

FM 100-21

CONTRACTORS ON THE BATTLEFIELD

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Preface

Contractors have always accompanied our armed forces. However, the growth of operational situations and technology that mandates their use in today's force projection Army is unprecedented. Recent reductions in military structure, coupled with high mission requirements and the unlikely prospect of full mobilization, means that to reach a minimum of required levels of support, the existing force structure may often have to be significantly augmented with contractors. As this trend continues, the future battlefield will require ever increasing numbers of contractor personnel. Accordingly, commanders, staffs, and soldiers must be more familiar with how to use contractors effectively.

Field Manual 100-XX addresses the use of contractors as an added resource for the commander to consider when planning support for an operation. Its purpose is to define the role of contractors, describe their relationship to the warfighting commanders-in-chief and the Army Service Component Commanders, and present their mission of augmenting operations and weapon systems support. This manual is intended for commanders and their staff at all echelons and program managers/program executive officers, and others involved in the planning, management and use of contractors in a theater of operation. Also, it is a guide for Army contracting professionals and contractors in understanding how contractors will be managed and supported by the military forces they assist.

The Prologue in this manual introduces contractor support through a narrative scenario that demonstrates the process of how contractors would realistically be planned for, supported, and used. Although many contractors support our armed forces, most soldiers do not fully understand the differences between a contractor workforce, Department of the Army civilians, and military support units. Accordingly, the manual briefly describes a contract and a contractor, their effect on Army support structure, and the differences between soldier support and contractor support. Additionally, it outlines the governing principles that support the use of contractors and summarizes the pertinent statutory and regulatory guidelines that govern the use and employment of contractors in support of a military force.

This manual describes the considerations and responsibilities involved in planning contractor support. It discusses the various support functions that

could be provided by a contractor, and the types of contractors that would provide the support. It also discusses the potential risks involved in using contractor support and the need for a risk assessment that supports the decision process. It addresses the support contractors may require from the military in order to adequately perform their support mission, such as facilities, transportation, life support, and force protection. The manual also addresses contractor deployment and redeployment. Finally, it provides a detailed discussion of managing contractor support in an operational theater; this includes contractor visibility, reception and integration into the support structure, supervision, and contractor work locations.

This manual implements relevant doctrine, incorporates lessons learned from recent operations, and conforms with Army capstone doctrine. It links Field Manuals 100-5, 100-7, 100-8, 100-10, 100-10-1, 100-10-2, 100-16, 100-20, 100-23, 63-11, and other tactical and logistics doctrine manuals with joint and Army capstone manuals.

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Unless this publication states otherwise, masculine nouns or pronouns do not refer exclusively to men.

Prologue

Contractors on the Battlefield Scenario

US Central Command alerted the Third United States Army (designated as the Army Service Component Commander) for another contingency mission as part of a coalition force going into Eastern Africa. Although the operation was primarily peacekeeping in nature, there was a possibility that the situation could develop into open hostilities. This was not new to a command that had seen similar action in Somalia and Angola. Because of their past experience, the Third Army's planning staff had developed plans to handle a wide variety of operations, including this newest one in Africa. However, the commander-in-chief's campaign plan provided for a lean military force to accomplish the mission, requiring his staff to do some creative planning to achieve the right mix of combat and support forces.

The nature of the operation required that the force structure be combat heavy. For the staff, this meant that some of the logistics and other support force structure would be delayed in deploying, and in some cases left behind. Therefore, split-based operations needed to be considered and included in the planning. Support requirements, however, still required a complete theater force opening package to run the aerial port of embarkation and reception, staging and onward movement support operations as well as perform the other support functions necessary to sustain the force. As planning proceeded, it was determined that the US Army Materiel Command's Logistics Civil Augmentation Program umbrella contract was the best option to assist the early entry modules and theater force opening package units to operate the aerial port of embarkation and forward support bases, upgrade facilities for long-term occupation, base camp construction, and performing minor construction missions required. Because of the infrastructure in the region, external support contractors from Egypt could perform several of the supply and transportation functions, and provide most of the communications support. These considerations would eliminate the need to deploy a transportation battalion, most of the water purification assets, and most of a signal battalion. Systems contractors would also be required to provide forward maintenance and technical assistance for many of the Army's latest weapons systems that would accompany the force. Supported units, therefore, needed to ensure that they deployed with a sufficient number of trained contracting officer representatives to monitor contract performance.

Although Third Army had used contractors in all of its past operations, it had never experienced the size and diversity of the contractor presence that was expected for this operation. Planners recognized, because of the scope of the operation and the size of the geographical area involved, that there was a need to have visibility of contractor personnel. Therefore, they recommended that the

theater support command manage this important asset. The Third Army commander concurred and designated the theater support command as the lead organization to manage and maintain visibility for all contractors within the theater. He directed that all contracts in support of the operation include command directives covering conduct and discipline of contractor personnel in the theater, and safety and security requirements. He also directed that contractors be integrated into the time-phased force and deployment data; receive predeployment processing at designated CONUS Replacement Centers and in-theater processing centers; and be trained in theater-specific hazards including nuclear, biological and chemical protection. Finally, the Third Army commander directed the staff to plan the life support (including billeting, messing, and medical), facilities, and government furnished equipment and services required by the contractors supporting the operation.

The essential nature of much of the contractor provided support and the hostile threat to their operations required that the commander assess the risks involved in using contractors. After completing a risk assessment, the staff concluded the operational environment posed moderate risk to contractors, but contractor involvement in the operation was critical. To mitigate risk, the commander directed that contractors comply with all command safety and security directives and procedures. Combat forces would protect contractor operations and movements in those areas where the threat of hostilities was likely, recognizing that the advantageous additional capabilities provided by contracted support may be offset by the diversion of combat forces required to protect them. However, he did not authorize the use of weapons by contractor personnel. Because of these security measures, contractors would be permitted to operate in any area that their support was required.

As a result of the decision briefing on the operation, the Third Army commander approved the plans presented by his staff and directed that they be published and distributed immediately. He acknowledged the critical need for contractors to support the operation and requested that commanders at all levels provide an orientation for their soldiers covering contractors and their relationship to the military forces. "After all," he stated, "contractors have been supporting our forces throughout its history and will continue to do so; they have always been valued members of our support team."

Chapter 1

Contractors as a Force-Multiplier

Contractor support is an effective force-multiplier and can be an invaluable tool for supporting the military on the battlefield. Whether it bridges gaps prior to the arrival of military support resources, when host nation support is not available, or augments existing support capabilities, contractor support is an additional option for supporting operations.

UNDERSTANDING CONTRACTOR SUPPORT

Contractors have always supported our armed forces. Numerous examples exist throughout our nation's history, from sutlers supporting George Washington's Army to today's high-tech firms supporting complex weapon systems. While contractors consistently support deployed armed forces, commanders need to fully understand their role in planning for and managing contractors on the battlefield. Contractors will continue to provide support on a worldwide basis, including forward-deployed locations. For contractor support to be fully integrated into the operational environment, responsible Army planners must understand key factors with regard to contractor support. These factors include understanding:

- What is a contract?
- What is a contractor?
- Contractor and military differences.
- Command and control in the military environment.

WHAT IS A CONTRACT?

Military units receive their guidance and instructions from published plans and orders, usually operations plans (OPLANs) and operations orders (OPORDs). These plans and orders describe the mission and the manner in which it will be accomplished. Contractors receive similar guidance in their contracts with the Army. A contract is a legally enforceable agreement between two or more parties for the exchange of goods or services; it is the vehicle through which the military details the requirements that it wants a contractor to accomplish and what will be provided in return.

WHAT IS A CONTRACTOR?

Contractors are persons or businesses that provide products or services for monetary compensation. A contractor furnishes supplies, services, or performs work at a certain price or rate based on the terms of a contract. In a military operation, a contractor may be used to provide life support, construction/engineering support, weapon systems support, and other technical services. A detailed discussion of the various types of contractor support is provided later in this chapter.

CONTRACTOR AND MILITARY DIFFERENCES

The type and quality of support that a contractor provides is similar to that provided by a military support unit, when considered from a customer perspective. However, there are some fundamental differences that commanders and their staffs must be aware of. These differences include:

- Contractors are hired to perform only the tasks specified in the contract. "Other duties as assigned" does not apply in a contract environment.
- Contractors and their employees are not combatants, but civilians accompanying the force. This status must not be

jeopardized by the ways in which they provide contracted support.

- Contractor status as civilians accompanying the force in a combat environment is clearly defined in the Geneva Conventions and other international agreements. They are generally defined as persons who accompany the armed forces without actually being members thereof, and are responsible for the welfare of the armed forces. They are at risk of injury or death incidental to enemy attacks on military objectives; depending upon their duties, they may be the object of intentional attack. If captured, they are entitled to prisoner of war status.

Management of contractor activities is accomplished through the command's contracting structure, not the chain of command. Commanders do not have direct control over contractor employees (contractor personnel are not government employees); only contractors manage and supervise their employees. Commanders must manage contractors through the contracting officer (KO) and contracting officer's representative (COR), who must be appointed by a KO, in accordance with the terms and conditions of the contract.

Appendix A contains a sample briefing that commanders can use to inform their units about contractor support and the differences that exist between military units and contractors.

COMMAND AND CONTROL IN THE CONTRACT ENVIRONMENT

The management and control of contractors is significantly different than the command and control (C2) of soldiers and Department of the Army civilians (DACs). During military operations, soldiers and DACs are under the direct C2 of the military chain of command. In an area of operation (AO), the senior military commander is responsible for accomplishing the mission and ensuring the safety of all deployed military, government civilians, and contractor employees. He can direct soldier and DAC task assignment including special recognition or, if merited, disciplinary action. The commander does not have, however, the same authority or control over contractors. To fully integrate contractor support into the theater operational support structure, it is imperative to have oversight of contractors. This can be accomplished through the use of a military unit, i.e., the senior theater logistics command. The terms and conditions of the contract establish the relationship between the military and the contractor; this relationship does not extend through the contractor supervisor to his employees. Only the contractor can directly supervise its personnel. The military chain of command exercises management control through the contract.

The military link to the contractor is the COR, who communicates the commander's requirements to the contractor, when the requirement is within the scope of the contract, or the contracting officer if contract modification is required. The contracting officer, not the COR, is the only government official with the authority to modify the contract. A COR, who has daily contact with the contractor and is responsible for monitoring contractor performance (see Appendix B for a description of COR responsibilities), can facilitate contractor management and control. This interface allows the commander and contracting officer to monitor and direct the activities of the contractor within the scope of the contract.

GOVERNING PRINCIPLES OF CONTRACTOR SUPPORT

The consideration and use of contractors in support of military operations is governed by several principles. The following principles provide a framework for using contractors.

RISK ASSESSMENT

To properly evaluate the value of contractors to a military operation, the requesting authority or designated supporting unit must make an assessment of risk. This assessment evaluates the impact of contractor support on mission accomplishment and contractor safety to determine the most effective use of contractor support. Assessment also addresses potential degradation of contractor effectiveness during situations of tension or increased hostility. When considering using a contractor in high-risk situations (i.e., threat of NBC weapons use or toxic industrial material), contract solicitations must clearly identify the services needed and the conditions under which they will be performed. When contractors are willing to perform under dangerous conditions, the cost of a contract may be substantially influenced by the degree of risk involved. In some situations, the cost of using contractors may not warrant the risk or monetary expense involved.

FORCE STRUCTURE AUGMENTATION

Contractors supporting military operations can be an additional option for meeting support requirements. The use of contractors enables a commander to redirect his military support units to other missions. Therefore, contractors are force multipliers. Even though contractors are a force multiplier, it is Army policy that contractors do not replace force structure and the Army will retain core capabilities necessary to perform critical battlefield support functions using military units/personnel.

METT-TC

The consideration of mission, enemy, terrain, troops, time available and civilian considerations (METT-TC), impacts how contractors will be used in support of a military operation. These considerations assist commanders and staff planners in evaluating the risk of using contractors throughout the AO. When the

commander determines the contractor's risk to be unacceptable, contractors will not be used until the risk is reduced.

INTEGRATED PLANNING

In order for contractor support to be effective and responsive, its use must be considered and integrated early in the deliberate or crisis action planning process. Proper planning identifies the full extent of contractor involvement, how and where contractor support is provided, and any responsibilities the Army may have in supporting the contractor. Planning must also consider the need for contingency arrangements if a contractor fails to or is prevented from performing.

SUPPORT TO THE CUSTOMER

Contracts will be written to provide the same quality and extent of support as that provided by military units. The contractor organization must be integrated to ensure no disruption of operations or adverse impact on the military structure. Links between Army and contractor automated systems must not place additional burdens or requirements on the supported unit. Although contractors can use whatever internal systems or procedures they choose, they must use the military systems and procedures when interfacing with the military.

INTERNATIONAL AGREEMENTS

The international agreements and host nation laws that apply to the operational area directly affect the use of contractors. They may establish legal obligations independent of contract provisions and may limit the full use of contractor support. Typically, these agreements and laws affect contractor support by:

- Directing the use of host nation resources prior to contracting with external commercial firms.
- Restricting firms or services to be contracted.
- Establishing legal obligations to the host nation (e.g., customs, taxes, vehicle registration and licensing, communications and facilities support, passports, inter- or intra-country travel, mail, work permits, and hiring of local personnel).
- Prohibiting contractor use altogether.

Consideration of these agreements must be made when preparing contracts and OPLANs/OPORDs. Conversely, the use of contractors must be considered when entering into new or revised agreements.

HABITUAL RELATIONSHIPS

A habitual relationship is a long-term relationship between a business and the military. The nature of this relationship is established through the terms and conditions of a contract, and extends beyond that of the organization to include the individual contractor employee and soldier. This type relationship establishes a "comrade-at-arms" kinship, which fosters a cooperative, harmonious work environment, and builds confidence in each others ability to perform.

The relationship between the Army and some weapon system contractors may be long-term and continuous. Accordingly, the Army may not be able to deploy these weapon systems without also deploying the supporting contractors. This establishes a habitual relationship that is necessary and appropriate.

System and external support contracts should encourage the establishment of habitual relationships when practical. This encourages the development of a relationship that fosters team building between the contractor and the military unit; permits processing contractors as part of the unit for deployments; and encourages incorporation of contractor personnel and equipment into the time-phased force and deployment data (TPFDD).

POLICY ON USE OF CONTRACTORS

Recent military operations have indicated that contracting and outsourcing are an effective force multiplier. Contractors can increase existing capabilities, provide new sources of supplies and services, and bridge gaps in the deployed force structure. In the event of emergency or contingency operations, contractors may be required to perform services in a theater of operations. With this increased emphasis on the use of contractors, it has become the Army's policy that:

- Civilian contractors may be employed to support Army operations and/or weapons systems domestically or overseas. Contractors will generally be assigned duties at echelons above division (EAD); EAD should be thought of organizationally instead of a location on a map. However, if the senior military commander deems it necessary, contractors may be temporarily deployed as far forward as needed, consistent with the terms of the contract and the tactical situation.
- Management and control of contractors is dependent upon the terms and conditions of the contract.
- Contractors are required to perform all tasks identified within the statement of work (SOW)/statement of objectives (SOO) and all provisions defined in the contract. Contractors must be prepared to perform all "on-order" tasks stipulated in the contract by the government to address potential requirements. Contractors will comply with all applicable US and/or international laws.

- Contractors may be subject to court-martial jurisdiction in time of war. (Because federal court decisions limit statutory jurisdiction provisions, commanders should consult their staff judge advocate for specific legal advice.)
- When contractors are deployed from their home stations, the Army will provide or make available force protection and support services commensurate with those provided to Department of Defense (DOD) civilian personnel and authorized by law.
- Contractors accompanying US Armed Forces may be subject to hostile actions. If captured, a contractor's status will depend upon the type of conflict, applicability of any relevant international agreements, and the nature of the hostile force.

The full text of the Army's policy on contractors on the battlefield is found at Appendix C.

TYPES OF CONTRACTOR SUPPORT

The general type of support provided categorizes contractor support on the battlefield. Battlefield contractors are generally referred to as theater support contractors, external support contractors, or system contractors. Commanders and planners must be aware that a requirement for a particular system or capability may result in the introduction of these type contractors into the operational plan.

THEATER SUPPORT CONTRACTORS

Theater support contractors support deployed operational forces under prearranged contracts, or contracts awarded from the mission area, by contracting officers serving under the direct contracting authority of the theater PARC. Theater support contractors provide goods, services and minor construction, usually from the local vendor base, to meet the immediate needs of operational commanders. Immediate contracts involve deployment of contracting officers to procure goods, services and minor construction, usually from the local vendors or nearby offshore sources, immediately before and during the operation itself. Theater support contracting occurs in accordance with the PARC's theater contracting plan, an appendix to the OPLAN/Campaign Plan or OPORD, which governs all procurement of goods, services and minor construction within the area of operations.

EXTERNAL SUPPORT CONTRACTORS

External support contractors provide support to deployed operational forces that is separate and distinct from either theater support or system contractors. They may be pre-arranged contracts, or contracts awarded during the contingency itself to support the mission. Contracting officers who award and administer external support contracts retain unique contracting authority to organizations other than the theater PARC or systems offices under a PM or US Army Materiel Command (USAMC). USAMC for example, provides commercial depot support through contracts by its commodity commands. Other organizations providing external support contracts include the LOGCAP Program Office, which through Logistics Support Elements (LSEs) administers their pre-arranged umbrella contract, commonly referred to as LOGCAP; US Transportation Command (USTRANSCOM) commands, which provide Civil Reserve Air Fleet (CRAF) and commercial sealift supporting the theater; and the US Army Corps of Engineers (USACE), which procures leased real property and real estate. These organizations retain contracting authority for those specific functions from their parent commands. Commanders and their staffs include these commands in their mission planning, and each should include support appendices in the applicable staff section annex to the OPLAN/Campaign Plan or OPORD. For example, the staff engineer coordinates Corps of Engineer procurement of real estate and real property; the Joint Force transportation planner coordinates with TRANSCOM commands to monitor their assets. External support contractors establish and maintain liaison with the theater PARC as they conduct their unique support missions. They procure goods and services they require within theater in accordance with the PARC's theater contracting plan, published in the OPLAN/Campaign Plan or OPORD.

Logistics Civil Augmentation Program

The LOGCAP is an Army program (managed by the Deputy Chief of Staff, Logistics [DCSLOG]) for preplanned use of a civilian contractor during operations to augment the support capabilities of selected forces. It allows commanders to pre-plan for contracted support and include contingency clauses in existing contracts. LOGCAP includes both contracts planned by the theater CINC and an umbrella contract managed by the USAMC. USAMC manages its LOGCAP Umbrella Contract under its LOGCAP program office to assist commander's mission planning; it is this portion of the program with which commanders most often associate the term LOGCAP.

SYSTEM CONTRACTORS

System contractors support deployed operational forces under pre-arranged contracts awarded by Program Executive Officers (PEO), Program Managers (PM) and the USAMC to provide specific support to materiel systems throughout their life cycle, during both peacetime and contingency operations. These systems include, but are not limited to, vehicles, weapons systems, aircraft, command and control infrastructure and communications equipment. Contracting officers working for the PMs and USAMC subordinate commands administer their system contractors' functions and operations via their contracts. USAMC and the individual PM maintain contracting authority for those contracts, planning required support for their systems and coordinating that support with the supported CINC's planning staff. The contracting organization having responsibility for system contractors establish and maintain liaison with the theater PARC or senior Army contracting official in theater as specified in the theater contracting support plan. These contractors procure goods and services they require within theater in accordance with the PARC's theater contracting plan, published in the OPLAN/Campaign Plan or OPOD.

STATUTORY/REGULATORY/LEGAL PROVISIONS

The body of laws, statutes, and regulations that govern the manner and extent that contractors support a military operation, guides contractor support on the battlefield. These legal provisions impact on contractor status and security, contractual provisions, and discipline. The legal basis for contract support includes SOW/SOO for the specific operations and international agreements affecting the theater of operations. These provisions may limit the extent of

a commander's discretionary authority over contractor requirements and management.

STATUS AND SECURITY

Nations and their military forces are required to distinguish between military forces (combatants) and the civilians (noncombatants) according to the Geneva Conventions. Under this distinction, contractors, considered as civilians accompanying the force, should not be the object of intentional attack. However, it is unwise to assume that contractors will not be the object of military attack. When contractors provide support to a military force (particularly during offensive operations), an adversary may challenge their status as civilians accompanying the force. Therefore, commanders, when determining the nature and extent of their use, will not put contractors in a position that jeopardizes this status.

Contractor status is an important issue for the commander in determining the extent of their use and where within the theater of operations they should be permitted. As the environment becomes more hostile, commanders must address a contractor's ability to perform, and determine whether or not to provide armed protection. Contractors similarly become concerned about their ability to perform without risk of physical harm or capture and the extent of their rights if captured.

Hague and Geneva Conventions

Law of war treaties, such as the Hague and Geneva Conventions, attempt to establish and clarify the status of contractors when supporting military operations. These treaties entitle contractors to be treated as prisoners of war. The Hague Convention in 1907 (Article 13) provided:

"Individuals who follow an army without directly belonging to it, such as...contractors, who fall into the enemy's hands and whom the latter thinks fit to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying."

In 1949, the Geneva Convention Relative to the Treatment of Prisoners of War (Article 4) provided that prisoner of war status upon capture was extended to:

"Persons who accompany the armed forces without actually being members thereof, such as ... contractors, who fall into the hands of the enemy, and whom the latter think fit to detain, shall be entitled to be treated as prisoners of war, provided they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card..."

During armed conflict with nations that are not signatories to these treaties, the status of contractors may be less clear. Commanders should consult their staff judge advocate for legal advice in these situations.

Status-of-Forces Agreements

Status-of-forces agreements may cover a wide range of issues impacting on the use of contractor support of military operations. Essentially these agreements establish the legal obligations to be followed when operating within or in-transit through a particular nation. When applicable, these agreements may establish legal obligations independent of contract provisions. Status-of-forces agreements also define the legal status (e.g., host nation criminal and civil jurisdiction) and legal obligations (e.g., taxes, customs, etc.) of contractors and contractor personnel in a host nation. Commanders planning the use of external support contractors (i.e., US or third country nationals) must consider including them in status-of-forces agreements. In addition to personnel status, items to be considered include customs, taxes, and documentation of technical expert status. Status-of-forces negotiations may also involve countries that must be transited to reach the area of operations.

CONTRACT PROVISIONS

The statement or scope of work/objectives prepared by the requiring unit or activity states what is needed. This document identifies all of the known requirements needed for the contractor to perform his mission and is the document upon which a contract is based. The contract provisions direct a contractor's work and establish the legal and binding agreement with the government. Contracting professionals, using federal and departmental acquisition regulations, write the contract based on the requiring activity's statement of work/objectives. A more detailed discussion concerning contract provisions and communicating requirements to the contractor is presented in Chapter 2.

DISCIPLINE/UNIFORM CODE OF MILITARY JUSTICE

Contractor employees are not subject to military law under the Uniform Code of Military Justice (UCMJ) when accompanying US forces, except during a declared war. Maintaining discipline of contractor employees is the responsibility of the contractor's management structure, not the military chain of command. The contractor, through company policies or termination, has the most immediate influence in dealing with infractions involving its employees. It is the contractor who must take direct responsibility and action for his employee's conduct.

The military commander can indirectly influence the discipline of contractor employees through revocation or suspension of clearances, restriction from installations or facilities, or revocation of exchange privileges. The process of removal of contractor employees from the theater is dependent upon the policies issued by the theater commander and the extent to which those policies are incorporated in the terms of the contract, and are exercised through the contracting officer.

THE FORCE-MULTIPLIER EFFECT

Contractor support is an effective force-multiplier. Considered another essential tool for supporting the mission, this support can bridge gaps that occur before military support resources can be mobilized and brought into the theater of operations. It is a valuable resource when no Host Nation Support (HNS) agreements exist or when HNS agreements do not provide the needed supplies or services. In the initial stages of an operation supplies and services provided by local contractors improve response time and

free strategic airlift and sealift for other priorities. Contractor support drawn from in-theater resources can augment existing support capabilities to provide a new source for critically needed supplies and services, thereby reducing dependence on the continental United States (CONUS)-based support system. When force structure limitations are imposed on an operation, contractor support can give the commander the flexibility of increasing his combat power by substituting combat units for military support units. This force-multiplier effect permits the commander-in-chief (CINC) to have both sufficient support in the theater, while strengthening his fighting capability. At the conclusion of operations, contractors can facilitate early redeployment of military personnel.

Chapter 2

Contractor Support on the Battlefield

The Army's primary mission is to deter war and, if deterrence fails, to fight and win. Contractors play a key role in the Army's ability to support this mission, and provide a responsive alternative to increasing the number of support forces necessary to perform the mission. Effective contractor support is established early in the planning process. Planning addresses how and where the support should be provided. It evaluates the risks involved, and determines the extent that contractors should be supported by the military.

SECTION I PLANNING CONTRACTOR SUPPORT

PLANNING

Planning for contractor support is an integral part of the planning for any operation. Planning for an operation involves several critical decisions concerning the integration of combat, combat support (CS), and combat service support (CSS) capabilities. For contractor support to be successful, it must be formally integrated early in the planning process to ensure that it is adequately considered. Figure 2-1 illustrates the various sources of support, which should be considered and integrated into the support plan. The planning must identify and include specific requirements and responsibilities in the operational plan.

RESPONSIBILITIES

Commanders and staffs at all echelons have the responsibility to ensure all support, to include contractor support, is adequately considered and integrated in the planning process. Every echelon has certain planning responsibilities. It is the CINC/Joint Force Commander (JFC) and his staff who initiate the process and determine the requirements. The CINC must approve contractor support recommendations and the extent and degree of contractor support provided. Once it is decided that contractors are to provide support, the staff must develop the plans to ensure that the source of this support is transparent to the units being supported. The contractor support must be the same as that provided by a military unit or meet a need that is no longer organic to the Army. Subordinate levels then must refine the contractor support plan to meet their specific needs. All plans must include any support the contractors may require.

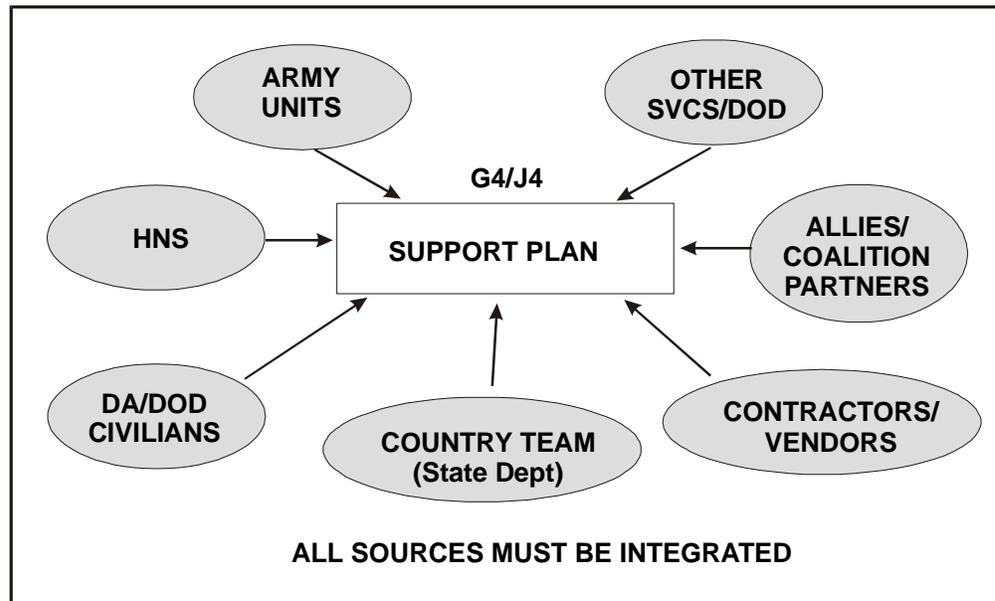


Figure 2-1. Sources of Support

In most operations, multiple contracting agents will be present in the theater, dealing with the various types of contractors (theater support, external support, and system). When this is the case, the CINC will establish the CINC Logistics Procurement Support Board (CLPSB), chaired by the J-4 representative and will include representatives from each of the component commands. The purpose of this board is to integrate and monitor contracting activities throughout the theater.

OPERATIONAL PLAN

The OPLAN/Campaign Plan results from the initial planning process. With its supporting plans, it specifies the mission and specific tasks necessary to accomplish the theater strategic objectives. Included is the contracting support plan, which addresses the extent and degree of required contractor support and assigns responsibilities and missions for implementation and management.

The CINC or joint force commander ensures that guidance concerning contractor support is included in the OPLAN/OPORD. Additionally, the CINC or joint force commander reviews requirements and establishes priorities based on the available assets and centralizes management of contracting support at the highest level to permit equality of support throughout the theater and to efficiently coordinate the theater contracting support plan.

CONTRACTING SUPPORT PLAN

The contracting support plan originates with the Army Service Component Commander (ASCC) and is included in each successive commander's OPLAN/Campaign Plan. The contracting support plan, written by the theater principal assistant responsible for contracting (PARC), directs advance planning, preparation, and coordination with deploying forces. It also ensures that contracting plans and procedures are communicated in a command's overall plan for an operation. It is an integral part of both the deliberate and crisis action planning process and is included in all OPLANs/Campaign Plans as an appendix to the logistics annex.

Contracting support plans coordinate organic support and contingency contracting throughout the entire operation to ensure that HNS, LOGCAP contracts, and contractor support are properly integrated and time-sequenced in all support planning. This helps guard against inter- and intra-service competition for the same resources. As a rule, the plan should consider the following:

- Contracting support to the supported units.
- Planning for contract requirements established by the units being supported.
- Designating, deploying, and augmenting contracting, finance and legal elements.
- Communicating contracting procedures, authorities, and deviations.
- Including contracting personnel in site surveys, exercises, and predeployment training.
- Ensuring that contracting, resource management, legal, and finance support are included in OPLANs/Campaign Plans.

The specific content of a contracting support plan varies with each operation supported. Certain basic elements in any plan should include--

- Command and control relationships, and specific or unique contractor management and control procedures. It should also explain how the theater support command (TSC) or senior logistics element, with the assistance of the theater PARC, Defense Contract Management Command (DCMC), USACE, LSE and other organizations will manage various contractor populations on the battlefield.
- Types of supplies, services, and construction capabilities commercially available within the mission area.
- A list of special prioritization or control measures for scarce commodities or services.

- Description and assessment of HNS agreements, customs, laws, culture, language, religion, and business practices which impact on contracting operations.
- Specific statutory/regulatory constraints or exemptions that apply to the supported operation.
- Specific theater medical contract support service policies and agreements.
- Security requirements and procedures for contracting personnel and contractors, to include security clearances, if required.
- Procedures for defining, validating, processing, and satisfying supported unit requirements.
- Procedures for budgeting and making payments to contractors and vendors.
- Location and integration of effort of the contracting, finance, legal and resource management functions.
- Procedures for monitoring and assessing performance.
- Requirement for contractors to be trained in surviving in an NBC attack and to continue to operate in a contaminated environment.
- A detailed contingency plan for obtaining contractor provided services from alternate sources where there is reasonable doubt that essential services provided by a contractor will continue.
- Procedures for identifying, validating and executing military support to contractors. This should also include, at a minimum, general guidelines and restrictions in providing military support to contractors based on the specific operational situation.

RISK ASSESSMENT

Contractor support to military operations involves a degree of risk. The decision to use contractors in an area of operation requires an assessment of the risks posed to the contractor and his employees, and the potential impacts on the operation itself. Commanders must consider the difficulties facing contractors when hostile action against them is likely. Failure of the contractor to provide the required support could jeopardize the overall success of the operation. In these critical situations, contractor support may not be suitable and organic support should be used, if available. The primary areas of concern when assessing contractor support risk includes responsiveness of support, transitioning from peace to war, continuation of essential services, and organic capability, if it exists. Field Manuals (FMs) 100-14 and 101-5 discuss risk management and performing risk assessments. They explain the principles,

procedures, and responsibilities involved in successfully evaluating and assessing risk across the wide range of military operations.

Units/organizations or activities requiring support on the battlefield must carefully draft the requirements to specify the services and conditions under which they are required. This is necessary so that contractors are fully aware of what is involved. When contractors are willing to perform under dangerous conditions, the cost of a contract may be substantially influenced by the risk the contractor is being asked to accept. Additionally, contractors may be willing to perform under dangerous conditions if the Army meets specified security requirements by providing functions such as escorts, training, or site security, to ensure their protection and safety. Commanders must accept responsibility for the security of contractor personnel when they decide to use contractor support.

RESPONSIVENESS OF SUPPORT

The nature of the operational environment and METT-TC determine how responsive the contractor will be in fulfilling the terms of the contract. When assessing risk, commanders must evaluate factors affecting contract performance that are not under the control of the contractor, such as transportation assets needed to move supplies, or force protection.

The structure used to manage contractors on the battlefield will affect contractor responsiveness. The establishment of a flexible, functioning, deployable network of properly trained CORs greatly facilitates responsiveness of contracting officers and a contractor's ability to meet contract requirements. When this structure is not in place, performance is greatly reduced, wasting valuable resources waiting for contracting officers to approve and process changes and new requirements.

TRANSITION FROM PEACE TO WAR

The risk of using contractor support during peacetime is normally low, increasing as operations transition from peace to war. A primary consideration in using contractors is the requirement for force protection. The supported force must protect contractor personnel in hostile areas. The commander must assess carefully whether contractor support is vital enough to warrant a diversion of combat forces to contractor security duties.

Another concern related to transitioning contractor support, across the range of military operations, is the preparedness of the contractor and his employees to operate in a hostile environment. Soldiers are specifically trained to prepare them for war, including physical conditioning, surviving in a nuclear, biological and chemical (NBC) environment, and weapons qualification. Unless specified in the contract, it would not be expected for the contractor's employees to have such training. Therefore, the Army must provide training to sustain contractor performance and ensure their ability to survive in a hostile environment.

CONTINUATION OF ESSENTIAL SERVICES

The continuation of contractor essential services is addressed during risk assessment. To ensure continuation of essential services the DOD (in Department of Defense Instruction [DODI] 3020.37) has instructed that:

- Contractors who provide essential services should use all means at their disposal to continue to provide those services, under the terms and conditions of the contract, during periods of crisis until released or evacuated by military authority.
- The Army will develop and implement plans and procedures that reasonably assure continued service during crisis situations, using contractor employees or other resources as necessary.
- The commander will prepare a contingency plan for obtaining the services from alternate sources for situations where there is reasonable doubt that essential services provided by a contractor will continue.

Advance planning is essential and leads to the identification of the backup source of support, the identification of resources necessary to enable the contractor to continue, or acceptance of the risk if the support is not provided. This process normally pertains to contractor support that is arranged during peacetime and that requires a transition to war or other hostile environment.

COMMUNICATING REQUIREMENTS

The planning process leads to the preparation and publication of OPLANs/Campaign Plans and OPORDs. These documents also describe the scope of contractor support. The contents of these documents become the basis for developing contract requirements. The contract and its supporting documentation define all requirements for the contractor. The OPLANs/Campaign Plans and OPORDs must provide the same information to the units receiving the support. The contractor is not legally obligated to meet any requirement not in the contract; without a requirement specified in the contract, the government has no basis for directing or requiring any contractor action. The government can be expected to be billed/charged if the contractor performs beyond the specifications of the contract without proper modification.

All requirements for contractor support are communicated to the contractor through the contract. These requirements originate in a government SOW/SOO that describes the parameters (what, where, and when) of the requirement; government support to be provided, such as transportation, security, and life support; and the restrictions and control measures that apply to the contractor. The SOW/SOO, along with terms and conditions become the contract for the support requested.

CONTRACTIBLE FUNCTIONS ON THE BATTLEFIELD

Depending on the operational situation (METT-TC) and its associated risks, there are a wide variety of support functions on the battlefield that potentially can be provided or augmented by a contractor. All functions other than those inherently governmental in nature (such as, combat operations, command and control of military and government civilians, and government contracting), or functions covered by HNS agreements, may be suitable for contractor support. Many of these are functions that are not uniquely military and are readily available in the commercial sector.

SUPPLY AND FIELD SERVICES

The full range of supply and field services may be provided through contract support. Contractors in a theater of operations may provide item management, stockage, and delivery of all classes of supply. Contractor supply and field services includes:

- Subsistence and Water
- Organizational Clothing and Individual Equipment
- Petroleum (Bulk and Packaged)
- Office Supplies and Equipment
- Ammunition
- Personal Demand and Hygiene Items
- Medical Materiel and Supplies
- Repair Parts
- Building and Barrier Materiel

Field services, such as laundry, shower, clothing exchange and repair, water purification, waste disposal, portable latrines, and mortuary (within specific parameters) may also be provided through contractor support.

TRANSPORTATION SUPPORT

All modes of transportation support at the strategic, operational and tactical levels can be obtained through contract, depending on METT-TC. Transportation is required everywhere within the theater, from the port of debarkation into the battle area. Typically, contractor support includes all modes and terminal operation functions.

MAINTENANCE SUPPORT

Equipment and weapon systems, because of their increasing sophistication, are a prime area for contractor support. Development and production contractors are contracted to provide follow-on maintenance and technical support to the systems they have developed and built. This support includes sustainment maintenance on specified equipment and weapon systems and subsystems and associated software, and extends over the entire lifecycle of the system, in peace and war. Contractors (other than system contractors) may also be involved in routine maintenance, repair, rebuild, and overhaul programs for equipment that is not the responsibility of a system contractor.

COMMUNICATIONS SUPPORT

The seamless integration of battlefield information systems provides the commander the essential command and control capability to distribute critical information. Responsive and effective communications support operations rely on worldwide assured signal support systems that are operated and maintained by a combination of Army and commercial activities. Contractor support in the communications arena generally occurs at the operational and strategic level and may include:

- Voice and data information services to the theater of operations.
- Out-of-theater access and connectivity to other joint and multinational elements.
- Signal support needed for receiving forces and managing movement of supplies and equipment, including in-transit visibility (ITV) and total asset visibility (TAV).

ENGINEER SUPPORT

The nature of the host nation infrastructure in the theater of operations determines the degree of engineer support required for an operation. The USACE relies on contractor augmentation for improving the infrastructure necessary to support the theater sustainment base. Some of the areas in which contractor support is used:

- Facilities Construction, Maintenance, and Closure
- Sea/Aerial/Rail Port Construction or Improvement
- Utilities (electrical, sewage, waste treatment)
- Road Construction/Lines of Communication (LOC)

FACILITIES AND HOUSING

As with engineer support, contractors also augment organic USACE capabilities in the construction and maintenance of facilities and housing. Contractors may be employed to renovate or build new facilities and housing to support military forces in the theater.

MEDICAL/DENTAL

Contractors can be employed in support of the delivery of health care for contingency operations. The nature of the host nation infrastructure will determine the extent of combat health support (CHS) capabilities required to support military operations. The following are examples of CHS functions which may be augmented by contractor support:

- Hospital support in the areas of food service, laundry, and waste disposal.
- Area medical support at ports of debarkation and embarkation.
- Medical logistics support in the areas of medical maintenance, optical fabrication, materiel handling equipment, and oxygen generation.
- Preventive medicine services in the areas of environmental and occupational health assessment, water purification assessment and the application of pesticides for insect disease control.
- Veterinary services in support of animal husbandry, exclusive of military working dogs.
- Laboratory services..

GENERAL LABOR

Unskilled labor may be contracted on a daily basis. Units submit requirements to the G1/S1 for validation and forwarding to the supporting contracting activity. This satisfies government labor needs that do not require military skills or a skilled contractor workforce.

CONTRACTORS AND FORCE PROJECTION

During each phase of an operation, contractors will be used to augment the support structure. Contractors must be in place and begin to provide support before or when the lead military elements arrive, and discontinue support with or after their departure.

MOBILIZATION

Contractors support military mobilization efforts at home station while themselves preparing to support deploying Army forces within the scope of their contract. While located primarily in CONUS, external support and system contractors, through prearranged contracts, perform a myriad of support functions during the mobilization phase.

Theater Support Contractors

Initial preparation for using theater support contractors is accomplished by Army contracting officers who identify vendors from the local economy in or near the mission area. The theater PARC, and the task force contracting chief for limited missions, staffs and publishes a contracting support plan, found as an appendix to the logistics annex of the OPLAN/Campaign Plan or OPORD .

External Support Contractors

The PM LOGCAP, USACE, and other agencies that deploy contractors in support of deployed Army forces conduct operational and acquisition planning. These agencies coordinate their planning with potential supported commanders, soliciting mission requirements from CINCs and the ASCC. These agencies review contracting support plans for each theater, ensuring their plans comply with requirements of the theater PARC.

System Contractors

System contractors support their systems within the scope of their contract, as directed by the system PEO/PM, or USAMC commodity command. System contractors remain prepared, in accordance with the terms and conditions of their contracts, to support their systems with deployed Army forces.

PREDEPLOYMENT ACTIVITIES

External support and system contractors plan their deployment and support missions. They prepare their personnel and equipment for transport to the mission area.

Theater Support Contractors

Located in the mission area, theater support contractors prepare to support deploying Army forces once they receive a contract. These vendors continue to conduct daily business in the theater. They

maintain equipment and workforce to be available to support the mission.

External Support Contractors

External support contractors complete planning, and prepare their personnel and equipment to deploy. If the operational situation dictates deployment via military means, the responsible contracting organization (USAMC, USACE, MTMC, etc.) are responsible to identify personnel and equipment for deployment and coordinate with mission planners for inclusion in the TPFDD.

System Contractors

System contractors continue to support their systems worldwide while completing planning and preparing their personnel and equipment to deploy.

DEPLOYMENT

Contractors fill logistics voids, supporting deployed and deploying Army forces while Army support units themselves are deploying and establishing their operations. Commanders rely heavily on contractors and HNS during deployment and entry operations to support their forces while their CSS assets deploy to the mission area and establish operations. System and external support contractors perform deployment processing as specified in their contracts.

Theater Support Contractors

Theater support contractors provide significant support to deploying Army forces, especially as their organic CSS assets are themselves deploying and establishing operations. Theater support contractors often provide stevedoring support at the ports of debarkation, line haul transportation, bottled water, commercial feeding or ration supplements, billeting, and interpreters/guides for disembarking US forces.

External Support Contractors

LOGCAP excels at rapidly deploying as a CSS force multiplier, augmenting organic CSS capability while support units are themselves deploying to the theater of operations.

System Contractors

Commanders integrate system contractors into the TPFDD. Some contractor personnel and equipment may deploy with their supported unit(s) (habitual relationship), with additional equipment flowing later in the TPFDD.

ENTRY OPERATIONS

Army contracting personnel, deployed with the early entry modules (EEM), locate theater support contractors and coordinate their efforts with HNS and/or LOGCAP to fill logistical voids until CSS units arrive in the mission area. Commanders leverage support from the local economy, saving valuable aircraft and sealift for higher priority cargo. Contractors continue to support deploying Army forces. Organic CSS units, as they become operational, begin providing support which gradually offsets initial requirements for contractor support. Logistics planners identify those goods and services they need contractors to continue to perform, either because military CSS personnel are required for other missions, or because they're precluded from deploying by force ceiling constraints for the mission. Commanders begin transitioning support functions from contractors and HNS to organic CSS units, as they become operational in the mission area.

Theater Support Contractors

Theater support contractors, together with HNS and/or LOGCAP, supplement deploying CSS units to support deployed, and deploying Army forces. Commodity managers in the materiel management center (MMC) and theater/task force logistics planners identify those goods and services theater support contractors should provide from the local economy to augment organic CSS capability, or to free strategic sealift and airlift for higher priority cargo, personnel and equipment. During this phase, theater support contractors typically provide items for early sustainment and protection of the force, such as bottled water, lumber and barrier materiel, personnel and line-haul transportation, potable ice, commercial feeding or ration supplements, laundry and shower services, fuel, trash removal and portable latrines.

External Support Contractors

LOGCAP's umbrella contract requires their contractor to receive personnel at the rate of 1,500 per day by 15 days after notice to proceed. The contractor is required to support 25,000 personnel in one rear and seven forward base camps for up to 180 days, with options to increase the size of the supported force to 50,000 personnel and to extend the support to 360 days. USACE, working under the staff supervision of the theater or task force engineer, continue real estate

and real property acquisition and management while working construction projects in support of the mission.

System Contractors

System contractors continue deploying into the mission area and establishing their support operations, under the oversight of the LSE (the LSE may have oversight of all non-USAMC system contractors if so directed by competent authority). Once in the mission area, they begin support operations in accordance with the mission OPORD and their contract.

DECISIVE OPERATIONS

Military CSS capabilities are deployed and operational, supporting deployed Army forces. Contractors and HNS supplement these capabilities. Commanders rely more heavily on their organic units, continuing to transition support functions from contractors and HNS to military CSS. Immediate, "cash-and-carry" buys decrease as the theater matures.

Theater Support Contractors

Commanders augment their organic CSS capability from local commercial resources as needed. Construction material, leased equipment, office supplies and furniture, quality-of-life items, and services employing local labor instead of soldiers continue, when available, are acquired to reduce reliance on constrained strategic lift and CSS capability.

External Support Contractors

Commanders evaluate what functions LOGCAP should continue to perform as their organic CSS units assume increasing support roles, such as reception, staging, onward movement, and integration (RSO&I). USACE, and other external support contracts perform functions increasingly like those with which commanders are accustomed at their home installations.

System Contractors

System contractors, managed by the LSE and their individual CORs, support their deployed systems per the OPLAN and their contracts.

POST CONFLICT OPERATIONS

Our National Security Strategy requires the military to fight and win two nearly simultaneous major regional conflicts. Commanders often seek to disengage and redeploy military forces as quickly as possible, allowing units to prepare for

additional missions. Contractors provide the commander flexibility to rotate CSS capability from the mission area, METT-TC allowing, while sustaining and redeploying combat and CS forces. Contractors and HNS provide the commander viable means to perform post conflict support of the local populace, as required, including refugees and internees. Similar to deployment and early entry operations, contractors often provide significant support to Army forces while military CSS units themselves are in transit.

Theater Support Contractors

Theater support contractors, available in the local area, allow commanders to replace military support units with commercial capabilities, so those units can themselves prepare to redeploy. Such support includes line-haul and personnel transportation, feeding, seaport and airfield operations, and washracks/steam cleaners to prepare Army vehicles for movement.

External Support Contractors

LOGCAP, as during the early phases of an operation, remains a viable tool for the commander to sustain his forces while CSS units prepare to redeploy. The USACE closes real estate and real property leases as Army forces no longer require those resources. The USACE, depending on the post-conflict mission, may assume increasing infrastructure construction roles during these later phases of the mission. Other external support contractors prepare themselves to redeploy and revert to pre-mission sustainment levels of support.

System Contractors

System contractors maintain their systems under the management of their COR and the LSE, redeploying with their supported Army forces per the TPFDD.

REDEPLOYMENT AND DEMOBILIZATION

Contractors often support the last ground forces leaving the mission area, operating seaports and aerial ports of debarkation, including wash racks and life support for redeploying units. As they transition to demobilization, contractors retain the capability to support additional missions as required by the contract.

Theater Support Contractors

Theater support contractors, located in the mission area, remain available to support redeploying US forces, and those forces' supporting contractors. During demobilization, these contractors, primarily vendors from the local economy, return to routine business functions. Army contracting personnel effect all contractual payments and settle outstanding claims.

External Support Contractors

External support contractors redeploy with, or sometimes after, US ground forces. They return to routine operations and prepare for follow-on missions during demobilization.

System Contractors

System contractors redeploy with their supported units per the TPFDD, and continue to support their systems, in accordance with their contracts, regardless of where the Army uses those systems.

SECTION II SUPPORTING CONTRACTORS

DETERMINING CONTRACTOR REQUIREMENTS

Contractors are expected to be self-sufficient, handling all actions necessary to perform under the conditions of the contract without assistance from the government. However, in some circumstances, it is appropriate and necessary for the government to provide support. Government furnished support may be appropriate because the government can provide it less expensively than if the contractor were to provide it himself. Additionally, government support may be necessary when the government controls the support needed, or is the only source for the support, such as transportation in a theater of operations. Figure 2-2 illustrates the level of support that may be provided to a contractor based on factors such as nature of the operation and location on the battlefield. Government requirements for support to a contractor must be identified during the planning process.

Typically, in a contingency or battlefield environment, government support to a contractor includes transportation, facilities, force protection, life support, morale support services, health services, and equipment and materiel necessary for the contractor to do his job.

The nature and level of support provided to a contractor depends on the point of origin of the contractor. For US contractors and contractors originating from outside the operational area, the level of support will be greater because they may require transportation to get to the theater and facilities to operate once they are in place. On the other hand, contractors residing in the operational area may only require transportation or access to the LOCs, force protection, or no support at all.

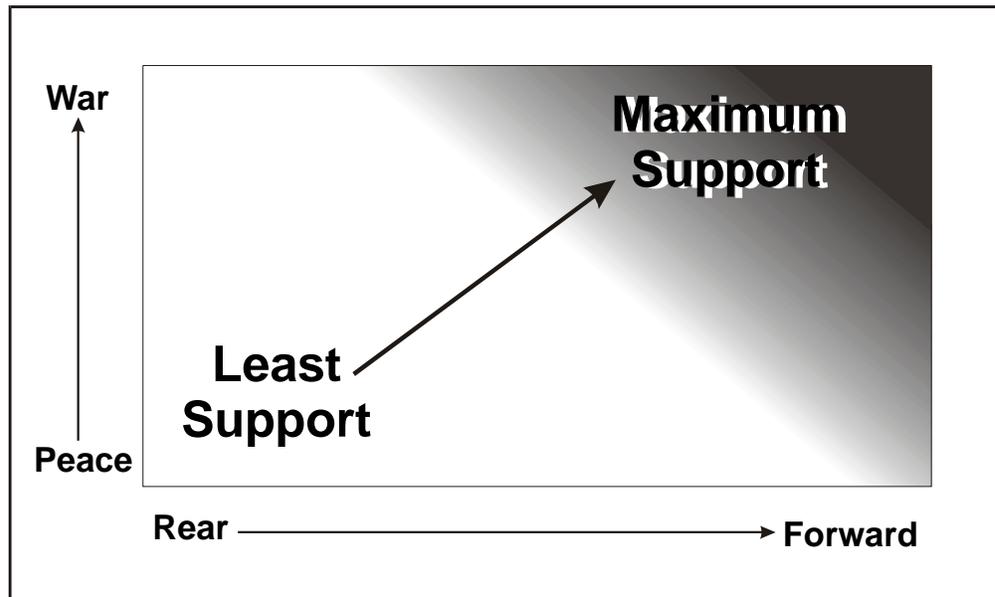


Figure 2-2. Supporting Contractors

CONTRACT PROVISIONS

Once government-furnished support has been identified during the planning process, the requirements must be incorporated into the contract. This allows the contractor to know what support will be provided so he can properly plan and arrange for only that support that the government is not furnishing. Commanders, staff planners and contracting officers are responsible for ensuring that government-furnished support requirements are identified and included in statements of work/objectives and contract provisions. After contract performance has begun, the contracting officer may add any new or unexpected support requirements by modifying the contract. This is normally done with the concurrence of the contractor.

THEATER-SPECIFIC POLICIES

The responsible CINC identifies theater-specific policies and requirements in his OPLAN/Campaign Plan, which are then included in the statement of work/objectives and addressed during the contract negotiation process. Examples of theater-specific policies and requirements addressed are:

- NBC Training and Equipment
- Weapons Training
- Prohibited Activities

- Local Customs and Courtesies
- Vehicle Licensing
- Governing Status of Forces Provisions
- International Agreements
- Health Requirements
- Landmine or Country-specific Hazards Training
- DOD support provided to contractors within the theater (postal, MWR)

Contractor compliance with theater-specific policies and requirements depends on their inclusion in the contract. Contracting officers should consult their legal advisors for specific advice concerning the legal implications of including these requirements in the contract.

FACILITIES

During the planning process, commanders and staff planners must address the need for contractor facilities. Contractors, primarily external support and system contractors, supporting a military force in a theater of operations will require an area to perform their work. Depending on the operational situation, either the contractor or the government will arrange real estate and facilities. Determining who is best suited to make the arrangements should be made during the planning process with the following considerations:

- What is the cost if the contractor provides his own facilities?
- Should contractor operations be in a secure location?
- Are there enough facilities to accommodate both military and contractor needs?
- Does the military control all facilities in the area?

Commanders and staff planners should be concerned with cost, physical protection, base access, and coordination of contractor and military requirements. Contractor competition for limited facilities may inadvertently affect their cost. The solution is for the military to either assume control of all facilities and provide what is needed to the contractor or establish coordination procedures in the contract to avoid unnecessary competition for facilities.

FORCE PROTECTION

Protecting contractors on the battlefield is the commander's responsibility. When contractors are expected to perform in potentially hostile areas, the supported military forces must assure the protection of their operations and personnel. Commanders must understand that contractors are subject to the same threat as soldiers and must plan accordingly. Contractor personnel cannot be required to perform force protection functions and cannot take an active role in hostilities, but retain the inherent right to self-defense.

REQUIREMENT

The requirement for providing protection to contractors is derived from the government's responsibility to provide a safe workplace that enables the contractor to perform unhindered by circumstances beyond his control. Commanders and staff planners must assess the need for providing force protection to a contractor and designate forces to provide security when appropriate. The mission, threat, and location where the contractor is operating will determine the degree of force protection needed.

**ANY CONTRACTOR PROVIDING GOODS OR SERVICES IN
DIRECT SUPPORT OF US MILITARY OPERATIONS IS AT
RISK OF ATTACK!**

Protection for contractors involves not only active protection through the use of armed military forces to provide escort or perimeter security, but also training and equipping of contractor personnel in self-protection (NBC and weapons). When the threat exists and the CINC has granted approval, contractor personnel may be trained and equipped to work in an NBC environment and to carry individual, military specification weapons for personal protection, provided the contractors company policy permits, and the employee agrees.

THEATER RESPONSIBILITY

The theater CINC is responsible for planning, arranging, and ensuring that protection is provided to all personnel, to include contractors. Commanders and planners must evaluate the force protection implications of contractor involvement according to the nature and extent of the operation. This risk assessment, based on METT-TC, must consider such factors as location on the battlefield, availability of security forces, enemy capabilities, and the criticality of the contractor's functions. (For a detailed discussion of risk management refer to FM 100-14.) When contractors operate in an environment requiring force protection, the specific force protection requirements must be identified and the forces to handle them designated. These decisions must be included in OPLANs/OPORDs and their supporting plans and contracts to allow units and

contractors to properly integrate support requirements into their operational procedures.

CONTRACTOR RESPONSIBILITY

Contractors are responsible for following all protection requirements and theater policies stated in the contract and ensuring that their personnel comply. This includes ensuring their personnel receive training in NBC protection and weapons familiarization, when authorized, and informing them of local and national threats, facility and travel security requirements, and off-limit restrictions directed by the commander

LIFE SUPPORT

Life support provided to contractors, such as: rations; housing; laundry and shower; medical; mortuary; morale, welfare and recreation (MWR); postal; and religious, must be similar to that provided to DOD civilian personnel participating in the operation. The contractor or the military, depending on the operational environment, can provide this support. In some cases, contractors may live and work under field conditions similar to those for the supported military forces. When contractors are placed in this type environment, furnishing their own basic life support becomes difficult or impossible. As a result, the military must make other provisions for the necessary support, or must not use contractors. Regardless of the source, contractor or military, life support requirements must be identified and included in OPLANs/OPORDs and the governing contract. In addition to cost, considerations necessary to determine whether the contractor or the military should provide the support include:

- Ability of either the military or contractors to provide the support.
- Potential for competition between the military and contractors for support resources.
- Potential for establishing redundant support structures.

HOUSING/SUBSISTENCE

Contractors should be responsible for providing their own housing and subsistence unless the operational environment dictates otherwise. When the military has responsibility for furnishing the support, it should be similar to that provided to DOD civilian personnel participating in the operation. If contractor-arranged housing would impede the government's efforts to provide force protection, generate competition with the military, or adversely influence prices, the military must consider providing the support. The commander retains the authority to direct where contractor personnel will reside, within the terms and conditions of the contract.

MEDICAL/DENTAL

Medical and dental care will be provided to contractors as specified in existing DOD and Army policy and as outlined in the contract. Medical and dental care provided in the theater will generally be on a nonreimbursable basis. Normal reimbursement policies will be followed when the contractor is evacuated from the theater to a Defense Health Program funded facility. When planning for this support, commanders and planners must address the level of support to be provided and the size of the contractor population so medical organizations are prepared to handle the patient load. Contractor personnel must receive a medical and dental screen during predeployment in accordance with DA Pam 715-16, to ensure medical and dental treatment is available in the theater. The theater surgeon may provide additional screening guidance based on the medical threat in the theater.

Evacuation, as determined by competent medical authority, may also be required. Intra-theater evacuation of contractor personnel on Army air or ground assets will generally be on a nonreimbursable basis. Inter-theater evacuation will be in accordance with USTRANSCOM policies, generally on a reimbursable basis. When evacuated, contractor personnel will be replaced in accordance with the requirements specified in the contract.

POSTAL/MORALE, WELFARE AND RECREATION

Maintaining an acceptable quality of life is important to the overall morale of any organization, including contractors. Deployed contractors have a responsibility to provide religious, postal, MWR, and other quality of life support to their personnel. Host nation or third-country contractors will have less responsibility for providing such services because their personnel have an established relationship with local service organizations. The military may provide this support to contractor personnel when contractor sources are not available. Regardless of who provides this support, governing OPLANs/OPORDs and contracts must identify contractor support needs and designate responsibility.

RELIGIOUS SUPPORT

When contractors are deployed in support of military operations they will be provided religious support in accordance with OPLAN/OPORD Religious Support Annexes and Appendices. The appropriate Religious Support Section will assess the requirements of contractors deployed in the theater and will include them in their Religious Support Plan. US contractor family members may seek and expect to be provided religious support through CONUS installations while spouses are deployed in support of military operations. Unit ministry teams (UMTs) will make every effort to plan for adequate religious support resources, including literature and sacramental supplies to support the religious needs of contractor employees.

MORTUARY AFFAIRS

The Joint Mortuary Affairs Program is a broadly based military program that provides for the necessary care and disposition of missing and deceased personnel, including personal effects, across the full range of military operations. CINCs are responsible for controlling and coordinating mortuary affairs operations for the search, recovery, tentative identification, care, and evacuation or temporary interment, disinterment, and reinterment of deceased personnel within their theater.

Under the Joint Mortuary Affairs Program, contractor personnel supporting military operations are eligible to receive mortuary affairs support. The specific nature and extent of the support is determined during the planning process and communicated to military forces and contractors through governing OPLANs/OPORDs and contractual documents. The designated theater activity (normally the senior theater logistics command) that maintains visibility over contractors and their activities will work in coordination with theater mortuary affairs and personnel units when contractors require support.

In the event that a contractor employee dies or is missing, either the military or the contractor will assume responsibility for the notification of next of kin. When the contractor employee involved is a US citizen, the military will notify the employee's next of kin in accordance with the requirements specified in Army Regulation (AR) 100-81. The employing contractor will notify employee next of kin who are citizens of the host nation or a third-country nation.

GOVERNMENT FURNISHED EQUIPMENT AND SERVICES

It is the general policy of the government that contractors will furnish all equipment and services required for the performance of a contract. However, the government can provide equipment and services when necessary to achieve significant savings, standardization, expedited performance, or when it is otherwise in its best interests. The requirement for the military to provide government furnished equipment and services to a contractor is influenced by potential savings, military unique equipment or services, and the degree of government control over the equipment or services.

MOVEMENT OF CONTRACTOR MATERIEL

Contractors require access to theater LOCs and transportation assets to perform their mission. In doing so, they must rely on either the military or its permission to move about the theater using their own assets. When visibility of contractor assets is necessary, the contractor may be required to use the appropriate ITV/automated information technology (AIT) devices that are able to interface with the DOD format. In satisfying this requirement, the military may decide to include contractor transportation needs with those of its own and provide transportation support as a government furnished service. The benefit is a

reduction of cost and roadway congestion. The risk is that the contractors' needs may not receive the priority they require, causing them to fail to meet their support requirements. On the other hand, when contractors provide their own assets, the military must ensure that any movement along LOCs, or elsewhere in the theater, is controlled and does not interfere with other operational requirements.

GOVERNMENT RESPONSIBILITY

The military has a responsibility to arrange for and provide within the contracted timeframe any equipment and services identified in the contract due to the contractor. Military delay or failure may prevent the contractor from meeting the contract requirements, and may result in entitlement to monetary compensation.

PROPERTY ACCOUNTABILITY

Government furnished equipment must be properly controlled. The lending activity designated to furnish the equipment and the supporting contracting element must establish and maintain accountability over the equipment as long as the equipment is required or until the contract expires. Procedures for controlling and accounting for equipment provided to contractors is contained in AR 710-2 and AR 735-5. For equipment or materiel acquired by the contractor during the performance of the contract, ownership will pass to the government, in accordance with Army and contracting procedures, when the contract is completed or terminated.

Chapter 3

Facilitating Contractor Support

Contractor support, like any other type of support, must be in place when required to be effective. The contractor is responsible for ensuring that every employee outside the theater is prepared to deploy. The military is responsible to ensure that all contractors deploying into the theater are prepared in accordance with AR 715-9 and DA Pam 715-16.

TIME-PHASED FORCE AND DEPLOYMENT DATA

The TPFDD is the supported CINC's statement of his requirements by unit type, time period, and priority for arrival. It also defines his nonunit-related cargo and personnel requirements including Army civilians and contractors to sustain his forces. The TPFDD, developed through the process described in Figure 3-1, is both a force requirement and a transportation movement document.

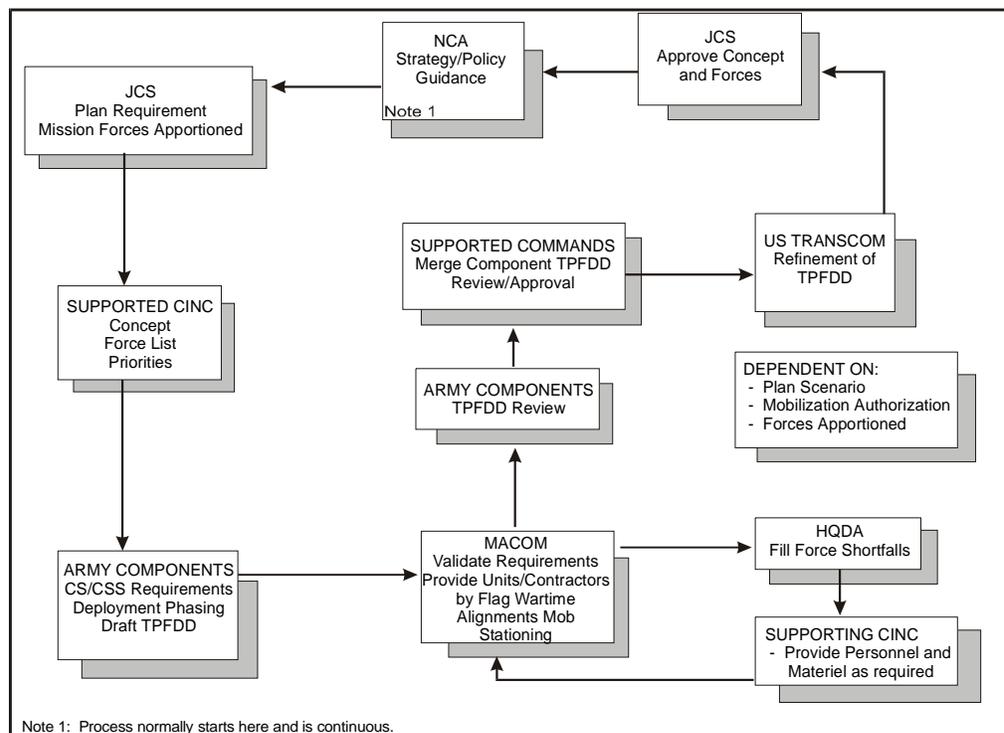


Figure 3-1. The TPFDD Development Process

REQUIREMENT

One of the benefits of using contractor support is that the Army does not have to concern itself with how the support is to be furnished; it establishes a performance oriented requirement and expects the contractor to perform, including moving personnel and equipment to the theater. This is a reasonable expectation under normal circumstances when contractors have equal access to transportation assets and port facilities. However, when the CINC assumes control of lift and port assets, a contractor may have difficulty getting to the theater because the requirement may not have been integrated into the CINC's deployment priority system.

Responsiveness is a key concern to the Army when determining the use of contractor support. The contractor must be operational at the time needed if support is to be effective and responsive. When developing the TPFDD for an operation, commanders and their staffs must address when contractor support should commence and how the contractor is going to get to the theater of operations. Contractors not resident in the theater of operation must be included in the TPFDD to facilitate their timely arrival. In accepting contractors in the theater of operations, deployment plans will include preparation for overseas movement of contractor personnel, equipment, and supplies in the TPFDD.

RESPONSIBLE ACTIVITIES

Responsibility for ensuring contractor support is available when needed is shared among the requiring activity/supported unit, the ASCC and his contracting element, the PEO/PM controlled systems, and the contractor. The requirement originates in the requiring activity; in many cases, this is the supported unit. Because it originates the requirement, the requiring activity bears the largest share of the responsibility and specifies when and where support is required. In doing so, it must ensure that the contractor arrives in the theater prior to the time that the support is required. This is accomplished through advance planning and integration of contractor deployment requirements into the contracting support plan, the TPFDD, and the governing contract.

The ASCC and his staff are responsible for ensuring that contractor deployment requirements are included in the TPFDD planning process and that they receive a priority that enables the contractor to provide support when needed. The agency responsible for deploying the contractor ensures that the contract specifies all deployment requirements so that the contractor can anticipate and be prepared to move to the theater. Lastly, the contractor has the responsibility for complying with deployment requirements and ensuring that he is prepared when notified.

NOTIFICATION

Contractors deploying in support of an operation must be included in the notification process. Commanders and their staffs must be aware of the need to

include contractors in the notification process (actual notification of the contractor will be accomplished through contracting channels). All contractor predeployment and deployment requirements, including notification and predeployment processing, must be specified in the governing contract. This enables the contractor to anticipate actions required and to be prepared to respond when notified.

PREDEPLOYMENT PROCESSING

Contractor support operations that require movement of personnel and equipment into an operational theater must be considered for predeployment activities to ensure that contractor personnel arrive when needed and are capable of operating in a hostile environment.

The nature of the operation will dictate the extent of predeployment processing that contractors conduct. Contractors should bear full responsibility for predeployment activities, in accordance with AR 715-9 and DA Pam 715-16, unless the scale of the operation dictates otherwise. This requirement must be addressed during planning, and is included in the contract and contains full instructions for predeployment processing and deployment. In this manner, the Army relies on the contractor to make all necessary arrangements. This relieves the Army of the burden of arranging for transportation and processing contractor personnel and equipment.

When contractors provide their own predeployment processing, the Army has less control over their processing and movement. Although it may be less costly for the contractors to orchestrate their own deployment, the use of Army deployment processing centers and transportation by the contractor may save time and resources as well as increase efficiency and control.

CONUS REPLACEMENT CENTERS

Certain operations may require a deploying contractor to process through a CONUS Replacement Center (CRC) (or an in-theater processing point if deploying from OCONUS). These are sites created by the Army for expeditiously preparing individuals for deployment to a combat area or theater of operations. Use of the CRC for contractor processing will be determined during operational planning and specified as a requirement in the contract. As part of the processing the CRC may:

- Screen contractor personnel records.
- Conduct required theater specific training.
- Issue theater specific clothing and individual equipment.
- Verify that medically related personnel requirements for deployment, such as immunization, DNA screening, HIV testing, and dental screening

have been met. Also screen for medical conditions that cannot be supported in the theater of operations or conditions that may preclude contractor personnel from performing their duties.

- Arrange for transportation to the theater of operations.
- Complete next-of-kin notification documents.

THEATER-SPECIFIC TRAINING

Deploying contractor personnel departing from CONUS or OCONUS may require specific training to prepare them for the environment in the theater of operations. Training requirements must be identified during operational planning and included in the contract. The type of contractor (theater support, external support, or system) will influence the nature and degree of the training to be provided. Training may include:

- Geneva Conventions
- Code of Conduct
- Health and sanitation
- Customs and courtesies for the area of deployment
- Applicable status of forces agreements
- Security
- Weapons familiarization
- NBC training, including protection from toxic industrial materials
- Rules of Engagement
- Host Nation Laws

Additional training dictated by the specific circumstances of the operation and approved by the theater commander would also be provided prior to departure.

The contractor or the Army, whichever is specified in the contract, can conduct the required training. In some areas, such as weapons familiarization or chemical defense, the Army may be the more appropriate source. In such cases, the CRC is normally the organization that conducts the training in conjunction with other processing activities.

Weapons

The general policy of the Army is that contractor personnel will not be armed. However, under certain conditions dictated by METT-TC, they may be allowed to do so. The decision to allow contractor personnel to carry and use weapons for personal protection rests with the CINC. Once the CINC has approved their issue and use, the contractor's company policy must permit the use of weapons by its employees; and, the employee must agree to carry a weapon. When all of these conditions have been met, contractor personnel may only be issued military specification sidearms, loaded with military specification ammunition, by the military. Additionally, contractor personnel must be specifically trained and familiarized with the weapon, and trained in the use of deadly force in order to protect themselves. Contractor personnel will not possess privately owned weapons. When determining to issue weapons to a contractor the CINC must consider the impacts this may have on their status as civilians accompanying the force.

Chemical Defense

The CINC will determine the contractor's requirement for individual protective equipment (IPE) for NBC defense, immunizations (such as anthrax vaccine), and training, which is theater specific and dependent upon the threat and the nature of the duties. The environment and potential use of a nuclear, chemical and/or biological warfare weapon is the basis for determining the need to equip and train contractor personnel with NBC equipment and survival skills. The CINC's intelligence preparation of the battlefield (IPB) provides the analysis for potential use of NBC weapons. Once completed, the CINC issues guidance for NBC protective postures. When approved for contractor personnel, training and equipment are dependent upon the threat and the nature of the duties. IPE and training will be provided by the CRC, or an in-theater processing center, when determined to be in the best interest of the government and incorporated into the terms of the contract.

Uniforms

Contractor personnel supporting military operations should be visibly distinct from the forces they are supporting so that they do not jeopardize their status as civilians accompanying the force. Military uniforms are unacceptable except for specific items required for safety or security such as: CDE, cold weather equipment, or mission specific safety equipment. Either the government or the contractor may decide that a uniform appearance is necessary for contractor employees. In this case, the contractor should provide appropriate attire which is distinctly not military, and which set them apart from the forces they are supporting.

ARRIVAL IN THEATER

Contractor personnel and equipment must flow into the theater in a controlled and managed fashion, usually in accordance with the TPFDD. This provides commanders with visibility over incoming personnel and cargo; affords them the opportunity to deconflict the use of aerial and sea ports; and to avoid placing contractors at risk of becoming targets as unidentified inbound aircraft or ships. To ensure that contractor support is fully integrated into the overall operational support structure once in the theater, contractor arrival must be handled much the same as that for arriving military forces. Similar to predeployment processing, contractors arriving in the theater must go through some form of RSO&I processing. A primary activity upon arrival is establishing personnel accountability, then linking personnel with equipment and coordinating onward movement to their destination. It also enables the CINC to gain and maintain visibility over all contractors and their assets within his theater. The CINC is responsible to review and approve Service logistic plans. This process would normally include providing guidance on the use of civilians/contractors in the theater, based on the operational situation. Systems or external support contractors having a habitual relationship with a deploying unit will normally RSO&I with their supported unit. For contractors that are already in country, or deploying from countries OCONUS, a modified form of processing is necessary. When planning RSO&I operations, commanders and staff planners must include contractor requirements in operational and supporting plans, contracting support plans, and specifications in the governing contracts.

GOVERNMENT-FURNISHED TRANSPORTATION AND SERVICES

It is the general policy of the government that a contractor is responsible for providing everything necessary to perform under the contract. Contractors may have difficulty obtaining transportation and other services, such as communications, housing and work facilities, or messing when deploying to, and operating in, a theater of operations. In most operations, it is expected that US forces will control transportation assets and port facilities and will dominate or control many of the other services. In order to ensure that contractors are present in the theater at the proper time and have the necessary services to perform their contract, the Army must determine whether it, or the contractor, should provide the required transportation and services. When a contractor does not have full control over the environment or circumstances that affect how and when his support is provided, it may be in the Army's best interest to assist. Contractors must be aware that insurance companies may limit or deny coverage on private insurance policies if an individual is being transported on military transportation, such as rotary wing aircraft. Contractors or the military may have to obtain special coverage if these situations are a necessary part of the work being provided.

CONTRACTOR REDEPLOYMENT

The timing of the departure of contractor support operations from a theater is as critical as that for military forces. Orderly withdrawal or termination of contractor operations ensures that essential contractor support remains until no longer needed and that the movement of contractor equipment and personnel does not inadvertently hinder the overall redeployment process. For contractors returning to CONUS, the redeployment planning and execution process is similar to that of military forces (see FM 100-17-5 and DA Pam 715-16 for specific guidance on redeployment). Contractors from the host nation or other third country nations do not require the same level of redeployment outprocessing as those returning to CONUS, but do require conscious consideration as to when and how they will exit the theater of operations.

Chapter 4

Managing Contractors

Managing and controlling contractors on the battlefield is essential for ensuring that their support is properly orchestrated and synchronized with the overall theater support plan. Visibility over the total contractor presence in the theater is necessary in order to establish positive control, perform initial reception and integration, and to establish and manage their location on the battlefield.

Although contractors are managed and not commanded, the management process follows standard military command channels. All contractors in the theater, whether theater support, external support, or system, work for a military organization responsible for directing and overseeing their activities as they provide required support for the operation. The critical link between the contractor, the contracting officer, and the unit overseeing their activities is the COR.

Any contractor requirement flows through military channels until it reaches the organization responsible for overseeing the activities of the contractor. At this point, the requirement is passed to the COR in the organization who determines if it is within the terms and conditions of the contract. If it is, the COR contacts the contractor and directs their activities based upon the requirement. If the requirement does not fall within the terms and conditions of the contract, the COR contacts the appropriate contracting officer who will modify the contract to allow the contractor to perform the requirement. The COR is the critical link that allows the commander to effectively manage contractor support in the theater.

VISIBILITY

The activities and movement of contractors on the battlefield must be orchestrated along with the combat forces. To accomplish this, the CINC must maintain visibility over all contractors in the theater, just as he does with military personnel and DOD civilians.

REQUIREMENT

The activities and movements of contractors in a theater must be visible so that their relationship with the current operational situation can be assessed and adjusted when necessary. The intent of contractor visibility is to know which contractors are on the battlefield, where they operate, when they provide support,

and what their command support mission and relationship is. The extent of this visibility is determined and established by the ASCC. This provides the ASCC/Army Forces (ARFOR) with the information necessary to properly orchestrate both the Army forces engaged in the operation and the contractors that support them. This also ensures that contractor activities enhance the operation and do not impede or jeopardize the operational situation. Additionally, Army responsibilities for providing support to contractors, including safety measures, dictate a need to quantify the total number of contractors supporting military operations. **Maintaining contractor visibility is a continuous process that must be conducted throughout the duration of the operation. Initial visibility is established through the RSO&I process, where the supported unit (primarily for system contractors) or controlling agency such as USAMC's LSE or USACE's Forward Element (for contractors providing area support) gains positive control of contractors entering the theater. Once initial control of contractors has been established and they are integrated with the unit/activity they are providing support or working for, visibility is maintained through status reports flowing through normal military personnel channels.**

NOTE: At the time of publication of this FM, detailed Army contractor reporting procedures and policies are still under development. Therefore, it is incumbent upon ASCC and logistic planners to ensure that the necessary mechanisms are in place to record contractor personnel reporting to the theater.

RESPONSIBLE ACTIVITY

Overall management of and maintaining visibility over the total contractor presence in the theater (battlefield) is a CINC responsibility. This is in line with the concept that contracting support is centralized at the highest level to ensure a coordinated approach for operation support. The CINC may designate the Army as the lead Service responsible for coordinating common user support contracting in the theater.

ASCC management and visibility of the total contractor presence on the battlefield is a shared responsibility between the ASCC staff, the theater PARC and the senior theater logistics command (normally the TSC), with the senior theater logistics command having primary responsibility. The senior Army logistics command has the responsibility for synchronizing all support throughout the theater, and for providing sustainment support at echelons above corps (EAC) and to tactical units. Operating at the operational level of logistics, it also interfaces with the strategic and tactical levels. The senior theater logistics command has overall responsibility in the theater for RSO&I, giving it visibility over contractor arrivals and movements. Under the direction of the Deputy Commander for Support Operations, it serves as the central coordination point for all matters pertaining to external support (provided to ASCC units, other Services, allied nations, and non-governmental organizations). In operations where a TSC is not deployed, the senior Army logistical headquarters, when augmented, would assume these responsibilities.

The PARC, as the ASCC's senior Army acquisition advisor, is responsible for planning and maintaining functional control of all Army contracting operations within the theater. His primary focus is the arranging of contracts to support the mission. He does not monitor the overall contractor presence in the theater, but does work in conjunction with the senior theater logistics command to ensure that contracting responsively supports the theater operational objectives.

The ASCC staff elements assist the senior theater logistics command, within their respective responsibilities, in monitoring the total contractor presence in the theater. For example, the G1 assists in accounting for contractor personnel; the G4 for contractor equipment and maintenance needs; and the G3 for location on the battlefield.

RECEPTION AND INTEGRATION OF CONTRACTORS

Effective force projection largely depends on the speed with which forces assemble at the required location. RSO&I is the essential process that transitions deploying forces into forces capable of meeting the CINC's operational requirements (refer to Joint Publication [JP] 4-01.8 and FM 100-17-3 for a detailed discussion of the RSO&I process). Contractor support operations must be included in the RSO&I process if they are expected to perform in harmony with other support capabilities.

All contractors (theater support, external support, and system) and their personnel must be received and integrated into the operational support structure, whether their contracts originate in CONUS, the host nation, or a third country. A formal reception and integration process is essential for system and external support contractors deploying into the theater. For contractors who reside within the theater or must travel only a short distance, the need for formal reception and integration is not as complex.

System contractors usually have a habitual relationship with the unit they support and will usually deploy with that unit. They should go through the RSO&I process with their supported military unit. External support contractors that do not have a habitual relationship with a particular military unit undergo the same RSO&I process as military forces. This may entail processing through a CRC, an overseas reception center outside the theater, or a reception center in the theater, depending upon where the contractor is deploying from and the CINC's guidance on in-theater reception processing. Since both system and external support contractors are deploying into the theater, they must have medical records verified, be issued identification cards, and may require theater specific training before they can begin providing support. This ensures they receive the proper attention upon arrival so that they can move to their support locations. It also gives the Army and the contractor a control mechanism to assist in bringing together personnel and equipment without establishing a separate system.

While theater support contractors do not have to deploy to the theater, they still must undergo a reception and integration process, and may require tailored,

theater specific training. They must be integrated with the unit or activity they will work for, and may require issued ID cards for access to areas where they must work. Theater support contractors may receive reception and integration processing at an in-theater reception center, from the activity contracting for the support, or from the unit/activity receiving the support. However it occurs in the theater, these contractors must be processed and integrated into the support structure.

ALL CONTRACTORS MUST BE PROCESSED AND INTEGRATED INTO THE SUPPORT STRUCTURE!

Contractor reception processing is required to establish theater visibility of contractor operations. Reception of contractors begins upon arrival in the theater at the port of debarkation (sea or air). When arriving by government transportation, personnel and equipment are processed in the same fashion as military forces. For those arriving on carriers provided by the contractor or for personnel that are already in the theater, reception processing is similar but requires the contractor to be integrated into the processing flow. Regardless of the situation, the requirement for reception processing must be addressed in the governing contract.

Contractors are integrated into the support structure after reception has been completed and visibility established. This means getting into position or moving to a location in order to perform the work they are hired to perform. It also involves formalizing contact with administering contracting and supported unit representatives and establishing support relationships.

RESPONSIBILITIES

Managing and maintaining visibility over the total contractor presence on the battlefield requires the involvement of commanders and their staffs at all levels. In planning and execution, a command presence is necessary to ensure that contractor support receives the proper attention. As a support alternative, contractor support must be considered early in the planning process (as discussed in Chapter 2) so all requirements can be identified and communicated in OPLANs/Campaign Plans and contract documents. Contractor support must be monitored to ensure compliance with the stated requirements and so it does not hinder the overall military operation.

COMMANDER IN CHIEF

The theater CINC must set the tone for the use of contractor support by ensuring it is considered during planning and is part of the OPLAN/Campaign Plan, or OPORD. The CINC establishes priorities, determines guidance on contractor use to include specific restrictions and policies, then reviews and approves Service support plans. The CINC also ensures management of contracting support is

centralized at the highest level to permit equality of support throughout the theater and to efficiently coordinate the theater contracting support plan.

ARMY SERVICE COMPONENT COMMANDER

The ASCC commands and controls Army forces in the assigned geographic area. Among his many responsibilities, he is responsible for all Army support, including contractors, unless the CINC directs otherwise. In most circumstances, he is the senior contracting authority for the Army in the theater. When directed by the CINC and through appointment by the Assistant Secretary of the Army (Acquisition, Logistics and Technology) (ASA[ALT]), the ASCC, or his deputy, is designated the head of contracting activity (HCA) for the theater. In this capacity, he manages and conducts acquisition to accomplish the mission; acquires contracted supplies, equipment, and services; provides overall guidance concerning contracting; and acts as the approving authority for all common user contracting actions in the theater. He also ensures planning includes the use of contractors, and responsibilities for maintaining visibility and management of contractors are established.

All Army contracting authority in the theater flows from the HCA. The HCA is also the appointing authority for the PARC, who is a contracting professional and is the HCA's principal contracting assistant. The PARC oversees the daily activities of the theater's contracting operations, and is responsible for writing the theater contracting support plan. For a detailed discussion on the responsibilities of the PARC, refer to FM 100-10-2.

SENIOR THEATER LOGISTICS COMMAND

The senior theater logistics command is responsible for synchronizing logistics and support operations, and for integrating contractor support into the overall support structure. This is normally the TSC, a multifunctional command that centralizes the command, control, and supervision of CSS functions at EAC. When designated by the ASCC, the TSC assumes responsibility for management and visibility of all contractors in the theater. (This is accomplished by the corps support command (COSCOM) if the TSC is not deployed to the theater. The COSCOM will be augmented by EAC or other assets to perform this function.) The TSC maintains visibility over who is in the theater, where they are operating, what support functions they are performing, and when they provide support. This visibility enables the ASCC to properly integrate contractor support at the point it is most needed and to prevent contractor activities from impeding the overall operational mission. The functions performed by the TSC are not related to contract compliance; that is the responsibility of the various contracting organizations within the theater. The management and visibility of external support and system contractors that originate from contracts awarded from outside the theater, is accomplished through elements from commands such as USAMC (the LSE), which is attached to the TSC, USTRANSCOM, DLA, and the USACE. These organizations provide liaison between the TSC and their parent command contracting elements to ensure prompt response to changes in contractor support that may be required.

SENIOR THEATER CONTRACTING ORGANIZATION

The senior theater contracting organization is responsible for providing contracting support for the theater. This organization performs the contracting functions for the theater and ensures all approved requests for contracting support are processed. The senior theater contracting organization may be a separately established organization or command at the joint or ASCC level or one of the in-place contracting elements of the TSC or corps support command (COSCOM). This organization implements the CINC's contracting guidance in the theater contracting support plans; it negotiates, awards, administers and closes theater support contracts. It maintains visibility over individual contractors and their compliance with their contract, but generally does not concern itself with the total contractor presence in the theater and how contractor activity is affecting overall operations. For a further discussion on theater contracting organizations, refer to JP 4.0 and FM 100-10-2.

SUPPORTED UNIT/COR

The supported unit and the COR designated to monitor the contractors' performance play a key role in managing and accounting for contractors on the battlefield. The COR is the commander's and contracting officer's direct link with the contractor. The COR acts within the limits of written delegation from the contracting officer to monitor contractor activities. This is usually done to ensure the contractor is meeting the needs of the supported unit and does not inadvertently hinder mission accomplishment. The COR serves as the commander's liaison with both the contracting officer and the contractor, providing a responsive means of managing contractor support.

LOCATION ON THE BATTLEFIELD

Army operations may occur in areas without clearly defined borders or boundaries. In these circumstances, contractors can expect to perform virtually anywhere in the theater subject to the terms of the contract and the CINC's risk assessment.

Army policy states civilian contractors may be employed anywhere in the theater of operations necessary to support operations and weapon systems. Generally, contractors are assigned at EAD; however, if the senior commander determines that their services are required at lower echelons, they may be temporarily deployed as far forward as needed, consistent with the terms of the contract and the tactical situation.

Contracts for contractor support must be carefully drafted to specify the services needed and the conditions under which they are required so contractors are fully aware of what is involved. When contractors are willing to perform under dangerous conditions the cost of a contract will be directly related to the risk the contractor is being asked to accept. Additionally, contractors may be willing to

perform under dangerous conditions if the Army meets certain security requirements to ensure their protection and safety.

COMMUNICATIONS ZONE

The communications zone (COMMZ) contains those theater organizations, the LOCs, the theater logistics base, and other agencies required for immediate support and sustainment of forces in the field. Because the COMMZ contains the theater logistics base, this is where the majority of contractor support operations are found. Within the COMMZ, contractor support operations are located where they are the most responsive. Contractors must be located so their operations do not adversely impact the mission nor the safety and security of their own personnel.

COMBAT ZONE

In keeping with Army policy, contractors may operate in the combat zone as long as the tactical situation and the governing contract make it possible. Based on METT-TC and the terms and conditions of the contract, the decision as to where contractors may operate in the combat zone is made by the senior military commander. In reaching his decision, the commander will consider the risk to the mission as well as to the contractor and his personnel.

Appendix A

"Contractors on the Battlefield" Briefing

This appendix contains a sample briefing that may be used by commanders at various levels to inform their units and staffs about the use of contractors on the battlefield. The briefing is in outline format and provides essential points covering what a contractor is, the functions they typically perform on the battlefield, and how they differ from military units. It also addresses the necessity for thorough planning, and the manner in which contractors would be managed, controlled and supported when in a theater of operations.

This briefing summarizes the contents of this field manual. For additional information in presenting the briefing, the briefer should refer to the contents of the manual.

SLIDE #1**CONTRACTORS:**

- **Are Commercial Businesses**
- **Provide Supplies or Services for a Cost (at a profit)**
- **Have Historically Supported the Military**

SLIDE #2**CONTRACTORS CAN PERFORM:**

- **Potentially any function except inherently governmental functions**
- **Functions that include:**
 - **Life Support**
 - **Weapons System Support**
 - **Supply and Field Services**
 - **Transportation Support**
 - **Maintenance Support**
 - **Medical/Dental Support**
 - **Construction and Engineering Support**
 - **Communications Support**
- **In any location the Senior commander decides (in accordance with the contract)**

SLIDE #3**CONTRACTOR SUPPORT TYPES INCLUDE:**

- **Theater Support Contractors**
- **External Support Contractors**
- **System Contractors**

SLIDE #4**CONTRACTORS DIFFER FROM MILITARY IN THAT THEY ARE:**

- **Hired for specific function; no “other duties as assigned”**
- **Not Combatants, rather civilians accompanying the force**
- **Managed through contracting channels, not the chain of command**
- **Not required to carry a weapon or engage in force protection**

SLIDE #5**CONTRACTORS ARE MANAGED AND CONTROLLED THROUGH:**

- **Terms and conditions of the contract**
- **Theater contracting elements for contract compliance**
- **Senior theater logistics command for management, visibility, and life support**
- **Normally do not wear military uniforms**

SLIDE #6**CONTRACTOR RESPONSIVENESS ENSURED BY:**

- **Thorough planning and assessment of risk**
- **Including all requirements in the contract**
- **Appointment and effective use of CORs**
- **Inclusion in deployment and RSOI flow**

SLIDE #7

CONTRACTOR EFFECTIVENESS REQUIRES IDENTIFICATION AND SUPPORT OF:

- **Life support needs**
 - **Force protection requirements (i.e., security, NBC defense)**
- Government furnished materiel**

Appendix B

Contracting Officer Representative Responsibilities

A COR is the contracting officers designated representative who assists in the technical monitoring and administration of a contract. The COR is the requiring activity's or supported unit's link to the contractor, using the contract administration/management process. This individual is designated in writing and must be qualified (according to the requirements established in the Defense Federal Acquisition Regulation Supplement) to perform the duties and responsibilities delegated by the contracting officer.

A COR's specific duties and responsibilities are delegated, in writing, by the contracting officer. Typically, a COR will be responsible for assisting the contracting officer in the following areas:

- Maintaining liaison and direct communications with both the contractor and the contracting officer.
- Monitoring the contractor's performance, notifying the contracting officer of deficiencies observed during surveillance, and recommending appropriate corrective action.
- Verifying that the contractor has performed the technical and management requirements of the contract.
- Performing all necessary inspections.
- Verifying that the contractor has corrected all correctable deficiencies.
- Accepting government supplies and services.

Although the COR provides a vital link between the military and the contractor, there are certain limits to his authority. A COR is prohibited from:

- Making any agreement with the contractor requiring the obligation of public funds.
- Making any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract.
- Encouraging the contractor by words, actions, or a failure to act to undertake new work or an extension of existing work beyond the contract period.
- Authorizing a contractor to obtain property for use under a contract.

- Interfering with the contractor's management prerogative by "supervising" contractor employees or otherwise directing their work efforts.

Appendix C

Army Policy on Contractors on the Battlefield

In December of 1997, the Army published its first policy on the use of contractors on the battlefield. Although the policy, as written, applies only to US contractors, its content serves as a guide for commanders who must consider their responsibilities to any contractor who may be providing support in a contingency environment. This appendix provides this policy in its original published form.



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

December 12, 1997

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Memorandum – Contractors on the Battlefield

The purpose of this memorandum is to provide a consistent and uniform policy on the use of U.S. contractors to augment the support of U.S. Army operations and/or weapon systems. This policy applies to all U.S. Army elements and Department of the Army contractors. Likewise, it is applicable wherever U.S. Army elements are stationed or deployed during peacetime, war, or Military Operations Other Than War (MOOTW).

Lessons learned from recent military operations, including Operations Joint Endeavor and Desert Storm, indicate contracting and outsourcing may be effective Combat Service Support force multipliers. They can increase existing capabilities, provide new sources of supplies and services, and bridge gaps in the deployed force structure. In the event of emergency or contingency operations, contractor personnel may be required to perform services in a theater of operations. With this increased emphasis on the use of contractors comes the need to identify the doctrine, policies and procedures affecting the use of civilian contractors.

Civilian contractors may be employed in Areas of Operations (AO), as required, to support U.S. Army operations and/or weapon systems. Generally, civilian contractors will be assigned duties at Echelons-Above-Division (EAD). Should the senior military commander determine that their services are required at lower echelons, contractors may be temporarily deployed as far forward as needed, consistent with the terms of the contract and the tactical situation.

Command and control with an AO will be executed by the military Chain-of-Command, which begins with the Theater Commander and extends to the lowest level of command responsible for personnel safety and mission accomplishment. For contractor personnel, command and control is dependent upon the terms and conditions of the contract. The Contracting Officer (KO) or the KO's designated representative(s) is the appointed liaison for monitoring contractor performance requirements and will ensure that contractors move materiel and personnel in accordance with the combatant commander's plan. In the event a contract's scope of work must be changed, the contract must be modified. The KO is the only government official with the authority to modify a contract.

Contractors are required to perform all tasks identified within the Statement of Work (SOW) and all other provisions defined within the contract. Contractors will comply with all

applicable U.S. and/or international laws. During a declared war, civilian contractors accompanying the U.S. Army may be subject to the Uniform Code of Military Justice (UCMJ).

When U.S. contractors are deployed from their home stations, in support of Army operations/weapon systems, the Army will provide or make available, on a reimbursable basis, force protection and support services commensurate with those provided to DOD civilian personnel to the extent authorized by law. These services may include but are not limited to non-routine medical/dental care; mess; quarters; special clothing, equipment, weapons or training mandated by the applicable commander; mail, and emergency notification. Planning must be accomplished to ensure agree upon support to contractors is available to the responsible commander.

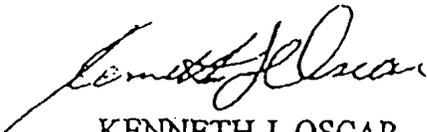
The following must be considered during the negotiating and drafting of any contract that requires the employment/deployment of civilian contractors to support U.S. Army operations/weapon systems:

- Areas of deployment (to include potential hostile areas) and their associated risks.
- Physical/Health limitations that may preclude contractor service in an theater of operations.
- Contractor personnel reporting and accountability systems to include plans to address contractor personnel shortages due to injury, death, illness, or legal action.
- Specific training or qualification(s) that will be required by civilian contractors to perform within a theater of operations, e.g. vehicle licensing, NBC, weapons.
- Reimbursement for government provided services, e.g. medical/dental.
- Interface between government and contractor Management Information Systems (MIS).
- A plan to transition from peacetime operations to operations during conflict, war, and/or MOOTW, and a subsequent plan to transition back to peacetime.
- A plan to transition mission accomplishment back to the government if the situation requires the removal of contractors.
- Preparation for Overseas Movement (POM), Points of Embarkation/Debarkation for U.S. contractors, deployment/re-deployment into/from theater, and deployment of all contractor personnel through the specified CONUS Replacement Center.
- When Status of Forces Agreements (SOFAs) do exist, they may not specifically address the status of contractor personnel. Contractor personnel status will depend on the nature of the specific contingency operations and those applicable SOFA provisions.

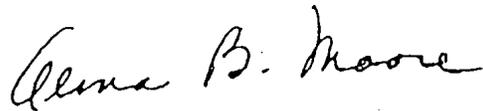
Contractor employees accompanying U.S. Armed Forces may be subject to hostile action. If, captured, a contractor's status will depend upon the type of conflict, applicability of any

relevant international agreements, and the nature of the hostile force. The full protections granted to Prisoners of War (POWs) under the Geneva (1949) and Hague (1907) Conventions apply only during international armed conflicts between signatories to those conventions. Accordingly, these conventions are generally non-applicable during MOOTW. Therefore, contractor employee protection during MOOTW will depend on the specific circumstances of an operation. When the United States is a participant in an international armed conflict, contractors are entitled to be protected as POWs if captured by a force that is a Geneva/Hague Convention signatory. To ensure proper treatment, contractors will be provided with a Geneva Conventions (DD Form 489) or similar Identification Card.

U.S. contractor employees deployed to a theater of operations to perform public work under a contract (or subcontract) with the United States may qualify, if injured or killed while deployed, for Workers' Compensation under the Defense Base Act depending on the specific circumstances of incapacitation and the precise nature of the work being performed.



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Glossary

AIT	automated information technology
AO	area of operation
AR	Army Regulation
ARFOR	Army Forces
ASA(ALT)	Assistant Secretary of the Army, (Acquisition, Logistics and Technology)
ASCC	Army Service Component Commander
C2	command and control
CDE	chemical defense equipment
CHS	combat health support
CINC	Commander-in-chief
COMMZ	communications zone
CONUS	Continental United States
COR	contracting officer's representative
COSCOM	corps support command
CRAF	Civil Reserve Air Fleet
CRC	CONUS Replacement Center
CS	combat support
CSS	combat service support
DAC	Department of the Army civilians
DCMC	Defense Contract Management Command
DCSLOG	Deputy Chief of Staff, Logistics
DOD	Department of Defense
DODI	Department of Defense Instruction
EAC	echelons above corps
EAD	echelons above division
EEM	Early entry modules
Emergency Care	Medical treatment of patients with severe life-threatening or potentially disabling conditions resulting from accident or illness of sudden onset. These conditions necessitate immediate care to prevent undue suffering or loss of life or limb. Dental treatment for relief of painful or acute condition.
FM	Field Manual
HCA	Head of Contracting Activity: A general officer, usually the senior commander in

	the theater, who provides overall contracting guidance; serves as the approving authority for contracting; and appoints the PARC. All contracting authority in a theater flows from the HCA to the PARC.
HQDA	Headquarters, Department of the Army
Host Nation	A nation which receives the forces and/or supplies of allied nations and/or organizations to be located on, to operate in, or to transit through its territory.
HNS	host nation support: civil and/or military assistance rendered by a nation to foreign forces within its territory during peacetime, times of crisis, emergency, or war, based upon agreements mutually concluded between nations.
IPB	Intelligence preparation of the battlefield
ITV	in-transit visibility
JCS	Joint-Chiefs-of-Staff
Joint Operations	Operations carried on by two or more of the Armed Forces of the United States (Army, Navy, Air Force).
JP	Joint Publication
KO	Contracting officer
LOC	lines of communication
LOGCAP	Logistics Civil Augmentation Program
LSE	logistics support element
MACOM	major army command
<u>METT-TC</u>	mission, enemy, terrain, troops, time available, and civilian considerations
MMC	Materiel Management Center
MWR	morale, welfare and recreation
Nation Assistance	Civil and/or military assistance rendered to a nation by foreign forces within that nation's territory during peacetime, crises or emergencies, or war, based on agreements mutually concluded between nations.
NBC	nuclear, biological, and chemical
NCA	National Command Authorities
OPCON	operational control
OPLAN	operations plan
OPORD	operation order

PARC	Principal Assistant Responsible for Contracting: a special staff officer, is the ASCC or mission commander's senior Army acquisition advisor responsible for planning and managing all Army contracting functions within the theater.
PEO/PM	Program Executive Officer/Program Manager
Routine care	Routine medical care is nonemergency care that is required and medically indicated. Routine dental is all care necessary to maintain dental health and function other than care of an emergency or elective nature.
RSO&I	reception, staging, onward movement, and integration
SOO	statement of objectives
SOW	statement of work
TAV	total asset visibility
TPFDD	time-phased force and deployment data
TSC	theater support command
UCMJ	Uniform Code of Military Justice
US	United States
USACE	US Army Corps of Engineers
USAMC	US Army Materiel Command
USTRANSCOM	US Transportation Command

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