



Department of Defense

DIRECTIVE

NUMBER 4270.5
February 12, 2005

USD(AT&L)

SUBJECT: Military Construction

- References:
- (a) DoD Directive 4270.5, "Military Construction Responsibilities," March 2, 1982 (hereby canceled)
 - (b) DoD Directive 4270.36, "DoD Emergency, Contingency, and Other Unprogrammed Construction Projects," May 17, 1997 (hereby canceled)
 - (c) Chapters 169 and 1803 of title 10, United States Code
 - (d) DoD Directive 1315.6, "Responsibilities for Military Troop Construction Support of the Department of the Air Force Overseas," August 26, 1978 (hereby canceled)
 - (e) MIL-STD-3007B, "Standard Practice for Unified Facilities Criteria and Unified Facilities Guide Specifications" April 1, 2002¹
 - (f) DoD 7000.14-R, "Financial Management Regulation," Volume 2, Chapter 6, June 2000

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues and renames reference (a); consolidates the information previously contained in reference (b); establishes policies and responsibilities for the military construction program and the use of DoD construction agents in the design or construction of military construction program facilities (reference (c)); and cancels reference (d).

1.2. Delegates statutory authorities and responsibilities relating to military construction.

2. APPLICABILITY AND SCOPE

2.1. This Directive applies to:

¹ www.acq.osd.mil/ie/irm/irm_library/milstd3007b_042302.pdf

2.1.1. The Office of the Secretary of Defense, the Military Departments (including the Reserve components), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).

2.1.2. Military construction projects that are authorized and funded in military construction authorization and appropriation acts to support the DoD Components.

2.1.3. DoD emergency, contingency, and other unprogrammed construction projects not specifically authorized by military construction authorization or appropriation acts, but authorized pursuant to other laws, including those cited in reference (c).

2.2. This Directive does not apply to privatized housing or to projects acquired through a real property exchange agreement.

3. DEFINITIONS

3.1. Blanket Agreement. An agreement, as approved by the Deputy Under Secretary of Defense (Installations and Environment) (DUSD(I&E)), between a DoD Component and the assigned construction agent allowing the DoD Component to design and construct a class of projects or a set of associated projects.

3.2. DoD Construction Agent. The U.S. Army Corps of Engineers, the Naval Facilities Engineering Command, or such other approved DoD activity assigned the design or construction execution responsibilities associated with the military construction program.

3.3. Military Department. In accordance with reference (c), for purposes of the Pentagon Reservation, Washington Headquarters Services shall be considered a Military Department and its Director is considered the Secretary thereof.

3.4. United States. The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

4. POLICY

It is DoD policy that:

4.1. Construction projects should normally be justified and funded through the planning, programming, and budgeting process. Authorities in Sections 2803, 2804, 2805, 2808, and 2854 of reference (c) are not included in the normal planning, programming, and budgeting process.

4.2. Projects shall be considered for funding under authorities available to the Heads of the DoD Components before being considered for funding under the authority of the Secretary of Defense. Reprogramming requests to fund projects under Sections 2803, 2805, and 2854 of reference (c) shall be submitted to the Under Secretary of Defense (Comptroller). Reprogramming is not necessary for projects under Sections 2804 and 2808 of reference (c).

4.3. The United States. Within the United States, design and construction execution of military facilities, including military family housing construction, unspecified minor military construction, and those Reserve component facilities constructed by the United States, shall be accomplished as follows:

4.3.1. The Army and the Navy. The Department of the Army shall use the services of the U.S. Army Corps of Engineers and the Department of the Navy shall use the services of the Naval Facilities Engineering Command for the design and construction of military facilities for their respective Military Departments. Each may use the services of the other Department in the interest of efficiency and cost-effectiveness or when otherwise considered appropriate.

4.3.2. The Defense Agencies and the DoD Field Activities. The U.S. Army Corps of Engineers or the Naval Facilities Engineering Command shall be used in the maintenance, repair, design, construction, rehabilitation, alteration, addition, and/or expansion of a real property facility for a Defense Agency or a DoD Field Activity with the approval of the Military Department having jurisdiction of the real property facility. Another construction agent may be used when the Secretary of the Military Department having jurisdiction of the Defense Agency or the DoD Field Activity real property facility so recommends (such alternate construction agent having been nominated by the Director of the Defense Agency or the Director of the DoD Field Activity), and the DUSD(I&E) approves the alternate as the most efficient, expeditious, and cost-effective agent to accomplish the authorized construction. The Director of the Defense Agency or the Director of the DoD Field Activity shall submit the name of the alternate construction agent to the Commander of the appropriate DoD construction agent for comment, the Secretary of the Military Department having jurisdiction of the real property facility, and to the DUSD(I&E), concurrently.

4.3.3. The Air Force. The Department of the Air Force shall use the services of the U.S. Army Corps of Engineers or the Naval Facilities Engineering Command for design and construction of the annual military construction program.

4.3.3.1. The Air Force may design and construct projects in the annual military construction program in specific cases where both the Air Force and the Commander of the assigned construction agent agree that it is the most efficient, expeditious, and cost-effective means to complete the project.

4.3.3.2. If the Air Force and the assigned construction agent do not agree on a specific project, the Air Force may request permission from the DUSD(I&E) to design and construct the project over the objections of the assigned construction agent. The DUSD(I&E)

shall request the views of the Commander of the assigned construction agent before making a decision on the Air Force request.

4.3.3.3. Air Force military family housing normally shall be designed and constructed directly within the resources and supervision of the Department of the Air Force.

4.3.4. The Reserve components. The Reserve components shall normally meet the same requirements as their active component stated in subparagraphs 4.3.1. and 4.3.3. for the design and construction of facilities covered by Section 18233(a)(1) of reference (c).

4.3.4.1. The National Guard shall normally use the services of the U.S. Property and Fiscal Officer for the State in which the facility is located for the design and construction of facilities covered by Section 18233(a)(1) of reference (c).

4.3.4.2. The design and construction of National Guard projects covered by Section 18233(a)(2), (3), (4), (5), or (6) of reference (c), shall be accomplished according to the laws of the State, territory, or possession, and under the supervision of its officials, subject to the inspection and approval of the DUSD(I&E).

4.3.5. Other DoD Components. Facilities to be constructed for the other DoD Components and not addressed in subparagraphs 4.3.3. and 4.3.4. shall be designed and constructed by the host Military Department's construction agent.

4.3.5.1. Such DoD Components may use the services of other qualified agents to design and construct projects in specific cases where the DoD Component, the host Military Department, and the Head of the assigned construction agent agree that it is the most efficient, expeditious, and cost-effective means to complete the project.

4.3.5.2. If the DoD Component, the host Military Department, and the assigned construction agent do not agree on a specific project, the DoD Component may request permission from the DUSD(I&E) to use the services of other qualified agents over the objections of either the host Military Department or the assigned construction agent. The DUSD(I&E) shall request the views of the host Military Department and the Head of the assigned construction agent before making a decision on the DoD Component request.

4.3.6. Non-DoD Agencies and Nonappropriated Fund Instrumentalities (NAFIs). The appropriate DoD construction agent may, at the request and on behalf of non-DoD Agencies (including NAFIs), provide design and construction assistance for facilities requirements if the scope of the service does not adversely impact on military construction and national defense interests, and with the consent of the Military Department having jurisdiction over the real property facility.

4.4. Outside the United States. Outside the United States, design and construction execution of military facilities, including military family housing, shall be accomplished as follows:

4.4.1. Geographical areas are designated to specific construction agents in enclosure 1. Unspecified minor military construction in these areas may be executed by the requiring Military Department or, in the case of a Defense Agency or a DoD Field Activity, by the Military Department having jurisdiction over the real property facility.

4.4.2. The assigned DoD construction agent may, at the request and on behalf of non-DoD Agencies (including NAFIs), provide design and construction assistance for facilities requirements, if the scope of the services does not adversely impact on military construction and national defense interests, and provided that the assigned geographical areas of responsibility are maintained and with the consent of the Military Department having jurisdiction over the real property facility.

4.5. Blanket Agreements. Any blanket agreements among the DoD Components reassigning construction agent responsibility other than as specified in this Directive must be approved by the Heads of the DoD Components concerned, including, as applicable, the host Military Department, and by the DUSD(I&E). Such agreements must be re-approved by all parties no less often than every 5 years.

4.6. Data Elements. Existing DoD standard data elements shall be used for all data requirements to the extent possible.

4.7. The Unified Facilities Criteria (UFC) and the Unified Facilities Guide Specifications (UFGS). The UFC and the UFGS shall be used to the greatest extent possible by all the DoD Components for planning, design, and construction (restoration and modernization) of facilities, regardless of funding source, except for those facilities constructed by the National Guard on real estate neither owned by the United States nor under long-term lease to the United States, constructed by a State under reference (c), and where title to the facility shall not be in the United States. The UFC and UFGS procedures are detailed in MIL-STD-3007B (reference (e)).

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) is hereby delegated, with authority to re-delegate, the statutory authorities vested in the Secretary of Defense by reference (c), excluding Sections 2804 and 2808 of reference (c) which are retained by the Secretary of Defense. The USD(AT&L) shall:

5.1.1. Exercise general oversight over the military construction program.

5.1.2. Notify the Office of Management and Budget when the authority of Section 2808 of reference (c) is required in future Executive Orders.

5.1.3. Coordinate requests to use authorities of Sections 2804 and 2808 of reference (c).

5.1.4. Ensure that the Deputy Under Secretary of Defense (Installations and Environment) shall:

5.1.5.1. Administer the provisions of this Directive, including issuing implementing guidance.

5.1.5.2. Approve the use of a DoD Component or another activity as a DoD construction agent to exercise the design or construction responsibilities involved in supervision of contracts for the execution of projects in the DoD military construction program, including military family housing and Reserve component construction.

5.1.5.3. Modify the designations of enclosure 1, as necessary.

5.1.5.4. Certify, pursuant to Section 2858 of reference (c), that additional costs for expediting construction of a project are necessary to protect the national interest and to establish a reasonable construction completion date for each such project.

5.1.5.5. Approve negotiations for the expenditure of funds for cost-plus-fixed-fee contracts for work to be performed within the United States, except Alaska.

5.1.5.6. Monitor the execution of the military construction program to ensure the most efficient, expeditious, and cost-effective accomplishment of the program by DoD construction agents.

5.1.5.7. Monitor the use of military units or personnel in the execution of unspecified minor military construction projects.

5.1.5.8. Grant approvals pursuant to subparagraphs 4.3.2. through 4.3.4., and paragraph 4.5.

5.2. The Heads of the DoD Components shall:

5.2.1. Manage, in accordance with law and DoD policy, their portions of the annual military construction program, including Reserve component facilities and military family housing construction.

5.2.2. Ensure that the use of military personnel in the construction of projects within the United States is included in the annual military construction program and is in accordance with DoD 7000.14-R (reference (f)).

5.3. The Secretaries of the Military Departments shall:

5.3.1. Forward requests for contingency construction under Section 2804 of reference (c) through the USD(AT&L) to the Secretary of Defense. Include a DD Form 1391, "Military Construction Project Data," with estimated design completion and construction award dates, completed in accordance with reference (f); a statement of why the authority provided under Section 2803 of reference (c) is not being used; a statement of need for the project from the applicable Combatant Command; and a statement that deferral for inclusion in the next military construction authorization act is inconsistent with national security or the national interest.

5.3.2. Forward requests for construction supporting war or a national emergency under Section 2808 of reference (c) through the USD(AT&L) to the Secretary of Defense and indicate why the facility is needed; include a DD Form 1391, with a description and cost estimate.

5.3.3. Notify the USD(AT&L) when the need for the authority under Section 2808 of reference (c) is anticipated.

5.4. The Chairman of the Joint Chiefs of Staff shall:

5.4.1. Notify the applicable committees of Congress of exercise-related unspecified minor military construction outside the United States under the authority of Section 2805 of reference (c).

5.4.2. Assign priority among competing requests from the Commanders of the Combatant Commands for joint exercise-related unspecified minor military construction projects under Section 2805 of reference (c).

5.4.3. Approve projects and provide allocated funds to the applicable Commanders of the Combatant Commands for exercise-related construction.

5.4.4. Notify the USD(AT&L) when the need for authority under Section 2808 of reference (c) is anticipated.

5.4.5. Assign priority among competing requests from the Commanders of the Combatant Commands for projects under Sections 2804 and 2808 of reference (c) and forward them to the USD(AT&L).

5.5. The Commanders of the Combatant Commands, through the Chairman of the Joint Chiefs of Staff, shall:


5.5.1. Verify the need for project requests for the use of authority under Section 2804 of reference (c), and forward them through the Chairman of the Joint Chiefs of Staff to the USD(AT&L).

5.5.2. Assign priority among competing requests for joint exercise-related unspecified minor military construction projects under Section 2805 of reference (c) and forward them to the Chairman of the Joint Chiefs of Staff.

5.5.3. Coordinate and assign priority to requests for projects under Section 2808 of reference (c) and forward them through the Chairman of the Joint Chiefs of Staff to the USD(AT&L).

6. EFFECTIVE DATE

This Directive is effective immediately.



Paul Wolfowitz
Deputy Secretary of Defense

Enclosures - 1

E1. Designated DoD Construction Agents

E1. ENCLOSURE 1

DESIGNATED DoD CONSTRUCTION AGENTS

Countries not specifically assigned below shall be designated by the DUSD(I&E). Certain other countries or locations may have assignments changed as requirements change.

<u>THE DEPARTMENT OF THE ARMY</u>	<u>THE DEPARTMENT OF THE NAVY</u>
Afghanistan Canada, excluding Newfoundland Central America Europe, excluding Spain, Portugal, Italy, Greece, and the British Isles Northern Eurasia, which makes up Russia and the former Soviet republics Greenland Iraq Japan, including the Ryukyu Islands (Okinawa) Korea Marshall Islands Mexico Middle East, including the Saudi Arabian Peninsula, Egypt, and Israel South America Southeast Asia, from Iran to Myanmar (Burma) Sub-Saharan Africa, excluding Kenya and Somalia Taiwan Turkey	Atlantic Ocean area Australia and New Zealand Caribbean Sea area Greece Iceland Indian Ocean area Italy Newfoundland North Africa, including Somalia and Kenya, but excluding Egypt Pacific Ocean area, including the Commonwealth of the Northern Marianas Islands, but excluding the Marshall Islands Portugal, including the Azores Republic of the Philippines Southeast Asia, from Thailand to Vietnam Spain <u>THE DEPARTMENT OF THE AIR FORCE</u> British Isles