MEMORANDUM FOR DISTRIBUTION

SUBJECT: Life Support for Third Party Contractors in Iraq

The attached Director, Defense Procurement and Acquisition Policy memorandum of February 26, 2013 is forwarded for your information and action. The memo forwards a State Department Memorandum, “Life Support for Third Party Contractors,” dated December 27, 2012 and provides additional/clarifying guidance regarding a request contained in paragraph 7 of the State Department cable. Further details are provided in the memorandum.

In addition, all contracting activities need to verify their compliance to these requirements no later than March 15, 2013. Please report your completion to my POC, CAPT S. E. Armstrong at 703-614-9598 or stephen.e.armstrong3@navy.mil, for consolidation.

Attachment:
As stated

Distribution:
See next page
SUBJECT: Life Support for Third Party Contractors in Iraq

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MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY (PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY (ACQUISITION AND PROCUREMENT),
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE (CONTRACTING)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Life Support for Third Party Contractors in Iraq


This memo forwards State Department Memorandum, “Life Support for Third Party Contractors,” dated December 27, 2012, and provides additional/clarifying guidance regarding a request contained in paragraph 7 of the attached State Department cable as follows:

Seek prior Embassy concurrence before agreeing to life support arrangements [requiring support from US Mission-Iraq] in new contracts. As noted in reference (a), the CENTCOM – Joint Theater Support Contracting Command (C-JTSCC) TBC Program Office will continue to support TBC of DoD contracts with performance in Iraq through December 31, 2013 as an interim process in recognition of ongoing transitions between Department of Defense and Department of State in Iraq. DoD Contracting Officers will continue to submit TBC requests to the C-JTSCC TBC Program Office in accordance with DPAP memorandum dated 27 July 2012. In addition, the package will be required to specifically identify requirements for life support of contractor personnel by US Mission Iraq. The C-JTSCC TBC Office will coordinate these requests with the Embassy Baghdad A/GSO through the Office of Security Cooperation-Iraq.

DoD Contracting Offices remain responsible for ensuring that the requiring activity addresses any life support and other support requirements for contractor personnel with the cognizant activity in Iraq as part of the requirements package (as required by DFARS PGI 225.7401). Specific requirements for contracts executing in Iraq set forth in CENTCOM’s Iraq TBC guide remain in force through December 31, 2013.
Discussions are ongoing with regard to post 2013 contracting guidance for DoD contracts executing or delivering in Iraq.

I ask that you forward this memo with the attachment to your contracting activities immediately for dissemination of this guidance to contracting officers. Begin complying immediately with the requirements stated above. Please report your component's compliance with this tasking to my POC, Mr. Bill Reich, 571-256-7009, William.reich@osd.mil by March 15, 2013.

Richard Ginman
Director, Defense Procurement and Acquisition Policy

Attachment:
As stated

cc:
USCENTCOM J-4
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MEMORANDUM TO:

KRISTA HARDEN
Chief of Staff
Department of Agriculture

CHRISTINE TURNER
Director, Executive Secretariat
Department of Commerce

MICHAEL L. BRUHN
Executive Secretary
Department of Defense

MARY JEFFERSON
Executive Secretariat Director
Federal Aviation Administration

DANA PAIGE
Director, Office of the Secretariat
Department of Justice

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Drug Enforcement Administration

W. ROBERT LEAVITT
Executive Secretary
U.S. Agency for International Development

SUBJECT: Life Support for Third Party Contractors

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201222404
United States Department of State
Washington, D.C. 20520

www.state.gov

December 27, 2012

OSD015833-12
U.S. Mission Iraq (USM-I) will continue to reduce its staffing and footprint over the next several years, ending extraordinary security and logistical arrangements where prudent and practical, based on a cautious assessment of local conditions. A principal driver of the size of the USM-I support platform is interlocking contractual requirements for transportation, housing, life support, medical services, and security services for commercial, third-party contractors.

Contracting U.S. government agencies must obtain COM approval before beginning a process that would lead to an award (or extension) of a contract that would include commercial firm employees working in-country. The type and amount of support that a U.S. mission provides commercial firm employees, if any, must be coordinated between the U.S. mission and the contracting agency.

The Chief of Mission should carefully define the support services the U.S. mission is prepared to offer and obtain agreement from the contracting agency for additional resources beyond what would be provided for any private U.S. citizen. Otherwise, unless specifically stated in the contract and approved by the COM, the U.S. mission’s support responsibilities for U.S. citizen employees of commercial firms must not exceed those it would have for any private U.S. citizen.

If the COM agrees services should be provided, the USM-I management section will provide an estimate for any charges under the International Cooperative Administrative Support Services (ICASS) system, Capital Security Cost Sharing (CSCS), the aviation working capital fund, and any other applicable financial assessments. As with NSDD-38 requests for direct-hire employees, sponsoring agencies must commit to pay these charges for the request to be approved. Embassy Baghdad will issue partial-year ICASS invoices to the U.S. government contracting agency for contractors that are not accounted for in workload counts.

Please advise your senior departmental or agency acquisition officials and contracting officers that Embassy Baghdad must concur before any U.S. government department or agency contracting officer obligates USM-I to provide support of any kind to commercial contractors, including security assistance trainers executing foreign military sales cases.
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In addition, please provide Embassy Baghdad each contractor company's name, the language on life support in each contract, the number of contractor personnel to be supported, and a copy of the contract as set out in the action paragraph of the attached mission policy.

John R. Bass
Executive Secretary

Attachments:
Tab 1 – Embassy Baghdad Cable
Tab 2 – Embassy Baghdad Mission Policy
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MRN: 12 BAGHDAD 3658

From: AMEMBASSY BAGHDAD

Action: WASHDC, SECSTATE ROUTINE

Subject: Embassy Baghdad Requests Prior Concurrence on Contracts that Promise Life Support in Iraq

1. (U) This is an action cable. See paragraph 7.

2. (U) Summary: Embassy Baghdad must concur before Department (and other agency) contracting officers obligate the Mission to provide life support to contractors in Iraq, per 2 FAH. Our support platform is being heavily taxed as facilities are consolidated to normalize operations. The Embassy cannot provide housing, meal privileges, and/or security to third-party contractors without careful prior consideration. We request contracting officers provide the Embassy their contractual language on life support for contractors currently in country, and seek prior Embassy concurrence before agreeing to life support arrangement in new contracts. This cable mirrors a post policy, attached, that was cleared with agency stakeholders in Baghdad. End Summary.

Background

3. (U) Mission Iraq has approximately 10,000 third-party contractors (TPCs) in country, including 6,000 in the consolidated Baghdad area. We value the service of TPCs, who perform essential work in support of our Mission providing security, IT support, meal service, and technical expertise. However, post management requires information on our contractual obligations vis-à-vis TPCs before TPCs arrive in country. TPCs include Security Assistance Trainers (SATs) and security personnel.

4. (U) Given the existing strain on our support platform, post management must have complete visibility and provide concurrence in advance of obligations made by USG contracting officers that promise life support. This requirement is articulated in 2 FAH-2 H-114.5(b):

- Contracting U.S. Government agencies must obtain COM approval before beginning a process that would lead to an award (or extension) of a contract
that would include commercial firm employees working in-country.

- The type and amount of support that a U.S. Mission provides commercial firm employees, if any, must be coordinated between the U.S. Mission and the contracting agency.

- Unless specifically stated in the contract and approved by the COM, the U.S. Mission’s support responsibilities for U.S. citizen employees of commercial firms must not exceed those it would have for any private U.S. citizen.

Mission Platform and Life Support Challenges

5. (U) Mission Iraq is consolidating facilities, encouraging the substitution of U.S. and third-country national (TCN) TPCs with local nationals wherever possible, and reducing staff as the Mission program is normalized following an established Glidepath. This will limit available office quarters and residential space on compounds. Our Consulates in Basrah and Erbil experience similar limitations. Providing life support to TPCs presents major challenges. All agencies at post are now sharing the costs of support services at the Embassy Compound and are paying for them via ICASS. Contractors are not always included in the workload counts that post captures annually. Post needs to ensure that all agencies at post are paying their fair share and receiving support services to which they are entitled, rather than supporting individuals who are not authorized certain ICASS services. ICASS will be instituted at all COM sites beginning FY2014. Post requires the coordination of all parties in order to continue to provide quality services to our large complement of inter-agency direct-hires.

Guidance to Contracting Officers

6. (U) Embassy Baghdad must know in advance what contracting officers intend to authorize for their clients. The Embassy may need to limit or deny life support services for TPCs for the reasons noted above. That said, in close coordination with NEA-SCA/EX/Iraq, Embassy Baghdad will review requests on an individual basis and make a decision accordingly. Broadly, here are Embassy Baghdad’s provisions:

- Contracting entities need to advise post of the anticipated arrival of new TPCs at post to ensure that the Embassy can provide support for those individuals. Country Clearance will not be provided for these individuals.
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unless the contract itself was approved by the Embassy prior to award.

- If the Embassy provides housing, it will be in multi-occupancy housing units.

- Contractors should not be compensated for meal allowances if they are receiving cafeteria privileges while deployed.

- Post will issue partial-year ICASS invoices for contractors that are not accounted for in workload counts.

Action Requests

7. (U) In compliance with 2 FAH-2 H-114.5(b), Embassy Baghdad requests USG contracting officers:
   - Review existing contracts and provide to Post each contractor’s name, the language on life support in each contract, the number of contractor personnel to be supported and a copy of the contract; and
   - Seek prior Embassy concurrence before agreeing to life support arrangement in new contracts.

Please provide responses to the first action request to Baghdad Contractor Registry (BaghdadMICR@state.gov) by January 31, 2013. Requests for concurrence on future contracts should be directed to same mailbox. Further guidance can be found in Embassy Baghdad’s Management Policy on Life Support for Third Party Contractors, attached.

8. (U) We appreciate the support of individual agencies, bureaus and contracting officers in moving forward with this mission-critical initiative. Post reiterates its appreciation for its contract workforce, and hopes that resolving these issues will enhance their contribution to the Mission.

Beecroft
TO: All Mission Iraq Personnel

All sections and agencies under chief of mission authority have a responsibility to inform Post management of existing and planned contracts that obligate the U.S. government to provide life support to third-party contractors (TPCs) in Iraq. TPCs are employees of institutional or commercial firms that are under contract with the State Department or another department or agency at Post. This includes Security Assistance Trainers and security personnel under contract. Personal Services Contractors, Foreign Service Limited employees and 3161 employees are not TPCs.

Background

Mission Iraq has approximately 10,000 TPCs in-country, including 6,000 in the consolidated Baghdad area. They contribute significantly to the work of our Mission, providing essential security, IT support, meal services and technical expertise. We value the work of our TPCs. However, much of the size of the contractor work-force is driven by the contractors’ own service requirements as defined during active military operations. With the consolidation of facilities and the normalization of activities, the Mission cannot provide housing, meal privileges, security services, or other benefits to TPCs without careful consideration.

Authority

Given the constraints of our support platforms, Post management must have complete visibility and provide concurrence in advance of obligations made by U.S. government contracting officers that promise life support to TPCs. This requirement is described in 2 FAH-2 H-114.5(b):
Contracting U.S. Government agencies must obtain COM approval before beginning a process that would lead to an award (or extension) of a contract that would include commercial firm employees working in-country. The type and amount of support that a U.S. Mission provides commercial firm employees, if any, must be coordinated between the U.S. Mission and the contracting agency. Unless specifically stated in the contract and approved by the COM, the U.S. Mission’s support responsibilities for U.S. citizen employees of commercial firms must not exceed those it would have for any private U.S. citizen.

**Action**

All sections and agencies that employ U.S. or third-country national (TCN) TPCs in Iraq must submit a report listing each contractor, contract number, contracting officer (CO), contracting officer’s representative (COR), services provided by the contractor, number of employees, where the employees work, the contractual obligations regarding life support services provided to the contractor by the U.S. government, and a copy of the original contract referencing those requirements to the Baghdad Contractor Registry BaghdadMICR@state.gov by January 31, 2013. Failure to do so may result in suspended services for those TPCs. This information may be developed by referring to the contractor’s Congressionally-required data in the Synchronized Pre-deployment Operational Tracking system (SPOT). A listing of the contractor employees now in SPOT will be on Post’s SharePoint site for reference. In addition, all sections and agencies must ensure that their support contracts are listed in the Mission Iraq Contractor Registry (MICR), which is maintained on Post’s SharePoint site. Contract data must be validated and updated periodically as requested. For questions on MICR maintenance the POC is A/GSO Richard McCormick, McCormickRE@state.gov. Any future third-party contract extensions or new awards must have Embassy concurrence (via the S/GSO) on life support agreements before TPCs embark for Post or they risk receiving no support services from the Mission. Contracts need to be submitted well in advance to allow Post review and feedback. Please submit reports of proposed future contracts to the Baghdad Contractor Registry to baghdadMICR@state.gov.

**Guidance to Contracting Officers**

The Embassy, in close coordination with NEA-SCA/EX/Iraq, will review requests for life support for TPCs and make decisions regarding what support to provide on an individual basis. Because our ability to provide life support is limited and will diminish over time, the Embassy will deny or limit support services for TPCs.
under future contracts. Following are Embassy Baghdad’s requirements/limitations regarding life support for third-party contracts:

1. Prior to authorizing any life support services for a contractor employee through the SPOT system, prior clearance from Post must have been obtained.
2. In order to manage the availability of living quarters, Post will review housing requests on a case-by-case basis. If the Embassy provides housing, it will be in multi-occupancy housing units.
3. Contractor meal privileges need to be carefully reviewed to ensure that individuals are not violating the statutory prohibition against duplicate benefits. Contractors should not be compensated for meal services if they are receiving cafeteria privileges while deployed.
4. The Management Section will provide an estimate for any charges under the International Cooperative Administrative Support Services (ICASS) system, Capital Security Cost Sharing (CSCS), the aviation working capital fund, and any other applicable financial assessments.