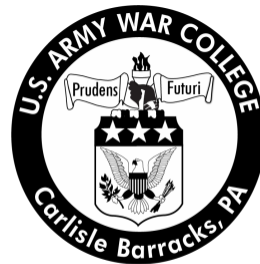


Non-Acquisition Unit Responsibilities for Contingency Contracting

by

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USAWC STRATEGY RESEARCH PROJECT

**NON-ACQUISITION UNIT RESPONSIBILITIES FOR CONTINGENCY
CONTRACTING**

by

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ABSTRACT

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NON-ACQUISITION UNIT RESPONSIBILITIES FOR CONTINGENCY CONTRACTING

The October 31, 2007 Gansler Commission Report, *Urgent Reform Required: Army Expeditionary Contracting* found after looking at contingency contracting in Kuwait, Afghanistan, and Iraq, that the U.S. Army had not addressed the challenges of contingency contracting in a post-Cold-War period. This new, post-Cold-War environment relied on contractors to perform many functions that uniformed services previously carried out. In the cases of Iraq and Afghanistan alone, the number of contractors was over 160,000. This number equated to over 50 percent of the entire active U.S. Army deployed. The 2007 Gansler Report listed the challenges into three major areas: increased workload, complexity, and tempo.¹

The Chairman, Joint Chiefs of Staff recently wrote in his Strategic Direction to the Joint Force that the military must develop and adopt lessons learned from the past decade of war and promote a culture of continuous learning and adaption at every echelon of the Joint Force.² In that spirit, this Strategic Research Project focuses on contingency contracting from the non-acquisition community perspective. Increased workload and tempo affect the non-acquisition community with respect to the number of contracts and speed with which they are required to support the force. The challenge of complexity is one that particularly affects the non-acquisition community with respect to planning, requirements determination, and oversight, and will be the focus of the paper.³

This paper discusses challenges for the non-acquisition community's responsibilities to the contingency contracting process. It will focus on the areas of planning for contracted services, preparing the requirements documents, and ensuring that selected contracting officer representatives (COR) are properly trained to provide

contract management duties. These three responsibilities are instrumental in the reduction of contract waste and risk, and maximum effective use of resources to complete the mission. These three specific tasks start the contingency contract process and are the primary responsibility of the non-acquisition community.

Contingency contracting, formerly known as expeditionary contracting, continued to receive attention from the highest levels of the military as well as the U.S. Congress based on reports of fraud, waste, and abuse. Over the last ten years of prolonged operations in Iraq and Afghanistan, the media highlighted numerous examples of fraud, waste, and abuse, which led to Congressional investigations.⁴

The August 2011 Commission on Wartime Contracting Final Report to Congress estimated the total expenditures for contingency contracting between Fiscal Year 2002 and mid-Fiscal Year 2011 was \$192.5 billion. The Commission Report went on to say that of the \$192.5 billion, waste and fraud accounted for some amount between \$31 billion and \$60 billion. At the lowest estimate of \$31 billion, the loss to the tax payer was greater than \$8 million per day over the last ten years.⁵

The August 2011 Commission Report also found that no less than two thirds of all contingency contracts were for services.⁶ The number of service contracts required to support deployed forces is likely to remain around this level for the near term, based on the current and projected force structure of the U.S. Army. The complexity of service contracts is important because the expertise and manpower required to plan, generate requirements into a performance work statement, and properly manage service contracts are greater than those for the simple acquisition of goods. Also, service contracts generally provide services over a longer period of performance or time period.

The February 2011 Wartime Commission's Second Interim Report found 144,705 contractors supporting the force in Iraq and Afghanistan during Fiscal Year 2010 with thousands of other contractors operating from other countries such as Kuwait, Bahrain, and Qatar. At the end of Fiscal Year 2010, the Department of Defense reported 202,100 personnel deployed to the same regions. These numbers show a snap shot in time when at least 41 percent of the Department of Defense total force were contractors. More importantly, in some cases contractors replaced government personnel as the subject matter experts.⁷

The Quadrennial Defense Review (QDR) dated February 2010 linked contractors on the battlefield as part of the total force structure. The QDR went on to state, in order to ensure the availability of needed talent to meet future mission requirements of increasing scope, variety, and complexity, the Department of Defense was conducting deliberate assessments of current and future workforce requirements.

Both the 2010 Quadrennial Defense Review and the August 2011 Commission on Wartime Contracting Final Report to Congress recommended a reduction in the use of contractors to support the total force. However, the Defense Review stated that the goal for the reduction is from the current 39 percent to a pre-2001 level of 26 percent. These comments by the Department reinforce the view that contractors will continue to be part of the workforce well into the foreseeable future and that proper contingency contracting by the U.S. Army is critical to effective and efficient use of this large element of the total Department of Defense workforce.⁸

Both the 24 February and August 2011 Commissions on Wartime Contracting in Iraq and Afghanistan Reports state:

An ill-conceived project, no matter how well-managed, is wasteful if it does not fit the cultural, political, and economic norms of the society it is meant to serve, or if it cannot be supported and maintained. Poor planning and oversight by the U.S. government, as well as poor performance on the part of contractors, have costly outcomes: time and money misspent are not available for other purposes, missions are not achieved, and lives are lost.⁹

This statement speaks directly to the non-acquisition community, also referred to as the requiring activity. The leaders outside the acquisition community must prioritize planning and requirements determination in order to reverse some of the trends for wasteful contracts.

The 2007 Gansler Report found deficiencies in the U.S. Army's ability to plan, award, manage, and close out contracts properly in expeditionary areas or contingencies. The Report specifically recommended the U.S. Army educate their leaders on contingency contracting related issues and lessons learned at their leadership schools. The recommendation highlighted the importance to train operational commanders on contracting and a commander's role in the contracting process. The finding also stated the importance and role of contractors in contingency operations should be part of the curricula at command schools and courses for officers, warrant officers, and non-commissioned officers.¹⁰

The 2009, 2010, and 2011 Joint Professional Military Education (JPME) Special Areas of Emphasis (SAEs) Memoranda approved by the Chairman, Joint Chiefs of Staff listed the subject "Operational Contract Support" as one of the recommended subjects for the Services to train at the leader level. The operational contract support SAE shows a link between the recommendation of the 2007 Gansler Report and an action by the Chairman to address the deficiency in contingency contracting.¹¹

The February 2011 and August 2011 Wartime Commission Reports go on to provide some specific recommendations to reduce contingency contract waste by integrating operational contract support into plans, education, and exercises; using risk factors to decide whether to contract in a contingency environment; taking actions to reduce waste from un-sustainability; and developing deployable cadre for acquisition management and contractor oversight.¹² These particular recommendations also have functions that are the primary responsibility of the non-acquisition community or the requiring activity/unit.

In a combatant commander's (CCDR) area of responsibility (AOR), the deploying units will consume the majority of contracted goods and services. These same deployed units in extended-duration operations have the primary responsibility to plan for the use of contingency contracting, determine and write the requirements for contingency contracts, and provide personnel to the contracting officer for the management of the awarded contingency contracts.

Although many newly-written Joint Publications, Field Manuals, and the Federal Acquisition Regulation define the contingency contracting responsibilities for the non-acquisition community, the 2011 Commission on Wartime Contracting Reports still sites the U.S. Army as challenged with the task to plan, prepare, and manage contingency contracts. In order to become more effective and efficient in these contingency contract tasks the U.S. Army must commit resources to the training of the non-acquisition contingency contracting process. The training of personnel to overcome the challenges of planning, preparing, and managing contingency contracts will only get tougher to overcome with the current and future budget cuts.¹³

Contingency Contracting Planning

The first step in the process of contingency contracting is planning. Commanders and planners at the Combatant Command level should initiate plans and estimates for contingency contracting. The Joint Publication (JP) 5-0, *Joint Operation Planning*, states during plan or order development under the section force planning that,

After the actual units or capabilities are identified (sourced), the CCCR refines the force plan by identifying and inserting contracted support requirements to ensure it supports the CONOPS [concept of operations], provides force visibility, and enables flexibility.¹⁴

Planning for contingency contracting does not stop at the joint or combatant command level. Once an operation is ongoing, deployed units will encounter an evolving environment and mission changes that will drive the need for new or modified contracts. The paper will discuss the planning challenges at several command levels.

Greater detail in early planning from the joint planning level to tactical unit level will maximize contingency contract effectiveness and efficiency. Planning is just the first of five key tasks in the contract support integrated process followed by requirements determination, contract development, contract execution, and contract closeout.¹⁵ The increased understanding of possible/probable contingency contracting issues/challenges gained through the planning process will directly impact the success or failure of the following four steps.

Joint Publication 5-0, *Joint Operation Planning*, describes the Adaptive Planning and Execution System (APEX) and the associated functions and products under APEX. There are four levels of planning detail for contingency plans. Two of the plan products, Level Three and Level Four Plans, require selected annexes to complete the plans. Joint doctrine designates Annex W, Contingency Contracting, in recognition of its

importance. However, at this time as summarized in JP 5-0, Annex W is not a requirement for Level Three-Concept Plans, as is Annex D, Logistics. Annex W is also not required in the crisis action planning operation order as determined by APEX and is only an optional requirement designated by the combatant commander or the Joint Strategic Capabilities Plan (JSCP).¹⁶

There are at least three, possible ways to ensure combatant commands consider contingency contracting properly during the planning process. One, require Annex W in Level Three Concept Plans. Two, place the contingency contract planning information from Annex W into Annex D, Logistics, which is a requirement under APEX. Three, insert a concept of contingency contract support as part of the concept of support into the concept of operations of the Level Two Base Plan (BPLAN).

Interestingly, the March 30, 2010 U.S. Government Accounting Office Report, *Warfighter Support: DOD Needs to Improve Its Planning for Using Contractors to Support Future Military Operations*, also recommended that DOD make changes to operational contract support planning and the use of Annex W. Two of the four recommendations in the Report highlighted changes that nearly match the three suggestions mentioned above. One, that the DOD expand the level of plans that require an Annex W and two, that all base plans and non-logistics annexes of operation plans, where appropriate, include an assumption on the potential use and role of contractors. Three of four GAO recommendations deal directly with the use of operational contract support planning.

DOD's concurrence in fact occurred before GAO issued its final report. On February 25, 2010, the *Department of Defense Comments to the Recommendations*

memorandum answered the GAO recommendations, adding that Annex W is as important as Annex D and will be required in all plans that require Annex D. DOD stated that all base plans, as well as operational and component level, and non-logistics annexes of operation plans, where appropriate, will include an assumption on the potential use and role of contractors. DOD also cited any major use of operational contract support functions that significantly impact the mission should be included in concept of operations, paragraph three, in the base plan.¹⁷

This continued difference between the GAO findings and recommendations from the 2011 Wartime Commission's Reports and joint doctrine suggests insufficient prioritization from the Department of Defense with respect to contingency contracting for the planning process. With contractors filling 26 percent of the future total workforce and no less than 24 percent of service contracts supporting logistical operations, articulating contingency contracting details as early as possible into plans reduces future planning risks, increases contingency contracting success, and meets the recommendations of the 2011 Wartime Commission's Report.¹⁸

The DOD concurrence to the GAO recommendations broadens the planning process to include more contingency contracting details which will likely increase success of contractors as part of the force. The 2010 DOD acceptance of operational contract support changes did not appear in the August 2011 JP 5-0, *Joint Operation Planning*.

Contingency contract planning as recommended by the Commission and stipulated in doctrine is the first step to "getting it right." Chapter Three in JP 4-10, *Operational Contract Support*, provides a more detailed overview of the planning

process. Associated appendices define the process to initiate planning. For example, Appendix E provides a checklist of detailed planning considerations. The checklist provides a basic guide for the geographical combatant command and/or joint force command as they develop their contract support integration plans (CSIP).¹⁹

Ability to follow a doctrinal checklist does not translate to proper planning. Planners must also fully understand the capabilities and capacities of the three types of contracts available to them during the initial planning phase. The three contract types are:

- Systems support contracts are contracts awarded by program management (PM) offices to provide technical support, maintenance, and parts for selected military weapon and support systems. Systems support contractors often deploy with the force in both training and contingency operations.
- External support contracts provide a variety of logistic and other noncombat related services and supply support. Examples of external support contracts are the Services' civil augmentation program (CAP) contracts including the Army's Logistics Civil Augmentation Program (LOGCAP), the Air Force Contract Augmentation Program (AFCAP), and Defense Logistics Agency (DLA) prime vendor contracts.
- Theater support contracts are contracts awarded by contracting officers in the operational area. Local national or third country national personnel make up the bulk of the contract employees in this type of contract.²⁰

The planners should easily address systems support contracts into their plans based on the systems that will deploy in support of the operation. These contracts should specify the government's obligations for contractors authorized to accompany the force (CAAF). If the system support contract lacks such specificity, planners will need to plan for this support. As technology and equipment systems change, periodic reviews of the system support contracts listed in the plan are essential to reduce the

oversight of additional contractor requirements and the possible removal of contractors from the battlefield in the plan.

The external support contract will also be likely easier for planners because the contracts already exist to support logistical requirements with capabilities and capacities above those available in the Department of Defense. Planners need to determine precise requirements and the duration. The greater the detail in the requirement will result in an effective and efficient contract that reduces waste. The commander and planner must balance operational flexibility, risk, and limited resources. This balance will likely be harder to determine in current and future, unknown contingencies requiring time-constrained crisis action.

Planners must exercise particular scrutiny when contracting resources for operational flexibility. Unused contract flexibility looks like waste. If risk reduction requires a higher level of contract-provided flexibility, planners must articulate that risk-flexibility relationship in the plan. Documenting the contract flexibility requirement will ensure potential operational audits recognize the correct lesson.

The toughest challenge for the planner will be theater support contracts. The number of variables with respect to this type of contract is large and complex. Some include the mission, location, duration, capability, resource availability, contractor capacities, and cost. Generally speaking, units will initiate these types of contracts because time and cost to procure supplies and services are quicker and better priced in theater than with external contracts from outside theater.

Commanders may also try to build capacity in an operational area through the use of local contractors. An increase in theater contracts requires an increase in the

number of contingency contracting officers and contracting officer representatives. The 2011 Wartime Commission Reports found that a lack of sufficient personnel to award and manage contingency contracts resulted in fraud, waste, and abuse.²¹ An important aspect of a theater contract is the requiring unit's responsibility to determine the requirements.

The transition from an external contract to a theater contract will take time to plan and write. Depending on quantity and complexity of the requirement, the process can take anywhere from ninety days to well over a year. Moreover, this process will likely occur over two or more rotations of military personnel. The management of this process is critical as key personnel from the requiring unit and acquisition community rotate in and out of theater. Another potential issue is the tendency to change the requirement when personnel rotate.

Contingency contracting facts and issues must form part of the pre-deployment site survey (PDSS) for the successful handover in a mature theater. This practice correctly executed between rotating units will increase the likelihood of successful contingency contract planning. Requiring activities and supporting acquisition units can enhance continuity by developing strong lines of communication and trusting relationships. Acquisition units/personnel may be located in or out of theater based on the contract type.

The timeline to replace expiring contracts is an important tool for the requiring unit to explain during the PDSS and again during the Relief in Place and Transition of Authority (RIP/TOA). Communication between rotating units and the acquisition

community will ensure that contingency contracting officers can help units through the rotational transitions.

Other items are important to deploying units. Existing plans provide key details on contingency contracting, whether in Annex D or Annex W. The deploying units will likely fall into an operation with contractors already working in the area. Those units need to know the specifics in detail.

Pre-deployment training must precede unit contacts. Forces Command (FORSCOM) guidance in support of combatant commands dated September 13, 2011 provides the minimum training requirements for deploying units to support contingency contracting. An example of the directions in the message is the minimum number of Soldiers required to complete the contracting officer's representative (COR) and commander's emergency response program (CERP) fund manager courses prior to arrival into theater.²²

The FORSCOM message mirrors some of the recommendations from the 2007 Gansler Report in the form of handbooks and required training for CORs.²³ However, the U.S. Army has not incorporated mandatory training on the role of contractors in expeditionary operations as recommended by the 2007 Gansler Report into U.S. Army command and leader schools.²⁴

The U.S. Army, through U.S. Army Combined Arms Support Command (CASCOM), has developed voluntary courses on contingency contract planning. One is a voluntary, two-week training course to prepare personnel for contract planning, titled the "Operational Contract Support Course" at Fort Lee, Virginia.²⁵ There are four other web-based classes available on the Joint Knowledge Online (JKO). The courses are an

introduction to operational contract support with a focus on three audiences: commanders and staff, planners, and general/flag officers.²⁶

Unfortunately, there have been numerous examples of failure to plan or anticipate contingency contracting activities. One was in Afghan development projects. When U.S. operations began there in 2001, the country's gross national product per capita was \$800 and is only now estimated at \$1000.²⁷ U.S. forces initiated large-scale development in Afghanistan without looking at the economic capacity of a future Afghanistan. The Commission found one case where the U.S. Army awarded a contract for the Afghan Defense University for \$82 million. U.S. Defense officials told the Commission during an August 2010 visit that the cost to run the university would be \$40 million per year. This amount is possibly beyond the Afghanistan government's ability to sustain.²⁸

Had effective planning discovered and understood the capacity issue and associated challenges, the leaders would have been better prepared to make decisions with respect to contingency contracting and developmental choices. Annex E, in JP 4-10, *Operational Contract Support*, provides a contract support planning consideration checklist as a place to start.²⁹ The checklist is one element of the "science" piece of the planning. Proper understanding of the checklist can only come through formal training. Training empowers the planner to overcome the friction and unknowns associated with contingency contracting.

Key outcomes of planning are required resources to support operations and who will fill the requirement. Options are military forces, interagency, coalition partners, allies, host-nation sources, and/or contractors. Planners must analyze alternative

options as they devise solutions. Each possible provider comes with limitations based on the operational environment. An example would be a military force provided by a coalition partner that is only allowed to operate in specified areas or to conduct certain operations. Another is the ability of contractors to operate in an austere or hostile environment.

Although a military unit option to fill a requirement may be the best course of action during planning, future force reductions, combined with the possibility of high operational tempo around the world, will likely make some military units non-available. Multiple options to fill requirements, combined with associated risks, provide the commander valuable information in a decision for contingency contract force fills.

Limited commodities can increase risk. Deployed units may be in direct competition for these limited resources with the local population and one another. An example for potential competition is potable water. Proper contingency contract planning can decrease this risk. Planners who provide options with associated risks in plans and orders assist units in writing detailed requirements for contingency contracts.

Deployed units tasked with providing support through contingency contracts, commonly called requiring activities, start with the mission analysis in the higher headquarters orders. These requiring activities have the primary responsibility to develop well-defined, written requirements. Herein lays probably the greatest challenge to the requiring activity, lack of expertise and training in requirements determination and proper documentation.

Contingency Contract Requirements Determination

Requirements determination and development is, translating the commander's requirements into a statement of need that is the basis for a legal contract. The 2007

Gansler Report stated that the U.S. Army failed to recognize the importance of contract requirements development and that the failure to complete this task was due to a lack of training.³⁰

Both the February and August 2011 Commission Reports emphasized the importance of requirements generation; no matter how well a contingency contract is managed, if the requirement is wrong, it is wasteful. Given this strong message by the Commission, there were still no specific recommendations on requirements determination in either of the Commission's reports.³¹

Multiple sources, such as the Federal Acquisition Regulation; Joint Pub 4-10, *Operational Contract Support*; the U.S. Army Field Manual 4-0, *Sustainment*; the *Defense Contingency Contracting Handbook*; and the *Developing a Performance Work Statement in a Deployed Environment Handbook* all state that the requiring activity is responsible to develop the contingency contract requirement, commonly referred to as the performance work statement (PWS) or the scope of work (SOW). Joint Pub 4-10, *Operational Contract Support* and the handbooks recommend a team approach to developing the PWS, but are clear that the responsibility lies with the requiring activity.³² FORSCOM has not directed mandatory training in requirements determination for deploying units.³³

The lack of mandatory training on preparing well-written and defined requirements is a risk to effective and efficient contingency contracting. However, there exists voluntary training with respect to requirements generation listed in the *Handbook for Developing a Performance Work Statement*. These courses are the:

- Performance Work Statement Course, located at Fort Lee, Virginia, is a three-day course for officers, noncommissioned officers, and civilians who will prepare or edit performance work statements.
- Operational Contract Support Course, located at Fort Lee, Virginia, is a two week course on contract planning and management duties to include developing a performance work statement in tactical unit staffs, brigade through theater Army, for deployed operations.³⁴

Without requirements determination training, a requiring activity's best resource for requirements development is the *Handbook for Developing a Performance Work Statement*. The handbook can only provide the science to prepare the PWS using checklists, definitions, questions, and team members; it cannot help in the complex art of applications of systems and personnel. A unit commander needs to seek out these voluntary courses and have Soldiers trained in requirements determination because a poorly-written requirement will likely result in wasted resources, but, more importantly, it can lead to mission failure.

A theoretical example of a requirements generation failure from the *Handbook for Developing a Performance Work Statement* was a PWS for a gravel parking lot, for which a contractor graveled the lot with stones varying in size from a baseball to that of a basketball. The contractor provided a gravel parking lot based on his definition of "gravel" which was not within the intent of the requiring unit.³⁵

Another example of a poorly-written performance work statement is from the 2010 U.S. Department of Defense, Office of the Inspector General, *Contingency Contracting: A Framework for Reform* report. The Regional Contracting Command in Bagram awarded construction contracts that lacked specific requirements and did not clearly define the acceptable level of standards for construction projects. Joint Contracting Command-Iraq/Afghanistan personnel stated the reason for the poor

requirements documents was the lack of available subject matter experts. The unclear requirements factored into the \$3.4 million of construction rework at Bagram Air Field.³⁶

The above examples provide a glimpse into the challenges of requirements determination and PWS generation. Commanders must assign these tasks based on training, subject matter expertise, and initiative. Because the U.S. Army has not prioritized requirements determination training for deploying units, units will more likely fail to train required individuals. One mitigation measure to reduce risk is to seek outside assistance from acquisition support personnel. Commanders must establish a command climate of trust and open communication between unit requirements generators and contingency contracting officers. Such a working relationship can result in more effective performance work statements.

Contingency Contract Management

The final, primary responsibility of the non-acquisition unit is the process of contingency contract management. The April 25, 2011 U.S. Government Accountability Office (GAO) Report, *Contingency Contracting: Observations on Actions Needed to Address Systemic Challenges*, noted:

GAO identified DOD [Department of Defense] contract management as a high-risk in 1992 and raised concerns in 1997 about DOD's management and use of contractors to support deployed forces in Bosnia. In the years since then, GAO has continued to identify a need for DOD to better manage and oversee its acquisition of services.³⁷

The risk of waste associated with contingency contract management has not decreased. The GAO found during their 2010 visit to Afghanistan that units continue to deploy without designating CORs beforehand and that the representatives often lacked the technical knowledge and training to oversee contracts effectively.³⁸

Requiring activities are responsible to train their CORs prior to arrival in a theater. The COR duties include, but are not limited to, periodic quality-assurance inspections, receipt of invoices, and submission of contractor invoices, along with a receiving report, to the financial management unit for contract payment. The FORSCOM pre-deployment guidance dated September 13, 2011 directs the specific unit requirements for COR training prior to deployment.³⁹

Given the task to provide contingency contract oversight, commanders must recommend a COR-trained Soldier to the contracting officer for approval on each contract. Once the contracting officer places the COR on orders, the Soldier is now responsible to the contracting officer for effective contract management. The process appears simple; it is not. The commander must balance other unit priorities when choosing the correct Soldier.

Unlike planning and requirements generation functions, the U.S. Army and acquisition community have instituted Commission recommendations to train CORs. The U.S. Army provides COR training and directs a required number of COR-trained Soldiers per unit prior to deployment.⁴⁰ The acquisition community in some cases has provided additional in-theater training for approved contracting officer representatives, which provides country-specific contract details with respect to contract management and reporting.

The acquisition community has developed training aids such as the *Defense Contingency COR Handbook* and *Defense Contingency Contracting Handbook* to increase COR effectiveness.⁴¹ The Joint Theater Support Contracting Command for U.S. Central Command provides a list of fifteen training blocks on their website,

focusing on contracting officer representative duties, ethics, and scope-of-work training.⁴²

The May 14, 2010 U.S. DOD Office of the Inspector General report on *Contingency Contracting: A Framework for Reform* cited an example of repetitive improper contingency contract management. From September 2000 through March 2005, CORs did not adequately document acceptance of services performed by the contractor. As a result, the government could not be certain that the contractor adequately performed services that met contract quality standards.⁴³ Other potential issues for a COR are unauthorized obligation of funds, improper monitoring, ethical violations, and improper performance documentation.

Proper selection and training of a COR and open communication with contingency contracting personnel will enhance effective management/execution of a contract. A successful contingency contract is one that provides the correct service/goods at the right location and time at the best cost to the government. Only a properly-trained COR with adequate time to perform duties can ensure success.

Conclusion

The findings of several Congressional Commissions and GAO reports on contingency contracting identified shortcomings in planning, requirements determination, and management. These shortfalls resulted in losses amounting to more than \$8 million a day over the last ten years.⁴⁴ Such a loss is too high a price. DOD and the U.S. Army can remedy the shortcomings through doctrinal changes and education.

First, DOD should update the August 2011 JP 5-0, *Joint Operation Planning* now. An updated manual will emphasize contingency contracting in planning based on DOD acceptance of doctrinal changes in 2010 from the GAO, i.e. adding Annex W in all plans

requiring an Annex D and mandating a concept of operational contract support in all base plans.⁴⁵ The U.S. Army then needs to incorporate those DOD changes into their operations and planning field manuals.

Second, the U.S. Army should provide specific contingency contract classes for Soldiers attending the non-acquisition officer advanced courses and senior NCO schools. A potential solution to the contingency contracting knowledge shortfall is the development of a one-three hour block of training focusing on an introduction to contingency contracting and operational contract support responsibilities of non-acquisition personnel/units. The major areas for the program cover:

- Introduce the history, past and present.
- Outline the contingency contracting process. Highlight non-acquisition personnel responsibilities.
- Define operational contract support using FM 4-92, *Contracting Support Brigade*. Focus on the planning aspects, including Annex W.⁴⁶
- Define requirements determination and products.
- Define COR. Discuss the importance of Soldier selection, education, training, and continuity.
- List the current sources of knowledge for contingency contract planning, requirements determination, COR oversight, ethics, and legal aspects of contingency contracting.

This course would not make experts in contingency contracting. The goal would be to provide a foundation of knowledge for future use.

Third, opportunities exist at home station for select Soldiers to observe contracting officers and CORs working on specific garrison support contracts. The lessons learned and insights from serving CORs mirror many of the same lessons in contingency contracting. For example, food service warrant officers and NCOs could

learn how garrison CORs manage dining facility contracts. At a minimum, these Soldiers would gain knowledge and insight on contract verbiage, contract modifications, COR duties, and reporting techniques.

Another example is selected Soldiers based on skills and rank could work with the garrison directorate of public works (DPW). The Soldiers would observe DPW planners, contracting officers, and CORs on contracted infrastructure repairs, base services, and construction projects. These Soldiers would also gain knowledge in areas of installation water distribution, sewage, energy, waste disposal, environmental issues, and industrial safety. The opportunity to ask specific questions related to base operations from practicing government personnel will increase the confidence level of the Soldiers to execute their responsibilities once deployed. Unit leaders may find other areas similar to the examples above to take further advantage of garrison training opportunities related to contingency contracting upon alert for deployment.

Finally, FORSCOM should mandate annual COR training for a minimum number of Soldiers per non-acquisition unit. Maintaining a pool of trained CORs will be key because future contingency operations will likely come with minimal warning. The U.S. Army could use the FORSCOM pre-deployment directive for COR training standards in developing the annual training requirement.⁴⁷

By instituting the above recommendations, the U.S. Army can correct chronic deficiencies of non-acquisition Soldiers enforcing their contingency contracting responsibilities over the last decade. The likelihood of future, no-notice contingency operations and immediate deployments dictates the need to prepare for contingency contracting responsibilities prior to a deployment order.

Endnotes

¹Jacques S. Gansler et al., *Urgent Reform Required: Army Expeditionary Contracting Report of the "Commission on Army Acquisition and Program Management in Expeditionary Operations"*, (Washington, DC: U.S. Department of the Army, October 31, 2007), 13-14, http://www.army.mil/docs/Gansler_Commission_Report_Final_071031.pdf (accessed December 10, 2011).

²General Martin E. Dempsey, *Chairman's Strategic Direction to the Joint Force, 18th Strengthening Our Relationship of Trust with the Nation*, (Washington, DC: Chairman of the Joint Chiefs, February 6, 2012), 8.

³Gansler, *Urgent Reform Required*, 14.

⁴Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting - Controlling Costs, Reducing Risks*, Final Report to Congress, (Washington, DC: U.S. Government Printing Office, August 2011), 68-69.

⁵*Ibid.*, 1, 5, 22, 32.

⁶*Ibid.*, 7, 23.

⁷Commission on Wartime Contracting in Iraq and Afghanistan, *At What Risk? Correcting Over-Reliance on Contractors in Contingency Operations*, 2d interim report to Congress, (Washington, DC: U.S. Government Printing Office, February 24, 2011), 7-8, 14.

⁸Robert M. Gates, *Quadrennial Defense Review* (Washington, DC: U.S. Department of Defense, February 2010), xiii and 55.

⁹Commission on Wartime Contracting in Iraq and Afghanistan, *At What Risk*, Foreword; Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting*, 1.

¹⁰Gansler, *Urgent Reform Required*, 7. The command schools include the U.S. Army War College, Command and General Staff College, and Sergeants Majors Academy.

¹¹Chairman of the Joint Chiefs of Staff, James E. Cartwright, "2009 Joint Professional Military Education (JPME) Special Areas of Emphasis (SAEs)" memorandum for Chiefs Military Services, and President National Defense University, April 23, 2009; Chairman of the Joint Chiefs of Staff, M.G. Mullen, "2010 Joint Professional Military Education (JPME) Special Areas of Emphasis (SAEs)" memorandum for Chiefs Military Services, and President National Defense University, May 17, 2010; Chairman of the Joint Chiefs of Staff M.G. Mullen, "2011 Joint Professional Military Education (JPME) Special Areas of Emphasis (SAEs)" memorandum for Chiefs Military Services, and President National Defense University, May 16, 2011. All three memoranda list operational contract support as an SAE.

¹²Commission on Wartime Contracting in Iraq and Afghanistan, *At What Risk*, 3, 26; Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting*, 4, 6.

¹³Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting*, 1, 34. Some of the newer publications are: U.S. Joint Chiefs of Staff, *Operational Contract Support*, Joint Publication 4-10 (Washington, DC: U.S. Joint Chiefs of Staff, October 17, 2008); U.S. Joint Chiefs of Staff, *Joint Operation Planning*, Joint Publication 5-0 (Washington, DC: U.S. Joint Chiefs of Staff, August 11, 2011); Federal Acquisition Regulation 2.101, http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/02.htm#P10_625, (assessed December 26, 2011).

¹⁴U.S. Joint Chiefs of Staff, *Joint Operation Planning*, IV-49.

¹⁵U.S. Joint Chiefs of Staff, *Operational Contract Support*, I-11 to I-12.

¹⁶U.S. Joint Chiefs of Staff, *Joint Operation Planning*, II-11 to II-24, A-9.

¹⁷U.S. Assistant Deputy Under Secretary of Defense (Program Support) Gary J. Motsek, "Response to GAO Draft Report, GAO-10-472, "Warfighter Support: DOD Needs to Improve Its Planning for Using Contractors to Support the Future Military Operations," dated February 25, 2010," (Washington, DC: May 19, 2010). Enclosure 1-2. This memorandum with enclosures is listed on pages 44-47 of the full GAO report; U.S. Government Accountability Office Report to Congressional Committees, *Warfighter Support: DOD Needs to Improve Its Planning for Using Contractors to Support the Future Military Operations*, dated March 30, 2010," (Washington, DC: U.S. Government Accountability Office, March 30, 2010). 37-38.

¹⁸Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting*, 23.

¹⁹U.S. Joint Chiefs of Staff, *Operational Contract Support*, E-1 to E7.

²⁰*Ibid.*, I-3 to I-4.

²¹Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting*, 1.

²²U.S. Department of the Army, *FORSCOM Predeployment Training Guidance in Support of Combatant Commands with Change 7*, (Washington, DC: U.S. Department of the Army, FORSCOM, September 13, 2011), Annex A-Change 6, 1.H. Contracting. <https://call2.army.mil/toc.aspx?document=2398#anxa-1h-contracting> (accessed February 18, 2012)

²³Gansler, *Urgent Reform Required*, 55.

²⁴*Ibid.*, 7.

²⁵The U.S. Army Combined Arms Support Command (CASCOM) is the proponent for the manual and the Operational Contract Support Course. The preparing agent is the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) Integration Office (ALT-IO) co-located with headquarters (HQ) CASCOM. The technical review authority is the HQ U.S. Army Materiel Command and deputy assistant secretary–acquisition/materiel. For further details and enrollment, go online to: <http://www.almc.army.mil/hsv/hsv.htm>.

²⁶Joint Knowledge Online, Courses: P-US380, Introductory Operational Contract Support (OCS) Commander and Staff Course; T-US432, Introduction to Operational Contract Support (OCS) Planning; T-US429, Operational Contract Support (OCS) Flag Officer/General Officer (FOGO) Essentials Course; T-US429-LB, Operational Contract Support (OCS) Flag Officer/General Officer (FOGO) Essentials Course-Lite, <https://rw2.army.mil/exchweb/bin/redir.asp?URL=http://jko.jfcom.mil> (accessed March 10, 2012).

²⁷Central Intelligence Agency, *World Fact Book for Afghanistan*, <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>, (accessed February 25, 2012).

²⁸Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting*, 72.

²⁹U.S. Joint Chiefs of Staff, *Operational Contract Support*, E-1 to E7.

³⁰Gansler, *Urgent Reform Required*, 14-15 and 39-41.

³¹There are no specific recommendations to correct the problem of proper requirements determination in the February or August, 2011, Commission on Wartime Contracting in Iraq and Afghanistan reports. Both of these reports and the previous Gansler report acknowledge requirements determination as a major factor in contract waste and poor performance, but say nothing except that the lack of trained personnel is a fault. Commission on Wartime Contracting in Iraq and Afghanistan, *At What Risk*; Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting*; Gansler, *Urgent Reform Required*.

³²U.S. Joint Chiefs of Staff, *Operational Contract Support*, H-1.

³³U.S. Department of the Army, *FORSCOM Predeployment Training Guidance*, Annex A-Change 6, 1.H. Contracting.

³⁴U.S. Army Combined Arms Support Command, *Handbook Developing a Performance Work Statement in a Deployed Environment*, 09-48 (Fort Lee, Virginia: U.S. Army Combined Arms Support Command, September 2009), 1-2.

³⁵U.S. Army Combined Arms Support Command, *Handbook Developing a Performance Work Statement*, 14.

³⁶U.S. Department of Defense, Office of the Inspector General, *Contingency Contracting: A Framework for Reform, Report Number D-2010-059*, (Washington, DC: U.S. Department of Defense, May 14, 2010), 4.

³⁷U.S. Government Accountability Office, *Statement before the Commission on Wartime Contracting in Iraq and Afghanistan: Contingency Contracting Observations on Actions Needed to Address Systemic Challenges* (Washington, DC: U.S. Government Accountability Office, April 25, 2011), Inside front cover.

³⁸*Ibid.*, 6.

³⁹U.S. Department of the Army, *FORSCOM Predeployment Training Guidance*, Annex A-Change 6, 1.H.

⁴⁰Ibid.

⁴¹Defense Procurement and Acquisition Policy Contingency Contracting, *Defense Contingency COR Handbook, Version 1*, (Washington, DC: Defense Procurement and Acquisition Policy Contingency Contracting, December 2010); Defense Procurement and Acquisition Policy Contingency Contracting, *Defense Contingency Contracting Handbook, Version 1*, (Washington, DC: Defense Procurement and Acquisition Policy Contingency Contracting, June 2010).

⁴²U.S. Central Command, *Joint Theater Support Contract Command Training Website*, (Camp As Sayliyah, Qatar: U.S. Central Command), <http://c3-training.net/customer.html>, (accessed 13 March 2012).

⁴³U.S. Department of Defense, *A Framework for Reform*, 18.

⁴⁴Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting*, 1, 5, 22, 32.

⁴⁵U.S. Government Accountability Office Report to Congressional Committees, *Warfighter Support: DOD Needs to Improve Its Planning for Using Contractors to Support the Future Military Operations*, dated March 30, 2010," (Washington, DC: U.S. Government Accountability Office, March 30, 2010). 37-38.

⁴⁶U.S. Department of the Army, *Contracting Support Brigade*, Field Manual 4-92 (FM 100-10-2) (Washington, DC: U.S. Department of the Army, February 12, 2010). Other sources of information are the Defense Procurement and Acquisition Policy Contingency Contracting, *Defense Contingency Contracting Handbook* and the U.S. Army Combined Arms Support Command, *Developing a Performance Work Statement in a Deployed Environment Handbook*.

⁴⁷U.S. Department of the Army, *FORSCOM Predeployment Training Guidance*, Annex A-Change 6, 1.H.

