

Review of Due Outs and Action Items

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2024

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Senior Leader Guidance

- Pres Charlie Parham: SAME / Warfighter is THE National Security collaboration platform for these tough issues
- Adm VanderLay: Relook UCAs as a means to address hybrid contract requirements (e.g. in many GCC contracts)
- Mr McAndrews:
 - Note the organizational disparities in “Service Components”
 - MEC concerns – still a significant challenge
 - Keep eye on 2024 findings – keep alive; ask for new authorities if needed
- SOCOM CSM: Make the bureaucracy transparent to the troops on the ground executing this needed work

Warfighter In-Brief Discussion / Observations

- Ms Cindy Readal: Hybrid contract options are under design; testing options for compliance and suitability
- Col Law (CENTCOM): Setting the theater today is much more dependent on finding mutual benefits for host nation partners
- Col Hall (SOUTHCOM): Peer competitors are providing SOUTHCOM countries major dual use infrastructure quickly and high quality; US can't compete
- Adm Kubic: The US no longer owns the timeline – we cannot wait for the “day after” to sort these issues out

JETC 2023 Warfighter

“Adaptability of Multiple Award Contingency Contracts to Current Global Threats”

Finding	Recommendation	Action
#1 Multiple Contracting Agencies in a single area create unintended Consequences (i.e. Contractor Fratricide)	Assign Contracting Agency by region, island, etc.	2024 Update – new realization of coordination challenges within Service Components
#2 Prior to T.O. Award, there is little to no time for “Contingency” MATOC Contractors to plan or respond to requirements	Conduct early planning, training and/or exercises between operational contracting agencies and “Contingency” MATOC Contractors	GCSMAC Wartime Acquisition Response Planning (WARP) Exercise April 2024
#3 Moratorium on use of any type of contract other than firm-fixed price for MILCON construction creates an unbalanced and unacceptable risk within the INDOPACOM region (or any other logistically challenged region)	Develop a White Paper by SAME JECO COI justifying and supporting the waiver of this moratorium in INDOPACOM to facilitate executing construction with cost reimbursable contracts	Parallel effort with Construction COI. Overcome by events with the issuance of 10 USC 2817, Authority for Certain Construction Projects in Friendly Foreign Countries. Awaiting OSD Guidance
#4 Construction and services activities in INDOPACOM (or any other remote areas) are really more of a logistics effort than a construction or service effort.	Use hybrid contracts to break out logistics as a cost reimbursable service while executing the actual construction as FFP	2024 Update – new ideas from WARP presentation, notion of GFE, etc., to be followed up on.

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Finding	Recommendation	Action
#5 Contract administration and management should be accomplished on location (i.e., not as a reach-back effort through multiple time zones)	On-site leadership should be trained and given limited contracting authority necessary to effect timely actions.	2024 Update – great insights from the WARP presentation to be followed up on.
#6 There exist other contract vehicles outside of the Contingency MATOCs (LOGCAP, AFCAP, GCSMAC and GCCMAC) that could meet service requirements for construction, repairs, commodities and/or services.	Establish a Contracting Coordination Board within INDOPACOM similar to the European Contracting Coordination Board (ECCB) to review all existing contracts for applicability to INDOPACOM requirements and to identify potential modifications which could improve current Contingency MATOCs.	2024 Update – need to include the Operational Contracting Support staffs in these ongoing exercises for better understanding in both the Military Engineer and Contractor communities.
#7 FFP contracts are placing substantially all risk on contractors to include potential penalties.	Review and adjust FFP terms and conditions to achieve a more balanced risk share.	Hybrid Contract Concept presented during JECO IGE at Capital week with follow up at 2024 JETC.
#8 INDOPACOM AOR has inadequate labor resources (USN / TCN) to meet its projected requirements.	Implement early contractor involvement in contingency project planning to address mobilization of labor from outside INDOPACOM.	GCSMAC Wartime Acquisition Response Planning (WARP) Exercise April 2024

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<p>#9 Time/cost/risk for construction within INDOPACOM is driven by logistics.</p>	<p>Implement early contractor involvement in contingency project planning to address logistics from within and from outside the INDOPACOM AOR; and identify potential logistics support by military assets (sea and air).</p>	<p>2024 Update – new ideas from WARP presentation, notion of GFE, etc., to be followed up on.</p>
<p>#10 Treatment of contractors in support of the military is inconsistent across INDOPACOM Host Nations.</p>	<p>Initiate coordination between DoD and DoS to clarify status of contractors in support of the military and to gain approval to treat deployed U.S. contractors similarly to U.S. military personnel.</p>	<p>2024 Update – discussed at length with own 2024 findings.</p>

JETC **2024** Warfighter

“Employing Existing Authorities to “Set the Theater” for Current & Future Conflicts”

Finding	Recommendation	Action
#1 Joint Engineer Boards need to not just coordinate requirements across Joint force but within Service Components as well.	Raise with Joint Staff as a change recommendation to Joint Pubs.	JS J-4 JECO LNO
#2 Enduring vs. Contingency Locations missing a category for the “spaces not bases” locations where the new 10 USC 2817 will be utilized; “Locations of Interest”?	Confusion of resulting characterization and hence responsibility (O&M, etc) for facilities provided via this new authority. Also, in upcoming 2817 guidance, include instructions for UFCs (e.g. 1-201 UFCs).	INDOPACOM J-4 to raise with JS J-4
#3 DOS negotiations with Host Nations sets the rules – implementation is the Combatant Command responsibility. DOS only acts on the specific asks from the Combatant Commands.	CC staffs need additional support to develop and enforce the DOS agreements. Must also ensure that Contractors communities’ needs are addressed as well.	CC Engineers together with OCS staffs, J4, and impacted contractors (as advisors)
#4 The new 2817 authorization does not have an Area Cost Factors adjustment ability. Specifically in INDOPACOM with very high ACFs (~4-5), the \$15M authorization could result in projects with under \$3M ceilings.	Similar to the ACF allowance for the \$4M ceiling on O&M military construction, extend the ACF adjustment to 2817 as well.	OSD to examine

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Finding	Recommendation	Action
<p>#5 Progress on Hybrid Contracts underway, but needs further development and beta testing to solidify and operationalize, plus promulgate to the contracting community. UCAs are an option with several other approaches for Hybrid contracts that have promise, with caveats.</p>	<p>Find a champion in the contracting community to press this initiative internally. Requirements generators and industry to press contractor community to consider and try hybrid options.</p>	<p>Initially leverage Cindy Readal to assist, but expand aperture in the contracting community as soon as possible (all the DOD construction agents).</p>
<p>#6 Renewed interest in Government Provided Materials to deconflict the supply chain challenges of remote locations (a.k.a PDI), and should be revisited.</p>	<p>Explore further with DLA.</p>	<p>J4 to raise with INDOPACOM support.</p>

Questions / Guidance

