

Authorities and Structure

Key Points

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

Introduction

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

Contracting and Command Authority



Contracting Authority. Contracting authority is the legal authority to enter into binding contracts and obligate funds for the United States (US) government. Command authority includes the authority and responsibility for effectively using available resources and for planning the employment of, organizing, directing, coordinating, and controlling

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.

Command Authority. Figure 1 illustrates command and contracting lines of authority. Command authority does not include creating or



Figure 1. Lines of Authority

implementing acquisition policy, guidance, procedures, directing, or authorizing deviations. Commanders at all levels must avoid improper command influence, or its appearance, on the contracting process. The contracting officer must be able to independently exercise sound, unbiased business judgment and contract oversight in the accomplishment of the contracting mission.

Contingency Contracting Officer's Authority



Contracting Officers. Contracting officers shall receive from the appointing authority clear instructions in writing regarding the limits of their authority. Information on the limits of the contracting officer's 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, then to the Secretary of Defense, through the Service or Agency head, to the head of the contracting activity (HCA), then to the senior contracting official (SCO) (also known as the principal assistant responsible for contracting), and, finally, to the contracting officer. This contracting authority is explicitly documented via the contracting officer's warrant.

Selection and Appointment of Contracting Officers. The HCA appoints SCOs, by name and in writing, and delegates certain authorities to the SCOs to include the appointment of CCOs under their control. If the HCA has allowed for further redelegation, SCOs may further delegate certain authorities to regional contracting centers (RCC), to include appointment of CCOs under control of the RCC chief.

Contracting warrant authority includes selecting, appointing, and terminating contracting officer warrants. The SCO shall only appoint individuals 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 *Defense Acquisition Workforce Improvement Act* minimum standards.

Contingency Contracting. CCOs can support contingencies within the continental United States or outside the continental United States (OCONUS) to include 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 considered as the only organizational structure, but rather viewed as a template or example.

Head of Contracting Activity. The HCA, or SCO if delegated, is responsible for oversight of contracting to ensure that it is compliant with statute, regulation, and sound business practices. For a small scale contingency in which the Service components are providing 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 5101.1, DoD Executive Agent*. 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. This includes:

- Administrative plans to control documents, maintain records, and conduct audit trails of procurement actions for simplified acquisitions (imprest funds, Standard Form 44, and governmentwide commercial purchase cards) as well as 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 Followup Program.
- Coordinate Defense Contract Audit Agency (DCAA) audit and financial advisory support with appropriate DCAA point of contact (POC), dependent upon locale of contingency or humanitarian operations taking place.
- Managing suspension and debarment actions.
- Coordinating intercommand agreements detailing contracting support relationships between United States (US) military services.
- Coordinating operational plans or requirements originating with the Joint Staff and providing host nation support, status of forces agreement, assistance in kind agreements, or any treaties for CCO review.

Regional Contracting Center (RCC) Chief. The RCC chief (or chief of contracting office [COCO]) plans, directs, and supervises purchasing and contracting 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.

The following are some additional key responsibilities of the RCC chief:

- Maintain the highest degree of integrity; set the tone for the rest of the office
- Know the mission (RCC Mission Brief)
 - Tie effects of the contracts to the mission
- Engage with your customer
- Set priorities for requirements (per internal and external customers)
- Educate your customer
- Business advisor
- Develop vendor base
- Encourage contracting innovation while using sound business judgment
- Manage continuity of your office

Note: See Defense Acquisition University offers CON 234, “Advanced Contingency Contracting Course for the COCO.”

CCO Responsibilities. The purpose of the CCO is to acquire supplies and services needed by the warfighter to support essential missions in response to a crisis, contingency, or declaration of war.

To read more about CCO responsibilities consult the DVD. 

The CCO has the following duties and responsibilities:

- Ensure contract files are documented, prepared, and maintained.
- Maintain contract oversight with respect to contract performance by the contractor.

- Provide training and monitor performance of CCO appointed representatives.
- Ensure 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 a contract in accordance with *Department of Defense Instruction 5000.64, Accountability and Management of Department of Defense (DoD)-Owned Equipment and Other Accountable Property*. Request the Joint force commander (JFC) establish policy, guidance, and a FRAGO [fragmentation order] on how government-furnished property and government-furnished equipment will be tracked to ensure accountability of assets.
- Ensure contracts are competed and awarded to the local populace to the fullest extent possible in order to aid the development of the local economy while ensuring fair and reasonable prices.
- Engage DCAA auditors to provide audit support to assist CCOs in awarding contracts to responsible bidders with acceptable business systems to deliver goods or services and sufficient capital to carry out contractual obligations.
- Abide by any host nation, interservice, status of forces, or other authoritative agreements that are applicable within the appropriate theater of operation.
- Ensure CCO efforts are synchronized with the guidance provided by the commander and contingency mission.

Contracting Officer's Representative (COR). CORs are the eyes and ears of the CCO. CORs are instrumental in ensuring products and services provided to the warfighters comply with contractual requirements. The COR is a Service member assigned to the supported unit with specialized

knowledge of 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 providing CORs. COR duties are defined in writing by the CCO in a letter of appointment. The COR conducts quality assurance inspections on the services and support the contractor provides. CORs make recommendations to the quality assurance representative, who then provides 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 provide quality inspections on contractors, whose technical expertise and contributions ensure the safety and well-being of our Service members.

To read more about the support organizations consult the DVD. 

Joint Staff

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. The Joint theater support contracting command J1 performs personnel actions to include working personnel assignments, Joint manning document-related actions, awards, and ratings. The J1 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 Joint theater support contracting command would not normally need a separate J2 or J5 office. The J2/3/5 officer, normally an O-5 with contracting experience, is responsible to assist the commander and SCOs with synchronizing support to ongoing operations and planned future operations. The J2/3/5 focus is on supporting the JFC commander's intent with effective and efficient contracting actions. If needed, the J2/3/5 could also contain separate policy and contract compliance divisions.

J4—Logistics Directorate. The Joint theater support contracting command J4 would perform logistics actions to include general office supply actions, coordinating facility support, and other similar actions. The J4 normally would be a logistics officer with no specific rank or contracting-related experience.

J6—Communications System Directorate. The Joint theater support contracting command J6 would perform communications support-related actions to include coordinating communications support, Web-site management, and related functions. The J6 is a communications or signal officer with no specific rank or contracting-related experience.

Joint Subordinate Organization Overview

Regional Contracting Centers. The specific makeup of these RCCs is dependent on the specific mission support requirement, however, a typical RCC could consist of 10 to 25 warranted contracting officers, noncommissioned officers (NCO), and DoD civilians. It is also common practice to align these RCCs to a major land force (division, corps, or Marine Expeditionary Force) headquarters or air expeditionary wing or group. The key to the proper manning 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 made up of between two and eight warranted contracting officers, NCOs, and DoD civilians. The size and makeup of an RCO is based on actual mission support requirements. RCOs normally provide area support to specific forward operating bases and designated areas within the Joint operations area.

To read more about JTSCC and subordinate organizations consult the

DVD.



Chapter Acronyms

CCO – Contingency Contracting Officer
CO – Contracting Officer
COCO – Chief of Contracting Office
COR – Contracting Officer’s Representative
DCAA – Defense Contract Audit Agency
DoD – Department of Defense
FAR – Federal Acquisition Regulation
FRAGO – Fragmentation Order
HCA – Head of Contracting Activity
JFC – Joint Force Commander
NCO – Noncommissioned Officer
OCONUS – Outside the Continental United States
POC – Point of Contact
RCC – Regional Contracting Center
RCO – Regional Contracting Office
SCO – Senior Contracting Official
US – United States

