



MEMORANDUM OF AGREEMENT
BETWEEN
THE MISSILE DEFENSE AGENCY
AND
THE U.S. ARMY CORPS OF ENGINEERS

I. PURPOSE AND AUTHORITY

The purpose of this Memorandum of Agreement (MOA) is to establish the organizational relationships, responsibilities, and activities of the U. S. Army Corps of Engineers (USACE) and the Missile Defense Agency (MDA) for managing and executing the Ballistic Missile Defense System (BMDS) Worldwide Deployment. This MOA supersedes all other MOAs signed previously between USACE and the MDA Ground-Based Midcourse Defense (GMD) Joint Program Office (JPO). This MOA is entered into pursuant to the Economy in Government Act (31 U.S.C. § 1535) and Department of Defense Instruction 4000.19.

II. SCOPE

This MOA applies to all work for which MDA requests USACE engineering and management services related to facilities planning, programming, environmental support, permitting, real estate acquisition, facility design and construction, and facilities operations and maintenance documentation.

III. REFERENCES

DOD Directives:

DOD Directive 4270.5 *Military Construction*
DOD Regulation 7000.14R *Financial Management Regulations*
DODI 4715.9 *Environmental Planning and Analysis*
DODI 5000.2 *Operation of the Defense Acquisition System*
DODI 4000.19 *Interservice and Intragovernmental Support*
DOD O-200.12-H *DoD Antiterrorism Handbook*

MDA policy directives:

4165.01 *Real Property Acquisition and Sustainment*
4165.02 *Comprehensive Siting Analysis Process*

IV. RESPONSIBILITIES

The following paragraphs identify the responsibilities of the organizations involved with this program. See Appendices 1 and 2 for further detail.

MOA BETWEEN MDA AND USACE, March 2007

a. The Missile Defense Agency (MDA) will:

(1) Designate an MDA Senior Executive to resolve issues with the designated USACE Worldwide Program Manager. The MDA Senior Executive will represent the MDA Director at senior management-level meetings with USACE.

(2) MDA is responsible for overall program policy, guidance, and direction for development and deployment of the BMDS and will provide clear program direction and required level of project support to HQUSACE.

(3) Issue formal requests to USACE for support using either a Support Agreement (DD Form 1144) or a similar format that contains all the information required on DD Form 1144.

(4) Designate the BMDS Worldwide Deployment Program Management Office (MDA/DFW) as the executive agent responsible for siting, construction, site activation, and integration of mission-related facilities required for the testing/deployment of the BMDS worldwide. MDA/DFW will exercise all Planning, Programming, Program and Project Management, technical, engineering, and management services consistent with their mission and responsibilities.

b. Headquarters, U.S. Army Corps of Engineers (HQUSACE) will:

(1) Designate a USACE Worldwide Program Manager to resolve executive level issues with the MDA Director's designated Senior Executive. The USACE Worldwide Program Manager will represent the Commander, USACE at senior management-level meetings with MDA.

(2) Provide overall program policy, guidance, direction to USACE organizations and activities for support of BMDS activities and ensure the support from all USACE activities is responsive to MDA requests and direction. For those projects for which USACE will have full contracting officer responsibility, USACE will be responsible to the MDA for cost, schedule, and performance on projects in accordance with Article V.d.(1). For those projects which USACE will not have full contracting officer responsibility, the level of USACE responsibility will be outlined in the applicable support agreement or other subsequent agreement.

(3) Provide construction, engineering, design, and technical services as requested for specific BMDS support, utilizing in-house resources, other Corps offices, other DOD offices, and/or contracted assistance from private sector firms.

(4) Designate the U.S. Army Engineering and Support Center, Huntsville (CEHNC) as the Deputy Worldwide Program Manager responsible for USACE Program Management support as delegated by HQUSACE for BMDS Programs. Executing Districts and/or CEHNC will provide MDA and MDA/DFW with budgetary data as needed to support programming requirements related to securing funds for specific programs, projects and/or tasks. CEHNC will provide consolidated financial reporting and timely budget and financial data as required by MDA and MDA/DFW.

J
5/24/07

V. ADMINISTRATIVE CONSIDERATIONS

MOA BETWEEN MDA AND USACE, March 2007

a. **Supervision.** Requirements for developing MDA program management, project management, and acquisition plans for specific tasks will be determined by MDA. Included within these plans will be detailed procedures outlining such topics as assignment and description of organizational responsibilities, configuration management, program resource requirements, contract strategies, etc. All subsequent agreements (added MOUs or Annexes) must reference this overarching MOA.

b. **Reporting.** USACE designated Program Managers will provide the requested support IAW MDA and/or MDA/DFW direction, coordinate inputs and results with MDA/DFW for assigned taskings, and provide monthly consolidated status reports. The status reports and inputs will address appropriate cost, schedule, safety performance, technical and management issues, and required congressional reporting.

c. **Manpower.** USACE will execute assigned responsibilities as mission requirements from its allocated resources. In projecting long-range manpower requirements for deployments, MDA will coordinate, as needed, with USACE for necessary input.

d. **Funding.**

(1) When a USACE District, Center or Operating Division is to perform work under this MOA, MDA will provide funds to cover all actual costs as required by USACE to carry out specific programs, projects, and tasks implemented under this MOA and any subsequent agreements between MDA and USACE executed pursuant to this MOA. If HQ USACE or a USACE Non Operating Division is performing work on behalf of MDA, MDA will provide funds in accordance with DoDI 4000.19. In case of conflict between this MOA and any agreement issues pursuant to this MOA, the terms of this MOA shall govern.

(2) Funds to accomplish assigned tasks will be provided by MDA to USACE using authorized RDT&E or Military Construction, Defense (MCD) funds based on MDA's authorization, appropriations, and/or other funding as appropriated for the purposes provided.

(3) MDA will provide RDT&E funds by FAD to HQUSACE and by MIPR to USACE field offices. MDA will provide funds as required to HQUSACE for MILCON and RDT&E design and construction by allotment. HQUSACE will provide monthly account status to MDA. HQUSACE will issue FADs to executing organizations and activities based on the MDA directive/memorandum.

VI. POINTS OF CONTACT:

a. The point of contact for MDA is Mr. Mike Hubbard, Deputy Program Manager BMDS Worldwide Program Management Office, MDA/DFW, 256-313-9676

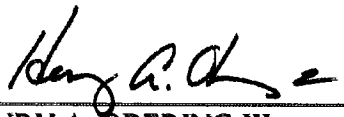
b. The point of contact for USACE is Mr. John Matthews, USACE Deputy Worldwide Program Management Office, 256-895-1544.

MOA BETWEEN MDA AND USACE, March 2007

VII. EFFECTIVE DATE, DURATION, AND TERMINATION

- a. This MOA becomes effective on the date of the latest signature.
- b. The parties to this MOA will meet at the request of either party to review its provisions. Any necessary additions, deletions or changes to this MOA or Appendices must be made in writing and signed by the signatories or their designated representatives.
- c. This MOA will remain in effect until superseded or terminated by one of the parties giving notice. Upon receipt of written notification, termination will occur after 90 days following notice. A later date may be specified to prevent unreasonable disruption if the parties agree. In the event of termination, MDA shall be responsible for all costs incurred by USACE organizations and activities under this MOA prior to termination. USACE shall take all reasonable efforts to complete or terminate activities in support of MDA on or before the date of termination. MDA and USACE shall agree on the schedule for closing out activities and terminating any work in support of MDA that could not be completed prior to the effective date of termination of the MOA. This agreement will instruct USACE what actions to take on existing contracts, and MDA shall be responsible for all costs of closing out existing contracts and costs associated with any such work that must continue beyond the date of termination of the MOA.

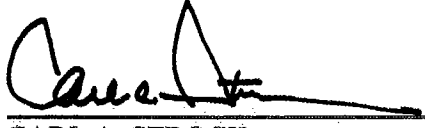
VIII. ACCEPTANCE OF AGREEMENT



HENRY A. OBERING III
Lieutenant General, USAF
Director
Missile Defense Agency

4 / 30 / 07

(Date)



CARL A. STROCK
Lieutenant General, USA
Commanding
U.S. Army Corps of Engineers

5 / 16 / 07

(Date)

- Appendix 1: MDA Roles & Responsibilities
- Appendix 2: USACE Roles & Responsibilities: Geographic Divisions, Centers, Districts, Laboratories, and Centers of Expertise

APPENDIX 1

MDA ROLES AND RESPONSIBILITIES

Appendix 1: MDA ROLES AND RESPONSIBILITIES

The BMDS Worldwide Deployment Program Management Office (MDA/DFW) is responsible for executing the general roles and responsibilities for deployment and site activation of facilities for MDA. Their duties include:

- Manage for MDA the Program Baseline Control (maintain cost, schedule, performance parameters to meet program objectives).
- Designate points of contact for assigned tasks.
- Obtain authorization and funding for MDA/DFW directed tasks.
- Establish criteria related to the functional and operational requirements of assigned tasks.
- Direct technical discussions that impact contract costs or schedule between USACE and Prime Contractors (PCs).
- Recommend site selection and obtain approval.
- Coordinate Congressional programming actions and reports.
- Respond to news media and public inquiries concerning BMDS initiatives.
- Prepare and acquire approval of master planning, real estate actions, environmental studies/assessments/impact statements and develop Records of Decision.
Prepare programmatic schedules and major project milestones.
- Develop, manage, and approve all BMDS construction DD Form 1391 programming documents (scope, cost, and execution year) prior to release outside of the MDA/DFW.
- Chair the Deployed Site Integrated Product Team (DSIPT) and Co-chair the European Site Integration Integrated Product Team (ESIIPT).
- Chair the Facilities Working Group, the Environmental Working Group, the Site Activation Working Group, and the facilities configuration management boards during the design and construction effort, in accordance with the BMDS Facilities Configuration Management plan.
- Chair the Cost Management Working Group.
- Approve environmental compliance execution plans.
- Develop and obtain approval for construction contract acquisition strategy.
- Forward BMDS Congressional notification letters for BMDS MILCON (Military Construction) and RDT&E (Research, Development, Test & Evaluation) construction projects when required by law or congressional language to MDA for approval and release.
- Coordinate release of BMDS MILCON and RDT&E planning and design funds, and construction execution funds.
- Provide BMDS MILCON and RDT&E oversight which includes issuance of approvals to advertise and award BMDS construction projects.

Appendix 1: MDA ROLES AND RESPONSIBILITIES

- Provide BMDS MILCON and RDT&E planning and design execution oversight, which includes development and issuance of design instructions for BMDS projects.
- Ensure identified environmental mitigations are included in designs and construction contracts by developing scopes of work/statements of work and programming documents.
- Manage Configuration Control in accordance with the schedule and funding limits of the approved Configuration Control Plan.
- Approve design and construction requirements and rationale.
- Approve facilities requirements.
- Coordinate and staff requirements and technical instructions within MDA.
- Chair all design reviews.
- Coordinate and approve for construction, all design documentation and drawings.
- Manage and approve facilities acceptance at Beneficial Occupancy Date (BOD) and turnover of real property to installation.
- Conduct periodic program reviews.
- Approve BMDS Facilities Requirement Document (FRD) developed by the PCs or other designated agencies as the baselines for design and construction.
- Develop Host Nation Agreements.
- When USACE is requested to provide support for construction management (SIOH), delegate Administrative Contracting Officer (ACO) authority to USACE for support on PC executed facilities construction.

APPENDIX 2

**USACE ROLES & RESPONSIBILITIES:
GEOGRAPHIC DIVISIONS, CENTERS,
DISTRICTS,
LABORATORIES, AND
CENTERS OF EXPERTISE**

**Appendix 2: USACE ROLES & RESPONSIBILITIES:
GEOGRAPHIC DIVISIONS, CENTERS, DISTRICTS,
LABORATORIES, AND CENTERS OF EXPERTISE**

The general roles and responsibilities for the USACE geographic division, centers, district offices, laboratories, and designated centers of expertise are defined below for their Area of Responsibility (AOR). Specific tasks and requirements to USACE Activities will be delineated in separately negotiated Memorandums of Understanding (MOU), based on project requirements and workloads from MDA.

1. U.S. Army Engineer Divisions

- Command and control of executing District Offices
- Regional program management
- Regional interface with Service and Unified Commands
- Provide support to the executing District Offices, and coordinate for required resources
- Ensure the District Offices perform their roles and responsibilities in accordance with HQUSACE policy and guidance

2. U.S. Army Engineer Centers and Districts for sites and facilities in their AOR

- Provide facilities technical design review on USACE designs.
- Provide facility technical design reviews for PC and designs by others, to ensure BMDS system-wide uniformity of real property and equipment.
- Provide topographic and geotechnical survey data to the BMDS Design Architect-Engineer (A-E), and provide foundation design recommendation reports.
- Design tactical, tactical support and non-tactical support facilities.
- Provide Reliability, Availability, and Maintainability analysis.
- Provides Biddability, Constructability, Operability, and Environmental (BCOE) review and certification on all facilities designs.
- Provide engineering and construction contract support.
- Prepare appropriate plans and specifications for contracting.
- Manage BMDS Design Architect-Engineer (A-E) contracts.
- Incorporate Facility System Safety in the design and construction of facilities.
- Support the development and execution of facility requirement documents.
- Prepare budget estimates
- Prepare programming documentation
- Analyze community impacts
- Develop special criteria standards
- Perform economic analyses
- Performing special studies
- Perform value engineering
- Provide engineering design support during construction

**Appendix 2: USACE ROLES & RESPONSIBILITIES:
GEOGRAPHIC DIVISIONS, CENTERS, DISTRICTS,
LABORATORIES, AND CENTERS OF EXPERTISE**

- Provide support to PC for design and construction of facilities, installation, checkout, and test of PC equipment.
- Prepare cost estimates.
- Provide facility operations and maintenance (O&M) manuals.
- Provide site-specific environmental documentation and permitting.
- Support MDA with real estate acquisition activities as requested.
- Manage all USACE executed facility construction.
- Manage all USACE executed design activities.
- Provide Government construction management (SIOH) with delegated ACO authority from MDA.
- Prepare solicitation package and advertise tactical, tactical support and non-tactical support facilities construction packages and the package for site preparation and military housing.
- Award tactical, tactical support and non-tactical support facilities and Military Family Housing Construction Contracts.
- Report schedule and cost data for assigned activities.
- Support and participate in IPTs and Working IPTs.
- Provide interface within its AOR.

3. USACE Laboratories and Centers of Expertise

As a member of the Engineering and Technical Management Team, identify technical challenges to design, construction, operation and maintenance.

- Provide technical review on all facilities requirements and designs relative to their areas of expertise.
- Perform special studies.
- Report schedule and cost data for assigned activities.
- Provide on-site support during construction.
- Provide Architectural Engineering Services as required.
- Identify state-of-the-art technologies to address the technical challenges.