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Chapter 2 Authorities and Structure



Key Points

- Contracting officers, pursuant to 1.602 of the Federal Acquisition Regulation (*FAR 1.602*), are the only personnel authorized to enter into, administer, or terminate contracts and to make related determinations and findings.
- Contracting officers may bind the government only to the extent of the authority delegated to them. The appointing authority shall give the contracting officer clear instructions in writing regarding the limits of their authority.
- Contracting officers must understand the difference between the command line of authority and the contracting line of authority.

Introduction

Contingency contracting officers (CCO) must know and understand their contracting authority and the organizational construct in which they are working. This chapter discusses CCO legal authorities, distinguishing between command authority and contracting authority. The chapter also offers a general overview of contracting structure, support organizational options, and typical structure and staffing of a Joint Theater Support Contracting Command. Some aspects of the structure and staffing described in this chapter could also be used in humanitarian and disaster relief situations (as also noted in Chapter 9).

Contracting Authority and Command Authority

Contracting authority is defined as the legal authority to enter into binding contracts and obligate funds on behalf of the US government. In contrast, command authority includes the authority and responsibility for effectively using available resources and for planning the employment, organization, direction, coordination, and control of military forces

for the accomplishment of assigned missions. CCOs receive their contracting warrants from a source of contracting authority, not command authority. Pursuant to *FAR 1.602*, contracting officers are the only personnel authorized to enter into, administer, or terminate contracts and make related determinations and findings. Contracting officers may bind the government only to the extent of the authority delegated to them.

Figure 1 illustrates both command and contracting lines of authority. Command authority does *not* include creating or implementing acquisition policy, guidance, or procedures and directing or authorizing deviations. Commanders at all levels must avoid improper command influence—or even the appearance of improper command influence—on the contracting process. The contracting officer must be able to independently exercise sound, unbiased business judgment and contract oversight in accomplishing the contracting mission.

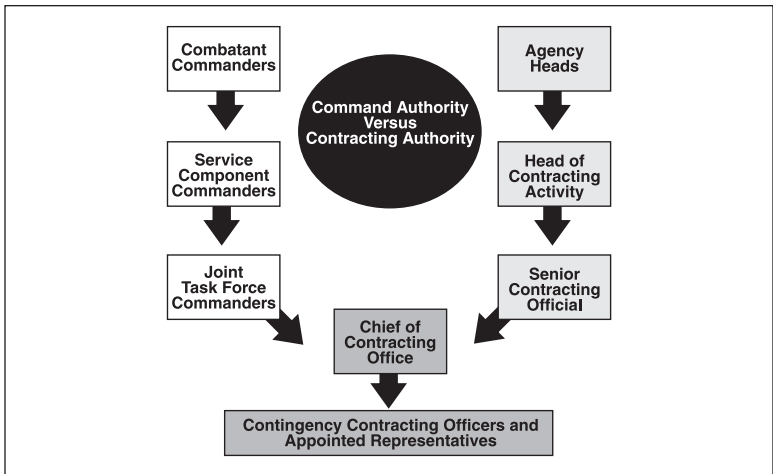


Figure 1. Lines of Authority

Contingency Contracting Officer's Authority

Contracting officers. The appointing authority shall give contracting officers clear instructions in writing regarding the limits of their authority. Information on the limits of contracting officer authority should be readily available to the public and agency personnel.

Contracting authority. Contracting authority in the operational area flows from Congress to the President and then successively to the Secretary of Defense; Service or agency head; head of the contracting activity (HCA); senior contracting official (SCO), also known as the principal assistant responsible for contracting (PARC); and contracting officer. This contracting authority is explicitly documented in the contracting officer warrant.

Selection and appointment of contracting officers. The HCA appoints SCOs, by name and in writing, and delegates certain authorities to the SCOs, including the appointment of CCOs under their control. If the HCA allows further redelegation, SCOs also may delegate certain authorities to regional contracting centers (RCCs), including appointment of CCOs under the control of the RCC chief.

Contracting warrant authority includes selecting, appointing, and terminating contracting officer warrants. The SCO shall appoint as contracting officers only personnel who are assigned to, attached to, or operating under the HCA. Contracting appointment will be accomplished based on experience, education, knowledge of acquisition policies and procedures, and training in accordance with the minimum standards of the Defense Acquisition Workforce Improvement Act, as described in Section 1701 et seq. of Title 10 of the United States Code (*10 U.S.C. Section 1701 et seq.*).

Contingency contracting. CCOs can support CONUS and OCONUS contingencies, including major accidents, natural disasters, enemy attacks, and the use of weapons of mass destruction. When

CCOs are deployed to declared contingencies, the flow of contracting authority may change based on the maturity of the location, theater of operation, and established command and control.

Contracting Structure

This section provides guidance for establishing a Joint, large-scale, deployed OCONUS organization. The proposed structure should not be viewed as the only organizational structure, but rather as a template or example.

Head of contracting activity. The HCA (or SCO if authority is delegated) is responsible for oversight of contracting to ensure that it complies with applicable statutes, regulations, and sound business practices. For a small-scale contingency in which the Service components provide their own contracting support, the HCA assignment will remain within the Service channels. In large-scale contingencies in which a lead Service or Joint theater support contracting command structure is required, DoD will assign an agency as the DoD executive agent, in accordance with *Department of Defense Directive (DoDI) 5101.1, “e”* The executive agent assignment will generally be in conjunction with the designation of a lead Service for common user logistics, in accordance with *Joint Publication 4-07, “Joint Tactics, Techniques, and Procedures for Common-User Logistics During Joint Operations.”*

Senior contracting official. The SCO establishes policies and procedures for developing, reviewing, and managing the contingency contracting process, including:

- Managing administrative plans to control documents, maintain records, and conduct audit trails of procurement actions for simplified acquisitions (e.g., imprest funds, Standard Form 44, and governmentwide commercial purchase cards) and for large contracts
- Overseeing and assessing the effectiveness of contracting programs

- Issuing warrants and determining delegated warrant authorities
- Participating in the Joint Acquisition Review Board (primarily the SCO for forces support)
- Chairing the Joint Contracting Support Board as directed
- Managing and executing procurement management reviews
- Developing and providing oversight management control programs
- Conducting special reviews as required
- Managing the contract audit follow-up program
- Coordinating Defense Contract Audit Agency (DCAA) audit and financial advisory support with the appropriate DCAA point of contact (POC), depending on the site of the contingency or humanitarian operations taking place
- Managing suspension and debarment actions
- Coordinating intercommand agreements that detail contracting support relationships among US military services
- Coordinating operational plans or requirements originating with the Joint Staff and providing host nation support, status of forces agreements, assistance-in-kind agreements, or any treaties for CCO review.

Regional contracting center chief. The RCC chief (or chief of contracting office [COCO]) plans, directs, and supervises purchasing, contracting, administration, and closeout for supplies, services, and construction for assigned customers. The RCC chief will typically approve actions that exceed the CCO's authority and will review internal and external contractual actions to ensure statutory, regulatory, and procedural compliance. The RCC chief develops and executes programs to ensure maximum competition.

Additional key responsibilities of the RCC chief include:

- Maintaining the highest degree of integrity and setting the tone for the rest of the office
- Knowing the mission (RCC mission brief) and linking contract effects to the mission
- Engaging with the customer
- Setting priorities for requirements (per internal and external customers)
- Educating the customer
- Serving as business advisor
- Developing vendor base
- Encouraging contracting innovation while using sound business judgment
- Managing continuity of office.

Contingency contracting officer responsibilities.³ The goal of the CCO is to acquire the supplies and services needed by the warfighter to support essential missions in response to a crisis, contingency, or declaration of war.

Additional information about CCO responsibilities is available on the DVD and in the *Defense Contingency COR Handbook* available at <http://www.acq.osd.mil/dpap/ccap/cc/corhb/>.

The CCO has the following duties and responsibilities:

- Ensure that contract files are documented, prepared, maintained, and closed out

³ The Defense Acquisition University offers CON 334, Advanced Contingency Contracting Officer's Course.

- Maintain contract oversight over contract performance by the contractor
- Provide training and monitor performance of CCO-appointed representatives, including ordering officers and contracting officer's representatives (CORs)
- Ensure that contingency contracting is accomplished in accordance with area of responsibility procedures
- Develop an accountability plan, with the commander and appropriate supply office for contracted property (leased and purchased) brought into the theater via contract, in accordance with DoDI 5000.64, "Accountability and Management of DoD Equipment and Other Accountable Property"; request that the Joint force commander (JFC) establish policy, guidance, and a fragmentation order (FRAGO) on the tracking of government-furnished property and government-furnished equipment to ensure accountability of assets
- Ensure that contracts are competed among, and when appropriate awarded to, local bidders to the fullest extent possible to support the development of the local economy while ensuring fair and reasonable prices
- Regularly record and report on contractor performance
- Establish contact with local or reachback representatives of DCMA for contract administration support
- Engage DCAA auditors to provide audit support for CCOs in awarding contracts to responsible bidders that have acceptable business systems to deliver goods or services and hold sufficient capital to carry out contractual obligations
- Abide by host nation, inter-Service, status of forces, or other authoritative agreements that apply within the appropriate theater of operation

- Ensure that CCO efforts are synchronized with the guidance provided by the commander and contingency mission.

Contracting officer's representative. Described in 201.602-2 of the Defense Federal Acquisition Regulation Supplement (*DFARS 201.602-2*), CORs are the eyes and ears of the CCO. CORs are instrumental in ensuring that products and services provided to the warfighters comply with contractual requirements. The COR is a Service member (or a civilian assigned to the supported unit) who has specialized knowledge about a piece of equipment, service, or civil construction that the contractor is required to provide or support. The supported units are responsible for identifying and nominating CORs and shall do so by using the Contracting Officer's Representative Tracking (CORT) Tool. The CCO defines COR duties in writing in a letter of appointment. The COR conducts quality assurance inspections on the services and support that the contractor provides. If applicable, CORs make recommendations to the quality assurance representative (QAR), who delivers inspection results to the CCO and the contractor. To summarize, the COR is an assigned member of the supported unit, appointed by the CCO to make quality inspections of contractors, whose technical expertise and contributions ensure the safety and well-being of Service members.

The DVD includes additional information about the support organizations.

Joint Staff and the Joint Theater Support Contracting Command

Joint Theater Support Contracting Command. In larger or more complex contingency operations, the JFC may require more oversight than can typically be provided through the lead Service organizational

option. Operational conditions that drive this option can include, but are not be limited to, the following:

- Extremely complex operation that requires direct control of theater support contracting by the JFC commander
- Long-term mission
- Mission that is beyond the capability of a single Service
- Mission that requires significant coordination of contracting and civil-military aspects of the JFC campaign plan
- Significant numbers of different Service forces operating in the same area (or Joint bases served by the same local vendor base).

By design, the Joint Theater Support Contracting Command (JTSCC), is a Joint command that has command and control authority over designated Service component theater support contracting organizations and personnel in a designated support area. A JTSCC performs the same functions as a lead Service contracting organization, but reports directly to the JFC.

Because geographic combatant commanders (GCCs) do not have their own contracting authority, JTSCC authority flows from one of the Service components (normally the executive agency or lead Service component responsible for common-user logistics) to the operational area.

There is no formally approved, set model for a JTSCC; a typical example of a JTSCC organization is depicted in **Figure 2**. In general, a JTSCC will be stood up only for major sustained operations. As seen in recent operations, such sustained operations can include mission requirements for major reconstruction and the transition to civil authority (in addition to the standard Joint forces support mission requirements). In such major, long-term stability operations, it might be desirable to stand up a JTSCC with separate SCOs who are responsible

for supporting Joint forces, host nation forces or transition operations, and reconstruction work.

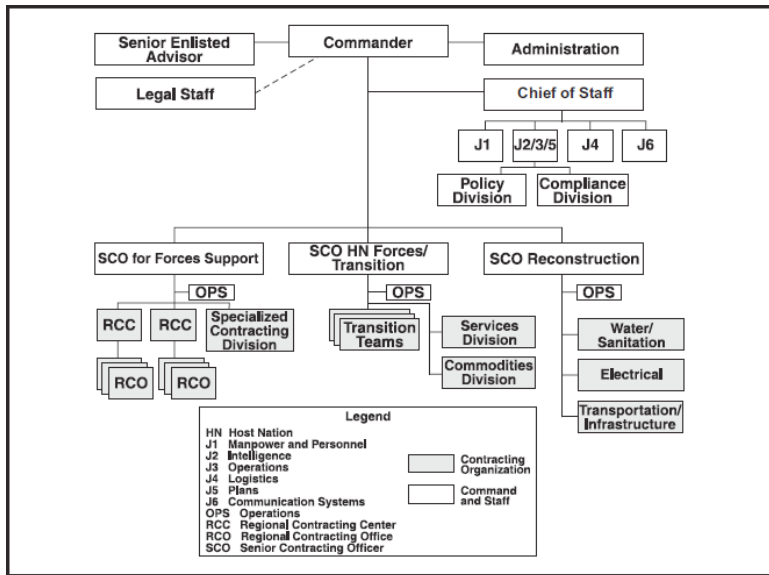


Figure 2. Typical Joint Theater Support Contracting Command Organization

The Joint Staff assists the Chairman of the Joint Chiefs of Staff (subject to the authority, direction, and control of the Chairman of the Joint Chiefs of Staff) and the other members of the Joint Chiefs of Staff in carrying out their responsibilities.

J1, Manpower and Personnel Directorate of a Joint Staff. A JTSCC-J1 performs personnel actions, including work on personnel assignments, Joint staffing document-related actions, awards, and ratings. The J1 officer generally would be a personnel officer with no specific rank or contracting-related experience.

J2, Intelligence Directorate; J3, Operations Directorate; and J5, Plans Directorate. A JTSCC does not normally need a separate J2 or J5 office. The J2/J3/J5 officer (normally an O-5 with contracting experience) is responsible for helping the commander and SCOs in synchronizing support to ongoing operations and planned future operations. A JTSCC–J2/J3/J5 focuses on supporting the JFC’s intent with effective and efficient contracting actions. As needed, a JTSCC–J2/J3/J5 could also contain separate policy and contract compliance divisions.

J4, Logistics Directorate. A JTSCC-J4 performs logistics actions, including general office supply actions, coordination of facility support, and other similar actions. The J4 officer normally is a logistics officer with no specific rank or contracting-related experience. The J4 officer is the main person with whom the CCO will work in operations.

J6, Communications System Directorate. A JTSCC-J6 performs communications support–related actions, including coordinating communications support, website management, and related functions. The J6 officer is a communications or signal officer with no specific rank or contracting-related experience.

Joint Subordinate Organizations Overview

Regional contracting centers. The specific makeup of RCCs depends on the specific mission support requirement; however, a typical RCC could consist of 10 to 25 warranted contracting officers, noncommissioned officers (NCOs), and DoD civilians. It is common practice to align these RCCs to a major land force (e.g., division, corps,

or Marine Expeditionary Force), headquarters, or air expeditionary wing or group. The key to the proper staffing of these RCCs and their subordinate regional contracting offices (RCOs) is not the rank of the contracting officers on staff, but the warrant and experience level of the staff.

Regional contracting offices. RCOs are Joint-staffed contracting organizations under the command and control of an RCC. RCOs normally are led by a contracting officer and are composed of two to eight warranted contracting officers, NCOs, DoD civilians, and possibly even contractors. The size and makeup of an RCO are based on actual mission support requirements. RCOs normally provide area support to specific forward operating bases and to designated areas in the Joint operations area.

The DVD includes additional information about JTSCC and subordinate organizations.



Website and DVD Materials Related to Chapter 2

- [Chapter 2 PowerPoint Briefing](#)
- [Chapter 2 Test Questions](#)
- [Trainings Related to Chapter 2](#)
- [Scenarios Related to Chapter 2](#)
- [Topical Index Webpages](#)
 - » [Command and Contracting Lines of Authority](#)
 - » [Contingency Contracting Officer Authority](#)
- [Additional Reading on:](#)
 - » [Combat Support Agencies](#)
 - » [DCAA Support](#)
 - » [JTSCC and Subordinate Organizations](#)