



JAG Pre-Deployment Training (JPT):
Fiscal and Contract Law I and II



Fiscal and Contract Law I and II: The Basics and Deployment Issues

LTC Jose A. Cora
Acting Chief, KFAB

**Contract and Fiscal Actions
Branch (KFAB), KFLD, USALSA**



JAG Pre-Deployment Training (JPT):
Fiscal and Contract Law I and II



Why Does Fiscal Law Matter?



**Contract and Fiscal Actions
Branch (KFAB), KFLD, USALSA**

GETTY IMAGES



Why Does Fiscal Law Matter?

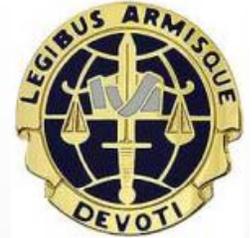
Fiscal Law Provides the Rules
that Allows Us to:

- **Train**
- **Equip**
- **Fight**

Our Nation's Wars



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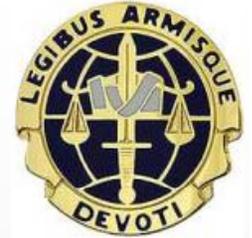


RESOURCES/POCs:

- MilSuite/MilBook: JAGConnect Contracts, Fiscal Law & Procurement Fraud Blog, *at* <https://www.milsuite.mil/book/groups/army-contract-and-fiscal-law-attorneys>.
- TJAGLCS, ADK: Fiscal and Contract Attorneys' Course Deskbooks and Video Presentations, *at* <https://www.jagcnet.army.mil/8525736A005BC8F9/0/F4F01C63D6ABD0BF85257353006B31C5?opendocument&noly=1>.



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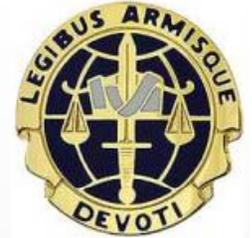


RESOURCES/POCs:

- JAGCNet Contract and Fiscal Law Document Library:
<https://www.jagcnet.army.mil/ContractLawDocLib>
- USFOR-A SJA KFLD: MAJ Heidi Weaver, Contract and Fiscal Law Division, USFOR-A, at heidi.e.weaver@afghan.swa.army.mil (NIPR), heidi.e.weaver@afghan.swa.army.smil.mil (SIPR), heidi.e.weaver@afgn.centcom.isaf.cmil.mil (CENTRIX), and DSN 318-449-4767.
- CSTC-A SJA, K&F: MAJ James “JP” Leary, DSN: 318-449-0952, NIPR: james.p.leary@afghan.swa.army.mil, SIPR: james.p.leary@afghan.swa.army.smil.mil



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RESOURCES/POCs:

- 1st Theater Sustainment Cmd. (under USARCENT, Kuwait): MAJ Alan Apple, DSN: 318-430-0165, NIPR: alan.m.apple.mil@mail.mil, SIPR: alan.m.apple@mail.smil.mil
- KFAB Reachback Group: Ask questions on Milbook or e-mail/call the KFAB Paralegal, Mr. Randy Poole, at randy.e.poole.civ@mail.mil and CIV 571-256-8186/DSN 312-260-7863



JAG Pre-Deployment Training (JPT): *Fiscal and Contract Law I and II*

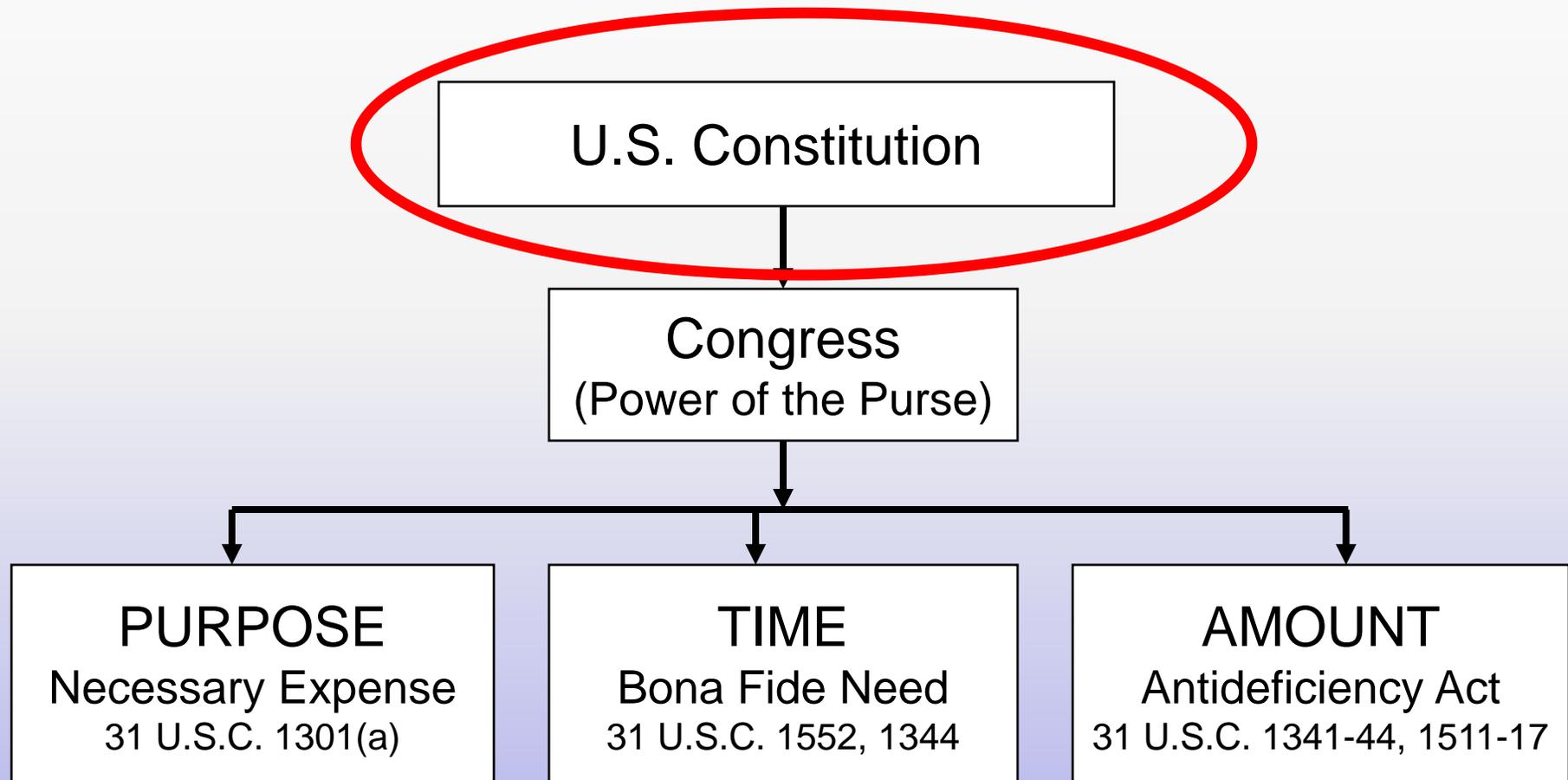


More Resources:

- Department of Defense Financial Management Regulation 7000.14-R, comptroller.defense.gov/fmr/
- Money as a Weapon System—Afghanistan (MAAWS-A), USFOR-A Pub. 1-06
- Federal Acquisition Regulation, www.acquisition.gov/far/, OR <http://farsite.hill.af.mil/vffara.htm> (also, DFARS and AFARS)
- Acquisition and Cross-Servicing Agreements (ACSAs), between US and more than 160 countries, including Afghanistan, Australia, and Britain (available on Westlaw/Lexis)
- AR 420-1, Army Facilities Management, available through www.apd.army.mil
- DA-PAM 420-11, Project Classification and Work Definition, available through www.apd.army.mil
- CENTCOM Regulation 415-1, Construction and Base Camp Development in the USCENTCOM Area of Responsibility, (“The Sand Book”), 17 October 2011
- Government Accountability Office Principles of Federal Appropriations Law (“The Red Book”), www.gao.gov/legal/redbook.html
- Regional Command (South) fiscal law portal on Centrix network
- National Defense Authorization Act (NDAA) and Department of Defense Appropriations Act (DODAA), available through www.thomas.gov, or Milbook.



Fiscal Framework: Purpose



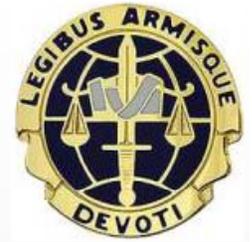


Fiscal (Funding) Framework

- ***U.S. Const. Art. II, § 2, cl. 1.*** “The President shall be the Commander in Chief of the Army and Navy of the United States”
 - ***This is the MISSION authority!***
- ***U.S. Const. Art. I, § 9, cl. 7.*** “No money shall be drawn from the Treasury, **but in Consequence of Appropriations made by law**”
 - ***This is the FUNDING authority!***
- ***KEY: YOU MUST HAVE BOTH TO EXECUTE!***



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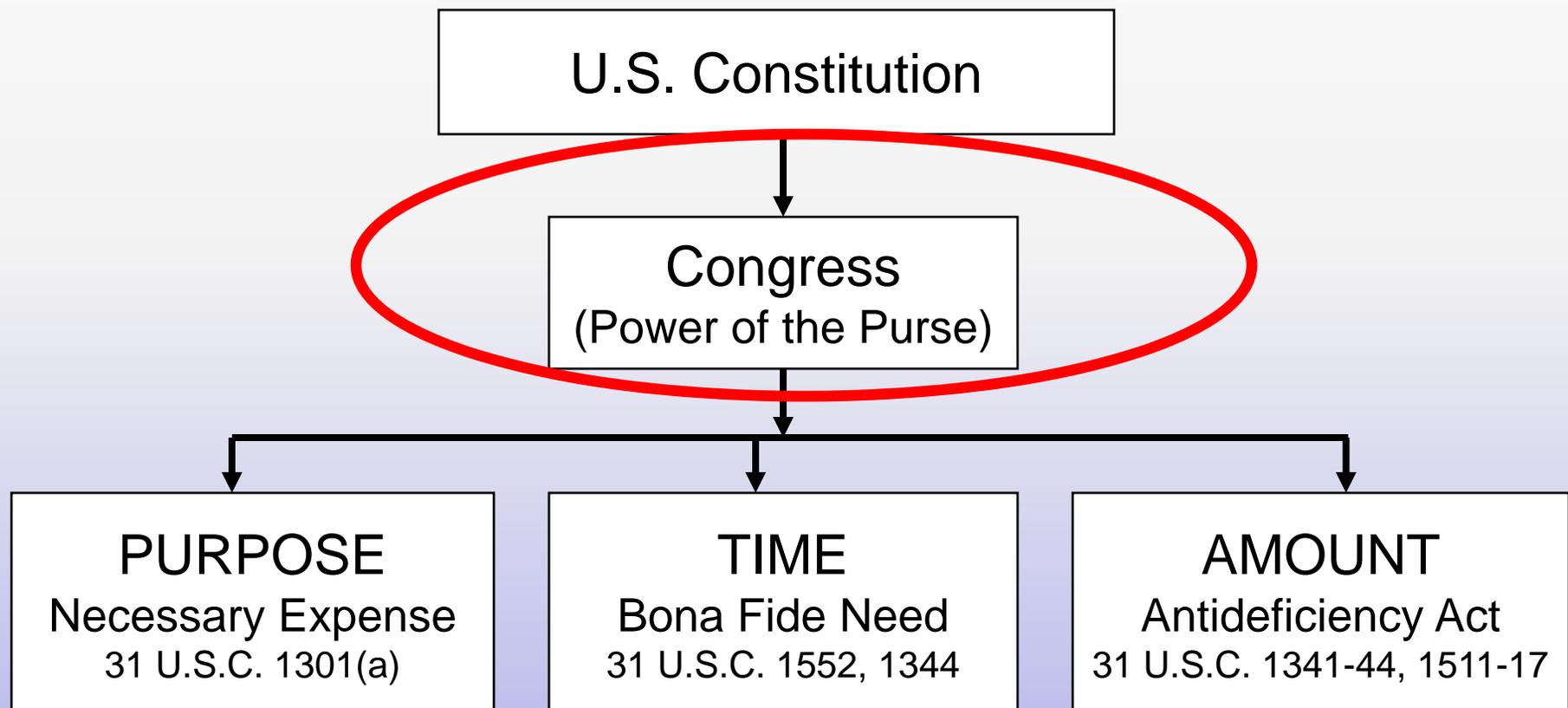
“The established rule is that the **expenditure of public funds is proper only when authorized by Congress, not** that public funds may be expended unless prohibited by Congress.”

United States v. MacCollom,
426 U.S. 317 (1976)





Fiscal Framework: Purpose

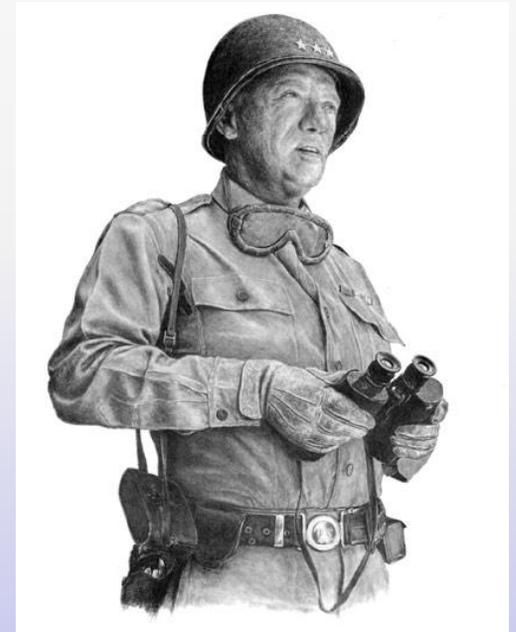




Fiscal Law is Different

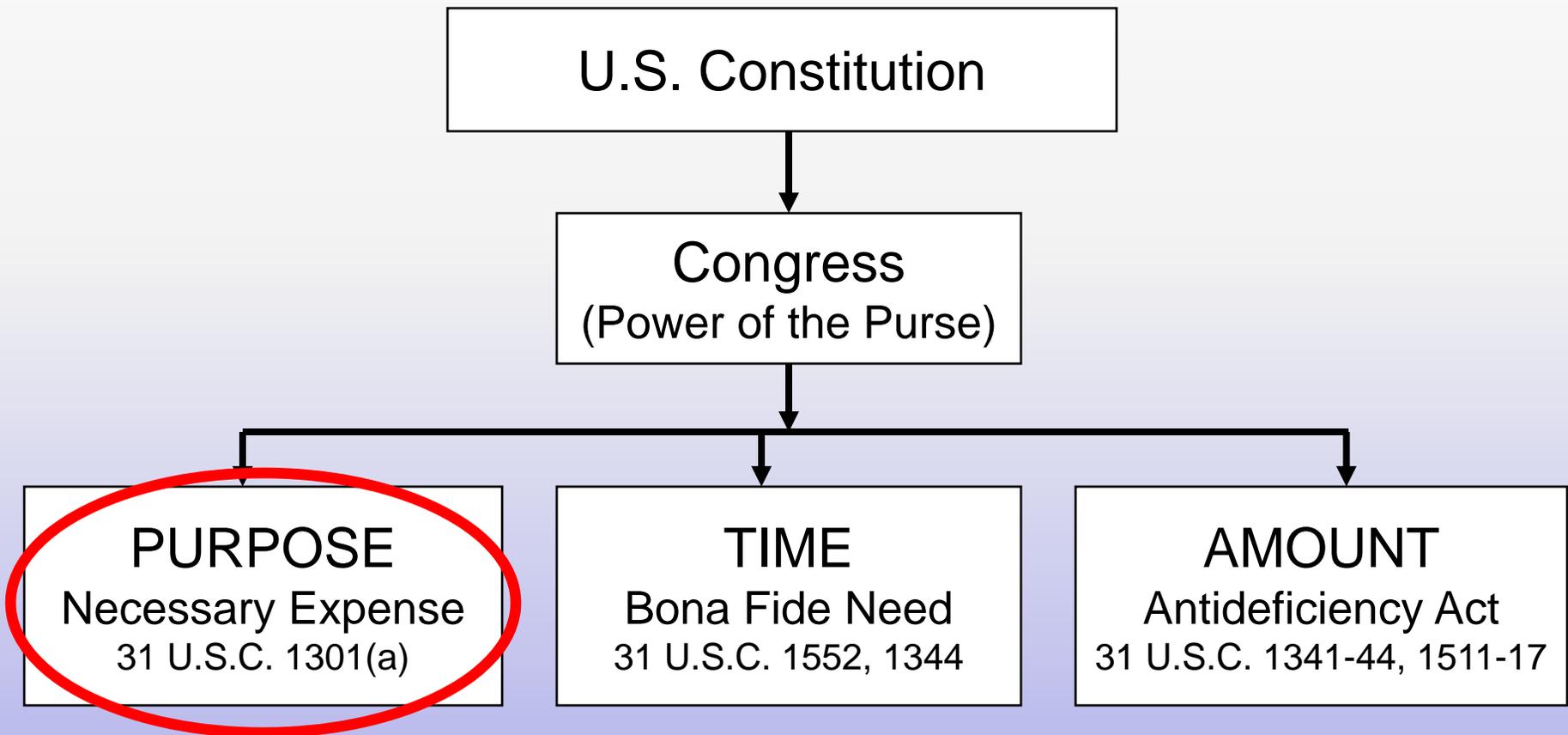
Congress has to say you
can do it

Just because Congress
doesn't prohibit it, doesn't
mean you can





Fiscal Framework: Purpose





Purpose Statute

Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

31 U.S.C. 1301(a)

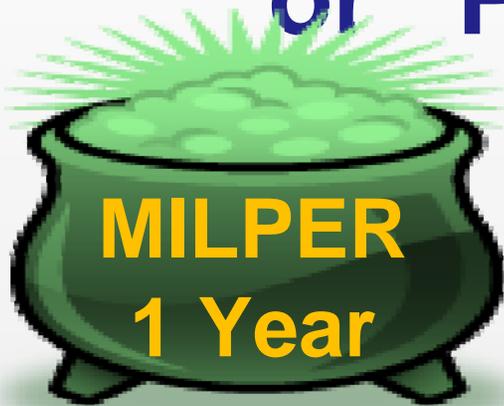


How Congress Controls Funding

- Appropriations Act
 - Department of Defense Appropriations Act (DODAA)
- Authorization Act
 - National Defense Authorization Act (NDAA)
- Statutes and Regulations



5 Recurring Appropriations or “Pots of Money”





Classifying the Purchase

- **Expenses:** for all services, and/or certain supply items that are consumed in operating and maintaining DOD (last less than 2 years)
- **Investments:** for capital investment items that benefit both the current and future periods
- **Construction:** for the acquisition of temporary or permanent facilities, or a complete and useable improvement to an existing facility



Expenses vs. Investments

- Expenses (O&M)



Office Supplies



Service
Contracts

- Investment Items



Furniture



IT Equipment



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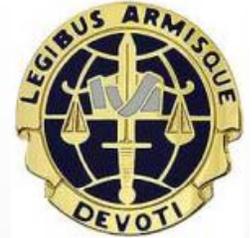
Operation & Maintenance, Army

FY12 Consolidated Appropriations Act- P.L. 112-74

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law;...

\$31,072,902,000.



Army Procurement Pots

- Aircraft Procurement, Army
- Missile Procurement, Army
- Procurement of Weapons and Tracked Vehicles, Army
- Procurement of Ammunition, Army
- Other Procurement, Army (OPA)



Approved Expenditure?

- Congress Expressly Approved; **OR**
- Necessary Expense of Agency
 - Necessary and incident to an appropriation's purpose, and
 - Not prohibited by law, **and**
 - Not otherwise provided for.



Necessary and Incident

- Is the expense necessary and incident to an appropriation's purpose?
 - Is it logically related to the appropriation's purpose?
 - Will it make a direct contribution to carrying out an authorized function?

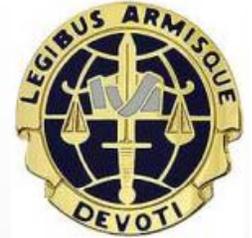


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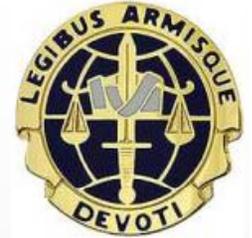
Not Prohibited by Law

- Department of Defense Appropriations Act
- National Defense Authorization Act
- Various Statutes or Regulations



Not Otherwise Provided For

- Example:
 - Purchasing an Optics for M-4
 - Procurement Weapons and Tracked Vehicles
 - Includes purchase of accessories

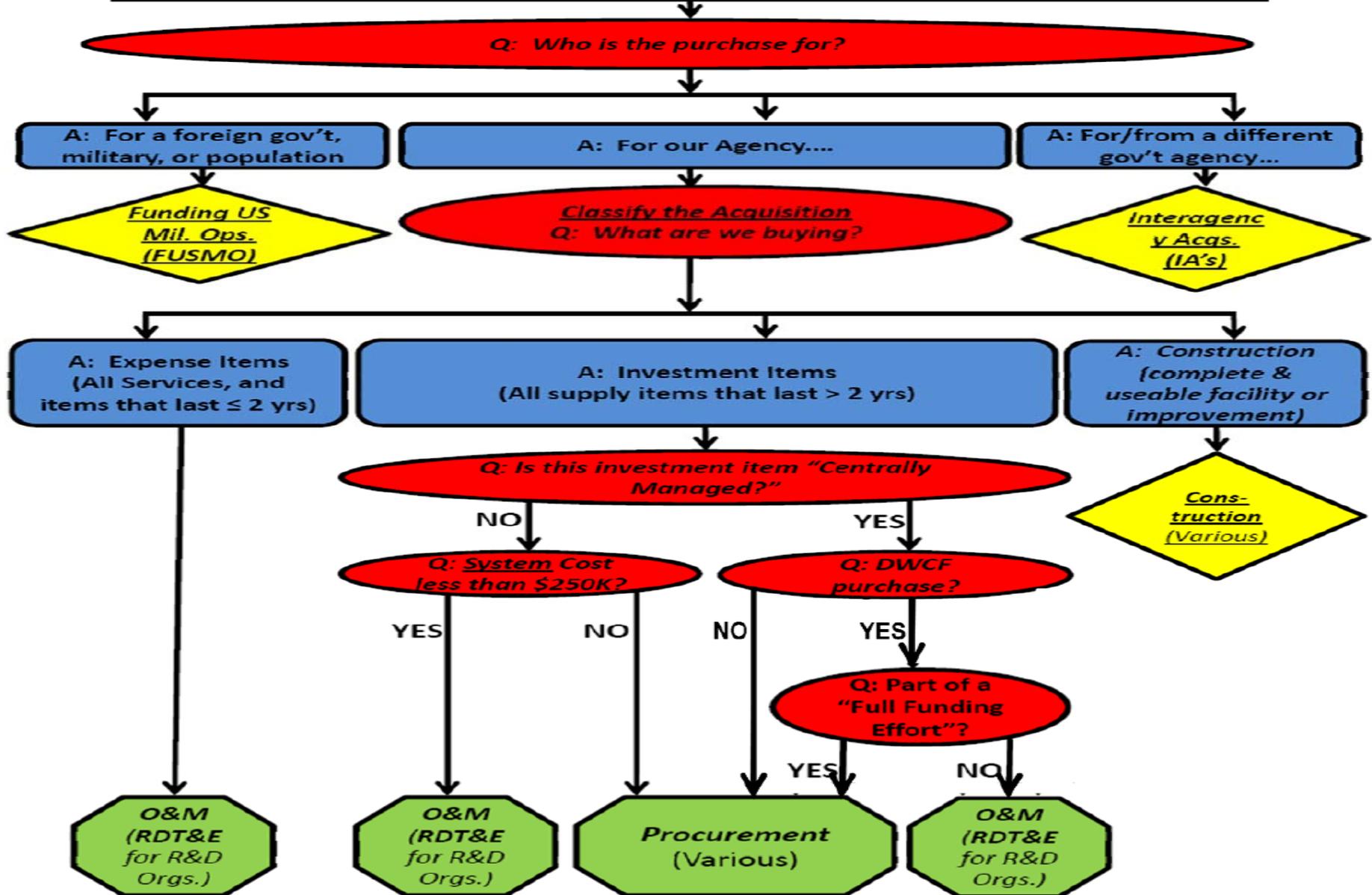


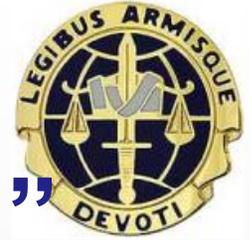
Investment/Expense Threshold

- Annual DODAA Statutory Authority; see also 10 USC 2245a...
- Expense items AND for investment items up to \$250,000 (Generally): Purchase with O&M appropriations
- Investment items whose cost exceeds \$250,000 (Generally): Purchase with most specific Procurement appropriations
- Construction: Use O&M for costs up to \$750,000

Purpose Analysis Flowchart

PURPOSE Statute: 31 U.S.C. 1301(a)
Necessary Expense Doctrine: GAO
DOD Implementation: DOD FMR, Vol. 2A, Ch. 1
DA Implementation: DFAS-IN Reg. 37-1; DFAS-IN Manual 37-100-XX (XX=FY)





Multiple Items and a “System”

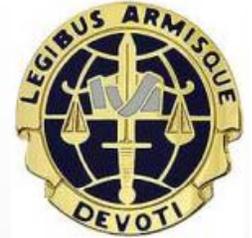
- Aggregate cost of systems
 - Does it exceed \$250,000 threshold
- Is it a System?
 - What is the Primary Purpose/Function?
 - Intended to work together?





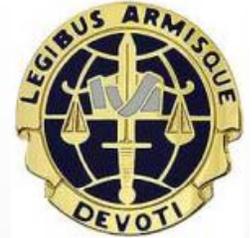
Funding IT Procurements...

- Complex – could be OMA, OPA, or RDT&E...
 - See DFAS-IN Manual 37-100-XX (XX=FY, so currently FY13, but FY14 already available)
 - <http://www.asafm.army.mil/offices/BU/Dfas37100.aspx?OfficeCode=1200> (x1-env.400 file after unzipping, open with Word).
 - Paragraph 4.D.
- After determining funding, is the IT a Defense Business System under 10 USC 2222?
 - See KFAB Information Paper on DBS in MilBook...

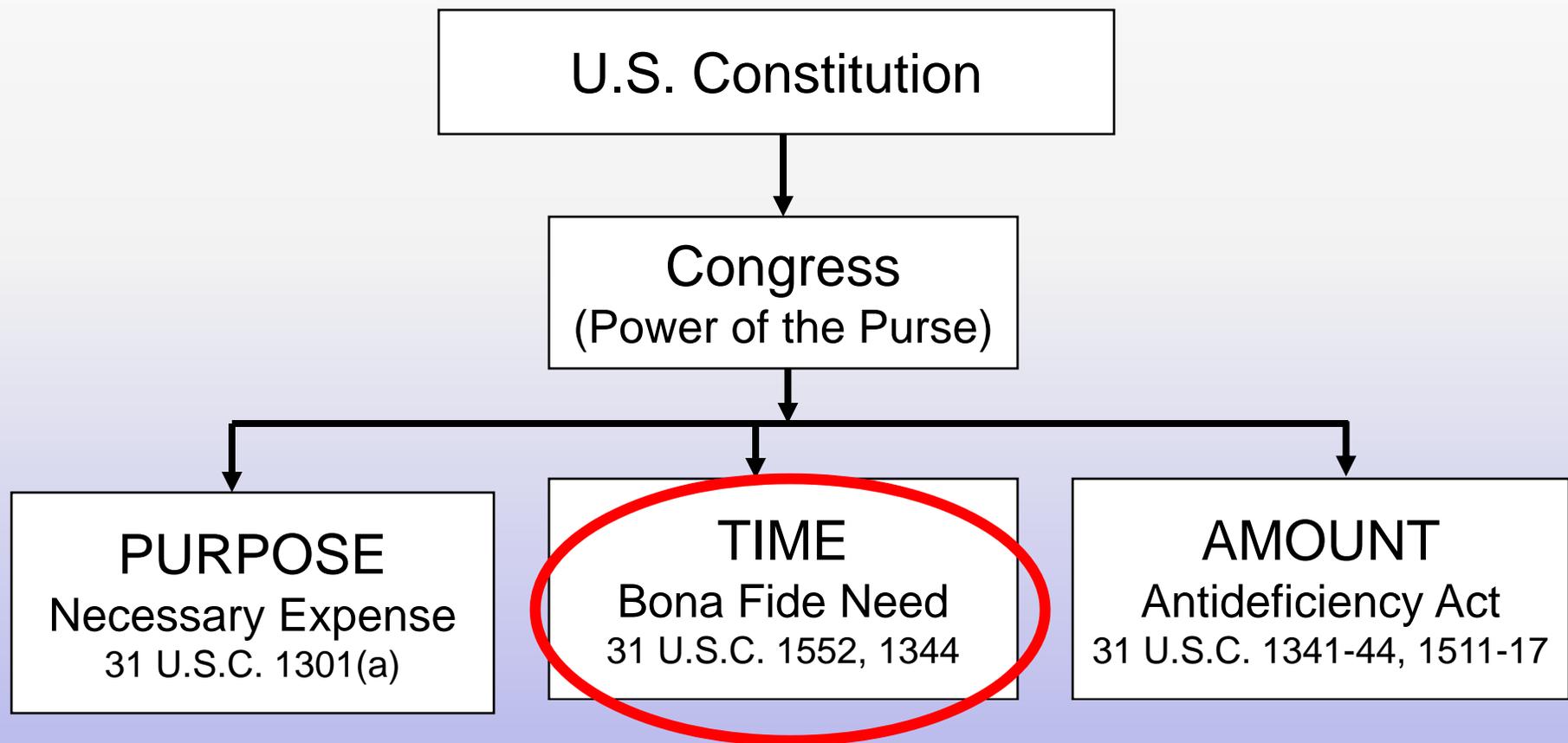


Questionable Expenses

- Bottled Water - personal expense
- Food - personal expense
 - Unless “no kidding” Training
- Clothing - personal expense
 - No unit funds for T-Shirts
- Awards/Coins – okay for US servicemembers only (not for foreign SMs or contractors)

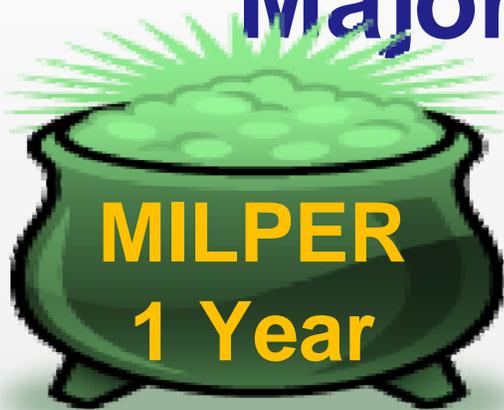


Fiscal Framework: Time





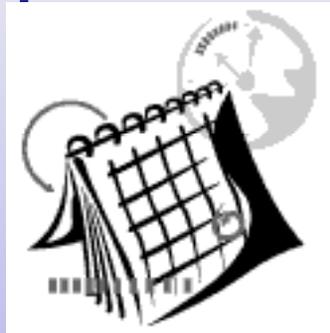
Period of Availability: Major DoD Appropriations



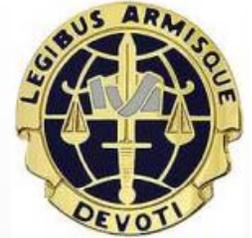


Bona Fide Needs Rule

Funds must be obligated during their period of availability, and the obligation must be for a “bona fide need” of that period.



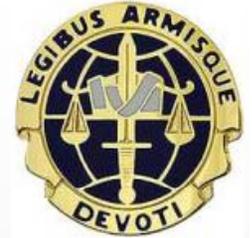
“Currents funds for current needs.”



Fiscal Year

The US Governments Fiscal Year (FY)
runs from 1 October to 30 September
Example: Fiscal Year (FY) 2014





Lifespan of Appropriated Funds

Period of
Availability
(O&M- 1 Year)

5 years
(All funds)

US Treasury

'Current'

'Expired'

Closed

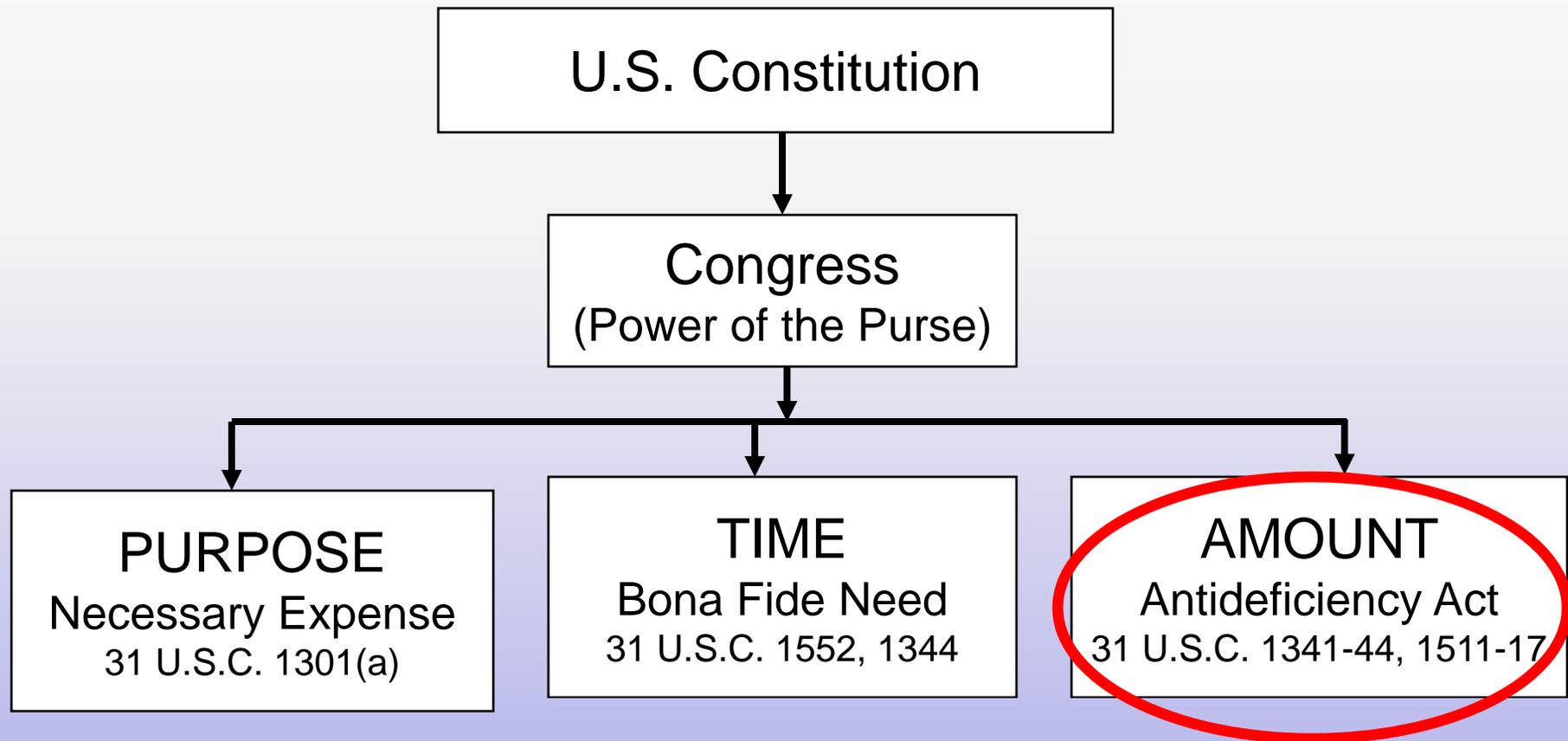
For NEW
obligations

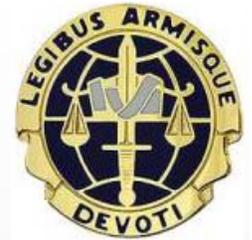
To adjust OLD
obligations
ONLY!!!!

“Graveyard Dead”
(Pays down the debt)



Fiscal Framework: Amount





Amount

- Congress prohibits
 - Obligation of more funds than you have been given
 - Obligation of funds in advanced of receiving them
 - Acceptance of “voluntary services”
 - ‘Augmenting’ of appropriations



The Antideficiency Act

Agencies violate the ADA when they violate:

- Purpose Statute
 - Lack Specific Authority/Satisfy Necessary Expense Test
- Time Statute
 - Do not have a bona fide needs during the period of fund availability
- Amount
 - Obligate more funds than given, or obligate funds before they are given, or augment your funding



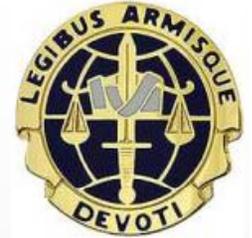
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Fiscal and Contract Law II: Deployed Fiscal and Contract Law

LTC Jose A. Cora
Acting Chief, KFAB

**Contract and Fiscal Actions
Branch (KFAB), KFLD, USALSA**



FISCAL AND CONTRACT ISSUES ON DEPLOYMENT

- Fiscal law is complex
- Keep in mind PTA
 - Purpose
 - Time
 - Amount
- New program/purchase? STOP. Think “Do we have the statutory authority to purchase?”



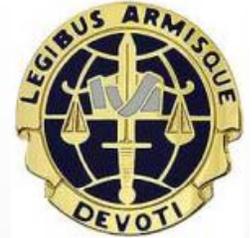
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Deployed Fiscal Law

Recurring Funding Issues:

- [Overseas Contingency Operations](#) (OCO) funds (it's deployment OMA), FMR Vol. 12, Ch. 23, supports US military operations
- [Afghan Security Forces Funds](#) (ASFF), NTM-A/CTSC-A, supports Afghan security operations
- [Commander's Emergency Response Program](#) (CERP) funds, FMR Vol. 12, Ch 27 and MAAWS-A CERP SOP
- [Afghan Senior Leader Protection Program](#) (ASLPP) funds, NTM-A/CTSC-A
- [Afghan Reintegration Program](#) (ARP), MAAWS-A ARP SOP
- [Official Representation Funds](#) (ORF), AR 37-47, DoDD 7250.13 20 June 2009, and GEN Allen Memo to USFOR-A J8 delegating authority, 14 November 2011
- [Solatia](#) (Unit Operations and Maintenance, Army (OMA) funds), USFOR-K Regulation 526-11, Relations with Korean Nationals: Condolence Visits and Solatia, 28 January 2010 (although not for Afghanistan, it's the most detailed guidance out there)
- [Post-Operation Emergency Relief Funds](#) (NATO POERF), ISAF SOP 930, Standard Operating Procedures for Post-Operations Relief Fund, 24 November 2011
- [Claims](#), AR 27-20
- [Rewards](#)
- [Afghan Infrastructure Fund](#) (AIF) (for large-scale infrastructure projects)



Deployed Fiscal Law: Pre-Deployment

1. Start familiarizing yourself with the resources before you hit the ground.
 - a. MAAWS-A
 - b. MAAWS-A CERP
 - c. ASFF is controlled by the ASFF SOP issued by CSTC-A.
2. Be prepared to deal with contracting at all levels (FOOs at TF-level, KOs at RC-level).
3. Be prepared for ignorance, your own and others.





Deployed Fiscal Law: Upon Arrival

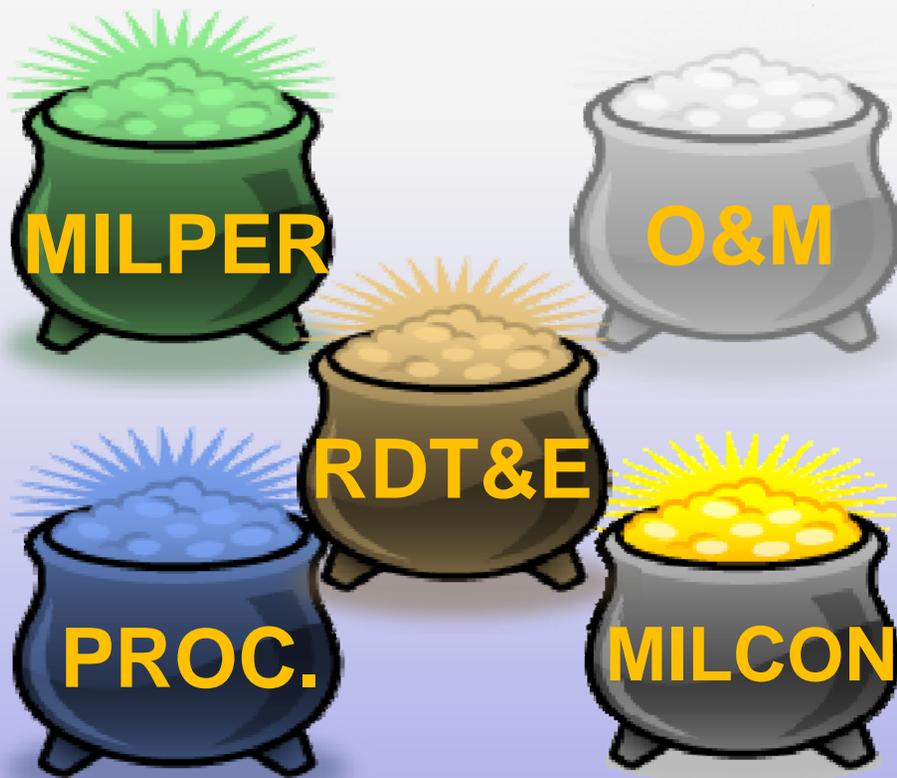
1. Check out the RC (South) fiscal law Centrix portal for resources. Also check with USFOR-A KFLD.
2. Get to know your Regional Contracting Command and the fiscal lawyer at your immediately higher headquarters.
3. Work closely with your Engineer, your S4, and your Civil Affairs Officer to prepare JFUB, JARB, and CERP packets, respectively. Well-done packets go through the approval process faster than poorly planned packets.



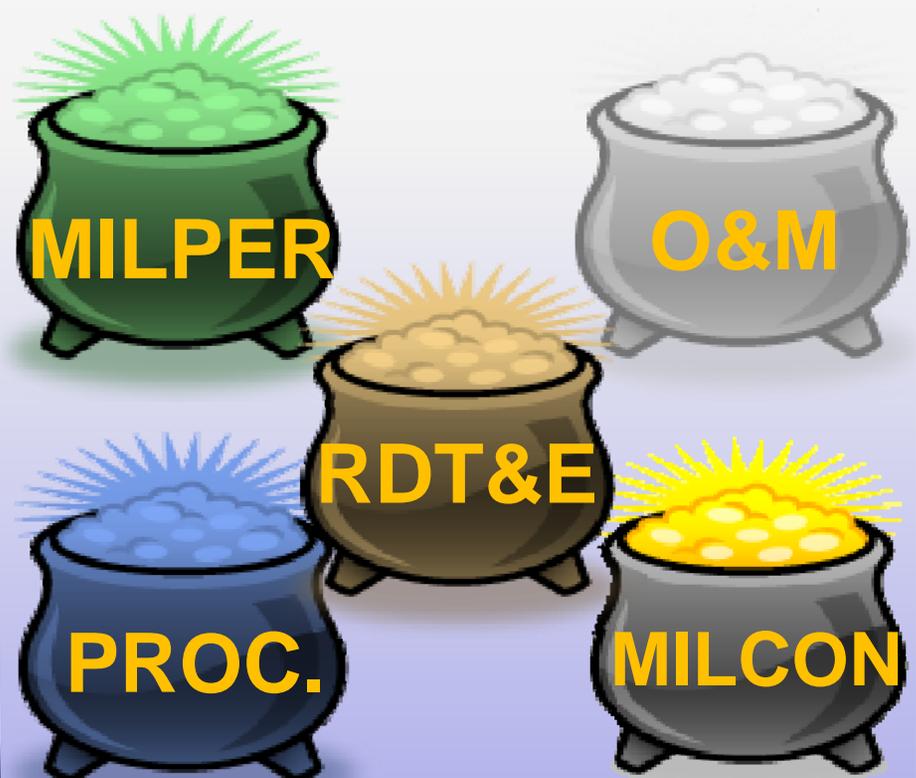
Deployed Fiscal Law:

“Base Funds” vs. “OCO” Funds

“Base Funds,” DODAA Titles I - IV



“OCO Funds,” DODAA Title IX





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Deployed Fiscal Law: OCO Funds

H. R. 933—131

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$9,790,082,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$28,452,018,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

- 2013 Consolidated Appropriations Act, P.L. 113-6, Division C (DODAA), Title IX



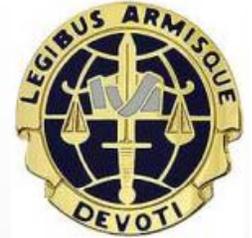
Deployed Fiscal Law: OCO Funds

- OCO IS NOT a “pot of money” for any deployment mission you want...
- OCO is the SAME 5 pots – with the same restrictions – but separately appropriated for use in certain contingency operations.
- OCO funds “incremental costs incurred in direct support of a contingency operation”, DoD FMR, Vol. 12, Ch. 23, para. 230107
- Home station operations (called “base funds”) continue to be funded by the garrison version of the appropriate funds
- DO NOT use OCO funds to support ANSF or allied military operations (services or acquisitions) unless costs are recouped through ACSA and CC Form 35; otherwise, you may have an ADA violation.



Deployed Fiscal Law: OCO Funds Limited by Location!

- See ABO Guidance on use of OCO....
- **OCO Appropriations limited to:** Iraq, Afghanistan, Pakistan, Kazakhstan, Tajikistan, Kyrgyzstan, Horn of Africa, Persian Gulf and Gulf Nations, Arabian Sea, the Indian Ocean, the Philippines, *and other countries on a case-by-case basis* (approved by CDR, USFOR-A *only* based on current ABO guidance).
- **OCO Funds CURRENTLY PROHIBITED in:** OEF-Caribbean and Central America (CCA); OEF-Trans Sahara; Operation Noble Eagle (ONE); Operation Joint Guardian (NATO-KFOR); Operation Joint Forge (NATO-SFOR). All of these are Base funded...



Deployed Fiscal Law—CERP

- Helps commanders respond to urgent humanitarian relief and reconstruction requirements within their AOs by carrying out programs that will immediately assist the indigenous population
- That said, there's very little "E" left in CERP
- Cannot benefit US or allied military personnel, including ANSF
- Programs may include:
 1. Repairing critical infrastructure and government buildings
 2. Paying for battle damage to local buildings and crops
 3. Water and sanitation projects
- No cash-for-work programs allowed
- No project-splitting to stretch your CERP dollars
- CERP is heavily scrutinized, formal written legal review may not be required . . . do it anyway.



Deployed Fiscal Law—ASFF

- Controlled by CSTC-A
 - CSTC-A has a fiscal law division, so introduce yourself if you have ASFF questions (MAJ James “JP” Leary – see POCs)...
- Supports the needs of the ANSF
- Cannot be used to support US or allied military personnel
- When we can't loan SME to the Afghans, we can sometimes buy it for them with ASFF instead. A slower way to “yes” than loaning, but legal. For example, we couldn't “loan” NVDs to Afghan partners via hand-receipts (this resulted in FLIPL liability of \$2,000 for a TF Commander), but we could purchase them for ANA units that were MTOE-authorized NVDs.
 - The US-Afghanistan ACSA is limited to support between US DoD and Afghan MoD entities, and further limited to acquisitions of consumables items or loans of durable items.
 - Don't forget the Economy Act.



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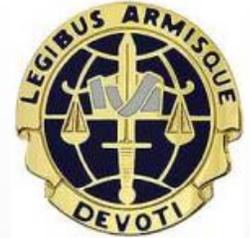


Base? OCO? ASFF? CERP?
Give up?



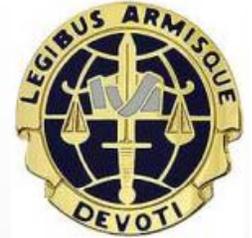
Deployed Fiscal Law - LOGCAP

- Logistics Civil Augmentation Program
 - Provides contracted life support services to U.S. FOBs – cost-plus-award-fee.
 - Awarded cost of the contract is not actual, is NTE
 - Run out of Rock Island; proposal submitted to them and they run the “master” contract process.
 - Unpriced change orders are committed in theatre in accordance with the MAAWS-A, processed via JARB/JFUB.
 - Purpose, time and amount apply to funding of change.



Deployed Fiscal Law - LOGCAP

- What you DO review:
 - Validity and priority of the requirement against competing requirements in theater.
 - Compliance with fiscal law for purpose, time and amount for the types of funding to be committed against the NTE amount.
- What you DON'T review:
 - Cost analysis to determine fair and reasonable price.
 - Pre-award regulatory requirements (advertising, competition, acquisition plans, procedures for GFP, market research, required sources of supplies or services).



Deployed Fiscal Law - LOGCAP

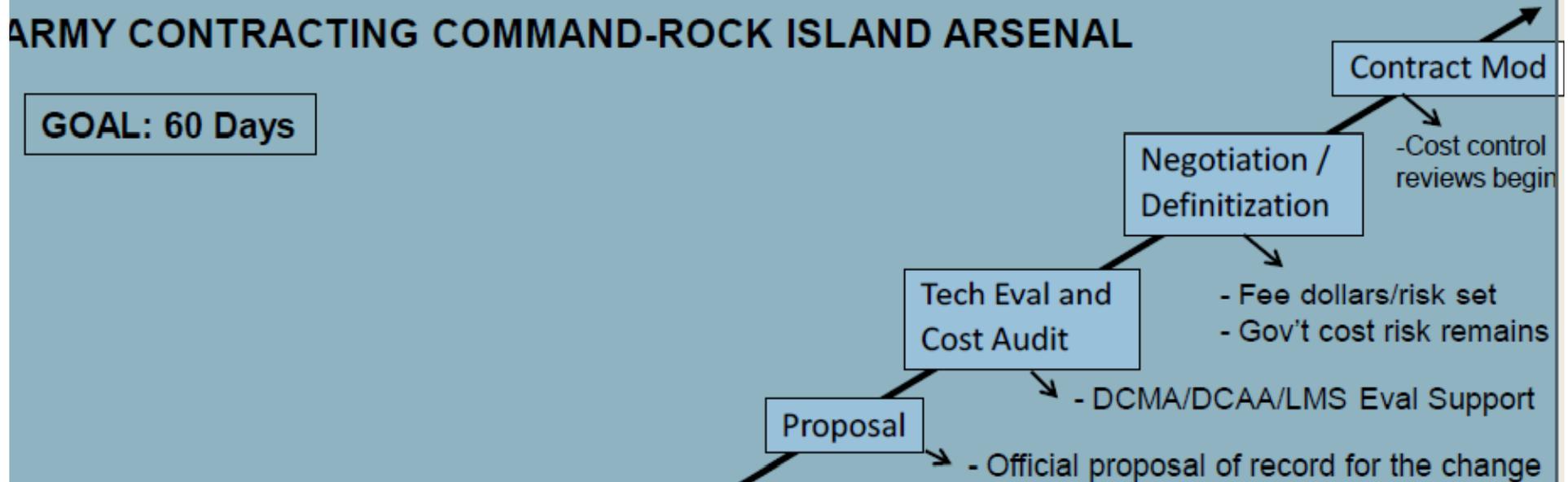
- You review as a member of the JARB/JFUB prior to Chief of Staff approval.
- Legal review thresholds:
 - \$10K to \$99.9K (JFUB); \$199K (JARB) = Informal Legal Review
 - \$100K JFUB = Formal Legal Review
 - \$200K JARB = Formal Legal Review

LOGCAP Unpriced Change Orders

Contract Type: Cost-Plus-Award Fee

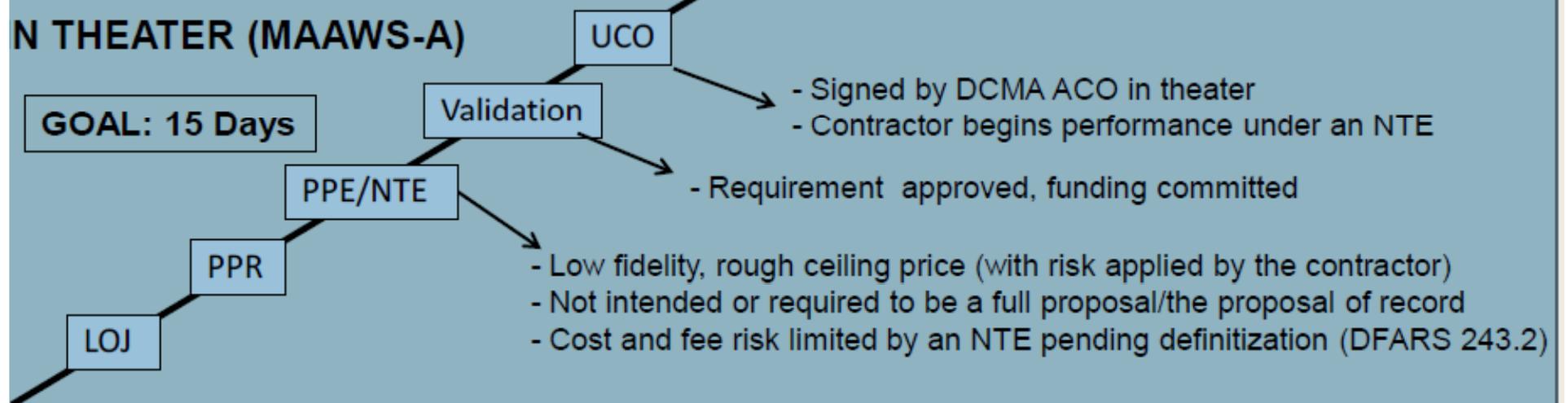
ARMY CONTRACTING COMMAND-ROCK ISLAND ARSENAL

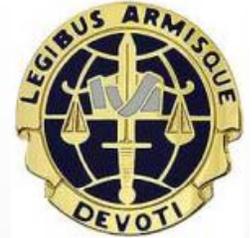
GOAL: 60 Days



IN THEATER (MAAWS-A)

GOAL: 15 Days



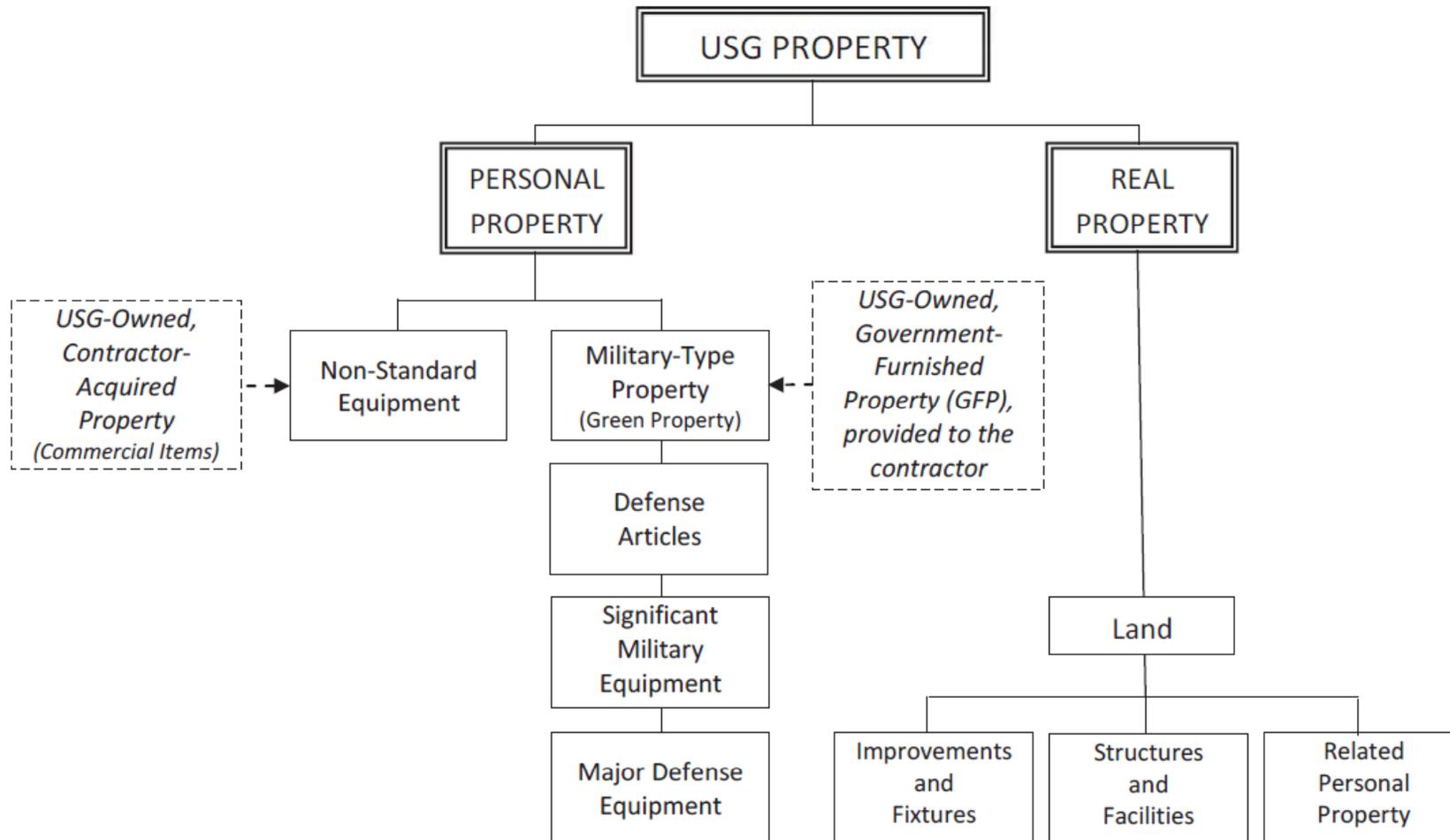
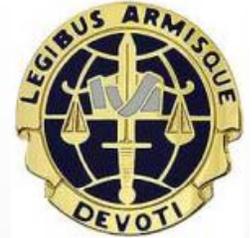


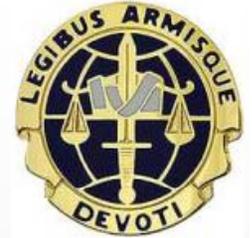
FEPP/FERP

- Federal Excess Personal Property (FEPP)
- Federal Excess Real Property (FERP)
- Disposal of property that is owned and managed by DoD units . . .and managed by DoD contractors.
- Key is how you classify the property:
 - DoD Real Property
 - DoD Personal Property
 - DoD contractor inventory (used by contractor, owned by U.S.)



JAG Pre-Deployment Training (JPT): *Fiscal and Contract Law I and II*





FEPP

- Title 40 codifies the authority to dispose of surplus property, use available property and record keeping requirements
- Through numerous delegations the Defense Reutilization and Marketing Service (DRMS) is the authority for DoD property disposal.
 - For disposal outside USG, normally must be surplus.
 - Chapter 7 of title 40 allows disposal of foreign excess property. This authority lies with the head of the executive agency.



FEPP

- Foreign Excess Property disposition options
 - Return to the U.S.
 - Sale, exchange, lease, or transfer
 - Exchange for foreign currency or credit, or substantial benefits (intangible mission benefits)
 - If unable to dispose by these authorized methods, may abandon or destroy.
- Disposal authority is the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD (AT&L))



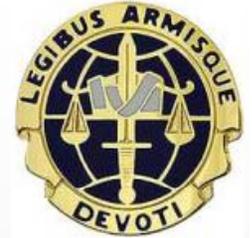
FERP

- FERP procedures are found in AR 405-90
- What agreement will be in place with GIRoA?
Probably have an effect.
- What land do we lease in GIRoA?
- Contractor Inventory
 - Contractor-managed, government-owned property that is excess to the full performance of the contract.
 - Requires the contractor to identify, classify, and return the excess property to the Government (SF 1428, reviewed by Gov)



FEPP/FERP

- **Fixed-Price K** – Title passes to Government “if the contract contains a provision directing the contractor to purchase material for which the Government will reimburse the contractor as a direct item cost under the contract.” FAR 52.245-1(e)(2)(iii)
- **Cost Reimbursement K**– “Title to all property purchased by the contractor, for which the contractor is entitled to be reimbursed under the contract passes to the Government.” (e)(3)(i)

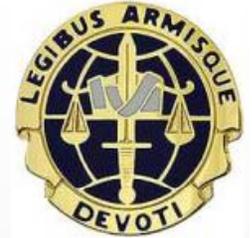


FEPP/FERP

- The FOB in a Box concept
 - Likely a lot of items will have been deemed excess by the Army
 - Commanders may have authority to transfer foreign excess up to a threshold, they do NOT have authority to declare excess.
- To transfer to GIRoA
 - Military unit will conduct joint inventory with gaining unit commander or GIRoA rep.
 - Execute transfers via joint memoranda
 - Property is transferred as is. Facilities transferred in full operating condition to max possible.



JAG Pre-Deployment Training (JPT):
Fiscal and Contract Law I and II



FEPP/FERP

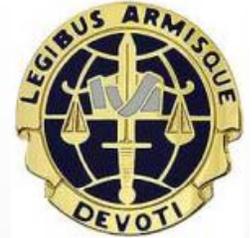
- USFOR-A owns the process, they will provide Afghan specific policy/procedures.
- See Disposal of DoD property articles by MAJ Cora, CPT Olson, and Maj Navin in The Army Lawyer (DA PAM 24-50-443), April 2010.

http://www.loc.gov/rr/frd/Military_Law/pdf/04-2010.pdf



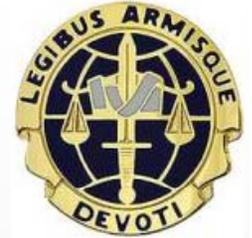
Deployed Fiscal Law— Dangers

- Commanders v. Contracting Officers (a.k.a. Now v. Later)
- Fiscal law v. contract law
- ASFF v. OCO—know who you're buying for
- ADA violations and reporting and UACs (JCC-I/A Form 715-1)
- The little things (coins, generators, RLBs, humanitarian supplies) can cause big problems
- Solatia v. CERP claims v. FCA claims
- Base closure: Abandonment of property v. the FEPP/FERP process
- Loaning significant military equipment (SME) (e.g., NVDs, mine-sweepers) pursuant to 2007 NDAA Section 1202
- ACSAs, Forms CC 35, and Lift & Sustain authority
- Poorly drafted JARB/JFUB letters of justification and statements of work
- Project-splitting



Deployed Fiscal Law: Common Tasks

1. Construction project legal reviews for the Joint Facilities Utilization Board (**JFUB**). As we close bases, we expand others, so we still building more than most people realize.
2. Commodities and services acquisition legal reviews for the Joint Acquisition Review Board (**JARB**).
3. Disposing of foreign excess personal property (**FEPP**) and foreign excess real property (**FERP**).
4. CERP project approval via bulk project funds or CERP board.
5. Miscellaneous legal reviews (coins, UACs, loaning stuff to, or building things for the Afghans).



JARB/JFUB

- JARB Concept
 - Purpose is to validate. Period. Not to provide funding or determine or approve the acquisition strategy or process.
 - Validates service contracts, leases, commodities purchases, automation/communication purchases, LOGCAP and other OMA requirements in support of U.S. Forces.



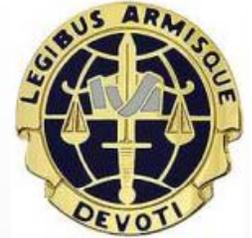
JARB/JFUB

- What is it?
 - How you or your clients get stuff
 - 4-Step Process
 - Identify the requirement
 - Define the requirement
 - Prepare your spend plan
 - Prepare the requirement
 - Where is JA involved?
 - Possibly at every single step
 - Required involvement after the requirement is prepared





JAG Pre-Deployment Training (JPT):
Fiscal and Contract Law I and II



JARB/JFUB

- Prepared Requirement (i.e., what you should see)
 - Cover sheet
 - Completed PR&C or MIPR
 - LOJ . . . Notoriously weak!
 - Statement of Work (SOW) or Performance of Work Statement (PWS)
 - Market research estimates
 - Nomination memo for Contracting Officer Representative (COR)
 - LEGAL REVIEW (>\$10K); JFUB = Legal review.
 - Services Contract Approval Form (pay CLOSE attention to this!)



JAG Pre-Deployment Training (JPT):
Fiscal and Contract Law I and II



JARB/JFUB

- Approval by Appropriate Board
 - JARB; >\$200K and all special interest items
 - JFUB; Generally >\$100K (process owned by USFOR-A JENG)
 - SuperCARB – Super Coalition Acquisition Review Board >\$10M; ARCENT is the process owner
- Validation DOES NOT guarantee funds; rather, they are requested via the Spend Plan
- You are NOT reviewing a contract action at this stage . . . but, you can resolve or alleviate future issues.
 - Contract Mods (in-scope)
 - Sole Source proposals
 - Name Brand requests
 - “Wait . . . how many times have we bought this??”

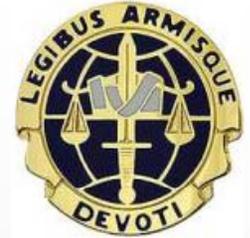


JARB/JFUB

- What are special interest items?
 - All relocatable buildings (i.e., containerized buildings)
 - Automation/Communication/Signals Equip (very specific in MAAWS-A, para. 3.22)
 - Lease of NTV/ATV and Land
 - LOGCAP >\$50K, construction >\$100K (JFUB)
 - Appliances (clinics and common areas), must have SJA/J8 endorsement
 - New and Replacement Furniture (>\$20K)
 - Electrical Generation Equipment



JAG Pre-Deployment Training (JPT): Fiscal and Contract Law I and II



Validation Thresholds		
All authorities pertain to US Title 10 Missions/Positions only		
JFUB Document Approval Authority		
See Figure 3-3 , page 99		
Non-Construction Service and Commodity Document Approval Authority^{1,2}		
Organization	Validation Method	Threshold
ARCENT	SuperCARB	\$10M +
HQ USFOR-A	JARB	DCG < \$10M CoS ≤ \$7.5M
RCs South, Southwest, East	JARB	CoS ≤ \$5M
CSTC-A	Title 10 Board	DCG ≤ \$1M CoS ≤ \$500K Designated Staff Lead ≤ \$200K
CJIATF-435	JARB	DCG ≤ \$1M
1 ST TSC	JARB	CG ≤ \$5M
SOJTF-A	JARB	CG ≤ \$5M
Select O6-Commanded TFs, Staff Elements (contact USFOR-A J4 for list)	ARB	CoS < \$200K
CJSOTF	ARB	CoS < \$200K
O-6 Commanders and O-5 Commanders	Unit	CDR < \$200K O-5 DCDR ≤ \$50K
HQ USFOR-A/CSTC-A O-6 Staff Leads	Unit	O-6 Staff Lead ≤ \$100K O-5 Deputy ≤ \$50K
O-4	Unit	O-4 ≤ \$20K
1: Signature authority does not override ROE requirements (e.g., Special Interest Items, VMARB).		
2: Signature authority may not be further delegated without ETP on file with USFOR-A J4.		
Travel Authority Threshold		
USFOR-A CoS or CSTC-A/NTM-A CDR		\$8K +
CSTC-A CoS, IJC DCoS, RC-S CoS, RC-E CoS, and SOJTF-A CoS		Up to \$8K
TF CDR, NSE BN CDR		Up to \$5K

Table 3-2. Validation Thresholds

MAAWS-A



JAG Pre-Deployment Training (JPT): Fiscal and Contract Law I and II

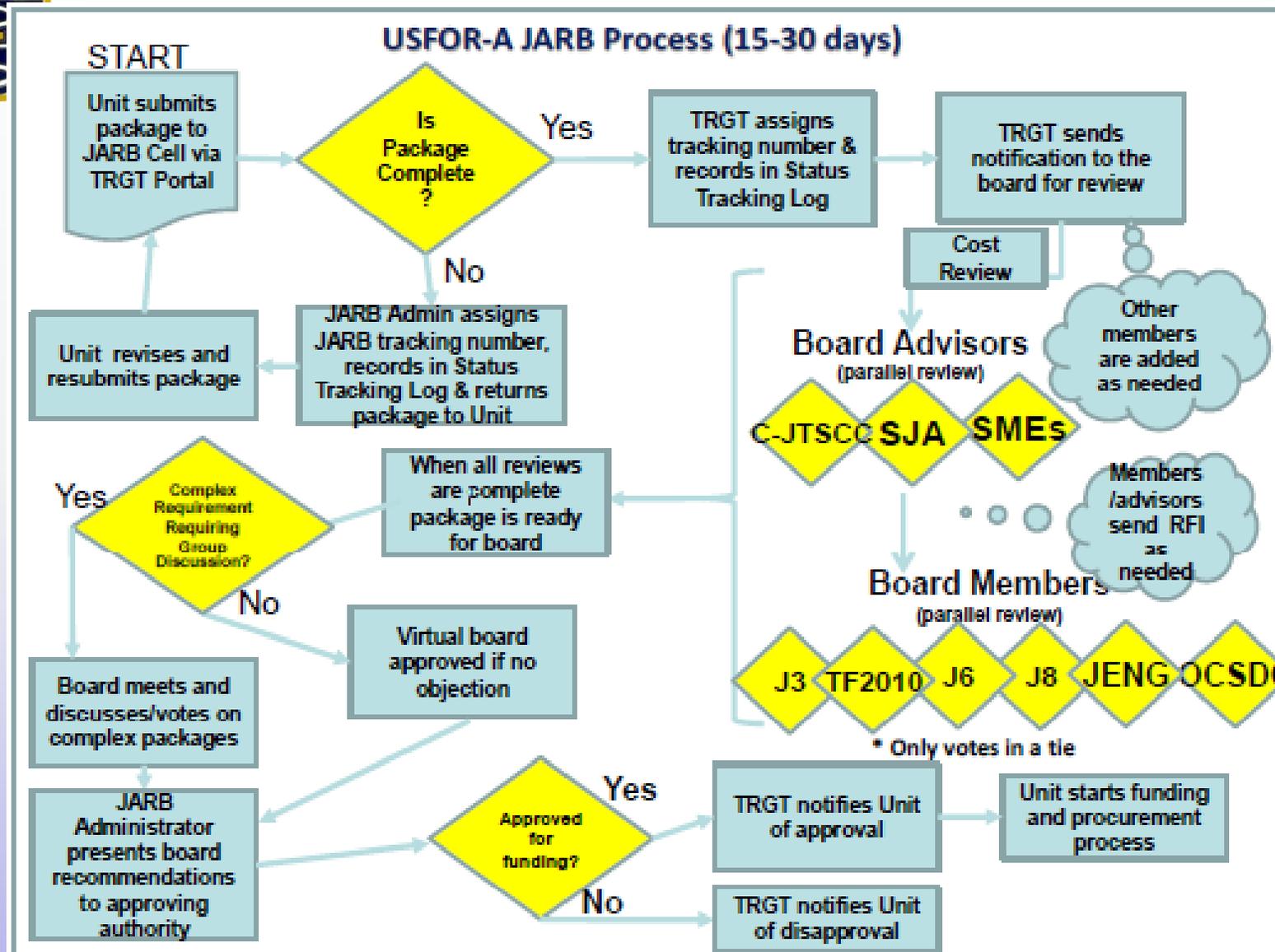
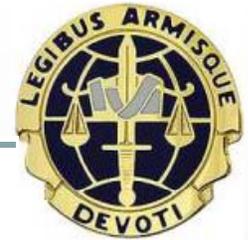


Figure 3-2. USFOR-A JARB Flowchart



JAG Pre-Deployment Training (JPT): *Fiscal and Contract Law I and II*

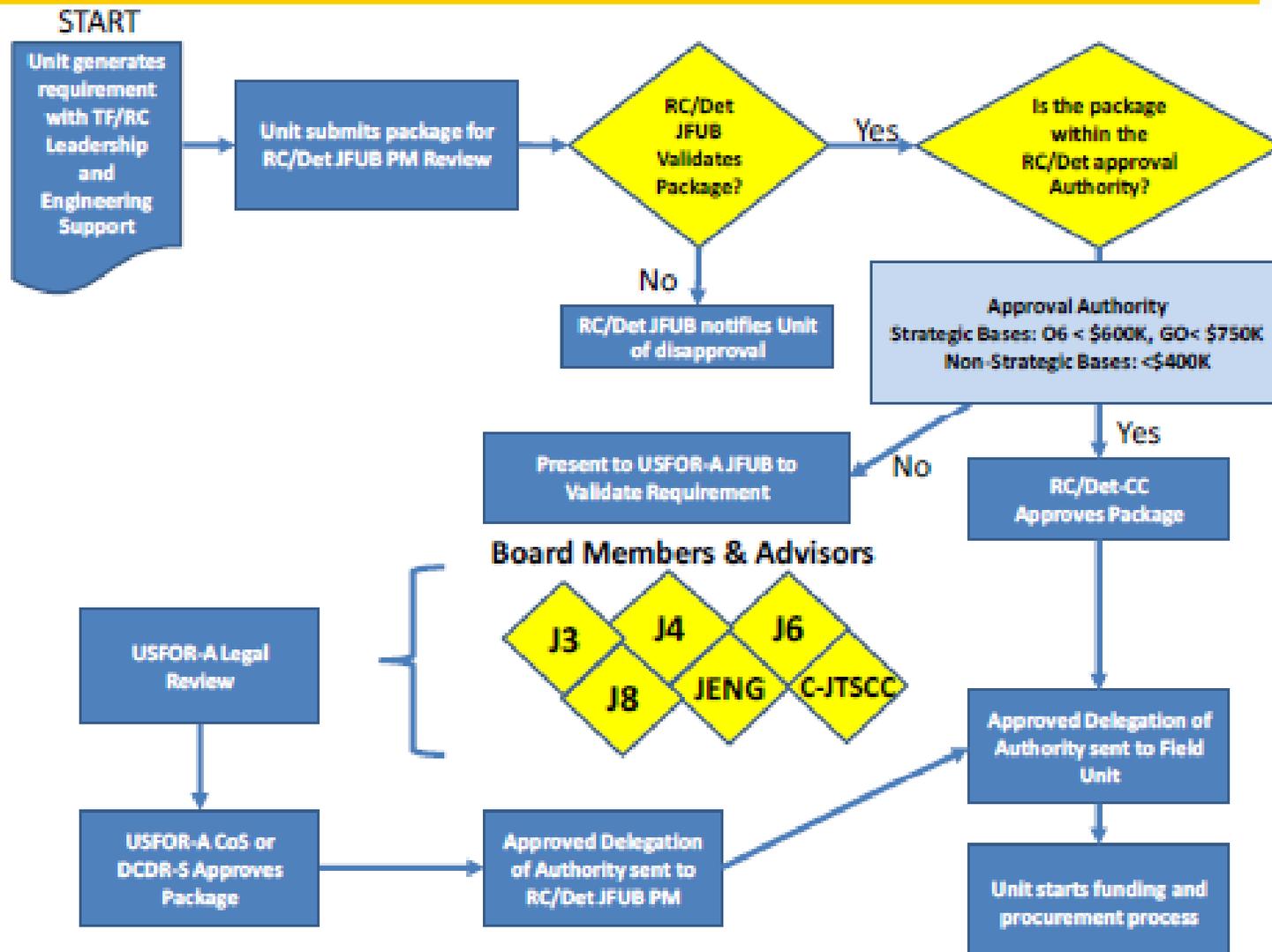
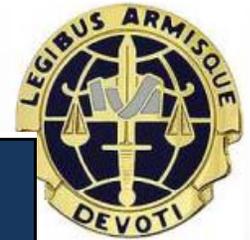


Figure 3-4. JFUB Process Flow Chart



JAG Pre-Deployment Training (JPT): Fiscal and Contract Law I and II



MILCON		USFOR-A Construction Project Funding Approval Authority		
\$750,000		JFUB REQUIRED	RC or USFOR-A Legal Review REQUIRED	<u>DCDR-5</u> Total: \$10M Construction: Up to \$750K
\$600,000				<u>USFOR-A COS</u> Total: \$5M Construction: Up to \$750K
\$200,000				<u>RC Commanders, USFOR-A Dets</u> Total: \$3M Construction: GO – Up to \$750K*, O-6 – Up to \$600K* *DOA Only Applies to Strategic Bases
\$100,000				<u>TF Commander (O-6 Designated Rep)</u> Up to \$200,000 ... BUT...Still needs JFUB >\$100K
\$50,000			BDE Legal Review REQUIRED	<u>TF Commander (O-5 Designated Rep)</u> Up to \$50,000
\$20,000				<u>O-4 and Above</u> Up to \$20,000
\$10,000				*All RLBs regardless of cost

Construction

Figure 3-3. USFOR-A Construction Project Funding Approval Authority



JARB/JFUB

■ Common issues

- My requirement is validated, my market research was off. It won't cost \$10K, but will actually cost \$12K
- Actually we need 120 radios, not 110
- I'm using troop labor and the costs for the extra material we will need are validated, can we start working with what we have now?
- What is real v. personal property?

“ . . . When you imagine flipping the components upside down and items remain connected to facilities or the ground, they are real property. The items that do not remain connected are considered personal property . . . ”



JARB/JFUB

- Where can I find great reading about the JARB, JFUB, and all this other stuff?
 - <http://trgt.afghan.swa.ds.army.mil/SitePages/Home.aspx>
 - Regional Command subordinate JARBS maintain similar pages.
 - MAAWS-A
 - MILBOOK – Contract, Fiscal and Procurement Blog...



MAAWS-A

- Other items you will love to see . . .
 - Temporary Duty Travel
 - See Chapter 8
 - Bulk Fund-Field Ordering Officer (FOO)
 - See Chapter 11
 - Acquisition and Cross Servicing Agreements (ACSAs)
 - See Chapter 13
 - Coins!
 - See Chapter 16





JAG Pre-Deployment Training (JPT):
Fiscal and Contract Law I and II



Questions?

