



CHAPTER 4

CONTINGENCY CONTRACTING

INTRODUCTION

US forces are deployed throughout the world on a contingency basis in support of vital national interests. These contingency operations involve military and other public, joint, or allied elements. Contracting can be an essential tool in support of these missions. When properly used, contingency contracting is an effective force multiplier of CSS for deployed forces. Contracting is only one part of the system to provide supplies and services to US forces in an area of operations. All requests for items of supply or for services are processed in the same manner. The G4/S4 determines whether to fill the supply or service requirement from the military supply system, by host-nation support (HNS), through the logistical civil augmentation program (LOGCAP), or by contracting. Ordering officers can purchase specific supplies or services. Purchasing limits are specified by a warranted contracting officer or by regulatory guidance. Contracting can increase the existing logistics support capability. It can provide a new source for critically required supplies and services. For example, contracting can fill all the following supply and services requirements that US forces would otherwise fill:

- Supplies: Class I, II, III, IV, IX (limited), and water.
- Services: Labor, mortuary (within specific parameters), laundry, shower, water purification, dining facility, billeting, port operations, transportation, and copying.

RESPONSIBILITIES

The operational situation determines when contracting personnel will deploy. In most contingency scenarios, contracting personnel--along with supporting finance, resource management,

and legal personnel--should precede the arrival of the main body of US forces.

Contracting support for a deployment or contingency will be done by organic contracting elements. The elements are part of the various logistical headquarters involved in the operation. Contingency contracting officers at all levels must follow the applicable publications. These include the Federal Acquisition Regulation (FAR), the Department of Defense Federal Acquisition Regulation Supplement (DFARS), and the Army Federal Acquisition Regulation Supplement (AFARS) (Manual 2). MACOM supplements also apply.

The contracting element at each command level gets its contractual authority and funding from the head of contracting activity (HCA) of the designated contracting agency. Each contracting officer has a certificate of appointment that sets the dollar limitation of his or her purchase authority.

Contracting elements will be composed of warranted contracting officers and contracting support personnel. Finance units, while working closely with the contracting element, will be independent. Legal support will be provided by the headquarters fielding the contracting element or by the next higher headquarters containing a Staff Judge Advocate (SJA) office. The SJA may want to have a contract attorney available at corps level. This attorney would fulfill AFARS requirements for legal participation in the contracting process.

CONCEPT OF OPERATIONS

Contracting can bridge gaps that may occur before LOGCAP resources can be mobilized or

when the scope or time limitations of a deployment militate against their use. It also will be valuable where no HNS agreements exist or where they do not provide for the supplies or services required. It can reduce dependence on the CONUS-based logistics system. Satisfying requirements for supplies and services by contracting can improve response time. Contracting will also free airlift and sealift resources for other priorities.

LOGCAP

LOGCAP is authorized by AR 700-137. The DA DCSLOG is the proponent, and the Army Corps of Engineers is the contracting activity. Its purpose is to use civilian contractors to perform selected services for military forces deployed to a theater of operations. The support includes transportation, food service, ice, potable water, laundry, showers, latrines, refuse removal, contingency equipment, and an unskilled labor pool. The mission statement requires the contractor, on order and within 15 days, to initiate specific logistical and engineering support for 20,000 arriving troops for up to 180 days.

Contingency Contracting Support Kit

Units with contracting elements set up and maintain contingency contracting support kits. These kits contain enough required forms, general supplies, and equipment to support a contracting office for a predetermined time at a remote deployment location. In addition, separate data bases for as many potential deployment locations as possible may be developed. Both the basic kit and the data base for the specific deployment area will be taken with the contracting team. In developing the area data bases for the kits, contracting personnel must use all available sources of local resources. This data may include area studies, locally developed logistical support data bases, and recommendations from State Department foreign service personnel. Information comes from US civilians or others familiar with the area. A

thorough knowledge of existing LOGCAP and HNS agreements available in the area of operation is also necessary. Contracting element personnel must continually update this information. Help from supporting finance and civil affairs units should be obtained.

Organizations With Contracting Capability

There are several organizations with an organic contracting capability. These are discussed below.

Theater Army. The army service component commander, with the approval of the Secretary of the Army for Research, Development, and Acquisition, has the authority to setup a theater contracting agency. This agency will provide policy, procedures, and guidance for contracting officers. The agency may set up contracting offices and teams, if required.

Corps. A corps, to execute its mission, may be delegated limited contracting office authority by the HCA. At a minimum, a corps should have the authority to appoint ordering officers, ratify contracts up to a specified dollar amount, and give preaward and postaward approvals up to a specified dollar amount.

Corps Support Command (COSCOM). The COSCOM contracting element provides contracting support to corps nondivisional units, corps headquarters, and corps troops. It also provides oversight and backup contracting support. It aids other contracting elements in its area of operations.

Corps Support Group (CSG). The CSG includes a contracting element that reports directly to the CSG commander. When not deployed, CSG contracting personnel should work within an installation directorate of contracting. This will assist them in developing contracting skills and in maintaining proficiency in current contract laws and procedures.

DISCOM. Contractual support to the division is provided by a contracting element in the DISCOM. This element maintains contingency contracting

kits. The kits include the maintenance of data bases of potential suppliers located in possible deployment areas. The contacting element also trains ordering officers. Personnel of the contracting element will work in an installation directorate of contracting during peacetime.

Ordering Officers. Unit commanders nominate ordering officers from within their organizations. Those nominated are then appointed by persons authorized in the AFARS. They receive instructions and guidance from the contracting officer. They are not assigned or attached to the contracting element. They make purchases using imprest funds. They can make over-the-counter purchases not exceeding a predetermined amount. Assignment and location of ordering officers may vary based upon geographical, political, or military requirements. Additional ordering officers may be placed at ports of entry or special locations that will produce more than average numbers of contracts or require more than average control.

PLANNING CONSIDERATIONS

Unplanned deployments do not preclude planning for their support. Planning must be done at all levels to perfect the mechanisms and organizations required to accomplish support with a minimum of time and effort. The mechanism for planning is the contingency contracting support plan (CCSP). The CCSP is written at the MACOM level and incorporates each successive lower level of command. It assures that contingency plans and procedures are established, reviewed, and carried out. The CCSP assures full use of HNS and LOGCAP resources. It also assures that contracting solutions receive consideration in logistic planning for contingency deployments. Each MACOM and theater army will assure that senior subordinate units have a CCSP to cover probable deployments of the units supported. Units with requirements that may be met by HNS, LOGCAP, or contracting support must be made aware of the CCSP. The units must help the supporting contracting element develop procedures and plans to cover various contingencies.

Copies of MACOM-approved CCSPs are given to supported activities, units, and functions.

EMERGING CONCEPTS

Most recent deployments of US forces have involved joint operations supporting contingencies in areas of the world outside developed theaters. World events suggest such operations will become more probable in the future. Such operations will require the creation of joint contracting elements. These would be staffed by personnel from all services operating in the theater. This would more effectively utilize scarce personnel resources. Additionally, a joint contracting element would preclude unnecessary competition for local supplies and services.

RELATED DOCTRINE

A number of administrative and doctrinal publications are related to the topics discussed in this chapter. Table 4-1 lists some of these publications.

Table 4-1. Publications related to the contracting function

| Army Regulations | Topic |
|-------------------------|---|
| 27-20 | Claims |
| 30-18 | Army troop issue procedures |
| 570-9 | Host nation support |
| 600-50 | Standards of conduct |
| 700-137 | Logistics civil augmentation program (LOGCAP) |
| 715-30 | Secure contracting |
| AFARS | Contingency contracting (Manual 2) |
| Field Manuals | Topic |
| 14-7 | Finance |
| 41-10 | Civil affairs |
| 54-23 | Materiel management center |
| 54-30 | Corps support group |
| 63-2 | Division combat service support |
| 63-3 | Corps combat service support |
| 63-4 | TAACOM combat service support |
| 100-5 | Operations |
| USAF Regulations | Topic |
| 70-7 | Contingency contracting |

