

Basic Definitions:

Requiring Activity: The unit or other designated supported organization that identifies and receives contracted support during military operations. The requiring activity has specific responsibilities in the contracting and contractor management process. The requiring unit will conduct initial research on available commercial sources of support, develop independent government cost estimates (IGCE), obtain funding, draft initial performance work statement (PWS), and provide a contracting officer's representative.

Acquisition Review Boards (ARB): Ensure all expenditures are for bona-fide needs and reflect the lowest cost option to accomplish the mission and achieve required standards.

Contracting Support Brigades (CSB): Contingency contracting battalions and contingency contracting teams make up CSBs. CSB commanders are responsible to support, in coordination with the Army field support brigades, contracting planning efforts at the Army service component and senior Army logistic command levels. CSB commanders normally serve as the principal assistant responsible for contracting (PARC) while deployed.

Commander's Emergency Response Program (CERP): Enables local commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the indigenous population. Examples of quick impact projects are improving local water, sanitation, agriculture, electrical power, and education. Commanders can also use CERP for payments to individual civilians for the death, injury, or property damage resulting from U.S. military operations.

Administrative Contracting Officers (ACO): On-site contracting officer with the legal authority to give direction to contractors (e.g., Logistics Civil Augmentation Program).

Unauthorized Commitment: A non-binding agreement between a contractor and a U.S. government official lacking proper contracting authority to enter into a contract or to change a contract on behalf of the government. The U.S. government can hold military members financially liable (pecuniary liability) for unauthorized commitments.

Ratification: The process of approving an unauthorized commitment after the fact by an official who has the authority to do so. Ratification is never automatic; even when ratification is possible, commanders are required to take corrective administrative action against the individual(s) responsible for the unauthorized commitment.

Performance Work Statement (PWS): Statement of work (SOW) that describes the required results in clear, specific, and objective terms with measurable outcomes.

Independent Government Estimate (IGE): An estimate of the cost/price for goods and/or services to be procured.

Contracting Officer: Official with the authority to enter into and administer a contract on behalf of the U.S. government, change or terminate an existing contract, and make determinations and findings.

Contracting Officer's Representative (COR): Unit nominates personnel to be a COR to assist with oversight of contractors. The COR is only authorized to provide general guidance regarding an existing SOW. The COR is not authorized to change the specific requirements to include terms and/or conditions of the SOW. Only a contracting officer can appoint CORs.

Link

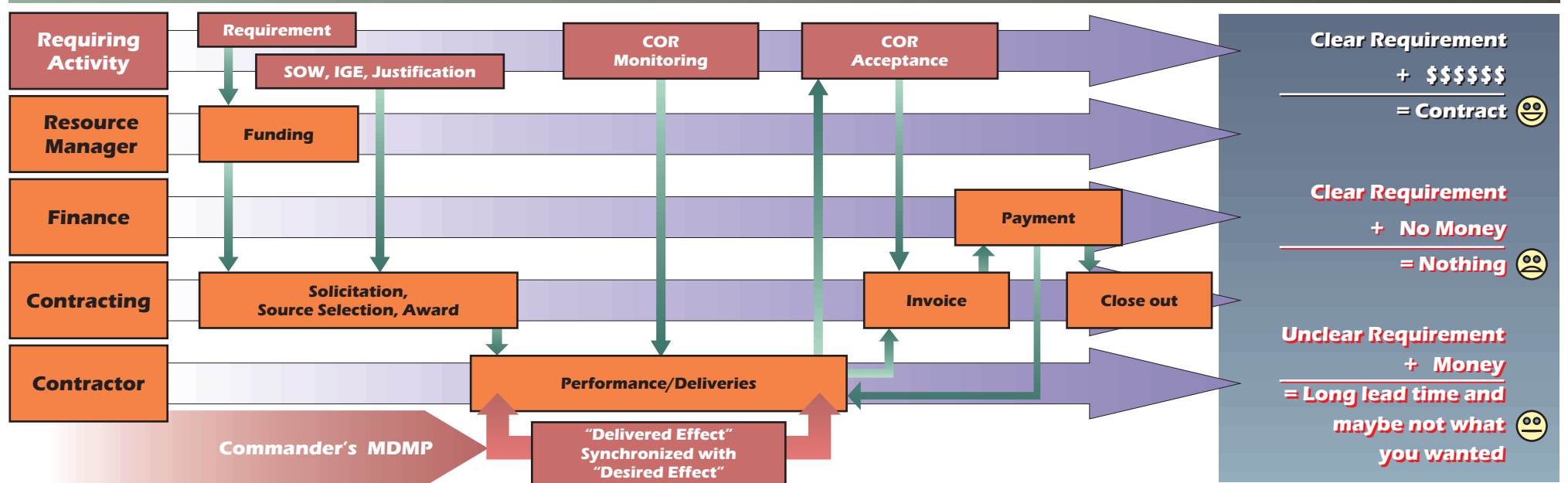
Online training for contracting basics familiarization :

<https://scoe.learn.army.mil/webapps/portal/frameset.jsp>

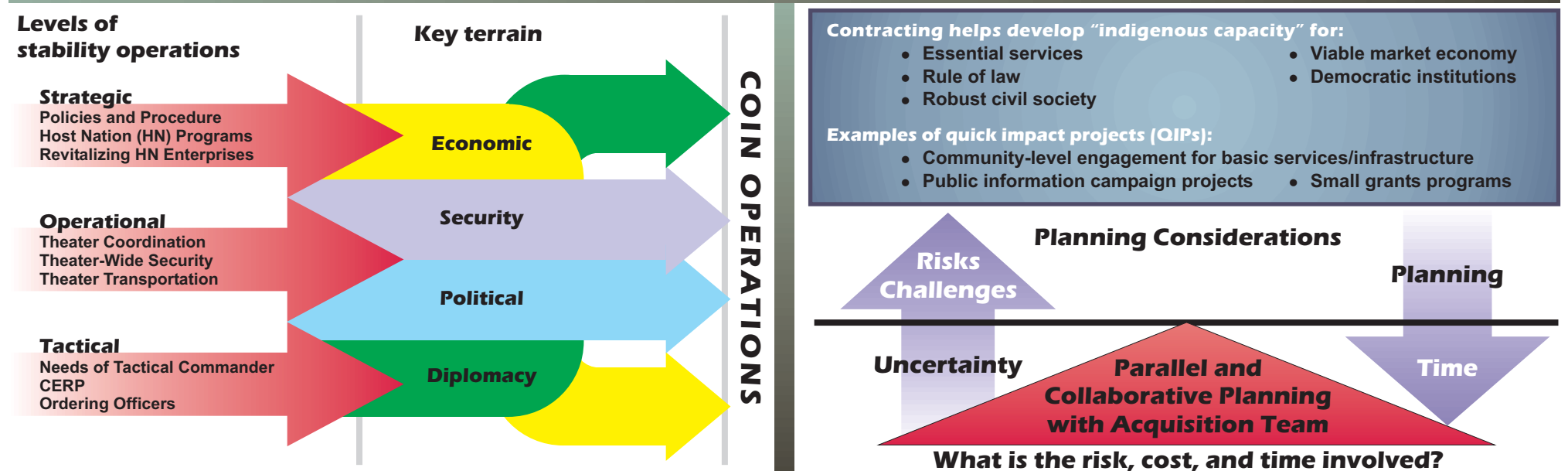
See course "Contractors Accompanying the Force (CAF)."

Select course catalog; select SCOE courses; enroll in course ID 151-CAF-DL.

Basic Contracting Process:



Contracting is an integral part of Counterinsurgency (COIN) Operations & Planning:



Questions and Answers:

How long will it take the contracting office to procure my requirements?

Answer: Depending on the estimated dollar amount and complexity of the requirement, the time required can be a few days up to 180+ days. You and the contracting officer should determine the time needed for your requirement. You must plan your requirement in advance. Proper planning will save time, money, and effort and, ultimately, ensure mission success.

What do I need to start the procurement process?

Answer: At a minimum, you need a funded purchase request describing your requirements and a justification memo describing the reason for the procurement. For complex procurements, a purchase request with either a SOW or PWS may be required. When your requirement limits competition to a single source, you may need a justification document. Certain types of supplies/services may also need additional approvals. For specific information, contact your servicing contracting office for assistance. Adequately planning and developing the requirement mitigates your risk for problems or failure.

There sure are a lot of rules! Where do these rules come from?

Answer: The Federal Acquisition Regulation (FAR) applies to all U.S. government contracts. The FAR establishes uniform policies and procedures for acquiring systems, supplies, and services. If you have questions about the FAR, see your supporting contracting officer.

Who writes the SOW/PWS and how do we determine the cost?

Answer: The requiring activity (you) defines the requirement(s) and prepares the SOW/PWS. The SOW/PWS must provide a complete detailed description of what you want. Normally the requiring commander's staff identifies the requirement and develops the SOW. This procedure requires a heavy investment of time upfront. Without proper planning and effort, there will be a significant risk for failure. Your local contracting office will provide guidance and assistance.

What are the Iraq and Afghanistan acquisition review boards (Joint Acquisition Review Board [JARB], C6 Validation Board [C6VB], and Joint Facility Utilization Board [JFUB]) that validate my requirements before I get funding and even start the contracting process?

Answer: The JARB is a Multi-National Corps-Iraq (MNC-I) C4-level board that validates requirements estimated to cost \$200K or more. The JARB validates special interest items less than \$200K including (but not limited to) engineer

equipment, facilities, and LOGCAP. The JFUB oversees construction and base camp development, including military construction, minor construction using Operation and Maintenance, Army (OMA), real estate actions, and other engineering requirements. The C6VB reviews communications and information technology projects purchases, services, and contracts using OMA funding. Boards are convened on a regular schedule, and votes are based on the quality of the written justifications from requesting units. Keys to board approval are a good detailed justification and complete supporting documents, which are usually the first major hurdles before obtaining funds and forwarding the requirement to the contracting office for execution.

What is an unauthorized commitment (UA), and why is it important to me?

Answer: UA is an agreement that is not binding because the government representative who made it lacked the authority to enter into a contract on behalf of the government. Only contracting officers, acting within the scope of their authority, are authorized to enter into contracts or make modifications thereto on behalf of the government. If a UA occurs, the individual making the UA shall forward all documentation and statements describing the circumstances to an immediate supervisor. The nearest contracting officer will determine if it can be ratified. Ratification is a serious matter (similar in scope to Army Regulation 15-6, Procedure for Investigating Officers and Boards of Officers), and the process can be tedious for everyone within chain of command. The individual creating an unauthorized commitment may be responsible for the cost of the commitment, as well as face disciplinary action under Article 134 of the Uniform Code of Military Justice.

Are gifts, gratuities and bribes a big problem?

Answer: Yes! A contractor who offers or gives a military member something of value with the intent of influencing an official act or a military member who directly or indirectly, demands, seeks, receives, accepts, or agrees to receive or accept anything of value in return for being influenced to perform any official act should be reported immediately.

[Link](#)

Need further information?

Go to the **CASCOM Battle Command Knowledge System**

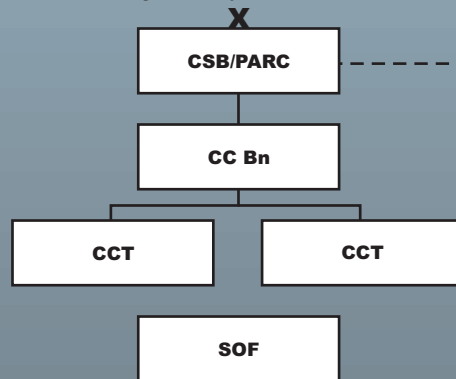
<https://forums.bcks.army.mil/secure/CommunityBrowser.aspx?id=239599>

Click on **Battlefield Contracting** for further details

Contracting Organizations and Types of Contractors:

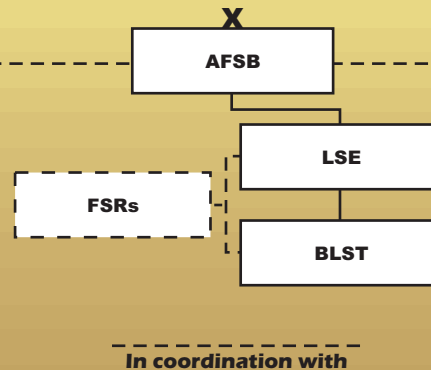
Theater Support Contracts

Contingency contracts are awarded by contracting officers deployed to the operational area serving under the direct contracting authority of the service component, special operations force command, or designated joint contracting authority.



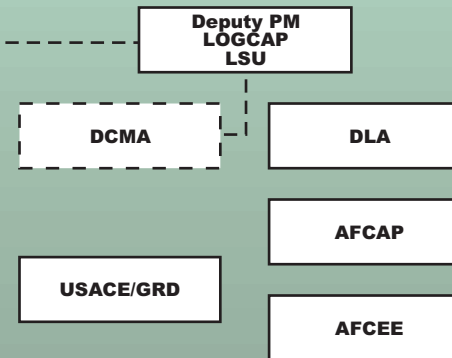
System Support Contracts

Prearranged contracts awarded by service acquisition program management (PM) offices that provide technical and/or maintenance support of military weapon and support systems.



External Support Contracts

Provide support to deployed operational forces that is separate and distinct from either theater support or support provided by system contractors. Contracting officers who award and administer external support derive their contracting authority from outside the theater.



Warning label:

Problems arise when unit leaders exercise "apparent authority" over a contractor (i.e., no expressed authority). Only a warranted contracting officer has the "expressed authority" to negotiate with a contractor and contractually bind the government.

Apparent authority
+
Unauthorized commitment
=
Possible ratification



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Sep 08

**Contracting Basics
for Leaders
Smartcard**

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