable access to transportation out of the AO when requested.

Any one of the actions listed above can be a violation of international law, US law, Presidential directives, DOD policies, and military alliance policies and must not be tolerated by joint and Service component commanders.

WARNING

COMMANDERS AND LEADERS AT ALL LEVELS MUST BE ON THE LOOKOUT FOR CAAF RELATED UNSCRUPULOUS LABOR PRACTICES AND POSSIBLE CTIP VIOLATIONS.

CONTRACTOR PERSONNEL LEGAL STATUS

5-9. Law of war treaties, such as the Hague and Geneva conventions (see Figure 5-3); establish the status of contractors in support of military operations. During armed conflict with nations or organizations that are not signatories to these treaties, the status of contractors may be less clear. Commanders should consult their staff judge advocate (SJA) for legal advice in these situations.

Hague Convention in 1907 (Article 13)

“Individuals who follow an army without directly belonging to it, such as...contractors, who fall into the enemy’s hands and whom the latter thinks fit to detain, are entitled to be treated as prisoners of War, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.”

1949 Geneva Convention, treatment of prisoners (Article 4) “Persons who accompany the armed forces without actually being members thereof, such as ...contractors, who fall into the hands of the enemy, and whom the latter think fit to detain, shall be entitled to be treated as prisoners of war, provided they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card.”

Figure 5-3. Excerpts from Key International Agreements

5-10. Contracting officers, in direct coordination with the requiring activity, determine contingency contractor employee CAAF/non-CAAF status up front in the contracting process. For many employees, determining their status is relatively simple; for others, it is not. For example, if the contractor employee is a US citizen or TCN who will be working in the vicinity of US forces (e.g. working on base), residing with the force (e.g. living in military barracks on a US facility) and being supported by the force (e.g. eating in military run dining facilities) they must be afforded CAAF status IAW Army policy and be issued an LOA that outlines specific government support authorizations. In some cases, CAAF status may also be afforded to a local national contract worker who is performing services on a military installation and who is required by the contract to live on base for security reasons. The key to properly establishing CAAF/non-CAAF status is for contracting officers and requiring activities to be familiar with, and follow, DOD, Army and local command contractor management policy guidance. Additionally, requiring activities should identify the recommended status of service contract employees in requirements package (e.g. if the requirement is for the contractor employee to deploy with and/or live with the supported unit, then the requirements package should recommend that the employees be designated CAAF in the contract). When in doubt, this determination should be made in close coordination with the supporting SJA.

DEPLOYMENT/REDEPLOYMENT PLANNING AND PREPARATION

5-11. The global nature of the systems and external support contractor base dictates contract companies may deploy their employees and associated equipment from anywhere in the world. Even US-based contractors often have elements originating from locations outside CONUS. Many contractors, especially sub-contractors, will hire TCN employees and deploy them directly from their point of hire. Proper deployment of CAAF and equipment requires early planning, establishment of clear and concise theater-entrance requirements and the incorporation of standard deployment related clauses in appropriate contracts.

5-12. Establishing Theater Entrance Requirements. The supported GCC, ICW their Service components, determines operational specific CAAF theater entrance requirements. Theater entrance requirements include, but are not limited to AO specific administrative preparation, medical preparation, as well as general training and equipping guidance. Specific CAAF pre-deployment preparation requirements can be found in the Army Personnel Policy Guidance publication which can be accessed via the Army G-1 website:

<http://www.armyg1.army.mil/MilitaryPersonnel/ppg.asp>. Other theater specific contractor management information can be found at the following Department Of Defense website:

http://www.acq.osd.mil/dpap/pacc/cc/areas_of_responsibility.html.

Note: Know how to access and be familiar with the CAAF deployment preparation provisions found in the Army Personnel Policy Guidance.

5-13. Specific Theater Entrance Requirements Overview. The following is a synopsis of the key theater administrative and entrance requirements that can and will impact the ASCC and subordinate commands. The

supported ASCC staff should work closely with subordinate staffs, special operations units, and other organizations as required to ensure they understand, promulgate and enforce these theater entrance requirements.

a. **Identification (ID) Cards.** Army policy requires CAAF to be issued an ID card with Geneva Convention identifier prior to deployment to the AO. Expiration dates for these ID cards should correspond to the end date of the contract period of performance. Normally, only replacement cards will be issued in the AO. See AR 600-8-14 and current Army personnel deployment guidance for more information on issuing ID cards to CAAF.

WARNING

DESPITE APPROVED IDENTIFICATION CARD POLICY, THE ISSUANCE OF IDENTIFICATION CARDS TO CAAF CONTINUES TO BE PROBLEMATIC AT BEST, ESPECIALLY FOR TCN EMPLOYEES. AT THE TIME OF HANDBOOK PUBLICATION, PERSONNEL POLICY STAFF OFFICERS ARE WORKING THIS ISSUE AT THE HIGHEST LEVELS OF DOD.

b. **Letters of Authorization.** DOD and Army policy require Synchronized Pre-deployment and Operational Tracker (SPOT) generated letters of authorizations, issued by a warranted contracting officer, for CAAF to process through a deployment center, and travel to, from, and within an AO. LOAs contain specific dates to cover the deployment and are issued to the contractor personnel prior to arrival in the AO. Additionally, the LOAs identify any additional authorizations and government-furnished support CAAF are entitled to under the contract. The contracting officer, or designated official (normally the appointed COR), must validate LOA authorizations and availability of this support in the AO prior to preparation of the final solicitation package. Any change in the contract dates or entitlements will result in an updated LOA being issued to the contractor. CAAF are required by policy to maintain a copy of their LOA and have it in their possession at all times.

Note: DOD and Army policy require Synchronized Pre-deployment and Operational Tracker (SPOT) generated letters of authorizations.

c. **Security Screening/Biometrics Identification Card/Base Access.** Currently, there is no standard DOD or Army methodology for screening, biometric identification and base access badge issuance for contractor personnel. Local command policy will dictate these measures per METT-TC.

d. **Medical Preparation.** CAAF medical preparation includes deployment health briefings, medical surveillance screening, medical evaluation, deoxyribonucleic acid specimen collection, determining prescription needs, and immunizations. Specific medical related theater entrance requirements, such as human immunodeficiency virus screening requirements, are established by the operational command's staff surgeon. This medical related theater guidance normally covers specific immunization requirements, restrictions applicable to certain TCN or local national personnel for specific mission functions (e.g., food service workers). Contract companies are responsible for all medical preparation with the exception of military specific immunizations.

e. **Protective Clothing and Equipment.** Contractors are responsible to ensure their employees are outfitted with appropriate occupational specific protective clothing and equipment necessary to safely carry out their contract requirements. Military protective equipment may be issued to CAAF as GFE or issued to them by their company when required by theater entrance policy and so specified in the contract.

f. **Uniforms.** Normally, contractor personnel will not be issued or wear regulation US Service uniforms and/or other uniform items. However, the JFC or designated subordinate can authorize certain contractor employees to wear standard US Service uniforms on an operational need basis. In these cases, the uniform

should be readily distinguishable through the use of distinctive patches, arm bands, nametags and/or headgear. Contractor personnel authorized to wear distinctive military uniforms are required by policy to carry, on their person, written authorization for the wearing of said uniforms at all times.

g. **Other Actions.** There are various other, often simple, but still important, contractor management actions that must take place before a CAAF is deployed to the AO. These tasks include, but are not limited to: issuance of identification tags; acquiring Base Defense Act issuance; storage of privately owned vehicles (POVs); establishing/updating wills and powers of attorney; acquiring a current passport and Visa (if required); and, getting Army Knowledge On-line sponsorship (required for CAAF who need to have access to government computer systems). It is important to note that some of these tasks are solely the responsibility of the contract company, while some are shared contractor/military tasks. Paragraph 5-15 and Figure 5-4 below provide additional guidance on task responsibility.

h. **Routine Training Requirements.** The ASCC, subordinate commanders and Army contracting authorities are responsible to ensure required common training and any operational-specific training is accomplished prior to deployment of CAAF into the AO. Required CAAF training and validation process must be closely coordinated between the contracting officer, the prime contractor and the requiring activity. Key contractor personnel training requirements normally include, but are not limited to:

(1) **Legal status familiarization.** This training is mandated by the DFARS to ensure all CAAF understand their legal status IAW international law. This DFARS clause requirement includes prevention of human trafficking awareness training as well as familiarization training on US laws, host nation laws and SOFAs to which contractor personnel may be subject.

(2) **Government-furnished support familiarization.** This training is intended to inform CAAF of what authorized government-furnished support (mail, medical, etc.) is available to them while accompanying US forces.

(3) **Law of War training.** Law of War training related to the handling of enemy prisoners of war (EPWs) and detainees is required by DOD policy for all CAAF contractor personnel who may come into contact with detainees or EPWs.

(4) **Survival, Evasion, Resistance and Escape (SERE) training.** The requirement for SERE training for CAAF is determined by the requiring activity and supported ASCC.

(5) **Medical threat awareness training.** Medical awareness training related to local health risks, medical related policies and procedures is required for all CAAF.

(6) **Sexual harassment and sexual assault training.** Executive Order 11246, DOD Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, and DODI 6495.02, *Sexual Assault Prevention and Response Program Procedures* require sexual harassment and sexual assault report training for the total force, which includes contractors IAW DOD Directive 5124.02, *Under Secretary of Defense for Personnel and Readiness (USD(P&R))*.

i. **Operational specific requirements.** Operational specific training requirements include mission specific force protection/AT/security, hazard awareness, etc. as directed by the GCC and/or ASCC.

5-14. Contractor Personnel Certification and Deployment. IAW AR 715-9 CAAF can be certified and deployed via three methodologies: 1) with their habitually supported unit, 2) as non-unit related personnel (NRP) through a CONUS Replacement Center (CRC), and 3) self-certification and deployment. In all cases, the contracting officer, working in conjunction with the requiring activity and/or supported unit COR, must ensure CAAF being deployed into an AO are properly certified and fully integrated into the ARFOR's deployment plan.

Note: Contractor pre-deployment verification has been a significant problem for TCN CAAF, especially sub-contractor employees. Close coordination between the contracting officer, the requiring activity and the prime contractor is imperative to ensure TCN CAAF are properly prepared to deploy, especially in the areas of medical screening and required training (i.e. legal status familiarization, medical threat awareness training, etc.).

a. **Process and Deploy With the Supported Unit.** This is the preferred method of deployment for CAAF, normally systems support contractors, who have a habitual relationship with a specific unit. This group deployment process involves certification and deployment of CAAF in a coordinated fashion between the supported unit, contracting officer, the contractor and, if applicable, any contractor management over watch entity such as the supporting AFSB. Once certified, these CAAF normally deploy as part of the habitually supported unit.

Note: Units with habitually related CAAF are responsible to ensure these contractor personnel and their equipment are included in the unit's time phased force deployment data list (TPFDDL) or request for forces (RFF) process.

b. **Process and Deploy Non-Unit Related Personnel.** NRP include CAAF who deploy as individuals or as part of a small group that does not have a habitual support arrangement with any particular unit. Army policy requires CAAF NRP to deploy through a CRC. In this process, CAAF NRP are certified for deployment via processing through a designated CRC. Once certified, CAAF NRP normally immediately deploy via transportation means directed by CRC authorities and as identified in their contracts.

c. **Self-Certification and/or Deployment.** Self-certification and deployment applies to contract companies who have been authorized by the Government to conduct their own certification and/or deployment process. Self certification and deployment operations conducted by the contractor are referred to as non-military individual replacement deployment operations. This authorization is usually restricted to major contract companies such as LOGCAP performance contractors. Contractors requesting self-certification authority must coordinate this request, ICW the contracting officer, through the HQDA G-4. If it appears to be in the best interest of the Army, the G-4 will staff this request through the G-1 for G-3/5/7 approval. Self-certification of CAAF is required to meet or exceed the CRC standards. In some cases, selected contractors may also be authorized to arrange their own strategic transportation as long as it is properly integrated into the Defense Transportation System and approved by the requiring activity and supporting contracting officer.

5-15. Pre-deployment Task Responsibilities. Pre-deployment tasks are a shared responsibility between the contractor and the Government. Some tasks are specified by policy to be a contractor responsibility (e.g. medical screening) while other tasks are more situational dependent. For example, CAAF deploying through a CRC will be provided personal military protective equipment by the Government, but in some cases, such with a LOGCAP performance contractor, may be authorized by the contract to procure and issue military protective equipment to their employees. Figure 5-4 provides a synopsis of current policy and operational experience related to this subject.

<u>Contractor Responsibilities</u>	<u>Shared Responsibilities</u>	<u>Government Responsibilities</u>
<ul style="list-style-type: none"> ▪ Entering and updating synchronized pre-deployment operational tracker (SPOT) data. ▪ Medical screening and preparation (less military specific immunizations). ▪ Dental screening. ▪ Issuance of work place safety equipment. ▪ Ensuring employees have a current passport and Visa (if required). ▪ Legal support (wills and power of attorney). ▪ Ensuring employees are signed up for Defense Base Act insurance. 	<ul style="list-style-type: none"> ▪ Certifying pre-deployment tasks are complete. ▪ Common military related training. ▪ Theater specific military related training. ▪ Issuance of military protective equipment. ▪ ID tag issuance*. ▪ Privately owned vehicle storage*. 	<ul style="list-style-type: none"> ▪ Verifying and approving letter of authorizations. ▪ Issuance of government ID card. ▪ Issuance of government furnished equipment items. ▪ Military specific immunizations*. ▪ Sponsorship for required CAAF army knowledge on-line accounts. ▪ Entering CAAF personnel and equipment into the time phased force deployment data list or request for forces process.
<p>* may require reimbursement of cost to the government</p>		

Figure 5- 4. Responsibilities for Contractor Pre-deployment Preparation

5-16. General Redeployment Considerations. The contracting officer, the supported unit and the contract company share the responsibility for CAAF redeployment. Normally, CAAF are redeployed to the original unit deployment, CRC or contractor run deployment site they were originally processed for deployment. Key redeployment actions include, but are not limited to: updating SPOT; recovery of government issued badges and ID cards; recovery/ disposition of all GFE or CAP; and, withdrawal of security clearances (as applicable). Paragraph 5-24d below provides more discussion on GFE and CAP.

5-17. Medical Redeployment Requirements. CAAF are required by DOD policy to complete a post-deployment health assessment and obtain a post-deployment health debriefing. Any recommended medical referrals that come out of this process are the contractor's responsibility.

IN-THEATER CONTRACTOR MANAGEMENT

5-18. In-theater contractor management includes actions by operational commanders, requiring activities/supported units (via appointed CORs and 3C staff), contracting officers and contract companies to ensure the proper integration of CAAF and their equipment into day-to-day deployed operations. In-theater contractor management also includes force protection/AT/security support and base access actions related to non-CAAF whose area of performance is on a military facility.

5-19. Reception and Onward Movement. Positive in-theater contractor management begins with the integration of CAAF into the in-theater reception and onward movement process. This process includes establishing initial in-theater accountability and ensuring that CAAF and their equipment are quickly and safely moved from the port of debarkation to their area of performance.

a. **Reception.** All CAAF should be processed in and out of the AO through a formal reception center or designated reception center process. The reception center personnel will verify NRP CAAF are included in the SPOT database and have met all theater entrance requirements. Units with habitually supporting CAAF and contractors with self-deployment authorization are responsible to ensure associated CAAF meet all theater entrance requirements and are properly captured in SPOT. Contractor personnel who do not meet established theater entrance requirements may be sent back to their point of origin or placed in a holding area until these requirements are met.

b. **Onward Movement.** Once the reception center verifies the NRP CAAF are included in the SPOT database and all theater entrance requirements are met, the CAAF should be issued any required operational specific identification documents/badges and instructed on onward movement transportation procedures. Arrangement of intra-theater transportation of CAAF will include the appropriate force protection/security measures commensurate to force protection/security measures taken for DOD civilians.

5-20. Personnel Accountability. Establishing and maintaining CAAF accountability is an extremely important OCS related task. Without such information, it is impossible to properly plan and integrate CAAF into military operations. CAAF accountability is critically important information for determining and resourcing government support requirements such as facilities, life support, force protection, and force health protection in hostile/austere operational environments. The DOD has recently designated SPOT as the DOD enterprise system to manage and maintain by name accountability of CAAF and other designated contractor personnel in the AO.SPOT is a web-based application allowing authorized users to view, input and manage contractor personnel pre-deployment, accountability and location data. SPOT access procedures and training information can be found at <http://www.dod.mil/bta/products/spot.html>.

Note: Ensure your 3C ASI and selected personnel staff officers have access to SPOT and are familiar with its functional capabilities.

5-21. Command Authority in General. Commanders at all levels must understand they do not have the same command authority over contractor personnel as they do military members. Area and base commanders do have the authority however, to direct CAAF and non-CAAF working on base in matters of force protection and security (e.g. temporary cease work during base attacks, route alterations, etc.) as long as these actions do not require contractor personnel to perform inherently governmental functions or to perform tasks outside the terms and conditions of the contract.

5-22. Discipline and Legal Jurisdiction. Discipline of CAAF is a shared responsibility between the contract company and the government. Normally, minor CAAF discipline infractions will be handled through their contractor supervisors and managed by established government contracting management channels (i.e. contracting officer, ACO and COR) IAW the terms and conditions of their contract; however, serious CAAF discipline infractions should be addressed by military and/or Department of Justice channels. If Army commanders determine disciplinary actions may be necessary for CAAF, they should first coordinate their actions with their SJA and government contract management team. This coordination is necessary because of the potential impact on contract performance, cost, and government liability. Actual legal jurisdiction and commander's legal authority over contractor personnel varies depending on contractor personnel nationality, CAAF or non-CAAF designations, operational specific policies, and the type and severity of the alleged discipline infraction. Normally, local national contract employees are subject to local laws while US citizens and TCN CAAF may or may not be subject to local laws depending on provisions, if any, documented in existing SOFAs or other security agreements. All CAAF however, are subject to US federal law to include the newly expanded Uniform Code of Military Justice (UCMJ) jurisdiction discussed later in this section.

Note: It is imperative Army commanders at all levels are aware of the specific command guidance for handling contractor discipline issues. In all cases of alleged major misconduct/criminal activity of contractor personnel, consult your SJA and government contract management team (i.e. the supporting contracting office and the contracting officer representative).

a. **Local Nation Law.** All non-CAAF are subject to local law. CAAF are also subject to local laws unless specifically exempted by SOFAs, other security agreements, and in cases where there is no functioning or recognized host nation.

b. **Status-of-Forces Agreements/Security Agreements.** SOFAs and security agreements are international agreements between two or more governments that address various privileges, immunities, and

responsibilities and enumerate the rights and responsibilities of individual members of a deployed force. These SOFAs and security agreements may or may not define CAAF legal status (e.g., the circumstances of host national criminal and civil jurisdiction).

Note: The 2009 US-Iraqi security agreement stipulates all contractor personnel, to include US citizens and third country nationals are subject to Iraqi law.

c. **US Federal Law.** In the absence of any host nation jurisdiction or the exercise of it, US federal law will apply to CAAF misconduct. The following sections provide a synopsis of current applicable statutes.

(1) **Uniformed Code of Military Justice.** As expanded by the National Defense Authorization Act of 2007, the military UCMJ has jurisdiction over persons serving with or accompanying the Armed Forces of the United States in the field, both in times of declared war and during contingency operations. In accordance with DOD guidance, the unique nature of this extended UCMJ jurisdiction over civilians requires sound management over when, where, and by whom such jurisdiction is exercised. Currently, UCMJ authority over CAAF is restricted to the highest levels of command authority and normally will only be applied for civilian equivalent felony level infractions. Non-judicial punishment and military specific offenses (e.g. disrespect to a senior officer, desertion, etc.) do not apply to CAAF. The UCMJ authority over CAAF must be judiciously applied and carefully coordinated with Department of Justice personnel to ensure CAAF discipline infractions are handled in a prompt, thorough manner and within the proper legal framework.

Note: Because this area is such a moving target, ensure your SJA has access to and is familiar with the latest DOD, Army and/or local command policy guidance on the implementation of UCMJ authority over contractor personnel.

(2) **Military Extraterritorial Jurisdiction Act of 2000.** In November 2000, the Military Extraterritorial Jurisdiction Act of 2000 was passed by Congress and signed into law. This law permits the prosecution in federal court of civilians who, while employed by or accompanying the Armed Forces overseas, commit certain crimes. Generally, the crimes covered are any federal-level criminal offense punishable by imprisonment for more than one year. The law applies to any DOD contractor or subcontractor (at any tier) or their employees provided they are not a national or a legal resident of the host nation. It does not apply to non-DOD contractor employees unless their employment relates to supporting the mission of DOD. This law authorizes DOD law enforcement personnel to arrest suspected offenders IAW applicable international agreements and specifies procedures for the removal of accused individuals to the US. It also authorizes pretrial detention and the appointment of counsel for accused individuals. Like the War Crimes Act, actual prosecutions under the Military Extraterritorial Jurisdiction Act are the responsibility of federal civilian authorities.

DODI 5525.11, *Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces outside the United States, Certain Service Members, and Former Service Members*, provides more information on the implementation of this law.

(3) **War Crimes Act of 1996.** Depending on the offense committed, US national CAAF may be prosecuted for war crimes under the War Crimes Act of 1996. This act defines a war crime as any grave breach of the 1949 Geneva Conventions (such as willful killing or torture) or any violation of common Article 3 of the Geneva Conventions. Penalties include fines, imprisonment, or the death penalty if death results to the victim. Prosecutions under the War Crimes Act are the responsibility of federal civilian authorities.

(4) **USA Patriot Act.** In October 2001, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001 was passed by Congress and signed into law. The USA Patriot Act was enacted by Congress in response to the September 11, 2001 terrorist attacks. One of its provisions allows the US to apprehend and prosecute US citizens and foreign nationals who commit crimes on overseas US bases and facilities. Similar to the War Crimes and Military Extraterritorial Jurisdiction Acts, prosecutions under the USA Patriot Act are the responsibility of federal civilian authorities.

(5) **Federal Anti-Torture Statute.** Contractor personnel could also be prosecuted under the federal anti-torture statute. A person found guilty under the act can be incarcerated for up to 20 years or receive the death penalty if the torture results in the victim's death. Similar to the other federal laws, actual prosecutions under this statute are the responsibility of federal civilian authorities.

d. **Other Disciplinary Options.** Area and base commanders have the authority to address minor contractor personnel disciplinary issues or misconduct through revocation or suspension of clearances, restriction from installations or facilities, or revocation of privileges. DFARS allows the contracting officer to direct the contractor, at its own expense, to remove and replace any contractor personnel who jeopardize or interfere with mission accomplishment or who fail to comply with or violate applicable requirements of the contract. The process of removing contractor employees is dependent upon the established local command policies and the extent to which those policies are incorporated in the terms and conditions of the contract. When confronted with disciplinary problems involving contractors and contractor employees, commanders should seek the assistance of their legal staff, the contracting officer responsible for the contract, and the appointed COR. This allows for a thorough review of the situation and a recommendation for a course of action based on the terms and conditions of the contract, applicable international agreements, and host nation or US law.

5-23. Force protection/AT/security. Force protection/AT/security of CAAF and their equipment is a shared responsibility between the contract company and the Government. In a permissive environment, there may be no specific contractor force protection or security requirements. However, in hostile environments, contractor related force protection and security requirements can be a significant challenge and will require specific contractor personnel related policies and procedures. All contingency contractor personnel (both CAAF and non-CAAF) whose area of performance is in the vicinity of US forces shall be required by the terms and conditions of their contract to comply with applicable area or base commander force protection policies and procedures. In hostile environments, CAAF should receive force protection/AT/security support commensurate with the level of security provided to Army Civilians. Non-CAAF employees whose area of performance is on a military facility or in close contact with US forces will receive security support incidental to their work location.

a. **Location Restrictions.** CAAF can be expected to perform virtually anywhere in the AO, subject to the terms of their contract and the operational commander's threat assessment. Based on the commander's threat assessment, the JFC, ARFOR and/or subordinate area commanders may place specific restrictions on locations and timing of contract support; however, care must be taken to coordinate these restrictions with the requiring unit and the supporting contracting officers to ensure these restrictions do not significantly interfere with the contractors' ability to meet contractual performance requirements.

b. **Determining specific force protection and security measures.** The ARFOR and subordinate area and base commanders must plan for the protection of contractor personnel in the overall force protection and security plan in any operation where the contractor cannot obtain effective security services, such services are unavailable at a reasonable cost, or threat conditions necessitate security through military means. IAW established DOD doctrine and policy; military provided force protection is the preferred option for operations where an on-going or anticipated level II or III threat level exists. In these high-threat operations, it is normally in the best interest of the Government to provide military force protection to CAAF and selected non-CAAF. However, the operational commander, within specific parameters, can plan and coordinate the use of private security contracts (PSCs) to protect other contractor personnel. In all cases, operational specific force protection and security conditions, procedures and control measures should be identified by the requiring activity as part of the requirements package. Use of private security services in support of deployed Army forces is discussed in detail in paragraph 5-23 h. FM 3-37 *Protection* provides more information on threat levels.

c. **Establishing Force Protection/AT/Security Requirements in the Contract.** The contracting officer will normally include the level of government furnished protection as well as contractor employee requirement to follow area and/or base commander guidance relative to force protection/AT/security measures as a stipulation in the contract based on force protection/security requirements identified in the requirements package. In some cases, government furnished force protection contract terms may be included in non-CAAF related contracts if the area of performance of the contract is on a military installation. Requiring activities must

ensure the supported unit or other designated organization is prepared to meet the government obligations set forth in these contracts and contractor employees meet the force protection/AT/security stipulations of their contract. Changes to this level of government force protection must be coordinated with the contracting officer as soon as possible, preferably prior to the actual implementation of these changes.

d. **Base Access.** The ARFOR and individual base commanders are responsible for the security of all Army run facilities within the AO. However, the lack of a fully functional DOD-wide standard security badge issuance policy for contractor personnel requires the ARFOR and subordinate commanders to develop local policies and procedures to vet and badge CAAF, as well as non-CAAF contractor employees, who require routine access to military facilities. Not having these policies and procedures in place can severely reduce the effectiveness, timeliness, flexibility and/or efficiency of contracted support. This can be an especially significant issue when changes to operations require a quick surge of contracted support from one base to another.

WARNING

IN RECENT OPERATIONS, INCONSISTENT AND UNCOORDINATED BASE ACCESS AND SECURITY BADGE ISSUANCE POLICIES HAS, AT TIMES, SIGNIFICANTLY HAMPERED THE EFFECTIVE AND EFFICIENT USE OF CONTRACT SUPPORT.

e. **Individual Movement Protection.** Another key contractor management challenge is protection of contractor personnel during individual or small group movements within the AO. In general, CAAF should be provided protection during transit within the AO commensurate to protection provided to Department of the Army civilians. It is important for the ARFOR and subordinate area and base commanders to properly balance force protection requirements with the need for contractor personnel to have ready access to their place of performance. Overly restrictive movement requirements can hinder the responsiveness of contracted support, especially for systems support contractors who are providing support on an area or general support basis. Too lenient movement restrictions may also have a negative effect on contracted support if contractor personnel become casualties due to the lack of or improper enforcement of movement related force protection/security measures. In operations where there is more than a level I threat, CAAF should be required to be included into routine military movements or special arrangements will have to be made by the supported commander and the area commander responsible for local force protection matters.

f. **Convoy Protection.** The ARFOR, based on JFC guidance, must establish, publish and implement operational specific contractor related convoy force protection standards and procedures. Depending on the current or anticipated threat level, contractor operated vehicles may be required to move under the designated movement control authority and be integrated into military convoys (often referred to as a mixed "green" and "white" convoy). In some operations, contractor operated vehicles may be directed to transit the AO in convoys made up exclusively of contractor personnel and vehicles (often referred to as an all "white" convoy). In either case, the ARFOR is responsible to ensure adequate force protection measures are in place to protect contractor convoy operations in support of the deployed military forces. As the threat level is reduced, some contract vehicle movement, especially local national contracted trucks, may be excluded from these convoy protection requirements.

For more information on integrating contractor personnel into convoy operations see the Air, Land, Sea Application Center's Multi-Service Publication, Army Field Manual 4-01.45 *Multi-Service Tactics, Techniques and Procedures for Tactical Convoy Operations*.

WARNING

RESTRICTIONS IN CONTRACTOR MOVEMENT MAY HAVE A NEGATIVE EFFECT ON THE CONTRACTOR'S ABILITY TO MEET THEIR CONTRACTUAL PERFORMANCE REQUIREMENTS. COMMANDERS RESPONSIBLE FOR FORCE PROTECTION/AT/SECURITY AND MOVEMENT CONTROL POLICIES AND PROCEDURES MUST CONSULT WITH THE APPROPRIATE REQUIRING ACTIVITY AND CONTRACTING OFFICER IF THERE ARE INDICATIONS LOCAL MOVEMENT AND/OR SECURITY RESTRICTIONS COULD POSSIBLY IMPACT THE CONTRACTOR'S ABILITY TO PERFORM THE MISSION OR IF SUCH MEASURES COULD POSSIBLY INCUR ADDITIONAL COST TO THE GOVERNMENT.

g. **Issuance of Personal Defense Weapons.** In general, individual contractor personnel should not be armed. However, consistent with applicable US, HN, international law, relevant SOFAs or other international security agreements, and DOD policy, the JFC and/or ARFOR commander may authorize CAAF to carry a government issued or approved individual weapon for personal protection. Variables such as the nature of the operation, the type of conflict, any applicable status agreement related to the presence of US forces, and the nature of the activity being protected require case-by-case determinations. IAW DOD policy, the GCC can delegate this authority down to a designated general officer within the deployed joint force. AR 715-9 provides the specific procedures required to be followed when requesting approval to arm individual CAAF.

h. **Use of Private Security Services.** If consistent with applicable US, HN, international law, relevant SOFAs and/or security agreements, and JFC policy a defense contractor may be authorized to provide armed security services for the protection of deployed US Army forces, facilities and supplies as long as these services are restricted to purely security (vice offensive) related functions. The ARFOR commander should, however, use caution when contemplating the use of private security services to protect US forces and facilities in any operation where there is a current or expected Level II or III threat. In general, threat levels above Level I require significant force protection measures (e.g., crew served weapons, combined arms response, indirect fire, etc.) that may be legally considered an inherently military function.

(1) Whether a particular use of contract security to protect military assets is permissible is dependent on the facts and requires detailed legal analysis and coordination by the ARFOR commander and SJA. Variables such as the level and nature of the threat, the type of conflict, applicable host nation laws, and the nature of the activity being protected require case-by-case determinations. The use of force by contingency contractor personnel is often strictly limited by laws and not protected by SOFA provisions. Contractor personnel providing security services who exceed the limits imposed by applicable law may be subject to prosecution. Additionally, there can be significant civil-military related risks when utilizing private security services in military operations. For example, the local populace may not distinguish between a private security guard and a US military member when it comes to use of force, improper actions, etc. Incidents involving private security guards can have potentially negative impact on the operation, especially since the ARFOR has significantly less direct control over contractors when compared to US military members.

(2) When private security services are utilized in contingency operations to protect reconstruction efforts and/or Army forces, facilities or supplies, the contracting officer is responsible to ensure the contract contains provisions informing the contractor of any known or potentially hazardous situations. This includes general stipulations limiting support to non-offensive operations and government responsibilities to provide back-up security support. The ARFOR commander, ICW the JFC, must ensure operational specific private security services coordination procedures and control measures, to include appropriate rules for the use of force (RUF), are developed, promulgated and enforced within the AO. Additionally, requiring activities must ensure specific conditions, procedures, and control measures are addressed in the requirements package. DODI 1100.02, *Manpower Mix*, DODI 3020.50, *Private Security Contractors Operating in Contingency Operations*,

and AR 715-9 provide detailed regulatory guidance on the use private security services in contingency operations.

WARNING

ARMY COMMANDERS, THEIR 3C STAFF OFFICERS AND SJA STAFF SHOULD CLOSELY REVIEW JFC POLICIES AND REGULATORY GUIDANCE WHEN CONTEMPLATING REQUESTING PSC SERVICES TO PROTECT ARMY FORCES, FACILITIES AND SUPPLIES IN CONTINGENCY OPERATIONS.

5-24. Other Government Provided Support. IAW Army policy, contractors are required to provide their own logistical support in contingency operations except when this methodology is not practical and/or is cost-prohibitive. Since most military operations are conducted in austere and/or non-permissive environments, CAAF support will often be provided through military means or via a contract directed by the Government. In all cases, the contracting officer, based on requiring activity input, will detail the government support to be provided in the terms and conditions of the solicitation, and subsequently the contract, after determining availability of such support from the designated authorities/requiring activity. And as stated above, all CAAF government support authorizations are required to be documented in a SPOT generated LOA.

a. **Base Operating Support/Facilities.** In permissive and non-austere operations, contractors should arrange for their own lodging, subsistence and facilities support; however, in hostile and austere environments this may not be practical or desirable. The circumstances under which the Army provides this support would be those in which the contractor has no commercial infrastructure from which to draw or when the cost for a contractor to furnish the support is not economical. In situations when contractor-arranged base operating support would impede the government's efforts to provide force protection, generate competition with the military, or adversely influence prices, the Army must consider providing the support using organic support capabilities and/or arrange this support via contract means. The ARFOR commander, pursuant to approved DOD, Army and JFC policies, retains the authority to direct where CAAF reside and what government support will be provided. If the location is changed after a contract is awarded, this must be communicated to the contracting officer as soon as possible because of potential cost ramifications. CAAF must generally be provided the same standard of support provided to Department of the Army civilians of similar responsibility level.

(1) In some operations or phases of operations, selected CAAF may be required to temporarily live in field conditions. In these situations, the requiring activity or the directed supported unit is responsible to ensure adequate tentage, field feeding support, etc. is available for these personnel.

(2) Subsistence may be provided to contractors when local dining sources are either unavailable or deemed unsuitable for health and/or force protection/AT/security related reasons. For those CAAF living in field conditions, the food provided might be pre-packaged rations with very little opportunity for choice; consequently, special diets may not be accommodated. In some sustained operations, it may be desirable to have a separate, contract run, dining facility provide ethnic based subsistence that may be both less expensive and more appealing to TCN employees.

(3) Although it is natural to expect reimbursement from contractors for the cost of lodging and subsistence, the cost for such support would normally be included in the overall cost of the contract. Therefore, when possible, subsistence support should be done on a non-reimbursable basis, eliminating the unnecessary administrative burden of reimbursement. However, ASCC and subordinate command planners must include the cost of supporting contractors in the overall cost of the operation so adequate funding is provided.

(4) Like base operating support, facility support to contractor personnel is situational dependent. Facilities support must be planned for as early as possible, especially in austere and non-permissive environments where contract companies cannot coordinate their own facility support via local commercial sources. In operations where facilities remain under military control, external support and systems support

contractor managers must provide their facility requirements during contract negotiations. The contracting officer or designated ACO must then coordinate these requirements with the appropriate ASCC or subordinate command staff engineer to ensure these requirements are properly addressed in the overall facility support plan.

b. **Personnel Recovery (PR).** The DOD PR program is the aggregation of military, civil, and political efforts to recover captured, detained, evading, isolated or missing personnel from uncertain or hostile environments and denied areas. PR may occur through military action, action by non-governmental organizations, other United States Government (USG) approved action, and diplomatic initiatives, or through any combination of these options. IAW DOD and Army policy, CAAF must be included in the PR program. Operational specific CAAF PR requirements should be identified as early as possible to ensure the specific PR training and administrative requirements are addressed in the contract.

c. **Medical and Dental Support.** During contingency operations in austere/non-permissive environments, CAAF will most likely be unable to access adequate medical and dental support from local sources. Therefore, DOD policy and doctrine directs the senior Army commander to, at a minimum, be prepared to have level III medical treatment facilities (MTFs) provide emergency medical and dental care to all CAAF and non-CAAF who are injured in the immediate vicinity of US forces or on a US base. This military provided medical support includes emergency and resuscitative care, stabilization, hospitalization at level III MTFs, and assistance with patient movement in emergencies where loss of life, limb or eyesight could occur. In situations where CAAF are not authorized routine medical care, policies and procedures should be established to ensure transportation of these contractors out of the AO to receive proper medical attention. Methods for government reimbursement by contractors for medical care provided should be addressed in Contractor Management Planning.

WARNING

MEDICAL AND DENTAL SUPPORT FOR CAAF, BEYOND EMERGENCY CARE, IS A MAJOR PROBLEM AREA IN CURRENT OPERATIONS. IN SOME OPERATIONS, THERE ARE COMMAND POLICIES IN PLACE PRECLUDING ROUTINE MEDICAL CARE FOR CAAF, YET, THERE ARE NO CORRESPONDING MECHANISMS IN PLACE TO ENSURE TRANSPORTATION OF THESE INDIVIDUALS OUT OF THE AO FOR THEM TO RECEIVE THE PROPER LEVEL OF MEDICAL AND DENTAL CARE. PREVENTING CAAF ACCESS TO ROUTINE MEDICAL CARE COULD LEAD TO HEALTH FORCE PROTECTION ISSUES FOR THE FORCE AS A WHOLE.

d. **Major Equipment Items.** Major equipment items include Class VII GFE and CAP equipment. GFE includes Class VII items either deployed into the AO with the contractor or theater provided equipment issued to the contractor in the AO. GFE issuance, maintenance, training and return are the responsibility of the appropriate contracting officer ICW with the requiring activity. However, in some operational situations, the ASCC may be required to coordinate operational specific disposition of GFE and/or CAP equipment if so directed by Office of the Secretary of Defense (OSD). For example, in some stability operations, OSD may direct certain GFE and/or CAP equipment be transferred to the host nation or a designated multinational force. If transfer of GFE and/or CAP equipment is anticipated, the ASCC G-4 should work closely with the appropriate Department of State (DOS), OSD, supported organization and contracting officer to ensure clearly understood and properly coordinated disposition instructions are provided in a timely manner.

e. **Postal.** The nationality of the contractor employee usually determines postal support. US citizen CAAF may be authorized use of the military postal service (MPS) if there is no US postal service available and if MPS use is not precluded by the terms of any international or host-nation agreement. CAAF employees normally are provided postal support through the existing host-nation system or through arrangements made by the contractor. In some operations, TCN personnel may be authorized limited access to MPS for the purpose of mailing paychecks to their home country.

f. **Mortuary Affairs.** The joint mortuary affairs program is a broadly based military program providing the necessary care and disposition of deceased personnel, including personal effects, across the spectrum of conflict. This program includes the search, recovery, tentative identification, care, and evacuation or temporary interment, disinterment, and re-interment of deceased personnel, to include all CAAF, within the AO. Non-CAAF personnel who die in the vicinity of US forces may also be covered by this program as determined by local command policy. The specific nature and extent of mortuary affairs support is determined during the planning process. It is communicated to military forces and contractors through governing plans and orders, local command policy guidance and contractual documents.

g. **Post/Base Exchange Privileges.** When deployed, CAAF are generally eligible to use Army and Air Force Exchange Service, Navy Exchange, or Marine Corps Exchange facilities for health and comfort items in operations where CAAF do not have access to local commercial sources for these items. This privilege is dependent upon the overall operational situation, SOFAs and individual terms and conditions in the contract. Post/base exchange privilege must be recorded on the LOA.

h. **Morale, Welfare and Recreation.** The availability of MWR programs in the AO vary with the deployment location. MWR activities available may include self-directed recreation (e.g., issue of sports equipment), entertainment ICW the United Services Organization and the Armed Forces Professional Entertainment Office, military clubs, unit lounges, and some types of rest centers. CAAF may be authorized to utilize MWR support on a space-available basis when contractor MWR sources are not available or practical.

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Appendix A

OPERATIONAL LEVEL CHECKLIST

A-1. Purpose. The following checklist is intended to provide the ASCC/ARFOR level commanders and staffs, along with their supporting CSB, AFSB and LOGCAP planners, a detailed list of issues that should be addressed in a CSIP, CMP and other OCS guidance documents. This checklist is not intended to be exhaustive. It is intended to serve as a basic guide when preparing, staffing and publishing OCS plans and when executing the operational level OCS over watch mission. Depending on the scale of the contingency operations, some items may not apply. GCC guidance can be found at:

http://www.acq.osd.mil/dpap/pacc/cc/areas_of_responsibility.html.

A-2. Contract Support Integration Planning and Execution

a. Planning questions.

- Is your staff properly trained and augmented if necessary?
- Do you have any certified 3C ASI members on your staff?
- Have you considered asking for JCASO augmentation/assistance?
- Has the ASCC provided any guidance on minimum OCS individual and collective training?
- Is OCS training tracked in the Digital Training Management System (DTMS) or other means?
- Is there any directed OCS play in unit mission rehearsal exercises?
- Are the supporting CSB, AFSB and LOGCAP planners integrated into and do they understand their role in the overall OCS planning effort?
- Is other (e.g. ECC, JCASO, etc.) temporary staff augmentation required?
- Is your OCS planning staff properly integrated into the overall planning effort?
- Do you have JFC references on hand including CSIP, CMP, regulations, procedures, policies?
- Have you completed an analysis of the JFC's theater acquisition strategy and its impact on the ASCC/ARFOR level CSIP?
- What is the mission, level of forces deploying, location, and duration of the operation?
- Will there be any major Phase IV (stability operations) requirements? If so, how will you address reconstruction related requirements addressed?
- Has the Army been designated by the GCC as the lead Service designated for CUL and common contract support (called the lead component for logistics and contracting or LCLC in some areas of responsibility (AOR))?
- Will a JTSCC be formed at the initiation of the contingency?
- Are there trigger points to move from lead service to a JTSCC?
- Are any other joint, HNS and/or multinational support capabilities available?
- Based on the analysis of organic and other support capabilities, what support gaps may need to be filled by contracted sources?
- Are any "local national first" type programs in place?
- Are any restrictions on the use of LOGCAP or other external support contracts in place?
- Are anticipated CAAF support requirements incorporated in the logistic requirements estimate?
- Have mission essential contracted support requirements been identified?

- Have plans been developed to replace CAAF who are performing mission essential contractor services in contingency operations or to otherwise mitigate the loss of services? This task includes assessing alternative sources (military, DOD civilian, local national, or other contractor(s)) or identification of actions that will mitigate the loss of such support.
- Does the mission essential contract clearly obligate contractors to continue essential contractor services during a contingency operation even in the event of hostile acts?
- What are the in-theater CSB support relationships (e.g. will the CSB be DS to the ARFOR HQs or to a designated senior sustainment command)?
- Will contracting organization support other federal government or non-governmental agencies?
- How large will the theater support contracting requirement be? What is the overall requirement for SCCTs and CCTs? How much HQs staff augmentation does the CSB require? How many CCBNs are required?
- Will LOGCAP be utilized? If so, how will these external support contracts be managed to ensure there is no undue competition for the limited commercial vendor base?
- What CSB, AFSB and TLF facilities, equipment, and other support will be needed?
- Are CSB, AFSB and TLF personnel and equipment properly sequenced in the time-phased force and deployment data?
- Are there reach-back arrangements made to non-deployed contracting and/or legal counsel organizations?
- Will communication capabilities provide contracting personnel the necessary capabilities to support reach-back requirements?
- Who and how will contract visibility be maintained?
- Are contract administration support arrangements in place?
- Are there plans, policies and procedures along with sufficient theater support contracting capabilities in place to allow for CAP task orders to be transferred over to theater support contracts?
- What information concerning potential, commercial in-theater sources is currently available (see US Embassy, Consulate, Attaches, DLA, etc)?
- Who will set priorities for requirement procurement?
- What acquisition/contracting boards did the JFC establish? What are the Army manning responsibilities for same?
- Are requiring activities advised of approximate administrative and procurement policies and estimated lead times for contracted support?

b. Requiring activity/OCS oversight questions.

- Are units that may have major requiring activity or supported unit responsibilities aware of current JFC, ASCC/ARFOR OCS related plans, policies/ procedural guidance?
- Do subordinate unit staffs have 3C ASI and SPOT trained members?
- Are there adequate CORs identified and trained to assist in managing contractor performance?
- Is their adequate COR or other technical expertise available, especially in facilities related support? If not, what is the ASCC's risk mitigation plan?

c. Acquisition/contracting specific questions.

- Are HCA arrangements in place for theater support contracting?
- What type of banking/financial institutions will be available? Is the financial system sound? Are electronic funds transfers possible? Will cash be required?
- Will there be extensive use of government purchase cards or FOOs? What procedures are needed to manage and control these programs?

- Are there FAR relief procedures and guidance in-place (simplified acquisition threshold raised) & what relief will be considered necessary? Can this relief be pre-arranged?
- What is the funding source and are financial management personnel accompanying the mission?
- Will the contracting organization use foreign funds?
- Are there mechanisms for tax relief?
- Does the area of operations have an austere, moderate, or robust business environment? Have hostilities/natural disasters impacted businesses? Infrastructure? Rule of Law? Corruption?
- What supplies and services can be anticipated from the local markets?
- Are there local customs, laws, taxes, or language barriers that will make contracting with the local vendors difficult?
- What HNS, SOFAs, acquisition and cross-servicing agreements (ACSA), other diplomatic/international/multinational agreements will be in effect?
- What is the local currency, and how fluid/stable is the currency?
- What payment mechanism will be required by vendors?
- Will local vendors be capable of providing emergency response?
- Will local vendors accept government purchase cards? If not, is there a paying agent plan in place?
- What cultural issues exist with business operations?
- Are sources available for pre-identified requirements (are maps available showing location of vendors)?
- Are there requirements that can't be procured locally, what are the workarounds?
- What computer/automation network capability will be available?
- Will contracting personnel be required (allowed) to go off base? Will civilian clothing be required (authorized)?

A-3. Operational Level Contractor Management. Answering the following contractor management questions should be coordinated effort between the ASCC G-4 3C staff, the GCC OCS planners, other primary staff, special staff, supporting CSB, supporting AFSB and HQDA staff. Specific CAAF deployment policy is posted on the Army G-1's PPG website: <http://www.armyg1.army.mil/MilitaryPersonnel/ppg.asp>.

a. Key Planning Questions.

- Has a contractor management planning group been established? If so, which staff elements are required to participate? What is their battle rhythm? Which staff element has the lead for this effort?
- Will a stand-alone contractor management plan be developed or will specific contractor management issues be incorporated into to the appropriate parts of the OPLAN/OPORD? If a stand-alone contractor integration plan is to be developed, which staff office is responsible to lead this effort?
- Are the Army staff members aware of basic contractor management policies, and doctrine as found in references contained in this ATTP?
- Has the GCC and/or subordinate JFC established contractor management policies? If so, are key staff members aware of these policies and how they affect contractor integration planning in their functional areas?
- Does the staff have access to, and know how to use, SPOT?
- Are there additional ASCC/ARFOR contractor management policies necessary to supplement GCC/subordinate JFC policies?
- Are CAAF and other contractor personnel GFE, CAP support requirements properly planned ICW the requiring activity, contracting officer and the unit(s) required to provide this support?
- Has non-reimbursable cost of supporting contractors been captured in the overall cost of the operation so that adequate funding is provided?

b. CAAF Pre-deployment, Deployment, Redeployment Questions.

- Have specific CAAF theater entrance requirements been established? At a minimum do they include:
 - ID card issuance policy.
 - Government furnished support policy, procedures.
 - LOA generation and approval.
 - Medical/dental qualification standards, immunizations and screening procedures.
 - Military protective clothing and equipment directives.
 - Uniform policy.
 - Training verification.
- Have these requirements been published on the Army's PPG website?
- Are contingency contractor employee statuses and authorized government furnished support authorizations identified up front in the requirements development process?
- Is the CAAF uniform policy consistent with established Army policy and JFC directives?
- Have CAAF completed theater specific training requirements (selected training may be required for non-CAAF employees who's area performance is on a US base or in the immediate vicinity of US forces) to include:
 - Specific force protection/AT/security.
 - Legal status, criminal jurisdiction authority, prevention of human trafficking authority.
 - EPW handling (required for CAAF who will be in contact with EPWs, detainees).
 - Hazard awareness (medical, unexploded ordnance, etc.).
 - Local commander's authority.
 - Wear and use of protective gear (if issued).
 - SERE training (normally only required for CAAF who operate in a "high risk of capture" environment).
 - Prevention of sexual harassment, reporting of sexual assault, and trafficking of persons.
- Are CAAF being deployed into an AO properly certified and fully integrated into the JFC/ARFOR deployment plan IAW one of the contractor personnel certification and deployment methodologies?
 - Process and deploy with the supported unit.
 - Process and deploy as a non-unit related personnel.
 - Self-certification and/or deployment.
- Are CAAF and their equipment being properly integrated into the TPFDDL process?
- Are there established procedures for redeploying CAAF to include:
 - Updating SPOT.
 - Recovering government issued badges and ID cards.
 - Recovering GFE or CAP equipment.
 - Follow-on medical screening.
 - Required debriefings.
 - Withdrawing security clearances (as applicable).

c. In-Theater Contractor Personnel Management and Government Furnished Support Questions.

- Are Army commanders and members of their legal staffs aware of the legal status (including latest information on UCMJ applicability) and discipline authority over the different types of contractor employees per DOD policy and approved doctrine?
- Are there AOR-wide and/or AO specific contractor personnel discipline policies in place? Do these policies include specific procedures to deal with both minor and major discipline cases?
- Are there workable CAAF accountability/SPOT policies in place?
- Are all CAAF required to be processed in and out of the AO through an Army or Joint reception center or other personnel centers/processes designated by the JFC or ARFOR?
- Has the contractor been issued any required operational specific identification/ base access documents prior to onward movement?

- Have onward movement transportation responsibilities been identified for CAAF and their equipment to the point of performance?
- Have intra-theater transportation responsibilities been identified for CAAF whose area of performance is on multiple bases?
- Which transportation services contracts require integration into the military movement control system? LOGCAP? Any theater support contracts?
- Have government provided contractor support requirements been identified, forwarded and coordinated with the unit or location providing the support?
- Have contractor requirements for living space been identified and available?
- Have contractor requirements for work space and power requirements been identified and coordinated?
- Is CAAF government furnished support being executed IAW JFC and ARFOR policies?
- Are CAAF generally provided the same standards of support and living arrangements applied to DA civilian personnel of similar grade and responsibility level?
- Do contracts specify, when possible, subsistence support provided to contractors is done on a non-reimbursable basis or annotated on an LOA? If not, have reimbursement procedures been established?
- Have steps been taken to ensure TCN CAAF are fairly treated and not being taken advantage of in CTIP schemes?
- Are CAAF properly integrated into the personnel recovery program?
- Are the deployed MTFs prepared to provide emergency medical care to CAAF and non-CAAF employees injured, in the performance of their contract duties, while in the immediate vicinity of US forces or on a US base?
- Are there plans to provide primary/routine medical care to CAAF as outlined by contractual requirements and as the mission dictates? If not, are there adequate arrangements in place to transport ill CAAF out of the AO in a timely manner? Have reimbursement procedures for care received been established?
- If transfer of GFE and/or CAP equipment is anticipated have the ASCC and/or ARFOR G-4 properly coordinated disposition instructions with the appropriate DOS, DOD and effected component organization to ensure the instructions are clearly understood and provided in a timely manner?
- If applicable, are the following support arrangements in place?
 - Postal
 - Mortuary affairs
 - PX/BX access
 - MWR

d. Force Protection/AT/Security Questions.

- Has the ASCC (and/or designated ARFOR) developed, promulgated and enforced operational specific procedures and responsibilities to coordinate contracted provided security and military force protection/AT/security support?
- Are all CAAF and non-CAAF requiring base access incorporated in the overall force protection/AT/security plan?
- Are standardized security badge issuance policies in place across the AO?
- Has the requiring activity included operational specific force protection related information into the requirements package?
- Has the contracting officer included operational specific force protection/AT/security related information into the contract?
- Does the contract specify all contingency contractor personnel whose area of performance is in the vicinity of US forces are required to comply with applicable ASCC and/or ARFOR commander force protection policies and procedures?

- Are all CAAF provided protection during transit within the AO commensurate to protection provided to Department of the Army civilians?
- Have contractor convoy force protection standards and procedures been established and enforced?
- Are individual contractor personnel arming policies in place and enforced?
- Do contractor personnel authorized to carry weapons for personal protection meet applicable US, HN, and international law; relevant SOFAs or other international agreements; DOD policy; ASCC and / or ARFOR established guidance?
- Are private security services provided by contractors IAW applicable US, HN, international law, and relevant SOFAs?
- Have all Army related contractor personnel, authorized to be armed, been fully briefed on the US and host nation laws, SOFAs, and JFC policies regarding the RUF?
- Does the contract contain provisions informing the contractor of any known or potentially hazardous situations? Are there any general stipulations limiting contractor support to non-offensive operations and/or government responsibilities to provide back-up security support?
- Are there non-Army (e.g. DOS, local government, etc.) armed contractors operating in the AO? If so, are the ARFOR and its subordinate commands aware of and enforcing JFC/OGA private security service coordination policies and procedures?
- Are there workable and reliable information sharing and communication mechanisms in place to coordinate operations of all private security service contractors?
- Does the ARFOR have a requirement to provide back-up security support requirements to DOS or other organizations?
- Are subordinate area and/or base commanders properly informed of and prepared to execute these back-up security requirements?
- Have the subordinate area and/or base commanders conducted proper coordination with these private security service contractors and/or rehearsed back-up security action?

Appendix B

TACTICAL LEVEL CHECKLIST

B-1. General. The following checklist is intended to be used as a guide for tactical level Army commanders and their 3C OCS ASI staff. The tasks associated with the questions below are often a collective task involving the unit primary and special staffs, unit CORs as well associated contracting officers and contract companies. This particular checklist includes questions on tactical level planning and execution as well as tactical-level contractor management actions.

B-2. Tactical Level Panning and Execution. This section provides detailed questions related to requirements determination, requirement development, post award contract management, special programs, and RIP/TOA, pre-deployment questions.

a. Requirements Determination Questions.

- Are 3C ASI personnel members of unit planning teams?
- Are the current CSIP and other OCS policies on hand?
- Does the 3C ASI staff maintain a listing of key OCS personnel and contact information (i.e. higher and adjacent HQs 3C ASI personnel, supporting contracting office, and LOGCAP personnel)?
- Are the requirements development, approval and solicitation time factors understood and considered during planning?
- Are OCS requirements vetted to ensure governmentally inherent functions are not being planned for contracted support?
- Are contractor-related force protection issues considered during planning?
- Are OCS related constraints, restraints, and limitations identified in the CSIP and other related OCS policies considered during planning?
- Is OCS being incorporated into the courses of actions as appropriate?
- Are COAs analyzed with regards to OCS usage and its limitations as well as alternatives to OCS usage explored?

b. Requirements Development Questions.

- Are service related requirements translated into performance-based language to the maximum extent possible?
- Is a system in place and maintained to track requirements through the requirements development process (i.e. identification of the requirement through to start of work)?
- Are IGEs, PWSs, and justifications prepared for every requirements package?
- Does each SOW/PWS accurately describe the requirement to include relevant conditions (e.g. security requirements, field conditions, etc.) of the area of performance?
- Have funds been committed and certified for the procurement?
- Are trained CORs nominated for every service related requirements package?
- Do nominated CORs have the requisite technical expertise to perform complex COR duties? If not, does the unit have a procedure in place to raise this issue to higher command?

- Are receiving officials identified for all commodity related requirements?
- Are the appropriate functional staffs/unit subject matter experts reviewing packages prior to submission IAW local procedures?
- Are designated high-value and/or high visibility requirements submitted to the appropriate ARB for approval and source of support IAW local policy?
- Has market research been conducted and documented to determine existing commercial sources, commercial practices, schedules, and lead times?
- Has a QASP been either completed by the requiring activity and/or requested as part of the PWS?

c. Post Award Questions.

- Is a system in place to track and monitor awarded contracts along with appointed CORs/receiving officials and key contract support related information?
- Are procedures in place and used for the review of awarded contracts to ensure a lapse in support does not occur?
- Do units CORs have a copy of the QASP surveillance check list and other documents necessary to properly monitor the contract?
- Are receiving officials reporting task completion to the unit 3C staff?
- Are CORs providing contractor performance data to both the unit and QAR/ACO/contracting officer?
- Are unit members of the award fee board identified and understand their duties and responsibilities?
- Has the COR completed required performance and surveillance checklists, assessments, and reports, for example, QASP surveillance checklist, contract manpower reporting and contractor performance assessment reports?

d. Relief in Place/Transfer of Authority, Pre-deployment Questions.

- Have deploying units coordinated OCS planning and oversight requirements with the unit they are replacing as part of their RIP/TOA process (PDSS)?
- Are trained 3C ASI staff officers/NCOs available?
- Is OCS a part of the unit mission rehearsal exercise to include command & staff professional development briefing and/or actual OCS tasks imbedded into the exercise?

e. Special Authorities and Program Questions.

- Does the unit have the current FOO policy and procedures on file?
- Does the unit have sufficient number of soldier trained as FOOs?
- Are there any special command programs in place such as CERP? If so, has the unit identified project purchasing officers and arranged for their training?
- Does the unit have the most current special program policies and procedures on hand?
- Are unit leaders familiar with these policies and procedures?

B-3. Tactical Level Contractor Management Questions. This section provides questions related to habitually related CAAF pre-deployment/deployment/re-deployment, in-theater management/government furnished support and force protection/AT/security questions. For operational specific requirements, refer to the Army G-1's PPG website: <http://www.armyg1.army.mil/MilitaryPersonnel/ppg.asp>.

a. CAAF Pre-deployment/Deployment/Re-deployment Questions.

- Have CAAF received a CAC with Geneva Convention category designation?
- Does CAC expiration correspond to the end date of the contract period of performance?
- Are CAAF entered in SPOT?
- Do all CAAF have a SPOT generated LOA that has been validated by the contracting officer or COR?
- Has the contracting officer or his/her designee (normally the unit COR) validated that LOA designated government support is available in the AO?
- Have medical evaluation and immunizations been completed IAW published specific medical related theater entrance requirements?
- Has contractor medical surveillance screening been completed?
- Have CAAF completed force health protection awareness training?
- Has the contracting officer ensured the contract contain the standardized DFARS clause 252.225-7040 or operational specific contingency contract clauses?
- Has military protective clothing and equipment been issued as required by theater specific policy? Are CAAF familiar with how to properly put on and wear this equipment?
- Do CAAF, authorized to wear military uniforms, have written authorization? If applicable, are the uniforms and protective equipment in compliance with ASCC/ARFOR guidance?
- Have CAAF completed all current DOD required standard training and any operational-specific ASCC/ARFOR mandated training?
- Have CAAF completed legal status familiarization to ensure they understand their legal status IAW international law to include prevention of human trafficking information?
- Have CAAF completed familiarization training on US laws (UCMJ, Military Extraterritorial Jurisdiction Act, etc.), HNS laws, SOFAs and applicable security agreements to which contractor personnel may be subject?
- Have CAAF completed Government-furnished support familiarization informing them of what authorized government-furnished support (mail, medical, etc.) is available to them while accompanying US forces?
- Have CAAF completed Law of War training related to the handling EPWs and detainees? (Required for all CAAF contractor personnel who may come into to contact with detainees or EPWs).
- Have CAAF completed training in sexual harassment prevention and sexual assault reporting IAW DODD 6495.01 and DODI 6495.02?
- Have CAAF completed SERE training as determined by the requiring activity and supported ASCC/ARFOR commander? (Normally only required for CAAF personnel who operate in a "high risk of capture" environment).
- Are CAAF being deployed into an operational area properly certified and fully integrated into the ASCC/ARFOR's deployment plan IAW one of the contractor personnel certification and deployment methodologies?
- Are habitual CAAF included in unit TPFDDL or RFF process?
- Are redeploying CAAF properly managed and controlled IAW ASCC/ARFOR policies and the terms and conditions of the contract?
- Upon completion of the redeployment, has SPOT been updated?

- Have government issued badges and ID cards been recovered?
- Has all GFE or CAP equipment been recovered?
- Has redeployment medical screening been completed?
- Have all required debriefings been completed?
- Have security clearances been withdrawn as applicable?

b. In-theater Contractor and Government Furnished Support Questions.

- Do all CAAF have a SPOT generated LOA?
- Does this LOA clearly spell out government furnished support authorizations?
- Are CAAF accountability/SPOT policies being followed?
- Are commanders and SJAs aware of the legal status (including latest information on UCMJ applicability) and discipline authority over the different types of contractor employees per DOD policy and approved doctrine?
- Are commanders and SJAs aware of AO specific contractor personnel discipline policies and are they following specific procedures on how to handle both minor and major discipline infractions?
- Are government provided contractor support requirements being executed IAW command policies and are CAAF receiving support IAW their LOA authorizations?
- Are CAAF generally provided the same standards of support and living arrangements applied to Department of the Army civilian personnel of similar grade and responsibility level?
- Are steps being taken to ensure TCN CAAF are being fairly treated and not being taken advantage of CTIP schemes?
- Are designated CAAF properly integrated into the personnel recovery program?
- Are the deployed MTFs providing emergency medical care to CAAF and non-CAAF employees injured, in the performance of their contract duties, in the immediate vicinity of US forces or on a US base? Are medical costs being recovered?
- Are local MTFs providing primary/routine medical care to CAAF as outlined by contractual requirements and as the mission dictates? If not, are there adequate arrangements in place to transport ill CAAF out of the AO in a timely manner? Are medical costs being recovered?
- If applicable, are the following support arrangements in place and being executed IAW CAAF LOAs?
 - Postal
 - Mortuary affairs
 - PX/BX access
 - MWR

c. Force Protection and Security Questions.

- Is the command aware of JFC/ARFOR contractor related force protection/AT/security policies and procedures?
- Will local national vendors perform services or deliver commodities on the base?
- Have area and base commanders developed local policies and procedures to vet and badge CAAF/non-CAAF contractor employees who need routine access to military facilities? If so, are these policies consistent with JFC/ARFOR policies?
- Are requiring activities properly identifying specific force/protection stipulations to be included in the contract?

- Are all CAAF being provided protection during transit within the AO commensurate to protection provided to Department of the Army civilians?
- Are contractor convoy force protection standards and procedures being enforced?
- Is the command aware of private security service contractors operating in the local area? If so, does the area or base commander have policies and procedures in place to properly integrate private security contractors?
- Are all incidents (e.g. weapon discharge) related to private security contractors reported IAW command policies?
- Does the command have a requirement to provide back-up security support requirements to DOS or other organizations? If so, are proper coordination plans and communications capabilities in place? Have these plans been rehearsed?

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Appendix C

GENERAL ETHICAL PRINCIPLES

[Code of Federal Regulations]

[Title 5, Volume 3, Section 2635.101 Basic obligation of public service]

[Revised as of January 1, 2006]

Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each service member and employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

(2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

(3) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

(4) An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

(5) Employees shall put forth honest effort in the performance of their duties.

(6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

(7) Employees shall not use public office for private gain.

(8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

(9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

(10) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

(11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.

(13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

(14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Glossary

SECTION I – ACRONYMS AND ABBREVIATIONS

ACO	administrative contracting officer
ACSA	acquisition and cross-servicing agreements
AFAR	Army federal acquisition regulation
AFSB	Army field support brigade
AO	area of operation
ARB	acquisition review board
ARFOR	Army Forces
ASC	Army Sustainment Command
ASCC	Army Service Component Command
ASI	additional skill identifier
AT	Antiterrorism
ATTP	Army Tactics, Techniques, and Procedures
C2	Command and control
CAC	Common access card
CAAF	contractors authorized to accompany the force
CAP	contractor acquired property
CCBN	contingency contracting battalion
CCT	contingency contracting team
CERP	Commander's emergency response program
CMP	contractor management plan
CONUS	Continental United States
COR	contracting officer representative
CRC	CONUS replacement center
CSB	Contracting support brigade
CSIP	contract support integration plan
CTIP	combating trafficking in persons
CUL	common user logistics
DCMA	Defense Contract Management Agency
DFARS	Defense Federal Acquisition Regulation Supplement
DLA	Defense Logistics Agency
DOD	Department of Defense
DS	direct support
ECC	Expeditionary Contracting Command
FAR	Federal Acquisition Regulation
FOO	field ordering officer
FRAGO	fragmentary order
GCC	geographic combatant command
GFE	government furnished equipment
GFP	government furnished property
GS	general support
HCA	head of contracting activity
HNS	host nation support
HQ	headquarters
HQDA	Headquarters, Department of the Army
IAW	in accordance with
ICW	in coordination with
ID	Identification
IGE	independent government estimate
JARB	joint acquisition review board
JCASO	joint contingency acquisition support office
JFC	joint force commander

JTSCC	joint theater support contracting command
LOA	letter of authorization
LOGCAP	Logistics Civil Augmentation Program
LSO	logistics support officers
METT-TC	mission, enemy, terrain and weather, troops and support available, civil considerations
MIPR	military interdepartmental purchase request
MLMC	medical logistics management center
MPS	military postal service
NCO	non-commissioned officer
NGO	non-governmental
NON-CAAF	contractors not authorized to accompany the force
NRP	non-unit related personnel
OCS	operational contract support
OGA	other governmental agencies
OPLAN	operation plan
OPORD	operations order
OSD	Office of the Secretary of Defense
PCO	procuring contracting officer
PDSS	Pre-Deployment Site Survey
PEB	performance evaluation board
PEO	program executive officer
PM	program/product manager
PR	personnel recovery
PWS	performance work statement
QAR	quality assurance representative
QASP	quality assurance and surveillance plan
RCC	regional contracting center
RCO	regional contracting office
RIP/TOA	relief in place/transfer of authority
SCCT	senior contingency contracting team
SJA	staff judge advocate
SOFA	Status-of-forces agreements
SOW	statement of work
SPOT	synchronized pre-deployment operational tracker
TCN	third country national
T&C's	terms and conditions
TLF	Team LOGCAP-Forward
UAC	unauthorized commitment
UCMJ	Uniform Code of Military Justice
USACC	US Army Contracting Command
USACE	US Army Corp of Engineers
USAMC	US Army Materiel Command
USAMEDCOM	US Army Medical Command
USASOC	US Army Special Operations Command
USSOCOM	US Special Operations Command

SECTION II – TERMS

acquisition - The process of acquiring supplies, services and construction in support of the joint force.

acquisition review board – An established board used to review and make recommendations for controlling critical common-user logistic supplies and services within the joint operational area and to recommend the proper sources of support for approved support requirements.

administrative contracting officer - Contracting officers whose duties are limited to contract administration (also known as ACO).

administrative lead time - The interval between initiation of procurement action and letting of contract or placing of order. See also procurement lead time.

civil augmentation program - Standing, long-term external support contracts designed to augment Service logistic capabilities with contract support in both preplanned and short notice contingencies. Examples include US Army LOGCAP, AFCAP, US Navy Global Contingency Capabilities Contracts (also known as CAP). See also contingency contract and external support contracts.

contingency contracting - The process of obtaining goods and service from commercial sources via contracting means in support of contingency operations.

contractors authorized to accompany the force - Contingency contractor employees who are specifically authorized through their contract to accompany the force and have protected status IAW international conventions (also known as CAAF).

contingency contracts - Contracts for goods and services obtained from commercial sources in support of contingency operations. See also external support contracts; theater support contracts, systems support contracts.

contract administration - A subset of contracting and includes efforts that ensure that supplies and services are delivered IAW the conditions and standards expressed in the contract.

contractor management - The process of managing and integrating contracted support, to include all associated contractor personnel and their equipment, into military operations.

contract support integration - The process of synchronizing operational planning, requirements development and contracting in support of deployed military forces and other designated organizations in the area of operations.

contract termination - Defense procurement: the cessation or cancellation, in whole or in part, of work under a prime contract, or a subcontract there under for the convenience of, or at the option of, the government, or due to failure of the contractor to perform IAW the terms of the contract (default).

contracting officer - The Service member or Department of Defense civilian with the legal authority to enter into, administer, and/or terminate contracts.

contracting officer representative - A Service member or Department of the Army civilian appointed in writing by a contracting officer responsible to monitor contract performance and performs other duties specified by their appointment letter (also known as COR).

cost-plus award fee contract - A type of contract that provides for a payment consisting of a base amount fixed at inception of the contract along with an award amount that is based upon a judgmental evaluation by the Government.

external support contracts - Prearranged contracts or contracts awarded during the contingency from contracting organizations whose contracting authority does not derive directly from the contingency operation or system support contracting authority.

field ordering officer - A service member or DOD civilian who is appointed in writing and trained by a contracting officer who is authorized to spend government money in support of forces and/or designated civil-military operations (also known as FOO).

fixed price contract - A type of contract that generally provides for a firm price or, under appropriate circumstances, may provide for an adjustable price for the supplies or services being procured. Fixed price contracts are of several types so designed as to facilitate proper pricing under varying circumstances.

head of the contracting activity - The head of contracting activity is the official who has overall legal responsibility for managing the contracting activity.

independent government estimate - An estimate of the cost/price for goods and/or services to be procured by contract. (IGE is also referred to as an Independent Government Cost Estimate or IGCE.)

initiation of procurement action - That point in time when the approved document requesting procurement and citing funds is forwarded to the procuring activity.

letter of authorization - A document issued by the procuring contracting officer or designee that authorizes contractor personnel authorized to accompany the force to travel to, from, and within the operational area; and, outlines government furnished support authorizations within the operational area.

performance work statement - A performance-based description of the user's technical, functional, and performance requirements (also known as PWS).

prime contract - A contract or contractual action entered into by the United States government for the purpose of obtaining supplies, materials, equipment, or services of any kind.

prime vendor - A contracting process that provides commercial products to regionally grouped military and federal customers from commercial distributors using electronic commerce. Customers typically receive materiel delivery through the vendor's commercial distribution system (also called PV).

privity of contract - The legal relationship that exists between two contracting parties, for example, between the prime and sub-contractor.

procuring contracting officer - A contracting officer who initiates and signs the contract (also known as PCO). Also see contracting officer and administrative contracting officer.

ratification - The process of approving an unauthorized commitment by an official who has the authority to do so. See also unauthorized commitment.

requirements determination - the process of identifying necessary mission support eligible to be contracted, and the planning and coordination this process involves.

requirements development - the detailed work of preparing and coordinating an "acquisition ready" requirements package that includes: a funding document, a justification for the requirement, SOW/PWS (for a service contract) or item description (for a commodity request), IGE, and other locally required documents needed for submission of a requirements package. Additionally, requirements development involves the staffing, internal approval, and tracking of the requirements package through contract award and contractor start of work as well as nomination of CORs.

requiring activity - A military or other designated supported organization that identifies and receives contracted support during military operations.

sole-source contract - A sole source contract implies that there is only one person or company that can provide the contractual services needed and that any attempt to obtain bids would only result in one person or company being available to meet the need.

subcontract - A contract or contractual action entered into by a prime contractor and subcontractor, or a subcontractor to another subcontractor, for the purpose of obtaining supplies, materials, equipment, or services of any kind under a prime contract. See also contingency contract.

supported unit - As related to contracted support, a supported unit is the organization that is the recipient, but not necessarily the requester of, contractor-provided support.

systems support contracts - Are pre-arranged contingency contracts awarded by Army program executive and project/product management offices that provide deployed fielding support, technical support, maintenance support and, in some cases, Class IX support for selected military weapon and support systems.

task order - Order for services placed against an established contract. See also civil augmentation program, cost-plus award fee contract and indefinite delivery/ indefinite quantity type of contract.

theater support contracts - A type of contingency contract awarded by contracting officers deployed to the operational area serving under the direct contracting authority of the Service component, special operations force command or designated joint head of contracting authority for the designated contingency operation.

unauthorized commitment - A non-binding agreement between a contractor and a US government official who lacks proper contracting authority to enter into a contract or to change a contract.

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***ATTP 4-10 (FM 3-100.21)
20 June 2011**

By Order of the Secretary of the Army

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