

US ARMY COMMAND AND GENERAL STAFF COLLEGE
Intermediate Level Education Common Core
F100: Managing Army Change

Advance Sheet for Lesson F106
Military Contracting

Appendix B
What Deploying Units Need to Know About Contracting

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What Deploying Units Need to Know About Contracting

BY MAJOR HOUSTON E. BAKER

The Army needs to improve its integration of tactical unit planning and management of contracted support. Contracting is just now emerging as a focused subject in our current logistics officer and noncommissioned officer (NCO) professional military education courses, but operations in the contemporary operating environment demand a significant knowledge of this subject. This article will focus on the tactical-level unit's role in obtaining and managing theater support contracts through servicing regional contracting centers (RCCs) in Operations Iraqi Freedom and Enduring Freedom. It will not address contracting support through the Logistics Civil Augmentation Program or deployable systems support contracting personnel.

What happens if, while deployed, your unit needs support that is not available through organic means? What is the process to get this support? What is your unit's role as the "requiring activity" in this process? The requiring activity is the organization that identifies what it needs and when it needs it. The role of the contracting activity is to procure urgently needed supplies, services, and minor construction projects that are not available through the Army supply chain or through host nation military support channels.

The first step is for the requiring activity to identify specific support requirements and determine if the supplies or services it needs are available through organic supply channels. If the unit determines that the supplies or services are not available through military means, then the requiring activity must inform the supporting contracting activity of the need as precisely and clearly

as possible. For a supply requirement, the requiring activity must provide a specific item description and estimated cost, but not a specific make or model. For a services contract, the requiring activity will need to develop a performance work statement (PWS).

The Performance Work Statement

The PWS is essentially a detailed set of written standards for everything you want the contractor to perform or produce. A PWS needs to be very specific because contracting officers and contractors are not mind readers. If a requirement is not put into writing, you cannot expect it to get done. Although developing the PWS is the requiring activity's responsibility, your supporting RCC may be able to provide an example or assist you in developing your PWS.

A good PWS includes descriptions such as size, dimensions, colors, materials, and unique characteristics. For example, suppose you need signs to notify local national personnel of a vehicle checkpoint. You, the requiring activity, know you want an 8-inch by 10-inch sign stating in both English and Arabic, "Caution: Checkpoint Ahead. Be Prepared to Stop!" But that description is insufficient for a PWS. It does not provide instructions concerning the color of the sign and the letters, the size of letters (remembering that local nationals use the metric system), the arrangement of the words (are the two languages supposed to be side-by-side or one below the other?), or the material of the sign (wood, metal, or plastic). You also need to include examples of any graphics that should be displayed on the sign, including details of the graphics' sizes and colors. While a contract can be executed with a less detailed description, chances are very good that the end product will not meet your expectations. In this case, the best approach would be to develop a graphic example of the sign along with a written description.

An officer stands next to a sign for the Camp Taji Contracting Center. The sign had to be written in two languages, so the color red was chosen for English and black was chosen for Arabic. Details such as these should be documented in a performance work statement.



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Requiring Activity in Contracting Process

After the requiring activity has accurately described the requirement, it is responsible for helping to identify possible sources of supply. The contracting administrative NCO at the RCC can provide assistance in this matter. Next, the independent government cost estimate (IGCE) must be determined either by estimating the cost of the item using previous purchases for the same item or by obtaining the price of the item from catalogs or local vendors.

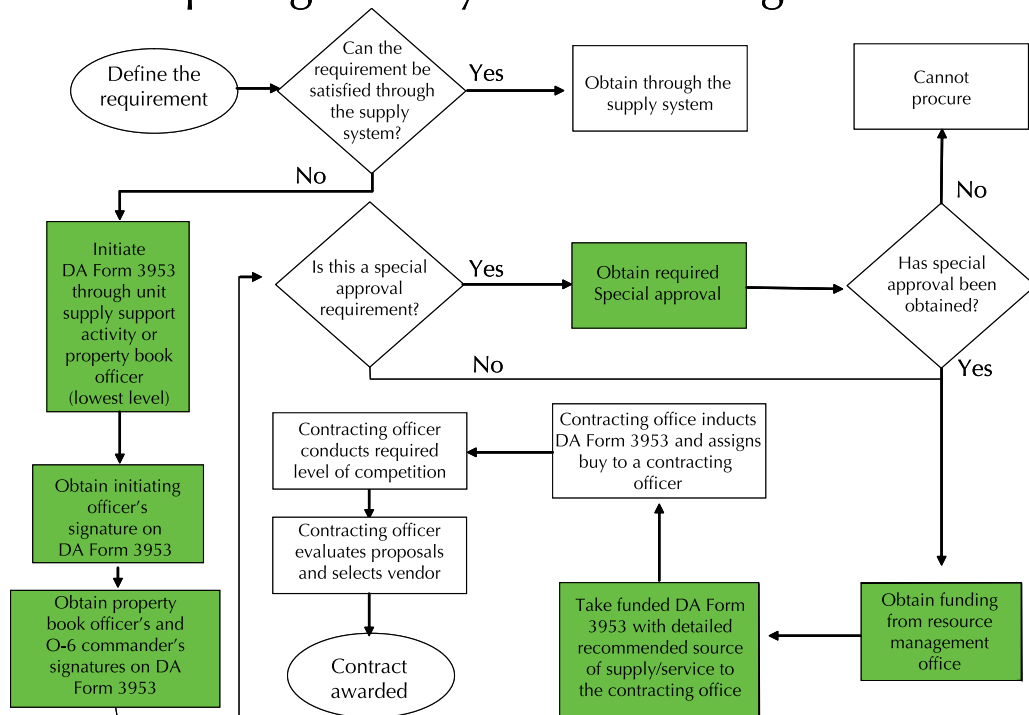
Funding for the Contract

The next step is to complete Department of the Army (DA) Form 3953, Purchase Requisition and Commitment. This form is the funding source from which a contracting officer will award a contract. The requiring activity must ensure that the form has been approved and signed by the initiating officer, the property book officer, the resource manager, and the brigade commander. This form will also need to contain the description, quantity, and approximate cost of the items required in the contract, and, if the contract is for a service, a PWS must be attached. Finally, the requiring activity's resource manager will type in the account code indicating that funds are available to procure the item or service; without authorized funding, the contracting officer cannot award a contract.

The chart above is a quick reference to help you obtain contracted support. The segments shaded in green are responsibilities specific to the requiring activity.

It is important to understand that contracting officers receive their authority to commit the U.S. Government to an acquisition through a unique and narrow chain of command. This chain flows from the Secretary of Defense, to the Secretary of the Army, to the head of the contracting activity, to the contracting support brigade commander or principle assistant responsible for contracting, and, finally, to the contracting officer. Remember, only a contracting officer (with his warrant authority) can award, modify, or terminate a contract. This authority does not extend to your commander or any of his subordinates.

It should be noted that, in current operations, certain items (identified by the joint force commander) require Joint Acquisition Review Board (JARB) approval before you can proceed with your acquisition. Items



requiring JARB approval generally include procurements costing over \$200,000, force protection items, and other special interest items that must be prioritized for procurement. If an item has to go before the JARB, be prepared to justify your acquisition request.

Unit Representatives

As soon as your advance party hits the ground, it is essential to designate someone in your unit to become familiar with any existing local contracting support capabilities and procedures. This individual must be prepared to coordinate the formal handover of existing contract management responsibilities from the redeploying unit. He should know when your recurring service contracts will be ending because it generally takes 30 to 60 days to get funding approved. If the unit waits until the contract is about to expire to request funding, it will probably lose that service until funding is available.

For every service contract awarded, your unit must appoint a contracting officer's representative (COR). A COR is a Soldier or a DA civilian from the requiring activity who is nominated by the unit and appointed in writing by the contracting officer. CORs receive training through formal COR classes; your supporting contracting officer can provide information on obtaining this training.

The COR functions as the "eyes and ears" of the contracting officer by monitoring and managing the contract, but he has no authority to modify the contract or give instructions to the contractor. Being the COR is usually an additional duty, but this duty

may require significant time and attention to detail to ensure that the contractor is performing according to the awarded contract. In current operations, the COR also may be required to ensure the safety of the contractor. For example, a COR may be required to arrange for an armed escort for local national employees whose area of performance is on a U.S. military base.

Finally, you should plan to have a field ordering officer (FOO). In current operations, FOOs serve in lieu of a unit's government purchase card holder, since the local infrastructure does not support the use of credit cards. A FOO provides your unit with a quick method of purchasing nonrecurring services and limited supplies, such as printer cartridges and office supplies. FOOs have limited authority to obligate the Government; they have the same purchasing constraints as government purchase card holders, and the amount they are authorized to obligate is generally less than or equal to \$2,500. Keep in mind, however, that all FOOs need to be officially nominated by their commands and appointed in writing by their contracting officers. FOO training can be accomplished before you deploy or can be set up through the RCC.

Remember, the more complex the requirement, the longer it will take to award the contract. In some cases, you may also need to get additional technical support for complex service contracts. For example, construction contracts may require engineer staff support to develop the PWS or to assist the COR in quality assurance.

Contracting at Camp Taji

The following example of a minor construction requirement in Iraq represents a fairly complex theater support contracting effort.

During a rotation to Operation Iraqi Freedom in 2005 and 2006, the 1st Aviation Brigade, 4th Infantry Division, had a requirement to renovate a building at Camp Taji. To get this project approved by the JARB and the Joint Facilities Utilization Board (JFUB), the brigade was required by the established joint force commander's policy to develop a PWS and an IGCE. Since it had no engineering expertise on staff, the brigade requested assistance from the designated forward operating base (FOB) engineering office, the Air Force Red Horse Engineering Detachment, to assist in developing these documents.

The unit then submitted the IGCE, an approved DA Form 3953, and a letter of justification to the JARB and JFUB. Once approved by the boards, the packet was sent to the Joint Contracting Command-Iraq/Afghanistan, which sent the packet to the RCC located at Camp Taji. A contracting officer from the RCC then prepared the solicitation, compared bids, awarded the contract to a local vendor, and issued a proceed notice to start work. Once the contract was awarded, the local vendor had 30

days to complete all work, not including holy days and any delays caused by the Iraqi government.

Since this was a service contract, the RCC required the unit to provide a COR to ensure the work was completed according to the PWS. Because the vendor and his employees were local nationals, the unit also had to provide an armed escort for these employees for the entire period of performance. The Camp Taji security policy required 1 armed unit guard for every 10 local national personnel, and this particular contract resulted in 12 to 18 employees working on the building each day. The armed escort had to meet the contracted personnel at the FOB's gate to process them onto the base, escort them to the work site, guard them through the workday, and then escort them off the FOB by 1700 each day. Once the work was complete and accepted by the RCC, the unit was responsible to escort the vendor to the finance office to receive his payment. The renovation took approximately 70 days, from the time that the requirement was identified to the time that the work was completed.

Contracting is a key means of obtaining required support during a deployment. Because of this reality, it is advisable to designate an officer or senior NCO from your support operations office or S-4 office to be the contracting support coordinator. This individual will be your lead action officer responsible for coordinating all contracted support efforts, managing current contracts, monitoring CORs and FOOs, and establishing a solid working relationship with your servicing RCC. Remember that contracted support is not a fire and forget means of support; significant planning and time management have to be dedicated to ensure that adequate support is received. The recently revised Army Training Support Package 151-M-001, Contractors Accompanying the Force, contains additional information concerning contracting and contractor management support and can be viewed online at www.train.army.mil.

ALOG

MAJOR HOUSTON E. BAKER IS A CONTRACTING DOCTRINE DEVELOPER IN THE ACQUISITION, LOGISTICS, AND TECHNOLOGY-FUTURES OFFICE AT THE ARMY COMBINED ARMS SUPPORT COMMAND AT FORT LEE, VIRGINIA. HE DEPLOYED TO OPERATION IRAQI FREEDOM WITH THE 4TH INFANTRY DIVISION AND SERVED AS A CONTINGENCY CONTRACTING OFFICER FOR THE JOINT CONTRACTING COMMAND-IRAQ/AFGHANISTAN. HE HAS A B.S. DEGREE IN EDUCATION FROM AUBURN UNIVERSITY AND AN M.S. DEGREE IN MATERIEL ACQUISITION FROM FLORIDA INSTITUTE OF TECHNOLOGY. HE IS A GRADUATE OF THE INFANTRY OFFICER BASIC COURSE, THE COMBINED LOGISTICS OFFICERS ADVANCED COURSE, THE ACQUISITION MANAGER COURSE, AND THE ARMY COMMAND AND GENERAL STAFF OFFICER COURSE.

