

2008-09

United States Army contingency
contracting operations: emerging roles,
procedures, and challenges facing
Contracting professionals



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JOINT APPLIED PROJECT

**United States Army Contingency Contracting Operations: Emerging
Roles, Procedures, and Challenges Facing Contracting Professionals**

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September 2008

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REPORT DOCUMENTATION PAGE			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE September 2008	3. REPORT TYPE AND DATES COVERED Joint Applied Project	
4. TITLE AND SUBTITLE United States Army Contingency Contracting Operations: Emerging Roles, Procedures, and Challenges Facing Contracting Professionals			5. FUNDING NUMBERS	
6. AUTHOR(S) Roxanne Barbaris and Christine Callanan				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING/MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES: The views expressed in this Joint Applied Project are those of the authors and do not reflect the official policy or position of the Department of Defense or the United States Government.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited			12b. DISTRIBUTION CODE	
13. ABSTRACT (maximum 200 words) This Joint Applied Project analyzed the extent to which Army leadership has acknowledged and is acting upon key improvement recommendations made by the Gansler Report (2007). This project explores roles, procedures, principles and emerging issues facing contingency contracting professionals in respect to their responsibilities in expeditionary operations. Basic principles of contingency contracting and current literature relative to Army expeditionary operations were analyzed. Semi-structured interviews were conducted with both military and civilian acquisition professionals. Additionally, researcher developed surveys were distributed amongst deployed contingency contracting officers/specialists in order to approach this topic with a 'boots on the ground' perspective. From the research conducted, recommendations are provided that the Army can implement to improve modern wartime contingency contracting and better prepare and train the contracting workforce to support future contingency operations.				
14. SUBJECT TERMS Contingency Contracting, Army Training, Gansler Commission Report			15. NUMBER OF PAGES 119	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UU	

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**UNITED STATES ARMY CONTINGENCY CONTRACTING OPERATIONS:
EMERGING ROLES, PROCEDURES, AND CHALLENGES FACING
CONTRACTING PROFESSIONALS**

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UNITED STATES ARMY CONTINGENCY CONTRACTING OPERATIONS: EMERGING ROLES, PROCEDURES AND CHALLENGES FACING CONTRACTING PROFESSIONALS

ABSTRACT

This Joint Applied Project analyzed the extent to which Army leadership has acknowledged and is acting upon key improvement recommendations made by the Gansler Report (2007). This project explores roles, procedures, principles and emerging issues facing contingency contracting professionals in respect to their responsibilities in expeditionary operations. Basic principles of contingency contracting and current literature relative to Army expeditionary operations were analyzed. Semi-structured interviews were conducted with both military and civilian acquisition professionals. Additionally, researcher developed surveys were distributed amongst deployed contingency contracting officers/specialists in order to approach this topic with a ‘boots on the ground’ perspective. From the research conducted, recommendations are provided that the Army can implement to improve modern wartime contingency contracting and better prepare and train the contracting workforce to support future contingency operations.

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ACKNOWLEDGMENTS

The authors would like to thank our advisors Dr. Cary Simon and CDR Richard Nalwasky for their invaluable guidance and commitment in accomplishing this Joint Applied Project.

We would also like to thank Mr. Michael Neeb for sharing his knowledge and assistance in developing a vision and path forward for this project, and Mr. Edward Elgart and Mr. Jeff Parsons for their insight and support in preparation for this project.

We would also like to thank the following CECOM LCMC Acquisition Center supervisors for their patience and understanding throughout the research period for this project: Mrs. Athena Loesch, Ms. Michele Foster, and Ms. Anne Marie Vasconcelos. A special 'Thank You' goes out to all those who participated in the surveys and interviews; your time and support for this project was invaluable and greatly appreciated as it aided in the formulation of the conclusions and recommendations of this project. .

Last but certainly not least, we would like to thank Mr. Adam Barbaris and Mr. Nicholas Yezzo for their patience, understanding, and encouragement. Without their unwavering support throughout the research period of this project, this great accomplishment would not have been possible.

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I. INTRODUCTION

This Joint Applied Project analyzed the extent to which Army leadership has acknowledged and is acting upon key improvement recommendations made by the Gansler Report (2007), e.g., Independent Commission on Army Acquisition and Program Management in Expeditionary Operations, chaired by Dr. Jacques S. Gansler, former Under Secretary of Defense (Acquisition, Technology, and Logistics). This project explored roles, procedures, principles and emerging issues facing contingency contracting professionals in respect to their responsibilities in expeditionary operations. Basic principles of contingency contracting and current literature relative to Army expeditionary operations were analyzed. Semi-structured interviews were conducted with both military and civilian acquisition professionals. Additionally, researcher developed surveys were distributed amongst deployed contingency contracting officers/specialists in order to approach this topic with a ‘boots on the ground’ perspective.

From the research conducted, recommendations are provided that the Army can implement to improve modern wartime contingency contracting and better prepare and train the contracting workforce to support future contingency operations. To begin such a discussion, it is necessary to identify the Army’s contingency contracting problems and purpose for this research.

A. PROBLEM IDENTIFICATION AND PURPOSE

Since the end of the Cold War, the U.S. Department of Defense (DoD) has seen substantial changes in procurement structures, policies and practices. One major shift concerns the procurement of systems and technologies that fall outside of the traditional peace-time supply chain. The commercial marketplace increasingly emerged as an untapped defense resource, particularly since the commercial industry bears the brunt of R&D costs. Overall, industry competitors strive to steadily improve upon existing technologies, much to the delight of their defense customers. The DoD attempts to

balance the tension between reducing the costs of expensive programs with purchasing and incorporating the latest commercial technologies into its requirements.

The 1990s can be depicted as a time of further changes in military strategic and operational structures, including reorganizing business practices coupled with a persistent downsizing of the acquisition workforce. Multiple changes have affected the DoD's ability to procure the necessary hardware and services needed to support the largest organization in the world. Operations Iraqi Freedom (OIF) and Enduring Freedom (OEF) have revealed that the DoD must place a renewed focus upon the Acquisition profession to ensure that the U.S. can remain a dominant player in the global environment. During OEF, OIF and the Global War on Terror (GWOT), the responsibilities and skills of Army contingency contracting personnel have expanded and become more complex. When placed within the context of exponential developments in information technology, Army overseas contracting personnel are struggling to keep up, and struggling under increased workloads. Faced with limited resources and multiple agency accusations of waste, fraud, and abuse, the Army appears to be getting serious about ways to fundamentally improve upon its current procurement system and the personnel charged with operating and evaluating it; in both conventional and unconventional contracting situations.

In 2007, the Secretary of the Army established an Independent Commission on Army Acquisition and Program Management in Expeditionary Operations referred to as the Gansler Commission. The Commission was chaired by Dr. Jacques S. Gansler, former Under Secretary of Defense (Acquisition, Technology, and Logistics) and was tasked to review the Army's policies, procedures, and operations in contingency environments. The board provided key improvement recommendations to assist the Army in attaining an improved procurement process to support current and future contracting operations.

The Gansler Commission findings and recommendations are the central starting point of this thesis. Analyzed was the notion of the Army's "acknowledgement" or

degree of acceptance toward what the Gansler Commission states needs to be done, as well as, the current initiatives that the Army has undertaken to implement the Gansler recommendations.

B. IMPORTANCE OF THE RESEARCH

This Joint Applied Project evaluated current Army contracting procedures and the Army's response to the Gansler Commission report. The research and analysis resulted in the provision of recommendations on how the Army can continue to move forward and substantially improve its contingency contracting process and workforce to fit the demands of its war-time context. Interview and survey responses were used to draw conclusions and to develop potential tools to assist leaders, managers, and contracting practitioners improve upon modern wartime contingency contracting and better prepare and train a contracting workforce to support future contingency contracting operations.

C. RESEARCH QUESTIONS

1. How have the roles, responsibilities, procedures, and challenges of U.S. Army contract specialists changed to accommodate wartime needs and expectations?
2. How is Army leadership responding to contingency contracting key improvement recommendations for changes, including acknowledgement of weaknesses, plans to solve charges of waste and inefficiency, and overcoming implementation impediments?
3. How is the Army developing more and better trained contract professionals?
4. What "contracting tools," procedures and/or personnel policy modifications could be considered as ways to augment and stabilize the contingency contracting community's ability to perform in the context of a long war?

D. ORGANIZATION/METHODOLOGY OF THE RESEARCH

Research for this project was conducted primarily through literary searches on the subject of contingency contracting, as well as, information pertaining to the Gansler Commission report. Literature was analyzed from Government Accountability Office (GAO) reports, DoD directives and publications, and other documents including theses from the Naval Postgraduate School. Four key improvement issues facing Army contingency contracting are described in Chapter III. Comparison analysis was used to juxtapose literature findings, government reports, and researcher generated interviews and surveys to identify commonalities. Additionally, a researcher developed survey (Appendix A) was distributed to contingency contracting officers and specialists deployed throughout the U.S. Central Command (CENTCOM).

E. ASSUMPTIONS

The following assumptions pertain:

1. Research for this study was conducted during 2007 and the first half of 2008. Implementation of the Gansler Report recommendations is not viewed as a 'one time fix'; rather a long term endeavor involving recruiting, training and sustainment of a sufficient contracting workforce able to meet current and future war-time demands.
2. The Yoder Three-Tier Model of contingency contracting is used as a theoretical foundation and guide for analysis. A brief overview of this model is contained in Appendix B.
3. Both military and civilian DoD contracting personnel were surveyed for this research. Survey results may or may not reflect the overall Army position concerning contingency contracting.

F. ORGANIZATION OF THESIS

Chapter I identified the nature, scope and structure of the thesis. Chapter II provides a basic overview of contingency contracting terms and policies. Chapter III

identifies problems with Army contingency contracting. Chapter IV discusses the Gansler Commission's findings and resulting recommendations. Chapter V analyzes the Army's formal response, current initiatives and actions taken to implement these recommendations. Chapter VI analyzes survey and interview results. Chapter VII details conclusions, recommendations and areas for further research.

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II. CONTINGENCY CONTRACTING

During operations supporting the Global War on Terror (GWOT), Army contingency contracting roles have expanded and become more complex. Stimulated by exponential developments in information technology, Army overseas contracting personnel are also experiencing the need for increasingly specialized contracting expertise and training to accomplish warfare missions. Increased demand has generated an influx of private contractors on the battlefield. Metrics indicate there are more contractors on the battlefield than ever before; as of 2007, State and Defense department figures show 180,000 civilians working in Iraq under United States (U.S.) contracts.¹ This number exceeds the total number of armed forces in theater. Contracting in contingency operations, in particular, has risen to the forefront of providing essential background support to time-sensitive mission objectives in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). Over the past several years, contingency contracting support has grown from simplified acquisition procedures to complex defense system acquisitions, interagency support, services, and military construction. Regardless of this rapid transition, contingency contracting personnel are responsible for maintaining accurate and complete contract files in a complex and high threat environment. They have to adapt to new procedures, new technology, and new scheduling demands, i.e., civilian contracting personnel deploy overseas on a volunteer basis only.

Faced with limited resources, a changing front-line war environment, and multiple agency accusations of waste, fraud, and abuse, the Army is looking for ways to better prepare the contingency contracting workforce to support conventional and unconventional contracting situations. In 2007 the Secretary of the Army established an Independent Commission on Army Acquisition and Program Management in Expeditionary Operations. The Commission was chaired by Dr. Jacques S. Gansler, former Under Secretary of Defense (Acquisition, Technology, and Logistics), and was

¹ T. Christian Miller. (July 2007). Private Contractors Outnumber U.S. Troops in Iraq: New U.S. data show how heavily the Bush administration has relied on corporations to carry out the occupation of the war-torn nation. *Los Angeles Time*, p. 1.

tasked to review the Army's policies, procedures, and operations in contingency environments, and to recommend necessary changes to ensure that future military operations achieve greater efficiency, effectiveness, and transparency.²

The recommendations made by the Gansler Commission are discussed in Chapter IV, and comprise a central theme of this report, i.e., how has Army leadership formally acknowledged and begun acting-upon the Gansler Commission recommendations; including identifying implementation impediments. To begin such a discussion, a basic knowledge of contingency contracting terms and processes is provided.

A. CONTINGENCY DEFINED

A contingency is an event that requires the deployment of military forces in response to natural disasters, terrorist or subversive activities, collapse of law and order, political instability, or other military operations.³ A contingency operation may either be declared or non-declared. In accordance with 10 U.S.C. 101(a) (13), a declared contingency of the DoD may be either:

- a. Designated by the Secretary of Defense when members of the Armed Forces may become involved in military actions against an enemy of the United States and/or;
- b. Declared by the President or the Congress when members of the uniformed forces are called on active duty (a reserve component mobilization) under Title 10 U.S.C. or any provision of law during a declared war or national emergency.

In contrast, a non-declared contingency operation is therefore all other DoD operations other than those described above.

² United States Army. Independent Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007). *Urgent Reform Required: Army Expeditionary Contracting*, p1. Washington, DC.

³ Cory E. Yoder, CDR. (October 2007). *Contingency Contracting Operations: Achieving Better Results*. MN3318 Contingency Contracting Course. Naval Postgraduate School, Monterey, California.

The distinction between a declared contingency and a non-declared contingency is crucial in the contracting community. The declaration of a contingency operation authorizes the relaxation, and in some cases, elimination of the Federal Acquisition Regulations (FAR) and most service policies. The intent of the ‘relaxation’ of policy is to ensure that support to contingency operations is as efficient and effective as possible. FAR Part 18 entitled, “Emergency Acquisitions” details many of the streamlined processes. Examples include, but are not limited to:

- Increase in the simplified acquisition threshold;
- Increase in micro-purchase threshold;
- Removal of synopsis requirement; and
- Waiver of Competition in Contracting Act (CICA).

B. TYPES OF CONTINGENCY OPERATIONS

Throughout history, members of the U.S. Armed Forces have deployed worldwide in support of many types of national objectives, such as emergency situations caused by natural disasters, wars, terrorist activities, and/or political instability. The services have been called upon for rescue and humanitarian relief efforts, and efforts to protect U.S. interests during demonstrations of force and raids. The volatile, urgent, and uncertain nature of these efforts creates the need for advanced planning, rapid response, and flexible procedures during support of a contingency operation. The types of contingencies involved and the maturity of the operational environment influence the extent to which contracting support is utilized. There are four main types of DoD supported contingency operations: Major Theater War; Smaller Scale Contingencies; Military Operations Other Than War (MOOTW); and Domestic Disaster/Emergency Relief operations.

1. Major Theater War

In a Major Theater War, hostilities are ongoing, imminent or likely, and involve a substantial commitment of United States military forces.⁴ These types of operations are conflicts that engage an entire force structure within a specific geographic area. Contracting support is provided to supplement a vigorous Combat Support and Combat Service Support infrastructure. OIF and OEF are examples of Major Theater War.

2. Smaller Scale Contingencies

Support provided for Smaller Scale Contingencies are similar in nature to that provided for a Major Theater War. However, one key difference is that Smaller Scale Contingency operations are set in motion against a less compelling threat than those involved in Major Theater War. They also dedicate fewer U.S. Forces and have a more restricted time schedule.⁵ Operations URGENT FURY (Grenada) and JUST CAUSE (Panama) are two examples of U.S. support in Smaller Scale Contingencies.

3. Military Operations Other Than War (MOOTW)

Military Operations Other Than War (MOOTW) refer to a wide range of activities utilized by U.S. military forces to support operations other than large scale war. The main focus of these operations is to prevent war, resolve conflict, promote peace, and support civil authorities in response to domestic crises. They may involve both combat and noncombat operations. MOOTW are generally conducted Outside the Continental United States (OCONUS); however some types may be conducted within the Continental United States (CONUS) in support of civil authorities consistent with established law.

⁴ Defense Acquisition University. (June 2005). Types of Contingencies: CON234, Student Guide Lesson 2 [PDF Document], pp. 2-7. Retrieved January 2008 from <https://acc.dau.mil/CommunityBrowser.aspx?id=34211&lang=en-US>.

⁵ Smaller-Scale Contingency (SSC). *Global Security*. Retrieved March 2008 from <http://www.globalsecurity.org/military/ops/ssc.htm>.

Operations Provide Comfort (Northern Iraq) and Uphold Democracy (Haiti) are two examples of MOOTW conducted by the U.S. over the past several years.⁶

4. Domestic Disaster/Emergency Relief

The spectrum of assistance provided during Domestic Disaster/Emergency Relief operations includes CONUS natural and man-made disasters, CONUS local community disturbances, and CONUS terrorist activity. However, the main focus of this type of support is to mitigate the effects of natural or man-made disasters such as, hurricanes, earthquakes, floods, oil spills, riots, and air, rail, or highway accidents. Notable DoD disaster relief efforts include clean-up and humanitarian assistance efforts resulting from Hurricanes Hugo, Andrew, and Katrina.

C. CONTINGENCY CONTRACTING

There are different interpretations on the meaning of ‘Contingency Contracting’. For purposes of this thesis, the Defense Acquisition University’s (DAU) CON234, “Contingency Contracting” course manual, defines Contingency Contracting as: Direct contracting support to tactical and operational forces engaged in the full spectrum of armed conflict and Military Operations Other Than War, both domestic and overseas.

Therefore, contingency contracting is the process by which essential supplies and services are obtained on behalf of the U.S. Government to support deployed forces engaged in conflict in both CONUS and OCONUS locations. The definition of contingency contracting is purposely broad to include the four types of contingency operations discussed above. However, it intentionally excludes such efforts as military training exercises and routine installation and base operations. These types of efforts lack the element of immediate risk to human life or significant national interests.⁷

⁶ Joint Chiefs of Staff. (June 1990). *Joint Doctrine for Military Operations Other than War* (Joint Pub 3-07), p I-1. Retrieved April 2008 from <http://smallwarsjournal.com/documents/jp3-07.pdf>.

⁷ Defense Acquisition University. (June 2005). Types of Contingencies: CON234, Student Guide Lesson 2 [PDF Document], pp. 2-6. Retrieved January 2008 from <https://acc.dau.mil/CommunityBrowser.aspx?id=34211&lang=en-US>.

D. CONTRACTING IN A CONTINGENCY ENVIRONMENT

When planning for expeditionary operations, contingency contracting professionals consider the maturity level of the working area environment to determine the type and level of required contracting support. Also considered is the amount of in-theatre available resources to support contracting activities. For example, a Contingency Contracting Officer (CCO) would prepare for a contingency operation in Western Europe differently than in Iraq, Afghanistan, or Iran. A contingency environment can be classified as either mature or immature, as described below.

A mature environment is one that can be characterized by a sophisticated infrastructure capable of supporting and sustaining operations for extensive periods of time. A mature environment can have all or a combination of the following characteristics:

- Legal framework, such as, host-nation agreements;
- Financial networks to support complex transactions;
- Vigorous transportation systems;
- Business capacity, capability, and willingness to interact.⁸

One key aspect of a mature environment is its capability to quickly adapt to changing requirements and priorities. It will also consist of vendors and suppliers that have prior contracting experience with the U.S. Government and can comply with FAR requirements.

In contrast, an immature contracting environment is one with little to none of the support infrastructure detailed above. There are few, if any, vendors to conduct business with, and most likely they have had no previous experience working with the U.S. Government.

⁸ Cory E. Yoder, CDR. (October 2007). *Contingency Contracting Operations: Achieving Better Results* [Power Point Slides]. MN3318 Contingency Contracting Course. Naval Postgraduate School, Monterey, California.

While no two contingency contracting operations are alike, they fall into one or more of the four typical phases of a contingency; Mobilization/Initial Deployment, Buildup, Sustainment, and/or Termination/Redeployment. It is important for acquisition professionals to realize what phase of a contingency an operation falls within as it can assist them in gauging requirements needed to fulfill mission support. It is important to note that not all operations will follow the particular sequence detailed below.

1. Mobilization/Initial Deployment

The initial mobilization and deployment phase of an operation, normally the first 30-45 days, can be one of the most stressful and confusing environments that an acquisition professional faces. As initial support architectures may not be available upon arrival, a contingency contracting officer may perform different roles in rapid sequence, e.g., initial requestor, approving official, certifying officer and transportation officer. The need to award contracts quickly upon arrival may be imperative. The number one priority of contracting professionals during this stage is to be responsive to providing basic life support requirements, security services, and support for arrival of the initial ground troops. These items can include food and water, shelter, utilities, transportation, fuel, sanitation, interpreters and guides.⁹

A CCO expected to deploy during this phase of a contingency can plan ahead and obtain access to sample documents that may be needed for contract awards, e.g., statements of work, logs of available contract numbers, contract forms, and award checklists. They must remain flexible as the number of available contracting personnel during this phase of a contingency is limited. The predominant types of contract vehicles that are used during this phase of a contingency operation are SF44s/cash payments, Government-wide Commercial Purchase Cards, and Blanket Purchase Agreements (BPAs).¹⁰

⁹ Defense Acquisition University. (June 2005). Types of Contingencies: CON234, Student Guide Lesson 2 [PDF Document], pp. 2:5-6. Retrieved January 2008 from <https://acc.dau.mil/CommunityBrowser.aspx?id=34211&lang=en-US>.

¹⁰ Defense Acquisition University. (June 2005). Types of Contingencies: CON234, Student Guide Lesson 2 [PDF Document], pp. 2:5-6.

2. Buildup

The buildup phase of a contingency operation, normally day 45 and forward, is generally a continuation of the initial deployment phase. The main body of troops to support the mission will arrive along with additional contracting personnel; however, it may not seem comparable to the number of troops that need the support. Again, the main focus is basic life support and security requirements, but attention must now also be given to:

- Construction material;
- Heavy equipment;
- Quality of Life items (TV, VCR, gym equipment);
- Office equipment.

Additionally, the establishment of a contracting support office coupled with a solid and reliable vendor base is a key priority of this phase. The use of cash transactions is limited as the contracting office works towards establishment of BPAs with an Ordering Officer network.¹¹

3. Sustainment

The sustainment phase of a contingency operation runs from the end of the buildup stage through the point that redeployment begins. Contracting activities will continue to focus on life support and quality of life requirements; however an increased focus will be given to providing permanent facilities and equipment, office supplies, and discretionary services.

The main priority of a CCO and its support team will be on establishing long term Indefinite Delivery Indefinite Quantity (IDIQ) contracts and BPAs that consolidate requirements to benefit from economies of scale and reducing costs. The improvement of

¹¹ Defense Acquisition University. (June 2005). Types of Contingencies: CON234, Student Guide Lesson 2 [PDF Document], pp. 2-6. Retrieved January 2008 from <https://acc.dau.mil/CommunityBrowser.aspx?id=34211&lang=en-US>.

contract files and documentation is crucial as internal controls are established to minimize waste and abuse. The contracting team will also focus on increasing competition amongst its vendor base and transitioning the workload for the next round of contracting personnel or termination and redeployment.¹²

4. Termination and Redeployment

This phase of a contingency operation will be characterized by an urgency to prepare the troops to go home or to deploy forward to other areas of operation. Focus on life support contracts will remain throughout the duration of the mission. New requirements may include packing and freight services, transportation of troops, and preparation for material and equipment for transfer.¹³

Contracting personnel will be required to terminate and/or closeout existing contracts and orders. If redeployment is scheduled, they prepare the contract files and documentation for reassignment.

E. SUMMARY

In this chapter, basic contingency contracting procedures were discussed. A definition of contingency contracting was offered and the following four main types of DoD supported contingency operations were discussed: Major Theater Wars, Smaller Scale Contingencies, Military Operations Other Than War (MOOTW), and Domestic Disaster/Emergency Relief operations. Mature versus immature contingency environments were explained, followed by the four typical phases of a contingency: Mobilization/Initial Deployment, Buildup, Sustainment, and/or Termination/Redeployment. Information in this chapter provided a basic understanding of contracting principles in contingency operations. Chapter III identifies problems in Army contingency contracting.

¹² Cory E. Yoder, CDR. (October 2007). *Contingency Contracting Operations: Achieving Better Results* [Power Point Slides]. MN3318 Contingency Contracting Course. Naval Postgraduate School, Monterey, California.

¹³ Cory E. Yoder, CDR. (October 2007). *Contingency Contracting Operations: Achieving Better Results* [Power Point Slides].

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III. IDENTIFICATION OF ARMY CONTINGENCY CONTRACTING PROBLEMS

In an April 2008 breakout session at the National Contract Management Association's (NCMA) World Congress, Dr. Steven Kelman, Weatherhead Professor of Public Management, Harvard University commented on the present state of government contracting: "1102s are going through a tough time." He also described that with the current state of the contracting environment, the acquisition workforce is at risk of falling into a "death spiral." Kelman describes this as a combination of insufficient numbers of contingency contracting professionals, who are faced with increasingly complex work requirements. This type of working environment raises error rates, and as a result, increases audits and management oversight.

Workforce shortages in the federal acquisition community coupled with the increased tempo from wartime events has changed the manner in which the U.S. Army plans and executes expeditionary operations. Based on relevant publications, congressional hearings and Government Accountability Office (GAO) reports, the Army contracting community has at least four key areas that must be addressed over the next few years; as they affect the Army's ability to effectively and efficiently respond in contingency contracting situations. They are listed and discussed below:

- A Changing War Environment;
- Increased Contracting Workload and Complexity of Contract Actions;
- Increased Responsibility of Acquisition Professionals; and,
- A Declining Capability of the Acquisition Workforce.

A. CHANGING WAR ENVIRONMENT

America is engaged in a war unlike any other in history. Army leaders indicate that the nation may continue to be engaged in an era of persistent conflict, characterized by protracted confrontation among state, nonstate, and individual actors. The willingness

to use violence to achieve political and ideological ends is not new, but modern, networked terrorist cells pose new problems, particularly for a large, complex and hierarchical bureaucracy.¹⁴ As evidenced in OEF and OIF, the U.S. and other nations are combating non-state actors - Al Qaeda and the Taliban - who besides being stateless are often indistinguishable, and even protected by the local population; which is quite different from historical operations.

Traditionally, most wars, especially those waged in the European tradition, have also had clear beginnings and endings. On a certain day hostilities were declared or initiated, and on another certain day one side agreed to stop fighting. But the line between war and peace was never as clear in the non-European world, and has been steadily blurring for the United States since the end of the Cold War in part because it is difficult to obtain conclusive military victories against irregular enemies who refuse to quit precisely because they cannot be decisively defeated.¹⁵

In addition to the changing nature of the threat, contractor support in U.S. military operations is becoming more essential to mission success than ever before. Government cuts, hiring freezes and acquisition reform in the 1980s and 1990s resulted in a considerably smaller number of civilian and military officials available to carry out mission requirements. Reductions in the size and shape of the federal acquisition workforce have, by default, increased private sector service contracts.¹⁶ This and other elements of the changing war environment are discussed below.

1. Global War on Terror: Fourth Generation War Concept

The idea that the environment of war has changed is further supported by the Fourth Generation War Concept which states that, "...warfare has evolved through four generations: 1) the use of *massed manpower*, 2) *firepower*, 3) *maneuver*, and now 4) an evolved form of *insurgency* that employs all available networks- political, economic,

¹⁴ Headquarters; Department of the Army. (February 2008). *Operations* (Army Field Manual 3-0). Retrieved April 2008, from <http://downloads.army.mil/fm3-0/FM3-0.pdf>.

¹⁵ Jeffery Record. (December 2003) *Bounding the Global War on Terrorism* (U.S. Army War College, Strategic Studies Institute), p. 5.

¹⁶ Congressional Research Services Report for Congress (2007) *Defense Contracting in Iraq: Issues and Options for Congress*, p. 19.

social, military- to convince an opponent's decision makers that their strategic goals are either unachievable or too costly."¹⁷ The September 11, 2001 terrorist attacks are characteristic of the Fourth Generation War phenomena.

The GWOT is an evolved type of war not experienced by U.S. soldiers until Viet Cong insurgents blended with their population in the 1970s, blurring the face of the enemy. As described by former Secretary of Defense, Donald Rumsfeld, "...the truth is, this will be a war like none other our nation has faced."¹⁸ In the GWOT, no longer are nations fighting nations, but nations are now fighting non-nation terrorist organizations.

In Fourth Generation War, the state loses its monopoly on war. All over the world, state militaries find themselves fighting non-state opponents such as Al-Qaeda, Hamas, Hezbollah, and the Revolutionary Armed Forces of Colombia. Almost everywhere, the state is losing.¹⁹

Our nation is now tasked with quickly adapting to this new type of war to maintain homeland defense.

The Gansler report, (see Chapter IV), questions whether the Army has recognized the shifting challenges of a changed war environment.

After looking at the entire landscape of acquisition issues in Kuwait, Afghanistan and Iraq, as the Commission has had the opportunity to do, it is evident that the problems experienced in Acquisition and Program Management in an Expeditionary Environment are not due to one particular problem nor an individual failure to perform, but rather because multiple Agencies and Departments have failed to fully recognize or comprehensively address the significance of the shifting challenges of the post-Cold-War environment.²⁰

¹⁷ Antulio J. Echevarria II. (2005). *Fourth Generation War and Other Myths* (U.S. Army War College Strategic Studies Institute), p. v.

¹⁸ Donald H. Rumsfeld. (September 2001). A New Kind of War. *The New York Times*. Retrieved May 2008 from <http://www.defenselink.mil/speeches/speech.aspx?speechid=440>.

¹⁹ William S. Lind. (September-October 2004). Understanding the Fourth Generation of War. *Military Review*. Retrieved May 2008 from <https://www.hsdl.org/homesecc/docs/dod/nps37-010907-03.pdf&code=817fa80b0a833c93a10515ee3560896d>.

²⁰ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations (October 2007). *Urgent Reform Required: Army Expeditionary Contracting* p. 13.

Although it is evident that military operations as we know them today have changed since the end of the Cold War, it is questionable as to whether agencies have recognized the Fourth Generation War concept or something similar.

2. Increased Reliance on Contractor Support on the Battlefield

As mentioned earlier, government personnel cuts, hiring freezes and acquisition reform in the 1980s and 1990s reduced the number of contracting professionals. Contractor support on the battlefield has become an essential link to fulfilling OEF/OIF mission requirements. In an April 15th, 2008 presentation Steven Schooner, an Associate Professor of Law and Co-Director of the Government Procurement Law Program at George Washington University Law School, stated that there are 180,000 contractors in Iraq, with a 1:1 ratio of contractors to troops.²¹ Throughout U.S. history, contractors have always been on the battlefield; their role in military operations increasing over time:

The reliance on contractors grew unevenly: There was one civilian worker for every twenty soldiers in World War I, one for every seven in World War II, and one for every six soldiers in the Vietnam War. The end of the Cold War saw a dramatic increase, however, as the American military downsized, contractors filled the gap, and by the first Gulf War defense contractors were edging their way on the battlefield, mostly to maintain weapon systems like M1, Abrams Tanks, and Patriot Missile batteries.²²

With such a dramatic increase in the number of contractors on the battlefield, the Army has recognized, and brought to the forefront, issues that have arisen by having such a dependence upon contractors support for what was once organic in nature to the Army.

By many accounts, the crucial issue is often command and control. Contractors are bound by contract legal terms, and contracting officers are the only personnel who can enter the government into a binding contractual relationship. Although military commanders have authority over all military personnel within their Area of Responsibility (AOR), they do not have direct authority over any contract or associated

²¹ Steven Schooner. (15 April 2008). Too Dependent on Contractors? [PowerPoint slides]. Retrieved from <http://www.ncmahq.org/files/presentations/707.ppt>.

²² T. Christian Miller. (2006). *Blood Money: Wasted Billions, Lost Lives, and Corporate Greed in Iraq* New York: Little, Brown and Company. p. 75.

contractor personnel. DoD Instruction 3020.41 describes the relationship between the contracting officer, defense contractor, and military commander as such:

The contracting officer, or designee, is the liaison between the commander and the defense contractor for directing or controlling contractor performance because commanders have no direct contractual relationship with the defense contractor. However, the ranking military commander may, in emergency situations, (e.g., enemy or terrorist actions or natural disaster), direct contingency contractor personnel to take lawful action as long as those actions do not require them to assume inherently governmental responsibilities.²³

For the military commander, this lack of authority over contractual arrangements can create real and perceived gaps in their command and control capabilities, leading to failed communication and loss of life concerns. A break-down in communication may help explain the 2004 attack on Blackwater contractors by Iraqi militia members.

Desperate and unable to communicate directly with military commanders, the eight Blackwater contractors instead called in help from Blackwater employees, he said. With approval from Mr. Bremer's staff, three Blackwater helicopters -- the same ones used to ferry Mr. Bremer around Iraq -- were dispatched to the Najaf battle to drop ammunition and retrieve a wounded marine.²⁴

Contractor support on the battlefield has become increasingly important to accomplishing the Army's mission in the GWOT. With this increased reliance, contractor surveillance becomes dually important to prevent waste, fraud, and abuse of taxpayer dollars. Increased surveillance and oversight requires better trained government personnel such as Contracting Officer's Representatives.

²³ Department of Defense. (October 2005). *Contractor Personnel Authorized to Accompany the U.S. Armed Forces* (DoD Instruction 3020.41), p. 15. Retrieved June 2008 from <http://www.dtic.mil/whs/directives/corres/pdf/302041p.pdf>.

²⁴ David Barstow, Richard A. Opiel Jr., James Risen, & Eric Schmitt. (April 9, 2004). The Struggle For Iraq: The Contractors: Security Firm Says Its Workers Were Lured Into Iraqi Ambush. *The New York Times*. Retrieved June 2008 from <http://query.nytimes.com/gst/fullpage.html?res=9C0DE4DB1238F93AA35757C0A9629C8B63>.

B. INCREASED WORKLOAD AND COMPLEXITY OF CONTRACTING ACTIONS

Over the last two decades, the federal acquisition workforce has had to adapt to a significant reduction in its workforce, an increase to its workload, changes to procurement laws and regulations, and a need for its personnel to acquire new skill sets. For example, contracting officers and their specialists are now required to have a greater knowledge of the entire acquisition process to include market and industry conditions, technical details of the hardware and services they procure, and an understanding of the entire life cycle of an acquisition; all while maintaining an up to date knowledge of all procurement reform legislation and policy changes. Despite workforce shortages of approximately fifty percent between 1990 and 2001, the workload for the DoD acquisition community did not reduce proportionately; rather it increased by twelve percent.²⁵

To further exemplify the increase in workload, from FY90 through FY99, while the value of DoD procurement actions decreased from about \$144.7 billion to about \$139.8 billion, about three percent, the number of procurement actions increased from about 13.2 million to about 14.8 million, or twelve percent. The largest amount of work for contracting personnel are on actions over \$100,000, which from FY 1990 to FY 1999 increased about twenty-eight percent, from 97,948 actions to 125,692 actions.²⁶

In addition to an increase in the total number of contract actions completed per fiscal year, federal acquisition policy changes and a mandatory focus towards the use of performance-based service contracting, has emphasized the need for highly trained and experienced contracting personnel in order to ensure the most efficient and effective use of taxpayer dollars. An unintended consequence of the hiring freezes in the 1990s was a dramatic reduction in the quantity and quality of federal acquisition personnel. “DoDs

²⁵ Government Accountability Office. (2003). *March 19 Hearing on Sourcing and Acquisition; Questions for Record* (GO Report Number GAO-03-771R). Retrieved August 2008 from <http://www.gao.gov/new.items/d03771r.pdf>.

²⁶ Department of Defense. (2000). *DoD Acquisition Workforce Reduction Trends and Impacts* (Report Number D-2000-088). Retrieved August 2008 from <http://www.dodig.osd.mil/Audit/reports/fy00/00088sum.htm>.

civilian workforce shrank...between fiscal years 1989 and 2002, but DoD performed this downsizing without ensuring that remaining staff had the specific skills and competencies needed to accomplish future DoD missions.”²⁷ To compound these challenges, seventy-one percent of defense personnel are baby boomers and higher.²⁸ With such a large number of experienced personnel likely considering retirement over the next five years, the federal government needs to address the imbalances in the skill sets of its remaining workforce and the potential loss of its experience base as its procurement specialists prepare to retire.

According to the GAO, the federal acquisition community is also experiencing an increase in the complexity of contract actions. Complex actions require well-trained personnel and more contract surveillance and oversight. As a result of recent acquisition reform under the Services Acquisition Reform Act (SARA) and the Federal Acquisition Streamlining Act (FASA), best value procurements have become the norm. The procurement of services now accounts for about 60 percent of total procurement dollars spent and therefore have become a main focus of DoD officials.²⁹ Rather than just a suggestion, it is now a mandatory requirement to utilize performance based service contracting to the maximum extent practicable. In performance based service contracting, rather than being told how to perform a specific requirement, contractors are informed of the intended outcome of the government’s requirement. This gives contractors the flexibility to provide new and innovative approaches to meet the government’s needs. Measurable performance standards are now used to evaluate contractor performance. Additionally, appropriate incentives are structured to motivate adequate performance, while price or fee reductions are utilized in situations of nonperformance.

²⁷ U.S. Government Accountability Office. (September 2006). *Rebuilding Iraq: Continued Progress Requires Overcoming Contract Management Challenges* (GAO Report No. 06-1130T); p 8.

²⁸ Frank Anderson. (April 14, 2008). Proceedings from the National Contract Management Association’s (NCMA) World Congress General Session Panel: *Contract Management Workforce: Is Quality Enough?*; Cincinnati, OH.

²⁹ U.S. Government Accountability Office. (February 2008). *Federal Acquisition: Oversight Plan Needed to Help Implement Acquisition Advisory Panel’s Recommendations* (GAO Report No. 08-515T); p. 1.

Use of performance based contracting is a highly involved process requiring special training for contracting and acquisition personnel, as well as, for DoD contractors.

Value-based procurement is better for both the American taxpayer and the American Warfighter. However, experience shows that it also requires more and higher quality contracting and program management personnel.³⁰

Performance-based service contracting also brings the need for more surveillance and oversight so the Army is able to identify and correct inadequate contractor performance. Furthermore, oversight is even more imperative in expeditionary operations as mission success is dependent upon the timely delivery of goods and services purchased. Therefore, the Army must ensure that surveillance personnel in theatre are properly trained on how to evaluate contractor performance and that they understand the importance that their position holds in contract performance.

C. INCREASED RESPONSIBILITY OF ACQUISITION PROFESSIONALS

As a Contracting Officer, the primary objective is to deliver the best value products and services to the customer to fulfill public policy objectives. As stated in the FAR 1.102-1(b), all participants in the system are responsible for making acquisition decisions that deliver the best value product or service to the customer. The guiding principles behind the preference to obtain best value that we see in the FAR today have come out of acquisition reform in the 1980s and 90s. According to a Research and Development (RAND) Corporation study done in 2005, seventy-one acquisition reform initiatives were introduced during the 1990s.³¹

In the 1980s, reform efforts focused on reducing “waste, fraud, and abuse” in the system. In the 1990s, the emphasis shifted toward trying to make the acquisition process more responsive, effective, and efficient—i.e., “faster, better, cheaper.”³²

³⁰United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 15-16.

³¹ The RAND Corporation. (2005). *Reexamining Acquisition Reform: Are We There Yet?* Santa Monica, CA: Hanks, C.H., Axelband, E.I., Lindsay, S., Malik, R.M., & Steele, B.D. p. 12.

³² The RAND Corporation. (2005). *Reexamining Acquisition Reform: Are We There Yet?* Santa Monica, CA: Hanks, C.H., Axelband, E.I., Lindsay, S., Malik, R.M., & Steele, B.D. p. 1.

A result of these acquisition reform initiatives is increased responsibility for Contracting Officers, whose role as a business advisor is one that requires many different types of knowledge, skills and abilities. Contracting Officers are required to delegate certain areas of responsibility within the extent of their authority. In the Army, Contracting Officers are also supervisors who are required to be knowledgeable, and make quick decisions that provide best value products and services to the government. With workforce shortages, lack of training and changes in acquisition policy and regulation, Contracting Officers are experiencing more increased responsibility than ever before.

D. DECLINING CAPABILITY OF THE ACQUISITION WORKFORCE

Per the Gansler report, the number of government civilians and senior military officers in contracting positions has declined precipitously creating a combination reflective of the “perfect storm” in Army contracting.³³ With much of the acquisition workforce at or near retirement age, there has been an influx of new contracting personnel. As a result, a complex overseas environment combined with workforce shortages and inadequate training translates into declining capability. Ensuring that best value products and services are provided in a timely manner is an elusive goal of the Army and one that it does not take lightly.

E. SUMMARY

Based upon review and analysis of publications, congressional hearings and Government Accountability Office (GAO) reports, the Army contracting community has at least four key areas that must be addressed over the next few years, as they affect the Army’s ability to efficiently and effectively respond in contingency contracting situations. The following pertain: a changing war environment, increased workload and complexity of contracting actions, increased responsibility of acquisition professionals, and declining capability of the acquisition workforce. The next chapter summarizes aspects of the Gansler report, including substantial problems identified in Army contingency contracting.

³³ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 17.

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IV. GANSLER COMMISSION RECOMMENDATIONS

In 2007, the Army established an Independent Commission on Army Acquisition and Program Management in Expeditionary Operations at the request of the Secretary of the Army, Mr. Peter Geren. The resulting report from the Commission entitled, “Urgent Reform Required: Army Expeditionary Contracting,” was issued on 31 October 2007 and is named after the Commission’s chairman, Dr. Jacques Gansler, former Under Secretary of Defense (Production and Logistics). The Commission heard testimony from more than 100 individuals who are well experienced in the challenges of Army acquisition in expeditionary operations, primarily in Kuwait, Iraq, and Afghanistan. The information obtained from the testimony identified several acquisition failures in Army Expeditionary Operations, calling for an urgent systematic fix of Army Contracting.³⁴ The report stated, Four Key Improvements Are Needed:

1. Increase the Stature, Quantity, and Career Development of the Army’s Contracting Personnel, Military and Civilian (Especially for Expeditionary Operations);
2. Restructure Organization and Restore Responsibility to Facilitate Contracting and Contract Management in Expeditionary and CONUS Operations;
3. Provide Training and Tools for Overall Contracting Activities in Expeditionary Operations;
4. Obtain Legislative, Regulatory, and Policy Assistance to Enable Contracting Effectiveness in Expeditionary Operations.³⁵

Prompting the launch of the newly implemented Army Contracting Command in March 2008, the Gansler report is intended to be instrumental in reforming the way that the Army conducts expeditionary contracting operations. In a November 2007 testimony,

³⁴ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations (October 2007). p. 1.

³⁵ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations (October 2007), p. 5.

the Secretary of the Army, Mr. Pete Geren commented that, “Dr. Gansler's report offered a very blunt and comprehensive assessment that I asked for and that the Army needed, and he outlined a plan for the way ahead after citing structural weaknesses and organizational shortcomings in the U.S. Army's acquisition and contracting system used to support expeditionary operations.”³⁶ The most notable characteristic of the Gansler commission testimony is a nearly unanimous perception of the current problems, their gravity, and the urgent need for reform.³⁷ Army leaders are now tasked with the challenge of implementing the recommendations identified in the Gansler report; which calls for substantial reform of expeditionary operations.

A. INCREASE MILITARY/CIVILIAN CONTRACTING WORKFORCE

The Gansler Commission found that, “the expeditionary environment requires more trained and experienced military officers and non-commissioned officers (NCOs).”³⁸ Acquisition personnel have been reduced partly from hiring freezes in the 1990s which shrank the workforce by about 38 percent between 1989 and 2002. ³⁹ This downsizing appears to have resulted in a compromised capability to accomplish future DoD missions. Coupled with the contextual realities of a long-war and retiring baby boomers, the 1102 job series is in crisis, e.g., 71 percent of defense personnel are baby boomers and older.⁴⁰ A persistent increase in contracting action workload over the past

³⁶ Statement by the Honorable Pete Geren, Secretary of the Army. (November 2007). *Testimony before the Senate Armed Services Committee, United States Senate, First Session, 110th Congress on the Army's Strategic Imperatives*. (Record Version). Retrieved June 2008 from <http://www.army.mil/-speeches/2007/11/15/6143-secretary-of-the-army-statement-on-the-armys-strategic-imperatives/>.

³⁷ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 2.

³⁸ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 2.

³⁹ U.S. Government Accountability Office. (September 2006). *Rebuilding Iraq: Continued Progress Requires Overcoming Contract Management Challenges* (GAO Report No. 06-1130T); p 8.

⁴⁰ Frank Anderson. (April 14, 2008). Proceedings from the National Contract Management Association's (NCMA) World Congress General Session Panel: *Contract Management Workforce: Is Quality Enough?*; Cincinnati, OH.

years exacerbates the ability to perform. The Army is doing more work with less people, and workload has increased by 600 percent; a seven fold increase since the 1990s.⁴¹

The Gansler report claims there are 279 Army military contracting career personnel, compared to 5,563 civilian personnel. Table 1 below, shows numbers of procurement actions and associated dollars by Service. It also includes the numbers and types of contracting personnel; both military and civilian, in the Army, Air Force, and Navy.

	Army	Air Force	Navy
Procurement \$	\$100.6B	\$180B	\$73.7B
Procurement Actions	398,748	61,000	282,910
Total Contracting personnel	5,821	6,878	5,017
Military Contracting personnel	279	2,136	1,272
Civilian Contracting personnel	5,563	4,792	3,435
Military Reserve/National Guard	195	510	Unavailable

Table 1. Army, Air Force, Navy -Civilian to Military Contracting Personnel Ratio⁴²

Compared to the Air Force and Navy, the Army is particularly lacking in military contracting personnel. Of particular note is that civilians deploy to a theatre of operations on a volunteer basis. Unlike the military, it is not mandatory for contracting civilians to deploy into a theatre of operations.

There is no lack of consensus that there are insufficient government contracting personnel - civilian and military – and gaps in needed training. With the growth in service contracting, the increase in the number of complex, billion dollar contracts, and the

⁴¹ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 13.

⁴²United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations [Table 9]. (October 2007). *The Army Civilian-to-Military Contracting Personnel Ratio is Insufficient to Sustain Expeditionary Contracting Operations.*

decline in the number of federal acquisition workforce employees, some assert that there are not enough DoD contracting officials, onsite in Iraq, who are available to manage the complexities of the new acquisition programs, or oversee private sector contractors.⁴³

To address the need for an increase in military and civilian personnel, the Gansler Report outlined recommendations, including the following:

- A request to authorize ten additional General Officers for Army contracting positions;
- Maintain the stature of the existing civilian Senior Executive Service (SES) positions, and add one new deputy;
- Increase military and civilian contracting personnel by 25 percent;
- Introduce an Army Military Operational Specialty (MOS) in the contracting career field much earlier into a soldiers career ;
- Capture and utilize lessons learned;
- Ensure that expeditionary operations are not a first assignment;
- Adequately fund career planning programs, education and training, promotion potential, and contracting internships;
- Establish a way for civilians to pre-volunteer for expeditionary operations;
- Require a rewrite of personnel directives regarding civilians in military operations; and
- Establish a separate and centrally managed contracting corps for Army military and civilian contracting personnel.⁴⁴

⁴³ Congressional Research Services Report for Congress. (2007). *Defense Contracting in Iraq: Issues and Options for Congress*. p. 19.

⁴⁴ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 47-50.

B. RESTRUCTURE THE ARMY ORGANIZATION

The second key improvement recommended by the Gansler Commission is to “restructure organization and restore responsibility to facilitate contracting and contract management in expeditionary and CONUS operations.”⁴⁵ Regaining command and control capability would be part of any restructuring. The Commission recommended that a single Army Contracting Command (ACC), reporting to the Commanding General of the Army Materiel Command, be established and charged with developing a relevant and ready expeditionary contracting capability. The new commander of the ACC would provide a single focal point for status and readiness of the Army-wide contracting workforce.⁴⁶

The need to restructure is driven by several factors. For example, the report found there is a lack of General Officers in the contracting profession, stating that in the 1990s there were nine General Officer positions for contract professionals, (five Army slots and four joint slots at the one and two star levels).⁴⁷ Today, there are no such slots. It is evident that the Army needs General Officers familiar with contingency contracting. The report identifies additional dysfunction, noting that the, “Operational Army does not yet recognize the impact of contracting and contractors in expeditionary operations and on mission success”.⁴⁸

To address the need to restructure the Army, the Gansler Commission outlined recommendations including:

- Establish a Deputy for Contracting as a Major General billet reporting to the Assistant Secretary of the Army for Acquisition, Logistics and Technology (ASA AL&T);

⁴⁵ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 5.

⁴⁶ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 11.

⁴⁷ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 32.

⁴⁸ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 32-33.

- Create an Army Contracting Command (ACC) led by a Major General;
- Launch an Expeditionary Contracting Command (ECC) led by a Brigadier General;
- Structure the ECC to be comprised of military contracting support brigades;
- Establish an Installation Contracting Command (ICC) under ACC;
- Allow the ACC to have direct authority for all Army contracting resources which will enable a surge capability to resource the staffing needs of the ECC; and
- Create an Integrated Expeditionary Command (IEC) in theater for each military operation.⁴⁹

C. INCREASE TRAINING AND CONTRACTING RESOURCES

The third key improvement recommendation stems from the Gansler Commission's determination that there are an insufficient number of civilian/military contracting personnel, as well as, insufficient training to accomplish required tasks. Having inadequately trained personnel is a reasonable predictor leading to fraud, waste, and abuse. According to Secretary of the Army Peter Geren:

As of November 6th 2007, the US Army Criminal Investigation Command is conducting 80 investigations relating to contract fraud in Iraq, Kuwait, and Afghanistan. While the cases vary in severity and complexity, most involve bribery. There are confirmed bribes in excess of \$15 million. Twenty-three US citizens, to include 18 government employees, both military and civilian, have been charged or indicted in federal court. Contracts valued at more than \$6 billion are affected.⁵⁰

⁴⁹ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 51-55.

⁵⁰ Statement by the Honorable Pete Geren, Secretary of the Army. (November 2007). *Testimony before the Senate Armed Services Committee, United States Senate, First Session, 110th Congress on the Army's Strategic Imperatives*. (Record Version). Retrieved June 2008 from <http://www.army.mil/-speeches/2007/11/15/6143-secretary-of-the-army-statement-on-the-armys-strategic-imperatives/>.

Sending improperly or insufficiently trained personnel into a theatre of operations with little or no experience is a recipe for disaster when it comes to accountability, particularly in the pressure cooker of an overseas war context. Additionally, the report found that even experienced personnel needed time to adjust to contingency contracting procedures, once deployed.

The overall acquisition workforce (especially military) is weapons-systems oriented. Because of this, and as well prepared as they are, the Commission learned that even the Air Force's deployed Contracting Officers (COs) currently need about six weeks to transition their "mindset" from a CONUS peacetime perspective to one that can respond to the accelerated operational tempo demands of expeditionary operations.⁵¹

This becomes a problem in expeditionary operations when contracting personnel are continuously rotated through a contingency, oftentimes deploying for time periods of only 180 days.⁵²

To address the need for increased training for military and civilian contracting professionals the Gansler report outlined the following:

- Train all Army military leaders (officers and non-commissioned officers) on the important role of contracting in expeditionary operations;
- Develop and field contract tools needed for the expeditionary forces, including sample contracts, statements of work, etc.;
- Focus the Defense Acquisition University (DAU) to train the civilian and military contracting workforce for expeditionary operations; and,
- Provide Contracting Officer Representatives (CORs) with necessary training prior to military operations.⁵³

⁵¹ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 26.

⁵² Department of the Army. (February 2008). *Personnel Policy for Guidance in Contingency Operations in Support of GWOT*. Retrieved September 2008 from <http://www.armyg1.army.mil/militarypersonnel/ppg/PPG.pdf#Chapter3>.

⁵³ United States Army. Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations. (October 2007), p. 55-56.

D. REFORM LEGISLATIVE AND REGULATORY ASSISTANCE TO BE MORE EFFECTIVE IN CONTINGENCY ENVIRONMENTS

DoD contracting in peacetime operations is governed by a strict set of regulations, rules, and guidelines. The FAR, the Defense Federal Acquisition Regulation Supplement (DFARS), and the Army Federal Acquisition Regulation Supplement (AFARS), outline procedures for contracting officers to use in order to get the best value products and services. However, in expeditionary operations, best value is not always the ultimate objective; oftentimes it is accomplishing mission objectives and saving lives. The strict regulations are in place to provide a best value result to the taxpayer, but they do not always apply when rapid response is needed and loss of life is a possibility.

The final recommendation of the Gansler Commission calls for legislative reform and regulatory assistance to be more effective in contingency environments. The report outlined the following:

- The need for legislative changes for expeditionary operations such as increasing the contracting workforce in the Army by 400 military members and 1,000 civilian members;
- The need for incentives for civilian expeditionary contracting personnel to pre volunteer for deployments;
- Eliminate the pay cap for civilians in support of expeditionary operations;
- Establish a tax-free status for civilians deployed in support of OCONUS expeditionary operations;
- Implement life insurance and long-term medical coverage for civilians deployed in support of expeditionary operations;
- The need for legislation to enable a contingency operations Defense transfer fund with “color of money” or fiscal year limitations;
- The need for legislation that allows Contracting Officers to waive contractual requirements, such as, small business standards and the Buy American Act, to allow for rapid local buying if required in contingencies; and,
- Regulatory changes to include an expeditionary contracting manual.⁵⁴

⁵⁴ United States Army. (October 2007). Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations; p. 56-58.

E. SUMMARY

This chapter captured the main findings in the Gansler report, including four recommendations to improve Army expeditionary contracting: the need to increase the military and civilian contracting workforce, the need to restructure the Army contracting workforce, the need to increase training and contracting resources, and the need to reform legislative and regulatory assistance to be more effective in contingency environments. Chapter V analyzes the Army's formal response, current initiatives and actions taken to implement these recommendations. Chapter VI analyzes survey and interview results and Chapter VII concludes with recommendations and areas for further research.

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V. ARMY RESPONSE TO GANSLER COMMISSION REPORT

When asked to comment on the role of the Army Contracting Campaign Plan in implementing the Gansler report recommendations, the Executive Director of the newly launched Army Contracting Command (ACC), Mr. Jeffery Parsons responded, “I think we’ve come a long way.”⁵⁵ However, just how far has the Army come in implementing these recommendations? Specifically, to what extent have the applicable Gansler Commission recommendations been formally acknowledged by Army leadership? The focus of this chapter is to briefly analyze the status and remaining impediments associated with the implementation of the recommended improvements.

A. INCREASE MILITARY AND CIVILIAN CONTRACTING WORKFORCE

The Army has taken steps towards achieving the first Gansler recommendation by increasing the size of its workforce. In a testimony before the Subcommittee on Defense, Committee on Appropriations, and the House of Representatives, Mr. David M. Walker, former Comptroller General of the United States, stated that the Army has plans to “...increase its contracting workforce by approximately 400 military personnel and 1,000 civilian personnel.”⁵⁶ In July 2008, the Army approved a concept plan detailing a recruitment strategy that will increase its workforce over the next few years.⁵⁷ In an attempt to attract new talent and to be able to hire personnel in an expedited manner, the command has requested the approval of direct hire authority.⁵⁸ The next step for the Army is to obtain congressional approval on funding for the additional employees.

⁵⁵ Jeffery Parsons. Executive Director of the Army Contracting Command. Personal Interview. May 12, 2008.

⁵⁶ U.S. Government Accountability Office. (April 2008). *Defense Acquisitions; DoD’s Increased Reliance on Service Contractors Exacerbates Long- Standing Challenge* (GAO Report No. 08-08-621T), p.9. Retrieved July 2008 from <http://www.gao.gov/new.items/d08621t.pdf>.

⁵⁷ United States Army Material Command (AMC). (July 2008). Commanding General Town Hall Meeting with the Acquisition Centers [Power Point Slides].

⁵⁸ Elise Castelli. (July 29, 2008). Army gets go-ahead to create 1,400 contracting officer positions. *Federal Times.com*. Retrieved August 2008 from <http://www.federaltimes.com/index.php?S=3648689>.

The GWOT exposed major flaws in the Army's contracting abilities, especially when the purchasing was done in OCONUS locations. As military acquisitions have become more complex, the contracting profession has been brought to the forefront as a specialized occupation; one that is in dire need for experienced personnel. The roles and responsibilities of an acquisition professional have increased as they are now expected to have an understanding of the entire acquisition life cycle. An overworked and understaffed workforce felt the pressures of the demanding requirements created by the GWOT. Bad business decisions and deals were made, and procurement fraud cases were exposed. Acknowledging that there may be no way to completely eliminate waste, fraud, and abuse, by increasing its number of military and civilian contracting professionals, the Army response is positive, in that more *and* better trained personnel will reduce workload pressure, thereby reducing future liabilities.

In addition to increasing the acquisition workforce, it was also recommended that the DoD create additional General Officer billets to oversee purchasing and contractor performance. Five of these General Officer positions were requested for the Army, and would report directly to the Secretary of the Army. This is an important change that the Army needs to make in order to return to basic organizational and Army leadership principles as suggested by the Gansler commission. By having generals in top contracting positions, it will not only emphasize the importance of acquisition and contracting to other military members, but it will also help with retention and recruitment efforts by showing young soldiers that contracting is a promising career path. "If a contracting person has to say to a general that they have to follow the rules, it's easier if you have your own general who will back you up."⁵⁹ Initially met with resistance, as it was believed the Army had enough general officers, the White House approved the creation of the additional billets in July 2008.⁶⁰ These billets, once operating as recommended,

⁵⁹Richard Lardner. (June 23, 2008). White House Blocking Army's Plan to Overhaul Contracting System. *The Huffington Post*. Retrieved August 2008 from http://www.huffingtonpost.com/2008/06/23/white-house-blocking-army_n_108641.html.

⁶⁰ Richard Lardner. (July, 02, 2008). White House does an about-face, OKs Army bid for more generals to improve contracting operations. *Newser.com*. Retrieved August 2008 from <http://www.newser.com/article/d911qn383/white-house-does-about-face-oks-army-bid-for-more-generals-to-improve-contracting-operations.html>.

will reinforce a needed new direction for thousands of acquisition employees, elevate the role and criticality of contingency contracting, and provide career paths for many future Army officers.

Also in this section, the Gansler commission mentioned that in increasing the military and civilian workforce, it is also necessary for the Army to address lessons learned. The researchers have found that the Army has responded to the Gansler Commission's suggestion to capture and utilize lessons learned. Specifically, the Army is formally interviewing units as they return from theater to capture "expeditionary contracting" lessons learned and incorporating the findings into doctrine, training guides, and user handbooks.⁶¹

B. RESTRUCTURE THE ARMY ORGANIZATION

One of the first actions that the Army took in implementing the Gansler report recommendations was the creation and launch of the Army Contracting Command (ACC) on March 14, 2008. The ACC realigns several subordinate contracting commands into one organization which will report directly to the Army Material Command. The new command led by a two-star general is intended to provide a more centralized structure for planning, training, and responding to worldwide contingency operations. Parsons believes this design will improve Army command and control in future military operations.

To prepare for the reorganization and transfer of missions, one thing personnel will notice is a name change for all acquisition centers and the Logistics Civil Augmentation Program (LOGCAP) that will now be subordinate to the ACC. On October 1st, 2008, the following commands will officially change their names as follows:

<u>Former Name:</u>	<u>New Name:</u>
LOGCAP	Executive Directorate for LOGCAP
AMCOM	AMCOM Contracting Center

⁶¹ U.S. Army Contracting Command. Parsons, Jeffrey. (April 2008). *Statement before the Committee on Armed Services, U.S. House of Representatives on Contracting in Iraq and Afghanistan*, p. 5-6.

RDECOM	RDECOM Contracting Center
TACOM	TACOM Contracting Center
CECOM	CECOM Contracting Center
ASC	Rock Island Contracting Center
JM&L	JM&L Contracting Center ⁶²

In addition to the creation of the Army Contracting Command, the Gansler Commission also recommended the creation of two subordinate one-star level commands; an Expeditionary Contracting Command (ECC) and an Installation Contracting Command (ICC). On June 6th, 2008, the Army welcomed its first brigade change of command since the establishment of the ACC. This change of command was significant as it marked "...the end of the 408th's alignment under Army Sustainment Command and its new role as a subordinate element of the U.S. Army Expeditionary Contracting Command, under ACC."⁶³ As the Army moves forward and continues to strengthen alignment of commands reporting to the ECC and the ICC, the Army is reinforcing to the world that it understands the importance that contracting plays in mission success and that it should not be considered something that is done on the side.

Figure 1 below presented at an AMC town hall meeting in July of 2008 details the proposed structure of the newly launched ACC:

⁶² U.S. Army CECOM Life Cycle Management Command (CECOM LCMC). (August 2008). *Internal Acquisition Center Policy* (Policy Alert Number 45-08, subject: Name for Acquisition Centers to be 'Contracting Centers).

⁶³ Jim Hinnant. (401st Army Field Support Brigade).(June 6, 2008). Expeditionary Contracting Command accepts first unit, 408th CSB changes hands. *Army Knowledge Online*. Retrieved September 2008 from <http://www.army.mil/-news/2008/06/06/9705-expeditionary-contracting-command-accepts-first-unit-408th-csb-changes-hands/>.



Army Contracting Command (Proposed)

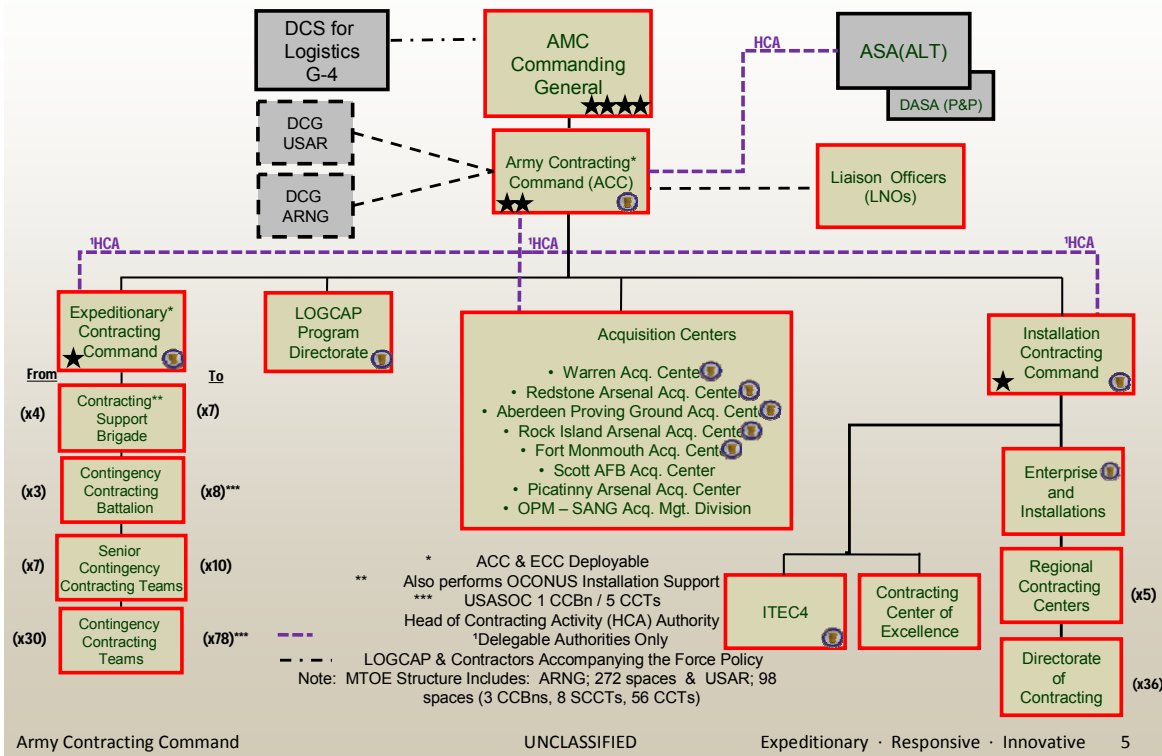


Figure 1. Army Contracting Command Proposed Structure ⁶⁴

General Benjamin Griffin said the stand-up of the ACC was a “...historic event, not because it was a new command but because the Army was demonstrating to OSD leadership, Congress, and the American taxpayer that Army leadership was serious in taking steps to regain confidence in Army contracting and ensuring that it becomes one of the Army's core competencies.”⁶⁵ The ACC and its subordinate commands will reach initial operational capability on October 1, 2008, and full operational capability on October 1, 2009.⁶⁶

⁶⁴ United States Army Material Command. (July 14, 2008). Commanding General Town Hall Meeting with the Acquisition Centers [Power Point Slide 5].

⁶⁵ J.D. Leipold. (March 14, 2008). Army Stands Up Contracting Command. *Army Knowledge Online*. Retrieved July 2008 from <http://www.army.mil/-news/2008/03/14/7931-army-stands-up-contracting-command/>.

⁶⁶ United States Army Material Command. (July 14, 2008). AMC Commanding General Town Hall with the Acquisition Centers [Power Point Slide 9].

C. INCREASE TRAINING AND CONTRACTING RESOURCES IN EXPEDITIONARY OPERATIONS

The Army is making progress toward implementing the third recommendation to provide training and tools for overall contracting activities in expeditionary operations. One tool that the Army is developing, with the assistance of the Defense Acquisition University, is a focused expeditionary contracting training program that will provide an in depth look at contracting in an OCONUS situation. Another training opportunity that the Army is looking into is ways to improve upon the contingency contracting training currently provided at its Combined Training Centers. It has expanded the Battle Command Training Program mission to include acquisition professionals to train brigade, division and corps level military members on their roles in contingency contracting.⁶⁷ As many new civilian and military members entering the contracting career field have little to no experience upon entry, it will be a challenge to continually train a workforce that is behind the curve in a long war. The sustained will of a critical mass of Army senior executives will be needed alongside sustained resources for basic and advanced (overseas) acquisition and contract training operating in CONUS and OCONUS environments. Regarding the Army's ability to have an organized structure where individuals deploying are properly trained, Mr. Parsons provided the following, "The Army is making good progress, but this takes time."⁶⁸

The Army has also instituted new policies regarding minimum training requirements for Contracting Officer Representatives (CORs). The purpose of the revised requirements is to ensure that the Army has properly trained personnel in theater to monitor contractor performance. An example of the new requirement is the mandatory completion of the Defense Acquisition University's online "COR with a Mission Focus" course prior to COR appointment. Additionally, Mr. Parsons emphasized that he will not deploy staff to Iraq or Afghanistan without at least a year of experience. He has stated,

⁶⁷ U.S. Army Contracting Command. Parsons, Jeffrey. (April 2008). *Statement before the Committee on Armed Services, U.S. House of Representatives on Contracting in Iraq and Afghanistan.*

⁶⁸ Jeffrey Parsons. Personal Interview, May 12, 2008.

“That’s not where you want to send someone to learn the basics.”⁶⁹ In fact, the Army has instituted a policy stating that military members will not deploy during their first year in contracting.⁷⁰

One initiative that The CECOM LCMC Acquisition Center has implemented to ensure that CORs and contracting professionals understand their roles and responsibilities in contract management oversight is the creation of the CECOM LCMC Contracting Officer’s Representative Management System Handbook, which is continuously updated to reflect the most current COR policies and regulations of the DoD and Army. The CECOM LCMC Acquisition Center has also deployed a Contracting Officer’s Representative Management System website, which will allow the tracking and management of COR nominees, existing CORs, and COR contract management.⁷¹

Another initiative that has been completed is the creation and publication of a Joint Contingency Contracting Officer handbook; which was distributed through DoD channels starting in February 2008. The Handbook is composed of two separate pieces; a hard copy book and a supporting DVD. The two piece reference is intended to be used, 1) to train at a home station, 2) as a reference while deployed, and 3) for training while deployed, if required. The handbook materials are constantly undergoing review and the FY08-01 version will be updated in FY-09.⁷²

The Army is also currently developing a Virtual Contracting Enterprise that will provide an electronic means for acquisition professionals “...to receive web-based tools to enable visibility and analysis of the full scope of the entire contracting mission.” Other improvements to training and contracting doctrine that the Army is currently working include; 1) Working with the Joint community on the final draft of Joint Publication 4-10,

⁶⁹ Elise Castelli. (July 29, 2008). Army gets go-ahead to create 1,400 contracting officer positions. *Federal Times.com*. Retrieved August 2008 from <http://www.federaltimes.com/index.php?S=3648689>.

⁷⁰ U.S. Army Contracting Command. Parsons, Jeffrey. (April 2008). *Statement before the Committee on Armed Services, U.S. House of Representatives on Contracting in Iraq and Afghanistan*, p. .5-6.

⁷¹ CECOM LCMC Acquisition Center. (May 2008). *Internal Policy Alert* (Policy Alert Number 26-08, subject: “Revised Contracting Officer Representative (COR) Management System Handbook dated 19 May 2008”).

⁷² Joint Contingency Contracting Officer Handbook. Accessible from the following website; <https://acc.dau.mil/CommunityBrowser.aspx?id=168819&lang=en-US>.

Operational Contract Support; 2) Developing Field Manual 4-10, *Commanders Guide to Contracting and Contractor Management*, and Field Manual Interim 4-93.42, *Contract Support Brigade*; 3) Re-examining training curriculum for all newly accessed acquisition officers and civilians; and, 4) Re-examining the accession point for contracting officers and NCOs into the Army Acquisition Corps.⁷³

D. REFORM LEGISLATIVE AND REGULATORY ASSISTANCE TO BE MORE EFFECTIVE IN CONTINGENCY ENVIRONMENTS

The Army has also taken steps forward in the implementation of the fourth recommendation regarding reform of legislative and regulatory policies for expeditionary operations. Legislative changes and funding requests have been set in motion to authorize and hire the additional 400 military and 1,000 civilian contracting personnel as recommended by the Gansler commission. While the entire process will take several years to complete, the ACC is committed to increasing the size of its workforce to ensure that it can adequately staff and train its contracting personnel to make contracting a core competency in the Army and to regain the trust of the American taxpayer.

Mr. Jeff Parsons provided insight into the fact that legislative proposals are currently in place to provide additional incentives for civilians who deploy into a theatre of operations. Parsons also informed the researchers that other policy changes are in place regarding small business regulations and the Berry Amendment.⁷⁴ A current legislative focus of the ACC is on the development of ACC command-wide policies and procedures, to allow consistent implementation of regulation. These new policies and procedures are scheduled to take effect on March 1, 2009.⁷⁵

Additionally, the DoD has been working other commission recommendations in regard to the creation of an Armed Forces Civilian Service Medal, incentives for civilians to deploy, and regulatory changes for expeditionary operations. To date, the DoD has

⁷³ U.S. Army Contracting Command. Parsons, Jeffrey. (April 2008). *Statement before the Committee on Armed Services, US House of Representatives on Contracting in Iraq and Afghanistan*, p. 5-6.

⁷⁴ Jeffrey Parsons. Personal Interview, May 12, 2008.

⁷⁵ United States Army Material Command. (July 14, 2008). AMC Commanding General Town Hall with the Acquisition Centers [Power Point Slide 9].

created two new medals for civilian contributions to the Global War on Terror.⁷⁶ The Department is also working to address the Commission's recommendations to support and facilitate civilian contracting personnel participation in expeditionary operations, and to pre-position waivers to allow for rapid, local buying in support of expeditionary operations.⁷⁷

E. SUMMARY

The Army's implementation of the Gansler Commission's recommendations will not be a one time fix; rather it will be a continuous process that will require constant oversight, management, and support from DoD and Army leaders. The goal in implementing these recommendations is to hasten adaptation to a changing world. More appropriate organizational structures, more and better trained contracting specialists, and emerging best practice tools are positive interventions designed to fundamentally change and boost Army expeditionary operations capability and performance in conflict zones worldwide. This chapter reviewed many of the changes that the Army has already begun to make regarding the Gansler recommendations. While this study focused on major aspects of the Army's implementation of the Gansler recommendations, the process is still unfolding and emerging. Our macro conclusion is that the Army has taken the report seriously and acknowledged the need for system-wide changes, including undertaking structural changes, as well as, increases in personnel, improved training designs, and better regulation.

⁷⁶ John J. Young. (April 2008). *Testimony of John J. Young Undersecretary of Defense (Acquisition, Technology & Logistics) Before the United States House Committee on Armed Services*, p. 13-14.

⁷⁷ John J. Young. (April 2008). *Testimony of John J. Young Undersecretary of Defense (Acquisition, Technology & Logistics) Before the United States House Committee on Armed Services*, p. 14.

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VI. SURVEY/INTERVIEW RESULTS AND ANALYSES

The GWOT has changed the manner in which the Army fulfils its contracting needs. Expeditionary Operations have placed extraordinary demands upon the DoD contracting system and its workforce. Researcher developed surveys (Appendix A), were distributed amongst currently deployed contract professionals, both from the military and civilian side in order to gain a ‘boots on the ground’ insight into the role of a deployed contracting professional. The purpose of the survey was to evaluate and asses the Army’s procedures for contingency contracting and to evaluate the roles, procedures, principles and emerging issues facing contingency contracting professionals in respect to their responsibilities in expeditionary operations. The results of the surveys were compared against the recommendations made by the Gansler Commission (Chapter IV), as well as, to the actions taken by the Army for implementation of the recommendations (Chapter V). Analysis has determined that in many respects, the Army is reacting positively and making the necessary changes to its organizational structure and its policies in order to meet the needs of its deployed workforce. There are, however, some areas in which the deployed workforce feels additional changes need to be made to create a more effective and efficient expeditionary contracting workforce. The details and analysis of the surveys are discussed below.

A. SURVEY DEVELOPMENT

To assess Army procedures for contingency contracting and to evaluate changing roles and emerging issues facing expeditionary contracting professionals, this study analyzed Gansler report concerns and perceptions of civilian and military contingency contracting professionals. A survey was used to obtain information concerning the preparation and training of acquisition professionals deployed in contingency operations. Information was also obtained to assess prevention measures designed to prevent problems discussed in Chapter III.

The survey obtained the following basic background information from all participants: job title while deployed, military member or a civilian, years of contracting

experience, and types of contract vehicles utilized in theater. This section also obtained dollar value(s) of acquisitions completed in a contingency environment, and identified particular types of contract vehicles, and item/services being procured in the contingency environment.

Additionally, the survey addressed training opportunities and certification levels held by those deployed. Survey responses determined the level of contracting certification held prior to being deployed and if pre-deployment training courses were available. If pre-deployment training courses were made available, respondents were asked to identify courses offered, and to assess training effectiveness prior to deployments. Survey responses helped determine if participating, deployed specialists perceived that they were adequately trained to complete contract functions in an expeditionary environment.

The third area of concern uncovered if contracting resources and tools, such as the FAR/DFAR, sample contracts, templates, and on the job training are available once a contract specialist/contracting officer is in theater. If they were noted as being available, questions further determined perceived effectiveness of the tools provided. The goal of this section of the survey was to determine the types of resources available in theater.

The final area of the survey obtained respondents perceptions on how future contingency contracting operations could be improved, e.g., primarily through improved processes and procedures. Respondent responses were compared alongside Gansler Commission recommendations and current Army implementation initiatives.

The surveys were designed to provide a unique ‘boots on the ground’ insight, allowing researchers to analyze what deployed contracting professionals in the field said they need to support overseas contracting functions. The background information was used to conduct comparisons by experience level, training received, and organization supported (civilian and military).

B. SURVEY RESPONSES AND ANALYSIS

A copy of the survey can be found at Appendix A of this document. The survey was distributed during the period of June 3, 2008 through August 27, 2008, to currently and previously deployed contracting professionals.

There were a total of 21 responses to the survey. Table 2 provides a graphical break out of the branches of the military that took part in this survey and the quantity of responses received:

<u>DOD SERVICE</u>	<u>MILITARY</u>	<u>CIVILIAN</u>	<u>TOTAL</u>
ARMY	5	7	12
NAVY	6	0	6
AIR FORCE	1	0	1
NO RESPONSE	-	-	2
TOTAL # OF SURVEYS RECEIVED			21

Table 2. Survey Respondents by Service

Twelve responses were from military contracting professionals (67%) and 7 were civilian (33%) responses. Of the 21 responses received 12 were from the Army (5 military, 7 civilian), 6 from the Navy (military only) and 1 response from the Air Force (military). Two respondents did not indicate what branch of the Department of Defense they served (both military).

1. Background Information

a. Country of Deployment

The survey requested that respondents provide the names of countries that they had deployed to supporting contingency operations. They were provided a list of countries to choose from as well as a location to fill in the names of any countries not included in the survey. Multiple respondents indicated that they had deployed to several locations throughout their careers. Table 3 below contains the inclusive totals of those countries in which respondents stated that they deployed supporting a contingency:

<u>CONTINGENCY</u>	
<u>LOCATION</u>	<u>#</u>
IRAQ	18
Afghanistan	3
Kuwait	8
Kosovo	0
Bosnia	1
Liberia	0
Somolia	0
Other Locations:	
Cuba	1
Qatar	1
Phillipines	1
Republic of Georgia	1

Table 3. Contingency Locations

Of the responses received, 86% indicated that they served in contingency operations in Iraq, 38% served in Kuwait, 14% in served in Afghanistan, and 21% deployed in support of U.S. Contingency Operations in other countries, such as, Bosnia, Qatar, Republic of Georgia, and Cuba.

b. Years of Experience Prior to Deployment

The range of experience levels depicted in Table 4 shows a majority of those deployed and supporting contingency operations had less than five years experience in the contracting career field prior to deploying.

<u>YEARS</u>	<u>#</u>	<u>Relative Frequency</u>
<u>(x)</u>		<u>(%)</u>
$0 < x \leq 2$	7	33.33%
$2 < x \leq 5$	7	33.33%
$5 < x \leq 10$	3	14.29%
$10 < x \leq 15$	1	4.76%
$x > 15$	3	14.29%
	21	100.00%

Table 4. Years of Contracting Experience Prior to Deployment

However, as a group, respondents had approximately six years of experience prior to their deployment. The experience level of civilian contracting personnel versus military contracting personnel (Table 5 below) provides a different look at the experience level of those deploying overseas.

<u>MILITARY</u>			<u>CIVILIAN</u>		
<u>YEARS</u>		<u>Relative Frequency</u>	<u>YEARS</u>		<u>Relative Frequency</u>
<u>(x)</u>	<u>#</u>	<u>(%)</u>	<u>(x)</u>	<u>#</u>	<u>(%)</u>
0 < x ≤ 2	7	33.33%	0 < x ≤ 2	0	0.00%
2 < x ≤ 5	4	19.05%	2 < x ≤ 5	3	14.29%
5 < x ≤ 10	2	9.52%	5 < x ≤ 10	1	4.76%
10 < x ≤ 15	1	4.76%	10 < x ≤ 15	0	0.00%
x > 15	0	0.00%	x > 15	3	14.29%
	14	66.67%		7	33.33%

Table 5. Years of Contracting Experience; Civilian vs. Military

It is apparent from Table 5 above that the military deploys its contracting professionals into the field much earlier in their careers (less than 5 years) than their civilian counterparts. The military respondents had an average of 3.39 years of experience while civilian respondents had an average of 11.71 years of experience.

c. Position while Deployed

As shown in Table 6, the majority of the respondents (66.67%) indicated that they held the position of Contracting Officer while deployed. In some instances a respondent held more than one position while deployed or may have provided information on multiple deployments (i.e.; Contracting Officer and Contract Specialist).

	<u>MILITARY</u>	<u>CIVILIAN</u>	<u>Relative Frequency</u>
<u>Job Title</u>	<u>#</u>		<u>(%)</u>
Contracting Officer	12	2	66.67%
Contract Specialist	0	2	9.52%
Ordering Officer	0	0	0.00%
Other	2	5	33.33%

Table 6. Positions Held While Deployed

In addition to the job of a contracting officer, 10% of respondents fulfilled contract specialist positions and 33% listed their job titles as ‘other,’ i.e., Chief of Contracting or Procurement Analyst.

d. Contract Vehicles, Contract Types, and Contract Methods

An acquisition professional has an array of contract vehicles, types, and methods available for awarding contracts supporting expeditionary operations. The type and quantity of the requirement normally drives a Contracting Officer’s decision regarding these areas. Table 7 below provides an overview of the contract vehicles, types, and methods that respondents stated were used in theater.

<u>Contract Action Type</u>	<u># of Respondents</u>	<u>Total % Used</u>
Sealed Bidding, FAR Part 14	2	9.52%
Service Contracting, FAR Part 37	17	80.95%
Supply Contracts	18	85.71%
Construction Contracts	13	61.90%
Emergency Acquisition, FAR Part 18	4	19.05%
Information Technology, FAR Part 39	6	28.57%
Simplified Acquisition Procedures, FAR Part 13	20	95.24%
Contracting By Negotiation, FAR Part 15	17	80.95%
Non-Competitive Procedures	12	57.14%
Undefintized Contract Actions	9	42.86%
Letter Contracts	9	42.86%
Federal Supply Schedules, FAR Part 38	9	42.86%
Oral Solicitations/Oral Agreements	7	33.33%
Purchase Cards	7	33.33%
SF 44 and Cash Agreements	5	23.81%
Use of In-country Contracts	5	23.81%
Acquisition of Commercial Items, FAR Part 12	19	90.48%
Non-Commercial Acquisition	5	23.81%
Other	1	4.76%

Table 7. Percentage use of Contract Action Types

Multiple respondents indicated that they had utilized many contract action types in performing their duties in theater. As expected, the most common types used were Simplified Acquisition Procedures, used by over 95% of respondents, acquisition of

commercial items, used by over 90% of respondents, and supply contracts, used by over 85% of respondents. Based upon an analysis of the contingent situation in Iraq, its volatile environment, and the need to rebuild the country’s infrastructure and economy, it is reasonable that these were the most highly utilized action types. One relatively surprising finding was that construction actions were utilized by (only) 61% of respondents.

Many different contract types and methods were used as well. Table 8 below reflects contract types and methods available to a contracting officer and the percentage used in theater by respondents.

<u>Contract Types and Methods</u>	<u># of Respondents</u>	<u>Total % Used</u>
Firm Fixed Price (FFP)	21	100.00%
Fixed Price Incentive Fee (FPIF)	0	0.00%
Fixed Price Award Fee (FPAF)	1	4.76%
Fixed Price Level of Effort (FFP LOE)	0	0.00%
Fixed Price Redetermination	0	0.00%
Fixed Price with Economic Price Adjustment (FFP EPA)	0	0.00%
Cost-Plus-Incentive-Fee (CPIF)	3	14.29%
Cost-Plus-Fixed-Fee (CPFF)	3	14.29%
Cost-Plus-Award Fee (CPAF)	7	33.33%
Cost Contracts (\$0 Fee)	0	0.00%
Time and Materials (T&M)	5	23.81%
Cost Sharing	0	0.00%
Indefinite Delivery Indefinite Quantity (IDIQ)	16	76.19%
Blanket Purchase Agreements (BPA)	15	71.43%
Purchase Orders (PO)	14	66.67%
Requirements Contract	6	28.57%
Labor Hours	4	19.05%
Other	0	0.00%

Table 8. Percentage Use of Contract Types/Methods

As expected, 100% of respondents utilized a Firm Fixed Price (FFP) vehicle during their deployments; more than any other contract type available. As most items procured in a contingent environment are commercial in nature (90.48% of respondent’s utilized commercial acquisitions per Table 7 above), a FFP contract type would be the expected vehicle of choice. Indefinite Delivery Indefinite Quantity (IDIQ)

contracts, utilized by 76% of respondents, Blanket Purchase Agreements (BPA) utilized by 71% of respondents, and Purchase Orders utilized by 67% of respondents were also commonly used contract methods.

e. Dollar Value of Contingency Contract Actions

The dollar value of an acquisition sets in motion the level of approvals and reviews needed for individual procurement actions. Depending if the action is a commercial or non-commercial procurement, the reviews can be tedious and lengthy. Table 9 below displays six different dollar value ranges, and the percentage that respondents stated they completed actions within the individual ranges.

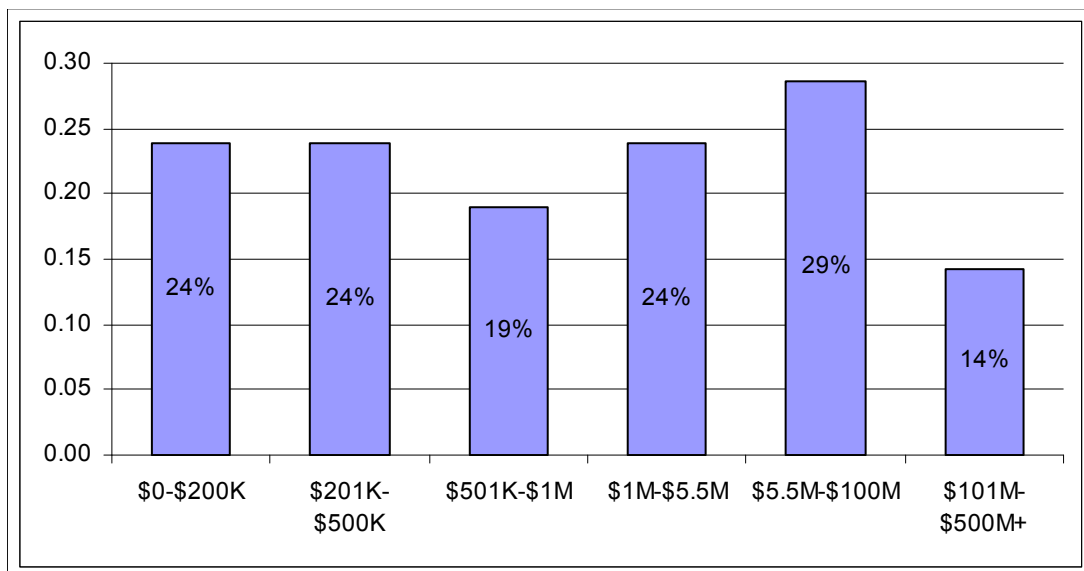


Table 9. Dollar Value of Acquisitions in Theater

There is a large range in contract values awarded in theater by respondents. A total of 29% of respondents stated that they were involved in contract actions that spanned a range of \$5.5M – \$100M. As this range is rather large, it is hard to determine if most actions fall at the low end (near \$5.5M), at the high end (near \$100M), or somewhere in between. This information would be useful to analyze because the threshold for a simplified acquisition procedure on a commercial item is \$5.5M.

f. Type of Item/Service Procured in Theater

Table 10 below shows the type of commodities or services procured by respondents in theater. For this question, respondents provided a list of all services and supplies purchased to determine if there was a particular type of item/service purchased more often than others.

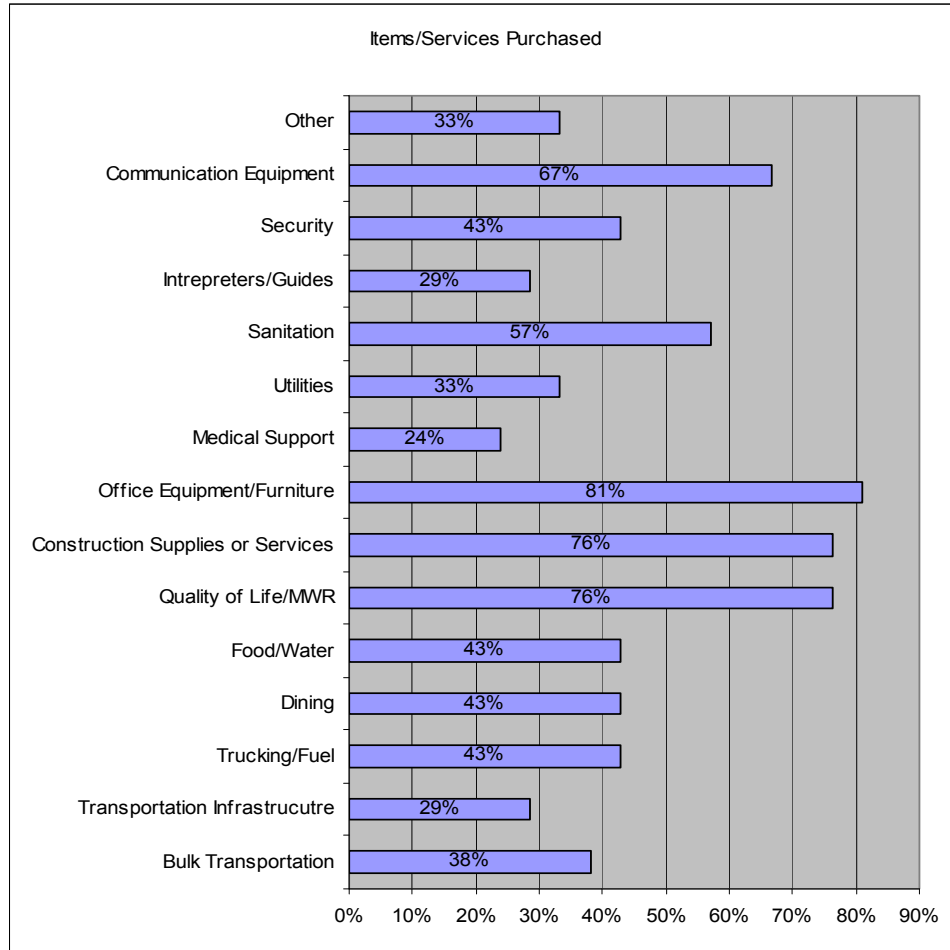


Table 10. Items/Services Procured in Theater

As can be seen from the table above, a variety of items/services were purchased by respondents while in theater. Office equipment/furniture (81%), construction supplies/services (76%), quality of life/Morale, Welfare, Recreation (MWR) (76%) communication equipment (67%), and sanitation (57%) were the most commonly purchased items/services.

2. Current Training Procedures

Strong leadership, Army-wide government contract training, and deploying properly trained and experienced contracting professionals into a contingency environment are generally accepted components viewed as necessary for mission success. As contractual actions have become more complex, the demands of a fast paced, and high-stressed contingent environment often call for accurate and timely decision making skills. The premise is that the more experience and training a professional has, the better the chances are that s/he will use that experience to make consistent and proper business decisions.

The numerous ongoing criminal investigations involving contract fraud committed by government personnel out of Kuwait, Iraq, and Afghanistan as discussed in the Gansler report brings to the forefront the need for the Army to fundamentally improve contingency contract training and oversight. At the time the Gansler report was issued there were "...at least 78 open cases that involve a total of 103 personnel. Although the Air Force provides the large majority of the contracting personnel in-theater (70 percent in Iraq/Afghanistan), the overwhelming number of personnel involved in the investigations are Army (96)..."⁷⁸

Among many things that a deployed acquisition professional will likely face, the following are common factors that may tend to be overlooked prior to deployment: understanding the different rules and regulations between CONUS and OCONUS contracting; understanding overseas cultural differences; and adapting to a high-pressure work environment. Respondents provided data on their highest contracting certification level obtained, whether or not they received formal contingency contracting training prior to their deployment, and if so, which courses were taken and were they effective in preparing the respondent for the contingency environment. Their responses helped determine levels of training provided prior to deployment, areas of training, and areas needing more and/or better training.

⁷⁸ United States Army. (October 2007). Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations, p. 22.

a. Contracting Certification Level

Of 21 responses received, prior to their deployment, 15% held a Level I, Defense Acquisition Workforce Improvement Act (DAWIA) Contracting Certification, 49% were Level II certified, and 36% were Level III certified. One respondent did not hold a contracting certification level at time of deployment.

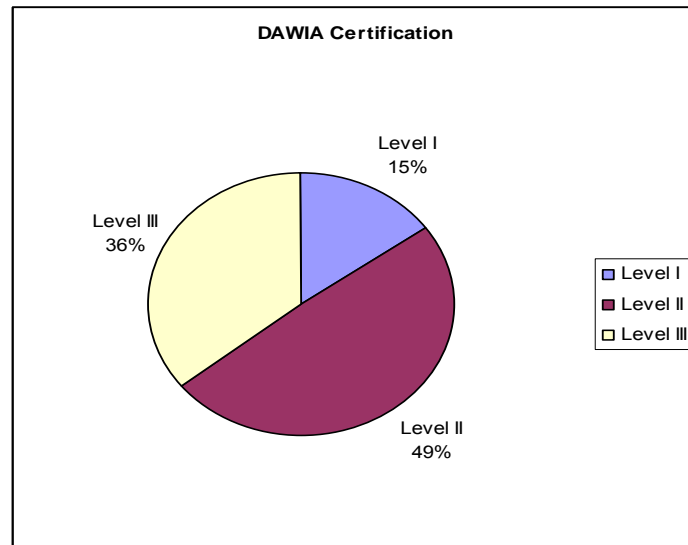


Table 11. Contracting Certification Level

This chart appears to support the notion that the Army is attempting to comply with DAWIA requirements. However, while the chart shows that a majority of contracting professionals hold, at a minimum, a Level II certification in contracting prior to deploying overseas, it does not compare the certification level to how many years contracting experience each individual held. For example, 10 respondents stated that they held a Level II certification prior to deployment. However, the range of years of experience amongst these respondents fell between 0.5 years to 5 years experience, with the average being 2.9 years of experience. There may be no substitute for hands on experience, and while individuals may hold a specific certification level, it does not necessarily mean that they are properly trained to perform and handle their duties in a contingency environment.

b. Contingency Contracting Training Received

Table 12 below depicts the number of respondents, by Service, who received formal contingency contracting training prior to deploying overseas.

	<u>Army</u>	<u>Navy</u>	<u>Air Force</u>	<u>Unknown</u>	<u>Total</u>	<u>%</u>
YES	9	6	1	2	18	85.71%
NO	3	0	0	0	3	14.29%

Table 12. Formal Contingency Contracting Received

A total of 86% of respondents stated that they received formal contingency contracting training prior to deploying. The three respondents that did not receive any type/level of training prior to deploying were from the Army, (2 civilian and 1 military). It can be noted that while these members deployed in support of contracting functions, they did not fill the positions of contracting officer or contract specialist. Fourteen percent of respondents stated that they had not received formal contingency contracting training prior to deploying. This finding might further stimulate Army leaders to fundamentally improve this statistic. Generally accepted knowledge is that one way to lessen contract fraud is to invest in systematic training. Army leaders could insist on providing 100% of the needed training to all contracting workforce members.

To determine the types of courses provided to deploying personnel, those who responded “Yes” were asked to provide the names of courses taken and if they were effective in preparing them for their duties in the field. Prior to discussing the results of this section, it can be noted that these questions were intended to be answered only if a respondent checked that they had received ‘formal’ contingency contracting training. However, two of the respondents who stated that they did not receive ‘formal’ contingency contracting training, also completed this section. Therefore, survey question 1 under the heading “current training procedures” which resulted in the responses displayed in Table 12 may be somewhat ambiguous. Since ‘formal’ contingency contracting was not defined in the survey, it was up to the respondents to interpret the definition themselves and answer accordingly.

Table 13 below depicts the training courses provided and the percentage of respondents who stated that they completed the courses.

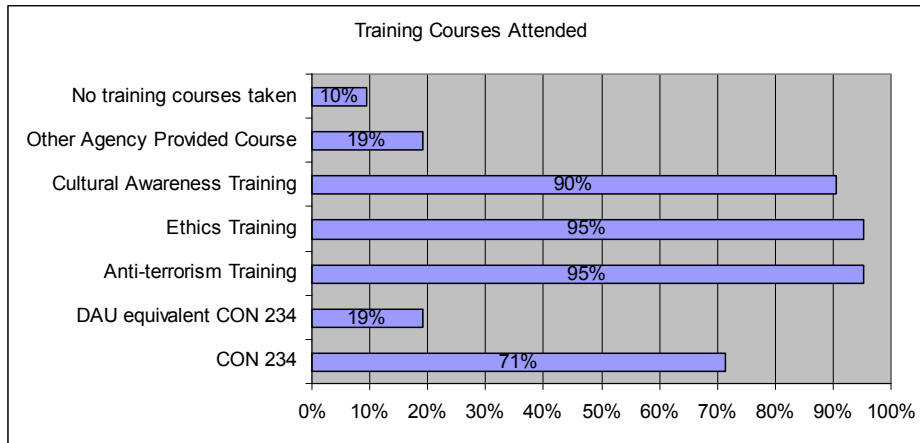


Table 13. Training Courses Attended

Survey questions regarding the effectiveness of courses taken used the following scale:

STRONGLY DISAGREE	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE	N/A
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These survey questions required the respondent to indicate the extent to which they agree or disagree with a particular statement. For example, “CON 234, Contingency Contracting was effective and prepared me for a contingency contracting deployment.” Choices ranged from “Strongly Agree” to “Strongly Disagree.” Table 14 below provides a view of the respondent’s opinions of the effectiveness of each training course taken in preparation for deployment.

	RESPONDENT ANSWER				Course not Taken
	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	
CON 234 ' Contingency Contracting'	2	10	3	0	6
DAU Equivalent to CON 234	0	2	0	1	18
Anti-Terrorism Training	1	16	2	1	1
Ethics Training	3	14	2	1	1
Cultural Awareness Training	4	13	2	0	2
Other Agency Provided Course	1	3	0	0	17

Table 14. Effectiveness of Training Courses

For the below analysis, the choices “Strongly Agree” and “Agree” were combined, as were the choices “Strongly Disagree” and “Disagree.” For the courses listed above, respondents generally indicated that the courses were somewhat effective in preparing them for a deployment. Eighty-five percent of those respondents who took both Ethics and Anti-terrorism training felt that the courses were effective and prepared them for deployment, while 15% disagreed. Of the 19 respondents that received Cultural Awareness training, 89% agreed that the course was effective while 11% did not agree. For the individuals who took the Defense Acquisition University’s (DAU) Contingency Contracting Officer training (CON 234) 80% agreed that the course was effective while 20% disagreed, and of those that took the DAU equivalent of CON 234 (such as the Naval Postgraduate School’s Contingency Contracting course) 67% agreed that it was effective while 33% did not agree. In contrast, of the 19% that took agency specific training courses, 100% indicated the training as effective.

c. Learning Curve

The Gansler report indicated that deployed contracting personnel experienced approximately a six-week learning curve in theatre; the time period that it takes for personnel to shift their ‘mindset’ regarding contracting procedures from a CONUS to an OCONUS perspective. The fast paced tempo of a contingency environment places demands on contracting professionals that they are not used to. For example, the Commission heard testimony describing the, “...steep learning curve repeatedly faced by newly deployed contracting personnel who must quickly understand that a \$50 million source selection in-theater needs to be accomplished in six weeks, not the six or more months that would be a highly accelerated CONUS contracting time table.”⁷⁹ The sample that was taken in this survey support the Gansler findings, e.g., respondents experienced an average six week learning curve.

⁷⁹ United States Army. (October 2007). Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations, p. 26.

3. Current Resources

The third set of questions that respondents answered dealt with the availability of resources/contract tools in theater and if they were useful for completing contract duties. The responses to these questions helped identify areas in which respondents felt that contract tools and resources were adequate, including suggested areas for improvement.

a. Availability of Internet Access

As many electronic resources and changing contracting legislation and policies are continuously updated on the internet, having internet access is an essential capability (tool) for deployed contracting professionals. It provides needed access to a multitude of resources, similar to the demands of a CONUS position. While deployed, respondents indicated that they had internet access an average of 85% of the time.

b. Contract Tools/Resources Used

Respondents were given a list of the most common tools/resources utilized in theater and were requested to reveal if they had access to and/or used the tools once in theater, including whether the resource/tool aided the respondent in completing their overseas contract requirements. They were also given a section to write in any resources/tools not listed. Table 15 below provides an overview of the tools/resources evaluated and how many respondents had access to and/or used the resources.

	<u>Access To</u>		<u>Used</u>	
	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>
FAR/DFARS/AFARS	21	0	20	1
Sample Contracts	19	2	16	5
Sample ARP Documents	5	16	5	16
Document Templates	20	1	18	3
On-the-Job Training	17	4	14	7

Table 15. Contract Tools/Resource Availability

Review of the responses received shows that a majority of respondents had access to and/or used the above referenced tools while in theater. Of those that used the tools, a

majority agreed that use of the tool/s was helpful. Seven respondents provided examples of additional tools/resources that were also utilized in theater:

- ‘we developed our own tools as needed,’
- ‘contracting related websites such as CCR, EPLS, DFAS, GSA, NAICS,’
- five mentioned that they relied on ‘needed to reach back to CONUS for better samples/templates and support,’
- ‘JCC I/A polices & procedures,’
- ‘Joint Contingency Contracting System,’
- ‘JCC I/A websites.’”

c. Lessons Learned

Among many things called for in the Gansler report was a need to capture contracting ‘lessons learned’ from OEF and OIF, including placing lessons in one system for ease of access and informational purposes. When asked if they had access to ‘lessons learned’ prior to deploying overseas, 57% responded positively. Of those that had access to this information, a majority of respondents (83%) indicated that they used the lessons learned. In addition, 90% of those who used the lessons learned agreed that they were helpful

4. Improving Future Processes and Procedures

To evaluate if Army implementation of the Gansler recommendations would address the needs of those deployed in support of expeditionary operations, respondents were asked several questions concerning improving the future of contingency contracting. A small percentage of respondents felt that there were certain tools/resources lacking in availability during deployment, such as, sample contracts (24%), document templates (19%), and on-the-job training (14%). Many stated that ‘better’ quality samples were needed, although they were not asked to comment on the quality of the samples.

One respondent said that without internet connectivity it is almost impossible to get the FAR/DFARS/AFARS. Additionally, depending on the country, some IP addresses block the FAR/DFARS/AFARS websites.

a. Challenges Facing Contracting Professionals in the Field

To obtain an overall understanding of macro challenges facing deployed contracting professionals, respondents ranked a set of challenges from 1 to 5 (1 = the biggest challenge and 5 = the smallest challenge). Respondents were also given the opportunity to include challenges that were not included in the survey question. Table 16 below reflects the list of challenges that respondents were asked to prioritize.

Lack of Training
Time Pressure
Hostile Environment
Long Working Hours
Lack of Support

Table 16. List of Challenges

The resulting order of perceived challenges is provided below (1 being the greatest challenge):

1. Time Pressure
2. Lack of Training
3. Lack of Support
4. Hostile Environment
5. Long Working Hours

Respondents were also given the opportunity to provide, ‘other’ challenges that they faced in the field that were not included in the choices above:

- No equipment
- Lack of properly trained requirements personnel- “Long hours often due to this”
- Volume of contract work

- Inefficient manpower
- Lack of experience
- Quick Turnover of personnel
- Electricity goes down all of the time- effective productivity

b. How can Contingency Contracting be improved?

Contracting processes and procedures incrementally evolve, and contracting in a contingent environment generates additional pressures to adapt quickly. It may be this accelerated adaptation that poses increased pressures. Table 17 depicts areas where field respondents indicated that more and/or better training was needed to improve contracting performance in theater.

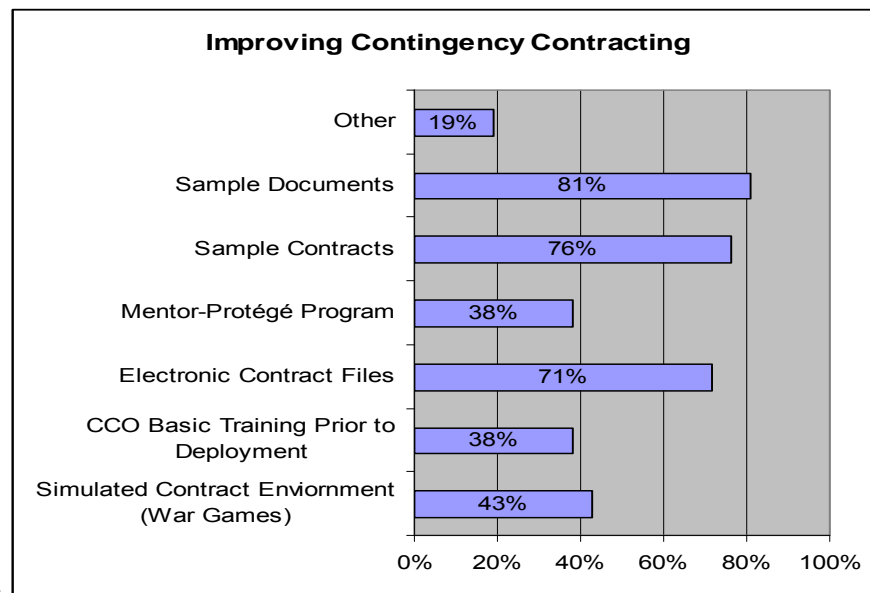


Table 17. Improvements needed to Contingency Contracting

The top three requested areas of improvements or needs requested by respondents were an increase of sample documents (81%), sample contracts (76%), and the need for more contract files to be electronic (71%).

c. Areas for Improved Training

The final question in the survey asked respondents to provide recommended training topics for the Army to focus on to improve the overall contracting process. Table 18 below provides a list of possible training topics and the percentage of respondents who indicated that improving training in these areas would enhance Army contracting.

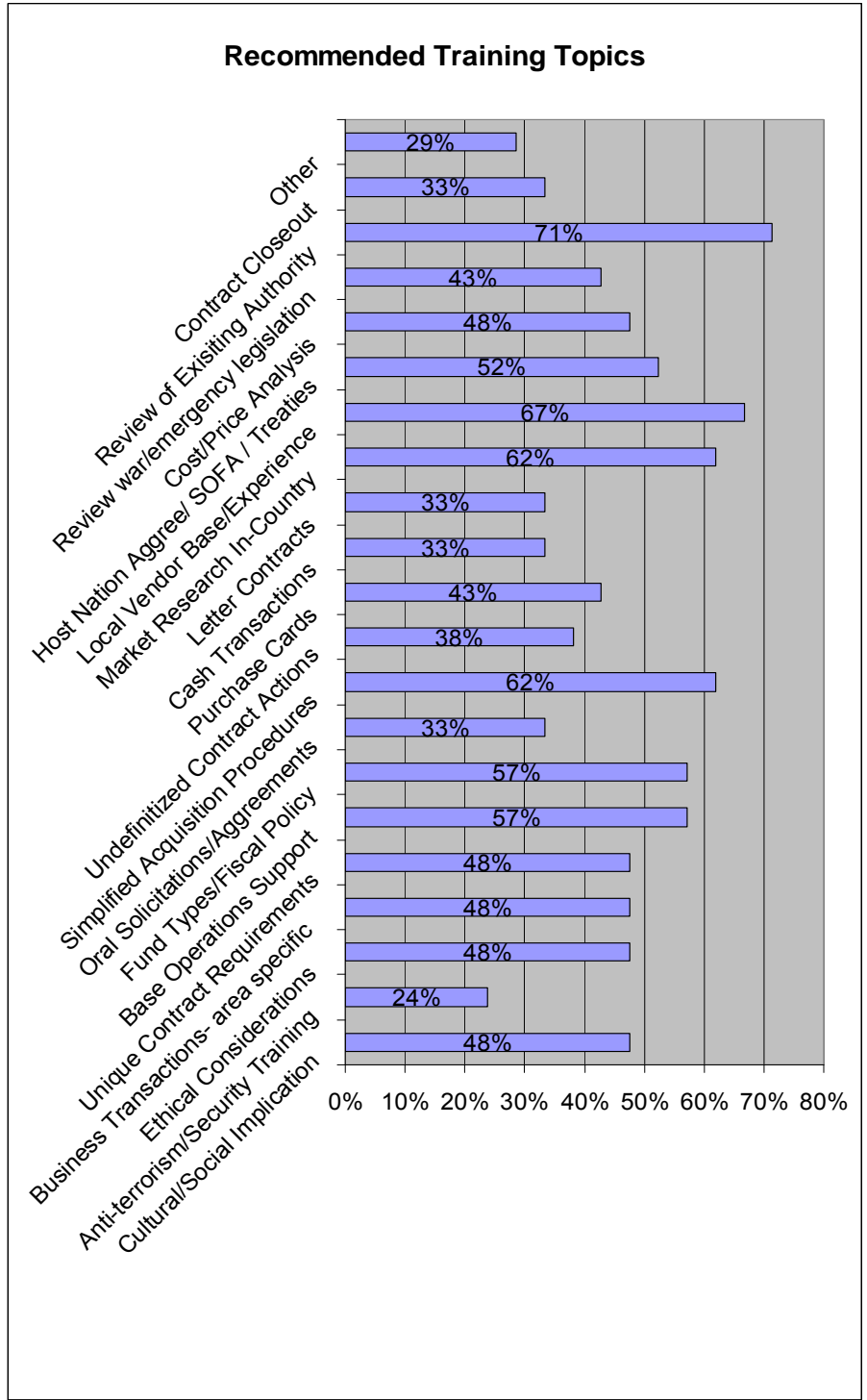


Table 18. Contracting Areas for Improvement

The most commonly recommended training topics were those for review of existing authority levels (71%), local/vendor base experience (67%), simplified acquisition

procedures (62%), market research in-country (67%), base operations support (57%), fund types and fiscal policy (57%), and host nation agreement / SOFA / Treaties (52%).

C. INTERVIEW RESULTS AND ANALYSIS

Five semi-structured interviews were conducted to obtain different perspectives regarding the research topics. As mentioned in previous chapters, Mr. Jeff Parsons, Executive Director of the new Army Contracting Command, was interviewed in May 2008. Two (2) Army civilian contracting personnel, one (1) Navy military requirements personnel (currently deployed at the time of the interview), and one (1) Navy military contracting officer who had recently returned from Iraq were interviewed as well. While each interview was tailored with specific questions based upon the position and rank in the contracting community, as well as, specific roles conducted in contingency operations, each interview had a general theme to uncover and indentify problems within the Army's contracting structure and to determine which contracting areas could be improved to provide a more efficient and effective contracting system. The results of the interviews are presented as an analysis of common problems/challenges revealed during the interviews, and in some cases, interviewees provided their own recommended solutions to help fix the problems/challenges identified. The analysis revealed six (6) key issues identified below. Further discussion of each issue is provided in subsequent paragraphs.

- Experience Level of Contingency Contracting/Requirements Personnel
- Lessons Learned
- Ethics and Cultural Awareness
- Contract Tools
- Length of Deployment
- Knowing What to Expect Prior to Deployment.

1. Experience Level of Contingency Contracting/Requirements Personnel

There was a general consensus among interviewees that not only is there a need for more contingency contracting personnel, but there is a need for more experienced personnel. The requirements specialist interviewed was a Navy LCDR currently deployed in Iraq. His general statement concerning the contracting office where he worked provides a good overall summary: “those guys are moving mountains with a small workforce.” As a customer, he sees the large workload coming through and the contract offices understaffed to handle that workload. The billet he holds required contracting experience, and he was chosen as a subject matter expert based on his 2.5 years of experience.

When asked how many years of contracting experience people should have before they are sent into the field, some felt that there should be a minimum amount/years of training/experience prior to their eligibility to deploy. They also felt that there should be a minimum level of contracting certification. One interviewee felt that personnel should have at a minimum, a Level II DAWIA contracting certification and at least one year of hands-on experience. He said that there are too many Level I CCOs, especially in the military, and that having to train people “how to” once they are in the field adversely impacted the entire contracting process. A key point made was that contracting personnel should be familiar with the FAR and understand how to make good business decisions. In contrast to the response above, another interviewee felt that contracting personnel should have a minimum of five (5) years of experience for both civilian and military contracting personnel, *and* a Level III DAWIA contracting certification. He felt that this would provide a solid foundation for contracting in an OCONUS environment.

It is important to note that currently under the Army Civilian Training, Education, and Development System Plan for the CP-14 Contracting and Acquisition Career Program, the intern program is a three-year training program. Once the intern has completed the program, the individual should possess all the competencies, or

knowledge, skills and abilities required to perform at the journeyman level. This information was used to further analyze experience requirements.⁸⁰

2. Lessons Learned

Most of the personnel interviewed agreed that the lessons learned system is a useful way to prepare for deployment. However, they added that it was essential to share the most current lessons learned due to the evolving nature of contingency contracting. A point was made that talking with someone who has just returned from a contingency operation is more beneficial and effective in preparing for a deployment than reading outdated reports written by someone who had returned months or years prior. He said, “the fresher the information, the better it was.”

3. Ethics and Cultural Awareness

When asked what they felt that were some of the biggest problems/barriers to accomplishing the mission, one subject who had deployed in Iraq said that he experienced specific problems related to cultural awareness and ethics. The language barrier was a great challenge; however, he was fortunate to have two interpreters while some contracting offices had none. He also mentioned that cultural differences regarding business practices were a challenge. For example, a military construction project was needed to be completed in an expedited manner; however, the need for the requirement was not viewed as urgent by the Iraqi company that was contracted to complete the project. Another interviewee suggested that there should be some sort of ‘geographic training’ given to contracting personnel prior to their deployment. He said that a location-based training would be helpful in future contingencies, mainly because we have no way of knowing where or what the next operation will involve.

Another challenge that was identified was trying to implement U.S. federal acquisition regulation business practices into an Iraqi culture that is unaccustomed to U.S.

⁸⁰ Army Civilian Personnel On-line. Army Civilian Training, Education, and Development System (Plan CP-14- Contracting and Acquisition Career Program). Retrieved September 2008 from http://www.cpol.army.mil/library/train/acteds/CP_14/chap10.html.

business practices. Iraqi contractors simply did not relate well to U.S. government ethical standards developed over the past decades. Additionally, the subject mentioned that not all government personnel, particularly requiring activities, were properly trained on the topic of ethics. Some of the inexperienced requirements personnel that this interviewee worked with talked directly to the Iraqi contractors, a practice which could lead to modifications that are out of the scope of the Statement of Work, and ultimately to waste, fraud and abuse. Contracting personnel found themselves having to take the time out of hectic schedules to train the requirements personnel on ethics. When asked how the Army could better train its workforce, he said, “There are some ‘ethically challenged’ people over there; (so he would advise) continue to ram ethics down the throats of everybody there.” When asked the same question, another interviewee told us something similar, that the senior leaders need to understand ethics regulations, as well as, their subordinates.

4. Contract Tools

Almost all those interviewed agreed that electronic contract files would help improve modern wartime contracting. One individual who is currently in Iraq said that some of the current processes within his contracting office are completed electronically, but not everything is online. He felt that many current procedures would be improved if there was one electronic system for all team members to utilize, particularly in routing documents for approval up the chain of command. He also said that many higher authority reviewers did not use the same system that subordinates did, which oftentimes made a very slow and inefficient review process. Additionally, once a document moved on to the next approval level, reviews would get kicked back for questions and oftentimes the ‘visibility’ and status of the documents would be lost.

Another interviewee said that a uniform electronic contract file system utilized among all of the contracting offices would be beneficial. He believed that if all contract files could be shared, there would a lessons learned benefit from doing so. In addition, it was suggested that an electronic contract file system that had access to all theatre contracts could be managed at CONUS locations. Contract documents, templates, and

policy information could also be available electronically to all those deployed; yet be managed by a single CONUS team. Deploying an electronic system as just described would help increase the quality of sample documents, as it would create common templates for those in the field. The researchers were informed that each contracting office in Iraq has its own hard copy contract files and contractual samples were not good. Many times when a sample was needed, “you were at the mercy of the guy who wrote the template” and oftentimes, “the experience level of the guy writing the template may not have been up to par to begin with.”

When asked to comment on whether they would have benefited from a federal acquisition regulation tailored to contingency contracting, many mentioned that the resources available in theatre are adequate. They said that they used the Acquisition Instruction (AI) and it worked well.

5. Length of Deployment

Many interviewees expressed their concerns regarding the length of deployment for military and civilian contracting personnel. Two said that civilian deployments should range from 12 to 15 months. They mentioned a problem of short enlistments on the military side as well, e.g., some complete their time and get out as soon as possible. This creates additional retention/staffing problems. The requirements specialist said that they would push to prepare acquisition requirements packages and oftentimes they would not be deployed long enough to see them through. The already shortened deployment periods are further condensed when personnel are sent into contingencies without any experience. In this case, not only is time spent on training personnel on basic contracting principles, but time is taken away from the individual doing the training. Having to train personnel the “how-to” of contracting in theatre is time consuming and counter-productive.

6. Knowing What to Expect Prior to Deployment

Some interviewees said that knowing what to expect prior to deployment would help personnel better prepare for operations. One said that having an idea of 1) where

they were going to be deployed, 2) what type of item/service they most likely will be purchasing, 3) what tools and/or resources are available in theater, and 4) what type of contract/action types to expect, would be extremely beneficial to personnel prior to their deployment. Having this information would help them plan location based training and/or refresher courses accordingly; positively impacting productivity while in theatre.

VII. CONCLUSIONS, RECOMMENDATIONS, AND AREAS FOR FURTHER RESEARCH

This Joint Applied Project analyzed the extent to which Army leadership has acknowledged and is acting upon key improvement recommendations made by the Gansler Report (2007). The project explored roles, procedures, principles and emerging issues facing contingency contracting professionals in respect to their responsibilities in expeditionary operations. The first chapters explored basic principles of contingency contracting and identified four key areas that affect the Army's ability to effectively and efficiently respond in contingency contracting situations; the changing war environment, increased contracting workload and complexity of contract actions, increased responsibility of acquisition professionals, and declining capability of the acquisition workforce. Later chapters presented the Gansler report findings and recommendations and researched the extent to which the Army is acting upon key improvements. The last chapter analyzed researcher developed surveys and semi-structured interviews given to current and previously deployed contingency contracting personnel, in order to approach this topic with a 'boots on the ground' perspective.

From the research conducted, an overarching conclusion is that the Army is successfully implementing and utilizing the Gansler Commission recommendations. However, there are additional steps that the Army can take to improve modern wartime contingency contracting and better prepare and train its contracting workforce. This chapter provides additional recommendations for the Army to further enhance improvements in future contingency operations. The chapter summarizes answers to research questions posed in Chapter I, including potential areas for further research.

A. ANSWERS TO RESEARCH QUESTIONS

1. How Have the Roles, Responsibilities, Procedures, and Challenges of U.S. Army Contracting Professionals Changed to Accommodate Wartime Needs and Expectations?

During operations supporting the Global War on Terror (GWOT), Army contingency contracting roles have expanded and become more complex. Stimulated by exponential developments in information technology, Army overseas contracting personnel are also experiencing the need for increasingly specialized contracting expertise and training to accomplish warfare missions. Increased demand has generated an influx of private contractors on the battlefield. Per Chapter I, metrics indicate there are more contractors on the battlefield than ever before. Contracting in contingency operations, in particular, has risen to the forefront of providing essential background support to time-sensitive mission objectives in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). Over the past several years, contingency contracting support has grown from simplified acquisition procedures to complex defense system acquisitions, interagency support, services, and military construction. Regardless of this rapid transition, contingency contracting personnel are responsible for maintaining accurate and complete contract files in a complex and high threat environment. They have to adapt to new procedures, new technology, and new scheduling demands, i.e., civilian contracting personnel deploy overseas on a volunteer basis only.

Over the last two decades, contracting professionals have tried to adapt to substantial workforce reductions, increases in workload, increasingly complex requirements, and a need for additional skill sets. Contracting Officers have also experienced a shift in procedures and have been tasked to adapt to changes in procurement laws and regulations, such as recent acquisition reform under the Services Acquisition Reform Act (SARA) and the Federal Acquisition Streamlining Act (FASA). Chapter III notes that today's contracting professionals are confronted with at least four key issues/challenges affecting their roles and responsibilities as a contracting professional: a changing war environment, increased workload and complexity of contracting actions, increased responsibility, and a declining capability of the contracting

workforce. The Army does appear to acknowledge the degree of difficulties, and has begun developing and implementing new processes, procedures, and training programs to better prepare its workforce to support conventional and unconventional contracting situations.

2. How is Army Leadership Responding to Contingency Contracting Key Improvement Recommendations for Changes, Including Acknowledgement of Weaknesses, Plans to Solve Charges of Waste and Inefficiency, and Overcoming Implementation Impediments?

Since the issuance of the Gansler Report in November 2007, which identified and brought to the forefront systematic problems within the Army's contracting procedures, the Army is substantially responding to the Commissions findings. The Army has acknowledged multiple weaknesses and is taking early steps to address them. It has initiated reviews and investigations into determining ways to solve the problems associated with charges of waste, fraud, and abuse, and has also implemented plans to create a more efficient and effective contracting organization; starting with the stand up of the ACC.

3. How is the Army Developing More and Better Trained Contracting Professionals?

The Army is making progress toward developing more and better trained contract professionals. It is working with the DAU to develop a focused expeditionary contracting training program that will provide an in depth look at contracting in an OCONUS situation. Another training opportunity that the Army is looking into is ways to improve contingency contracting training currently provided at its Combined Training Centers. The Army has also instituted new policies regarding minimum training requirements for Contracting Officer Representatives (CORs). Although the Army has effectively taken these steps to develop better trained contracting professionals, there is a need for more specialized training topics to be incorporated into a training curriculum.

4. What “Contracting Tools,” Procedures and/or Personnel Policy Modifications Could Be Considered as Ways to Augment and Stabilize the Contingency Contracting Community’s Ability to Perform in the Context of a Long War?

Current procedures could be improved by developing one electronic system for all team members to utilize. A web-based system, such as the CECOM LCMC Acquisition Center’s Project Contract Folder (PCF), would allow reviewers in remote locations to share sample contracts and information, files can be managed by a single CONUS team, and contract/document templates and the latest policy information could be available electronically to all those deployed. Regarding personnel policy modifications, the Army should re-examine the length of deployment for civilian contracting personnel and review the minimum amount of years experience necessary to successfully perform their contracting missions in contingency operations. These factors definitely impact the contingency contracting community’s ability to perform in the context of the long war.

B. RECOMMENDATIONS

Overall, the Army is successfully implementing and utilizing the Gansler Commission recommendations. From the research conducted for this project, and review and analysis of the surveys and semi-structured interviews, additional recommendations are provided to improve modern wartime contingency contracting and better prepare and train the contracting workforce. Specifically, five (5) key recommendations are provided:

- Implement a Single Electronic Contracting System to Support all Army Contingency Contracting Efforts
- Re-examine the Minimum Hands-On Experience Requirement for Contracting
- Capture, Share and continually Update Current Lessons Learned Information
- Re-examine the Length of Deployment for Civilian Contingency Contracting Personnel
- Implement Suggested Training Topics for Future Deployed Contingency Contracting Personnel

These five recommendations are further addressed below.

1. Implement a Single Web-Based Contracting System to Support All Army Contingency Contracting Efforts

Current procedures could be improved if one uniform electronic contract file system was created and utilized by all contracting offices in a theater of operation; including the functionality to be able to access all theatre contracts. For example, currently each contingency contracting office in the JCC I/A has its own hard copies of contract files. As a result, these offices are unable to efficiently and expeditiously share these contract files. However, a web-based system, such as the CECOM LCMC Acquisition Center's Project Contract Folder (PCF) would allow reviewers in remote locations to share sample contracts and information. It would also enhance the review/approval process as there would now be one point of entry for all individuals to access contract files. Additionally, with implementation of the PCF program, files can be reviewed and managed by those in a CONUS location. Reviewers at all levels could access contract files and provide a visible contract status at all times to ensure maximum visibility. Contract/document templates and the latest policy information could be available electronically to all those deployed. This information could be managed by a single CONUS team as well, to ensure all deployed personnel have access to the most timely regulations and policy information.

Furthermore, the recent Joint Contingency Contracting Officer handbook is an extremely useful tool to contracting professionals. This tool is especially beneficial to those deployed to locations where access to on-line resources is limited, such as a stage 1 (mobilization) or stage 2 (build-up) contingency operations, or deployment to a remote area. However, the Joint Contingency Handbook can be viewed as a 'temporary fix'. A uniform, web-based system should be implemented as soon as feasible to ensure maximum efficiency in accomplishing missions.

2. Re-examine the Minimum Hands-On Experience Requirement for Contracting

The first recommendation of the Gansler report addressed the need to increase the contracting workforce, specifically stating the need for more trained and experienced military personnel. One of the recommendations in particular is that the Army must ensure that expeditionary operations are not a first assignment. Research in Chapter V has revealed that the Army has instituted a policy stating that military members will not deploy during their first year in contracting. While this is a good attempt at ensuring that those who deploy overseas are properly trained, one year of experience may not suffice to handle operations in a contingent environment.

One year of experience simply is not enough; it does not adequately provide personnel with a solid foundation in basic contracting. For example, currently under the Army Civilian Training, Education, and Development System Plan for the CP-14 Contracting and Acquisition Career Program, the intern program is a three-year training program. Once the intern has completed the program, the individual should possess all the competencies, or knowledge, skills and abilities required to perform at the journeyman level. Therefore, Army civilian interns will not reach journeyman status until they have completed at least three years of hands-on experience.

Personnel deploying in support of a contingency operation should require very little, if any, training while deployed in theatre as they should already have a solid foundation in contracting processes and procedures. In an era of increasingly complex contracting actions and the increased reliance of contractors on the battlefield, experienced personnel are essential in expeditionary contracting missions. It is evident that there is a need for more contracting personnel. However, little is added if the Army sends classroom trained personnel into theatre without a minimum amount of hands-on experience in CONUS contracting, even if they have a Master's degree and DAWIA Level III certification.

The Army needs to review its training requirements for its deployable workforce; specifically the minimum number of years of experience required to deploy. The Army

may find that the minimum number of years of hands on experience should be increased to the equivalent of a journeyman status of 3 years.

If the Army agrees that an increase in the number of years experience required to deploy is necessary, it may also be determined that the Army does not have enough personnel available to deploy that possess the revised amount of CONUS contracting experience. In these cases, the Army could consider developing standards where deployed personnel are sent to locations based upon matching experience to a job assignment, much like the Yoder Three Tier Model (Appendix B). For example, individuals with one year of experience could be deployed to a position that requires less experience, such as placing orders on existing contracts or contractual actions under simplified acquisition procedures. Individuals with three or more years of contracting experience could be assigned to a position that requires higher level duties such as interfacing with local and regional businesses, creating business processes, and coordinating with military, non-governmental organizations, private volunteer organizations, and political organizations. This would leave the most experienced and deployable personnel available to support hostile, high threat contingency environment where their skill sets and experience will allow them to make proper business decisions and complete contract actions expeditiously.

3. Capture, Share, and Continually Update Current Lessons Learned Information

As described in Chapter IV, a recommendation of the Gansler report was the need to capture and utilize lessons learned from contingent environments. Research has revealed that the Army is formally interviewing units as they return from theater to capture “expeditionary contracting” lessons learned and incorporating the findings into doctrine, training guides, and user handbooks. This appears to be an extremely useful method of capturing lessons learned. However, lessons learned must be continually updated to match the realities of a fast-changing theatre.

The Army could develop and institute a lessons learned training course involving members of the Acquisition community who have recently returned from a deployment.

As a requirement and duty of their deployment, all recently returned military and civilian contracting personnel could participate in contingency contracting training sessions for members of the acquisition force set to deploy to contingent environments in the near future. Those who have recently returned would provide value to their counterparts because experiences and lessons learned would be fresh. Recently returned personnel could also provide location specific training to further enhance the lessons-learned benefit. A benefit to the Army from this type of training is that the training sessions could be videotaped and streamed over the internet so that they reach the maximum amount of personnel. The course could then be archived into the Army's lessons learned system for future reference.

4. Re-examine the Length of Deployment for Civilian Contingency Contracting Personnel

The Gansler report indicated that even trained and experienced contracting personnel have a learning curve of about six weeks in theatre. This learning curve is the time period that it takes for personnel to shift their 'mindset' regarding contracting procedures from CONUS to an OCONUS perspective. Likewise, the analysis of survey results in Chapter VI confirmed this finding, as respondents on average, reported the same six week learning curve.

Civilian contracting personnel are deployed in support of contingency operations for up to 180 days; which from research and interviews conducted, may not be enough time to execute contract actions, especially when taking the learning curve into consideration. Personnel indicated that they were often not deployed long enough to see actions through. The already shortened deployment periods are further condensed when personnel are sent into contingencies with little experience in the subject matter. The use of increasingly complex contracting actions may, in certain instances, further preclude a civilian's ability to effectively accomplish contracting missions during their limited deployment period.

As a result, longer civilian deployments may be necessary to best accomplish missions. It is recommended that the ACC, and particularly the ECC, re-examine the

length of deployments for civilian contracting personnel. The Army may find that deployment periods of 12 to 15 months, similar to their military counterparts, may be more effective.

5. Suggested Training Topics for Future Deployed Contingency Contracting Personnel

The Gansler Commission also recommended that the Defense Acquisition University (DAU) develop training for the civilian and military contracting workforce specific to expeditionary operations. As mentioned in Chapter V, the Army responded to this request by stating that they are re-examining the training curriculum for all newly accessed acquisition officers and civilians. However, no further information regarding the DAU/Army's research or planning for specific training topics was found.

There are fairly specific areas where the Army can focus training initiatives, and the following topics could be incorporated into a contingency contracting training curriculum:

- Review of existing authorities/Emergency Legislation,
- Local/vendor base experience,
- Simplified acquisition procedures,
- Market research in-country,
- Base operations support,
- Fund types and fiscal policy, and
- Host nation agreement / SOFA / Treaties.

It is important to mention that the Army is providing contingency contracting personnel training in the areas of cultural awareness and ethics training. Inadequate ethics and cultural awareness training can create systemic problems and barriers to accomplishing the mission. Cultural differences regarding business practices and language issues must be addressed. Location-based training might be helpful in properly preparing contracting personnel. The Army can ensure that all parties involved in the

acquisition process understand and follow definitive ethics procedures and guidelines. Ensuring that ethical standards are upheld in contingency operations is not the sole responsibility of the contracting office; it is a shared responsibility by all Army personnel including requirements personnel and senior leaders.

The Army can compile and analyze procurement data specific to contingency operations to create more specific training programs for its future deployed workforce. Research in Chapter VI revealed common types of items/services purchased, methods/contracts and contract actions types used in expeditionary operations, such as:

- Commercial Items,
- Supplies/Services,
- Contracting by negotiation,
- Construction,
- Non-competitive,
- Firm Fixed Price
- Indefinite Delivery Indefinite Quantity (IDIQ),
- Blanket Purchase Agreements (BPA), and
- Purchase Orders.

Specific procurement data such as this can be used to pinpoint training areas to further tailor individual learning prior to deployment.

C. AREAS FOR FURTHER RESEARCH

Throughout the research process, many areas were uncovered that, while outside the general scope of this project, warrant further investigation and research to determine the feasibility of implementation into current Army contracting processes. Provided below are areas that the researchers believe should be investigated further.

1. Could the Logistics Civil Augmentation Program (LOGCAP) Serve As a Template for Future Reach Back Programs for Contingency Operations?

The Army's Logistics Civil Augmentation Program (LOGCAP) is currently located at the Army Sustainment Command (ASC), located in Rock Island, IL. LOGCAP uses civilian contractors to provide the Army with additional means to adequately support the current and programmed force by performing selected services in wartime as well as other operations, i.e. Humanitarian Assistance, Disaster Relief, Peace Keeping, Peace Enforcement, and Major/Minor Conflict.⁸¹ The LOGCAP contract dates to 1992, when a contract for support services was awarded by the U.S. Army Corps of Engineers. Since its inception, the LOGCAP program has supported operations in a variety of countries under multiple contractors. LOGCAP has been used to support U.S. forces in operations in Somalia, Haiti, and Bosnia and is currently being used to support operations in Afghanistan, Iraq, Kuwait, and Uzbekistan, as well as in other countries. The use of LOGCAP to support U.S. troops in Iraq is the largest effort in the history of LOGCAP.⁸²

Currently, the ASC has LOGCAP III and IV. Three types of services are delivered under the LOGCAP IV performance contracts: supply operations, such as the delivery of food, water, fuel, spare parts and other items; field operations, such as dining and laundry facilities, housing, sanitation, waste management, postal services, and morale, welfare and recreation activities; and other operations, including engineering and construction, support to communication networks, transportation and cargo services, and facilities maintenance and repair.⁸³

One of the researchers had the benefit of participating in the Army's Procurement Management Assistance Program (PMAP) Contracting Operations Review at ASC in

⁸¹ Michael S. Neeb. (December 2004) *The Performance of LOGCAP in Operations Enduring and Iraqi Freedom*. Thesis, Naval Postgraduate School.

⁸² U.S. Government Accountability Office. (March 2005). High-Level DoD Coordination is Needed to Further Improve the Management of the Army's LOGCAP Contract (GAO Report No. 05-328), p. 5-6.

⁸³ Association of the United States Army. (June 2008). Three Firms to Split LOGCAP Contract. Retrieved September 2008 from <http://www.ausa.org/publications/ausanews/archives/06-08/Pages/ThreefirmstosplitLOGCAPcontract.aspx>.

July of 2008, in which an Army team was compiled to examine LOGCAP contract files. The purpose of the PMAP Contracting Operations Review Program is to assess the health of Army contracting, improve the overall quality of Army contracting and to assist in management control. A review of ASC's LOGCAP contract files yielded extremely positive results. The team concluded that the files are in excellent order, well documented, indicate in-depth analysis of the requirement, and how to process and award the solicitation. Additionally, since the reach back contracts for Kuwait and Qatar have transferred from CENTCOM to ASC, the Army has saved \$94M. For example, three (3) Undefined Contract Actions (UCA) proposed at \$285M were definitized by ASC in the amount of \$191M (\$94M in savings), where previously four (4) UCAs negotiated in theatre, before ASC, proposed at \$279M, were definitized at \$279M (\$0 savings).⁸⁴

In the past, allegations of waste, fraud and abuse have loomed over the program, launching media attention and several investigations including GAO reports. However, the researchers believe that the current LOGCAP reach back program at ASC is effectively accomplishing mission requirements and should serve as a template for future missions. The Army may want to further research the accomplishments of the current program to use as template for future contingencies.

2. How to Implement Project Contract Folder (PCF) In a Contingency Environment.

The Army may want to research ways to implement CECOM LCMC Acquisition Center's Project Contract Folder (PCF) in contingency operations. As mentioned in the recommendations above, the currently released version of PCF that is used in the CECOM Acquisition Center, possesses many of the required functionalities to successfully utilize a uniform electronic contracting system in different geographical locations. Additional research should be conducted to determine if PCF can be further developed and tailored to expeditionary operations.

⁸⁴ Army Sustainment Command (July 2008). *Procurement Management Assistance Program Outbrief*, (Power Point Slides- DRAFT).

3. How to Best Capture and Utilize Lessons Learned Information

The Army may want to research ways to best capture and utilize lessons learned information. As mentioned in the recommendations above, there are several ways to capture the most current lessons learned, however further research is needed to determine the most appropriate method of disseminating information. For example, further research is needed to assess the feasibility of implementing in person training or video recorded information sharing of lessons learned.

D. SUMMARY

In this chapter, additional steps that the Army can take to improve modern wartime contingency contracting and better prepare and train its contracting workforce were described. Specifically, five (5) key recommendations were offered: implement a single electronic contracting system to support all Army contingency contracting efforts, re-examine the minimum hands-on experience requirement for contracting, capture and share the most current lessons learned information, re-examine the length of deployment for civilian contingency contracting personnel, and suggested training topics for future deployed contingency contracting personnel. The authors close this project with a statement made by Mr. Jeff Parsons, which sums up the important role that Army contracting plays in overall mission success:

The commitment of our contracting professionals and to our contracting professionals must be 100 percent. They must stay focused on supporting the warfighter, and inspire the confidence of the American people. This will not be easy; it will take time, but getting it done is essential. We cannot and will not fail—our warfighters and our taxpayers deserve no less⁸⁵

⁸⁵ Statement before the Committee on Armed Services, U.S. House of Representatives; by Mr. Jeffrey P. Parson, Executive Director Army Contracting Command p. 5-6.

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APPENDIX A – SURVEY QUESTIONS

TITLE: UNITED STATES ARMY CONTINGENCY CONTRACTING OPERATIONS:
EMERGING ROLES, PROCEDURES and CHALLENGES FACING CONTRACT
SPECIALISTS

PURPOSE: The Purpose of this survey is to gather information for the Joint Applied Project to be submitted in partial fulfillment of the requirements for the degree of Masters of Science in Contract Management for the Naval Postgraduate School.

JUSTIFICATION: This Joint Applied Project will evaluate current Army contracting procedures for Contingency Contracting Operations. Specifically, it will assess the following: ‘In what ways have the roles, responsibilities, procedures, and challenges of U.S. Army contract specialists changed to accommodate wartime needs and expectations?’

The surveys we collect from relevant stakeholders, (including Army contingency contracting officers and specialists who have deployed) will provide us with ‘boots on the ground’ insight into current contingency contracting processes, procedures, and challenges. The survey results along with independent research shall be used to develop recommendations and/or tools that the Army can implement to improve modern wartime contingency contracting and better prepare the United States’ contracting workforce to support future contingency operations.

ESTIMATED TIME TO COMPLETE: 20 MINUTES

BACKGROUND INFORMATION:

1. I have supported/worked-on contingency contracting operations involving the following countries? (Check all the apply)

- IRAQ
- Afghanistan
- Kuwait
- Kosovo
- Bosnia
- Liberia
- Somalia
- Other (please list 'other' country) _____

2. About how many years of contracting experience did you have prior to “deploying” in support of a contingency contracting operation?

_____ Years

3. While deployed, what was your primary job title?

- Contracting Officer
- Contract Specialist
- Ordering Officer
- Other

4. I have used the following in support of contingency contracting operations: (Check all that apply)

Action Types

- Sealed Bidding, FAR Part 14
- Service Contracting, FAR Part 37
- Supplies
- Construction, FAR Part 36
- Emergency Acquisition, FAR Part 18
- Information Technology, FAR Part 39
- Simplified Acquisition Procedures, FAR Part 13
- Contracting By Negotiation, FAR Part 15
- Non-Competitive Procedures
- Undefined Contract Action (UCA)
- Letter Contracts
- Federal Supply Schedules, FAR Part 38
- Oral Solicitations/Oral Agreements
- Purchase Cards
- SF 44 and Cash
- Use of In-Country Contracts Only
- Acquisition of Commercial Items, FAR Part 12
- Non-Commercial Acquisition
- Other _____

Contract Types/Methods

- _____ Firm Fixed Price (FFP)
- _____ Firm Fixed Incentive Fee (FPIF)
- _____ Fixed Price Award Fee
- _____ Fixed Price Level of Effort
- _____ Fixed Price Redetermination
- _____ Fixed Price with Economic Price Adjustment
- _____ Indefinite Delivery Indefinite Quantity (IDIQ)
- _____ Time and Materials (T&M)
- _____ Labor Hours
- _____ Cost No Fee
- _____ Cost-Plus-Incentive-Fee (CPIF)
- _____ Cost-Plus-Fixed-Fee (CPFF)
- _____ Cost-Plus-Award-Fee (CPAF)
- _____ Cost Sharing
- _____ Blanket Purchase Agreement (BPA)
- _____ Purchase Orders (PO)
- _____ Requirements Contract
- _____ Other _____

5. Approximate average dollar value of contracts/awards you supported in theater?

- _____ \$0 – 2.5K
- _____ \$2.5K - \$200K
- _____ \$201K - \$500K
- _____ \$501K - \$1M
- _____ \$1M – \$5.5M
- _____ \$5.5M – \$100M
- _____ \$101M – \$500M +

6. What types of items/services were you involved in procuring in theatre?

- _____ Bulk Transportation
- _____ Transportation Infrastructure (Roads, bridges, etc)
- _____ Trucking/Fuel
- _____ Dining
- _____ Food/Water
- _____ Quality of Life/MWR Requirements
- _____ Construction Supplies and Services
- _____ Office Equipment/Furniture
- _____ Medical Support
- _____ Utilities
- _____ Sanitation
- _____ Interpreters/Guides
- _____ Security
- _____ Communication Equipment
- _____ Other (please list) _____

CURRENT TRAINING PROCEDURES:

1. Prior to deploying, did you receive formal contingency contracting training?

YES _____ NO _____

2. If you answered yes above, check all of the following courses which you attended:

- _____ CON 234 “Contingency Contracting”
- _____ DAU Equivalent to CON 234
- _____ Anti-terrorism Training
- _____ Ethics Training
- _____ Cultural Awareness Training
- _____ Other Agency Provided Course
- _____ Not Applicable as answer to question 1 is NO

3. Please indicate for each course below your perception concerning course effectiveness. Check “N/A” for courses not attended.

This course was effective and prepared me for a contingency contracting deployment.

CON 234 “Contingency Contracting”:

- Strongly Disagree
- Disagree
- Agree
- Strongly Agree
- N/A

This course was effective and prepared me for a contingency contracting deployment.

DAU Equivalent of CON 234:

- Strongly Disagree
- Disagree
- Agree
- Strongly Agree
- N/A

This course was effective and prepared me for a contingency contracting deployment.

Anti-terrorism Training:

- Strongly Disagree
- Disagree
- Agree
- Strongly Agree
- N/A

This course was effective and prepared me for a contingency contracting deployment.

Ethics Training:

- Strongly Disagree
- Disagree
- Agree
- Strongly Agree
- N/A

This course was effective and prepared me for a contingency contracting deployment.

Cultural Awareness Training:

- Strongly Disagree
- Disagree
- Agree
- Strongly Agree
- N/A

This course was effective and prepared me for a contingency contracting deployment.

Agency provided course:

- Strongly Disagree
- Disagree
- Agree
- Strongly Agree
- N/A

4. Once deployed, about how long did it take you to learn different contracting processes and procedures, i.e., what was your learning curve from traditional CONUS contracting to OCONUS contingency contracting?

_____ years _____ months

5. Prior to your deployment, did you receive certification in contracting as required by the Defense Acquisition Workforce Improvement Act (DAWIA)?

- _____ Level I Certification obtained
- _____ Level II Certification obtained
- _____ Level III Certification obtained

CURRENT RESOURCES:

1. While deployed, on average, approximately what percentage of the time did you have internet access:

_____ Percent of the time

2. While deployed, circle whether you had access to and if you used any of the following:

	<u>Access to</u>	<u>Used</u>
FAR/DFARS/AFARS:	Yes or No Access	Yes or Not Used
Sample contracts:	Yes or No Access	Yes or Not Used
Sample ARP Documents:	Yes or No Access	Yes or Not Used
Document Templates:	Yes or No Access	Yes or Not Used
On-the-Job Training:	Yes or No Access	Yes or Not Used

Please provide the names of any additional tools/resources that were available for your use:

3. Please indicate for each item below your perception concerning applicability in completing overseas contracting activities. Check 'N/A' for items not used.

The below contract tool(s) helped me complete my overseas contracting duties.

FAR/DFARS/AFARS:

Strongly Disagree
Disagree
Agree
Strongly Agree
N/A

The below contract tool helped me complete my overseas contracting duties.

Sample contracts:

Strongly Disagree
Disagree
Agree
Strongly Agree
N/A

The below contract tool helped me complete my overseas contracting duties.

Sample ARP Documents:

Strongly Disagree
Disagree
Agree
Strongly Agree
N/A

The below contract tool helped me complete my overseas contracting duties.

Document Templates:

- Strongly Disagree
- Disagree
- Agree
- Strongly Agree
- N/A

The below process helped me complete my overseas contracting duties.

On-the-Job Training:

- Strongly Disagree
- Disagree
- Agree
- Strongly Agree
- N/A

4. What additional or improved tools would increase overseas contracting capability and improve overseas Contingency Contracting Officer performance?

5. I had access to and read “lessons-learned” documents prior to my deployment.

Access to

Read

- Yes
- No

- Yes
- No

6. If you answered yes to the above question, please indicate your perception that reading prior “lessons learned” documents were helpful for completing my overseas contracting duties:

- Strongly Disagree
- Disagree
- Agree
- Strongly Agree

IMPROVING FUTURE PROCESSES AND PROCEDURES

1. Check any of the following resources which you feel were “lacking” in availability during your deployment:

- _____ FAR/DFARS/AFARS
- _____ Sample contracts
- _____ Sample ARP Documents
- _____ Document Templates
- _____ On-the-Job Training
- _____ Other _____

2. Prioritize what you believe to be the most difficult challenges facing all overseas Contingency Contracting Personnel. (1 = biggest challenge; 2 = next biggest challenge, etc)

- _____ Lack of Training
- _____ Time Pressure
- _____ Hostile Environment
- _____ Long Working Hours
- _____ Lack of Support
- _____ Other _____

3. Check the items below which you believe can improve modern wartime contingency contracting, including Army preparedness to support future contingency operations?

- _____ Simulated Contract Environment (similar to Military War Games)
- _____ Contingency Contracting Officer Basic Training prior to deployment
- _____ Electronic Contract Files
- _____ Mentor-Protégé Program
- _____ Sample Contracts
- _____ Sample Contractual Documents (For example, Sample Statements of Work, Deviations/Waivers, Pre/Post Price Negotiation Memos)
- _____ Other _____

4. Check any/all of the below training topics which you believe the Army should focus on in order to improve the overall contracting process?

- _____ Cultural/Social Implications
- _____ Anti-Terrorism/Security Training
- _____ Ethical Considerations
- _____ Business Transactions/Procedures Specific to Area
- _____ Unique Contract Requirements
- _____ Base Operations Support
- _____ Fund Types / Fiscal Policy in Contingency Operations
- _____ Oral Solicitations
- _____ Simplified Acquisition Procedures
- _____ Undefined Contract Actions (UCA)
- _____ Purchase Cards
- _____ Cash Transactions
- _____ Letter Contracts
- _____ Market Research In-Country
- _____ Local Vendor Base/Experience
- _____ Host Nation Agreements/Status of Forces/Treaties
- _____ Cost/Price Analysis
- _____ Review of Wartime and Emergency Legislation
- _____ Review of Existing Authority to Expedite Contract Actions
- _____ Contract Closeout
- _____ Other _____

APPENDIX B – YODER THREE-TIER MODEL

The goal of the Yoder Three Tier Model is to maximize effectiveness and efficiency of theater contingency contracting operations. The model outlines three tiers of employment for contingency contracting officers: the Ordering Officer Model, the Leveraging Contracting Officer Model, and the Integrated Planner and Executor Model.

The Ordering Officer is the simplest model, providing basic contract support, such as placing orders on existing contracts or contractual actions under the Simplified Acquisition procedures. This level of contracting support would require DAWIA Level I or II contracting certification, and DAU CON 234 training. Civilian GS-07 or GS-09 1102 series civilians or Junior to mid-enlisted junior officers would be best suited at this tier.

At the next tier, the position of Leveraging Contracting Officer would include all the functions of the Ordering Officer with additional higher level duties such as interfacing with local and regional businesses, creating business processes, and coordinating with military, non-governmental organizations, private volunteer organizations, and political organizations. This level of contracting support would require DAWIA Level II or III contracting certification and DAU CON 234 training. The civilian GS-1102-11+ series or military senior enlisted, junior to mid-grade officers would best be suited for the contract support needed at this tier.

The third and highest level of the Yoder Three Tier Model is the Integrated Planner and Executor (IPE). This level of contracting support would require DAWIA Level III contracting certification, other additional DAWIA certifications such as LOG, ACQ or FIN, and a Master's degree or higher. The civilian GS1102-13+ and/or SES 1102 series or military senior officers would best be suited for the contracting support needed at this tier. Contingency Contracting Officers with extensive experience and education are integrated into the operational-planning phases of contingencies. This integration is “essential to achieve desired synergies between the myriad organizations

involved in and participating in contingency environments.⁸⁶ The principles of the Yoder Three-Tier Model will be taken into consideration in developing recommendations based on the analysis of the aforementioned thesis questions.

⁸⁶ CDR E. Cory Yoder. (December 2004). The Yoder Three-tier Model for Optimal Planning and Execution of Contingency Contracting, pp. 1-21.

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