



ACQUISITION
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

FEB 12 2010

MEMORANDUM FOR COMMANDER, UNITED STATES CENTRAL COMMAND
(J4 CONTRACTING)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT), DASA(P)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION & LOGISTICS MANAGEMENT),
DASN(A&LM)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTORS, DEFENSE AGENCIES
DIRECTORS, DOD FIELD ACTIVITIES

SUBJECT: GAO Review of Contracting in Iraq and Afghanistan, Section 863, NDAA
2008 (GAO Code 120874)

The GAO has initiated work in response to a congressional mandate under Section 863 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law No: 110-181), as amended by Section 813 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law No: 111-84), to review and report on contracting in Iraq and Afghanistan. This is GAO's third annual review on contracting activities in Iraq and Afghanistan. Under the mandate, GAO is required to collect information on all contracts, orders, grants, or cooperative agreements with 30 days or more of performance in Iraq or Afghanistan. Therefore, for all contracts, orders, grants, and cooperative agreements with 30 days or more of performance in Iraq or Afghanistan, DoD shall provide the GAO the following:

1) Total *number* of contracts, task orders, grants, and cooperative agreements awarded during the reporting period of FY 2009 and FY 2010 through March 31, 2010, where contractors, grantees, or cooperative agreement recipients performed a service or construction in Iraq or Afghanistan;

2) Total *value* of contracts, task orders, grants, and cooperative agreements awarded in item #1 above, during the reporting period FY 2009 and FY 2010 through March 31, 2010;

3) Total *number* of active contracts, task orders, grants, and cooperative agreements as of September 30, 2009 and March 31, 2010, where contractors, grantees, or cooperative agreement recipients performed a service, construction, or other work activity in Iraq or Afghanistan;

4) Total *value* of active contracts, task orders, grants, and cooperative agreements in item #3 above, as of September 30, 2009 and March 31, 2010; and

5) The extent to which subject contracts, task orders, grants, or cooperative agreements have used competitive procedures.

In addition to what is asked for above, the GAO may request additional information in the future on specific contracts, grants, and cooperative agreements, or class of contracts, grants, and cooperative agreements of significant concern. If this occurs, a modification to this request will be issued. GAO is also required to report on the number of contractor, grant, cooperative agreement, and subcontractor personnel working on contract, grant or cooperative agreements with performance in Iraq and Afghanistan, but that information will be collected under a separate request.

Contracts in Iraq and Afghanistan, as defined by Section 813 of the National Defense Authorization Act for Fiscal Year 2010, include all contracts, grants and cooperative agreements awarded and/or orders placed against these instruments of any kind, where contractor or grant personnel perform a service or construction physically located in the countries of Iraq or Afghanistan, for a period greater than 30 days. Task or delivery orders placed from other Government agency contracts which fit this description, shall also be reported.

While the data requested is top level and summary in nature, it is likely GAO will request further breakdown of the details behind the numbers for each report. Reporting the source database managing the information is required. For contracts, grants, and cooperative agreements provide the source of the information, such as FPDS-NG or other specified database. Refer to attachment 1 in the MS Excel data sheet for the reporting format and required data fields.

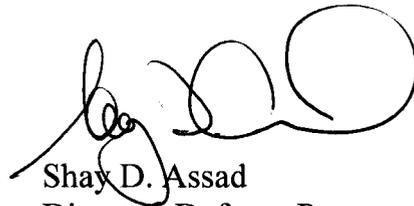
The following is a timeline of reporting to the Primary Action Officer (PAO) regarding the data requested:

- FY 2009 and FY 2010 contract data (through March 31, 2010) shall be reported to the PAO NLT April 30, 2010.

The PAO will receive and provide the data to the GAO. Questions concerning this data request should be coordinated directly with the PAO. Attachment 2 provides

additional information and answers to frequently asked questions regarding this GAO effort.

The PAO for this action is Lt Col Fiona A. Christianson, at 703-699-3728, or email: Fiona.Christianson@osd.mil.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Shay D. Assad
Director, Defense Procurement
and Acquisition Policy

Attachment:
As stated

Iraq and Afghanistan Contracting Engagement - GAO Job #120874
Contract Data Collection Instrument
Frequently Asked Questions

1. *This is the 3rd year that GAO has requested this information, is there anything different for this year's request?*

The NDAA for FY 2010 has modified the definition of a Contract and Contractor so that it now includes grants and cooperative agreements. In addition, the period of performance identified in the Contract definition has been increased from 14 days to 30 days. As such, we must modify our data request so that it now includes information on all contracts, task or delivery orders, and grants and cooperative agreements with 30 days or more of performance in Iraq or Afghanistan. In addition, we have slightly modified our MS Excel data collection instrument (DCI) and also request that you provide us with the Contractor's nine-digit Data Universal Numbering System (DUNS) and the six-digit North American Industry Classification System (NAICS) code on each procurement action for which data is being provided. Also, please be sure to complete the yellow-shaded title box on the DCI completely and as accurately as possible- this will assist us in better managing data submissions.

Also, please note that when we refer to a contract in the below questions, we are using the revised definition, as per the NDAA for FY 2010.

2. *When should we submit our contract datasets and who should we send it to?*

Please submit your FY 2009 contract data no later than Friday, February 26, 2010. We will discuss delivery dates for the first half of FY 2010 contract data call at a later date. This year we created an email account specifically for contract and contractor personnel data submissions- ContingencyContracting@gao.gov. When submitting contract data, please be sure to clearly label the subject line so that it's possible for us to easily understand what the data is, who's submitting it, and the time period covered. For example- Contract Data – DOD/USACE FY2009

3. *What types of procurement instruments should I include?*

Our mandate requires us to report on all contract vehicles with 30 days or more of performance in Iraq or Afghanistan. As defined in Section 813 of the NDAA for FY 2010 this now includes all contracts, task orders, delivery orders, blanket purchase agreements, as well as all grants or cooperative agreements.

- a. *What if my agency/organization provided funding to a grant that was awarded by another agency/organizational unit?*

Please submit information on grants and cooperative agreements that your agency/organizational unit awarded. If your agency/organizational unit provided funding to a grant awarded by another agency/organizational unit, it is not

necessary to submit any information. We will obtain the information directly from that agency/organizational unit.

b. Should I include personal services contracts?

Yes. Personal services contracts are included in our scope and should therefore be reported.

4. How should I report the information?

Each contract action (i.e. award, task order, or modification) should be reported individually as a separate row of data in the MS Excel data collection instrument (DCI). For example, if a contract has 3 modifications, there should be 4 rows of data associated with that contract – one for the initial award and one for each of the three modifications. However, you only need to include the contract actions that occurred in fiscal year 2009 or the first half of fiscal year 2010. So, in the example above, if the contract was awarded in fiscal 2008 and the three modifications occurred in fiscal year 2009, you only need to report the three modifications.

a. Can I roll-up all of the modifications for a contract in one year into a single row?

No. We need each modification identified separately, including no cost modifications and deobligations. As part of our review, we have to assess the reliability of the reported data. To do that, we will pull a random sample of contract actions and compare the reported data to what is in the contract file. If contract actions are ‘rolled up’ it is much more difficult to assess the reliability of the reported data.

b. In my contracting system, the task order and modification number are included in the contract number – do I have to separate those out into different fields?

No. If your contracting or financial system has a single field for the contract number, task order number, and/or modification number, you do not need to separate those numbers. In those cases you can simply leave task order and/or the modification number blank on the DCI.

c. Should I separate the data by fiscal year, contracting office, etc. and create a separate tab for each group?

No – that is not necessary. You can report all contract actions as a single list in the DCI.

5. Does the 30 day threshold apply to contracts as a whole or to individual contract actions?

The 30 day threshold applies to the entire contract or task order, and not just individual contract actions. If a contract has 30 days of performance in Iraq or Afghanistan, you

should report all transactions for that contract that occurred in the period of review. For example, deobligations may have zero days of performance. However, they should be reported if the associated contract had 30 days or more of performance. If your system does not track the days of performance or if you are uncertain, include all contracts with performance in Iraq or Afghanistan.

6. *Is there a minimum dollar threshold?*

No. You should report all contract actions, including deobligations and no-cost modifications.

7. *What do you mean by 'Action Date?'*

For the initial award, 'Action Date' is the date the contract was issued. For task orders, use the award date of the task order rather than the date the underlying contract was awarded. For modifications, 'Action Date' is the date that the modification occurred. If there are multiple dates (for example, an approval date and a signed date), the date the action was signed is preferable.

8. *Should I include contracts where there is some performance in Iraq or Afghanistan, but most of the work occurred elsewhere?*

Yes – all contracts with periods of performance of 30 days or more in Iraq or Afghanistan should be reported— regardless of the dollar amounts obligated or de-obligated— even if most of the work occurred outside of those two countries. We will add the appropriate caveats when reporting the data to inform readers that a portion of the obligations was for work outside of Iraq or Afghanistan.

a. *What should I enter for 'Country' in those cases?*

Ideally, we would like the information reported as 'Iraq,' 'Afghanistan,' or 'Both.' Use 'Iraq' for contracts with performance in Iraq (and other countries except Afghanistan); use 'Afghanistan' for contracts with performance in Afghanistan (and other countries except Iraq); and use 'Both' for contracts that have performance in Iraq and Afghanistan (and possibly other countries too).

b. *What should I enter for obligations in those cases?*

For contracts with performance in multiple countries, you can simply report the change in obligations for the contract as a whole – you do not need to separate out obligations for Iraq and/or Afghanistan from obligations for performance in other countries. We will incorporate the appropriate caveats in our report to indicate that some of the obligations are for performance in countries other than Iraq or Afghanistan.

9. *My system only specifies that a contract was or was not competed and does not indicate the extent of competition– is that okay?*

Yes – you can report ‘yes’ or ‘no’ for competition if that is how your system is set up. We would prefer to know the extent of competition (i.e. full and open, full and open after exclusion of sources, etc.), but a simple ‘yes’ or ‘no’ is okay.

a. *How should I report competition for task orders?*

For single award IDIQ contracts, the competition information should reflect the extent to which the base contract was competed. For multiple award IDIQ contracts, the competition information should reflect whether each offeror had fair opportunity to win the task order.

10. *What should I include under ‘Description’?*

The description should be the primary purpose of the contract at the lowest level of detail available. Use whatever description is included in the data source. If your data system has multiple description fields, use the most detailed field.

11. *Who should I contact if I have additional questions about what information should be reported*

You can direct any questions to either
Chris Kunitz (202) 512-6097, KunitzC@gao.gov,
Heather Miller (202) 512-4174, Millerh@gao.gov, or
David Greyer (202) 512-5047, GreyerD@gao.gov.
However, please remember to submit your data to ContingencyContracting@gao.gov.