



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

DEC 16 2014

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

In reply refer to
DARS Tracking Number: 2015-O0003

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: Class Deviation—Contractor Personnel Performing in Support of Operation United Assistance in the United States Africa Command Theater of Operations

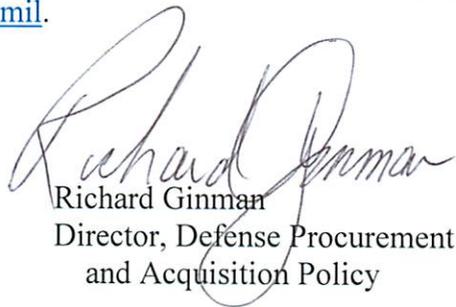
Effective immediately, this class deviation supersedes and rescinds Class Deviations 2015-O0001 and 2015-O0002. Contracting officers shall incorporate the attached clause in contracts, task orders, and delivery orders, that require contractor personnel to perform services or construction, or deliver supplies, in support of Operation United Assistance (OUA) in the United States Africa Command (USAFRICOM) theater of operations. To the extent feasible, contracting officers shall modify contracts, task orders and delivery orders awarded on or after September 15, 2014, to incorporate the attached clause. A list of countries in the designated operational area for OUA is posted at http://www.acq.osd.mil/dpap/pacc/cc/operation_united_assistance.html.

Effective December 18, 2014, contracting officers shall post solicitation and award documents for contracts, task orders, and delivery orders that will require contractor performance in support of OUA in the USAFRICOM theater of operations to the Theater Business Clearance (TBC) module of the Joint Contingency Contracting System (JCCS) at <https://www.jccs.gov>, in accordance with the USAFRICOM OUA TBC Guide at <https://www.jccs.gov>. Solicitations, contracts and orders shall not be issued or awarded until clearance is provided by the USAFRICOM TBC Program Manager, Mr. Ron Konicek, who may be reached at Ronald.f.konicek.civ@mail.mil, 210-221-1190 (Commercial), 312-471-1190 (DSN) or 210-294-3426 (Blackberry).

To ensure USAFRICOM has visibility of all contracts and orders that will require contractor performance in support of OUA in the USAFRICOM theater of operations, contracting officers shall provide copies of contracts, task orders and delivery orders awarded or issued prior to December 18, 2014, to the USAFRICOM TBC Program Manager.

Contracting officers shall use the National Interest Action Code "O14E" in Federal Procurement Data System contract action reports for all contracts, task orders, and delivery orders awarded in support of OUA efforts.

This class deviation remains in effect until incorporated in the FAR or DFARS, or is rescinded. My point of contact for this deviation is Ms. Kyoung Lee, Contingency Contracting, at 571-256-2947 or kyoung.w.lee.civ@mail.mil.



Richard Ginman
Director, Defense Procurement
and Acquisition Policy

Attachment:
As stated

**252.225-7985, Contractor Personnel Performing in Support of Operation
United Assistance (OUA) in the United States Africa Command (USAFRICOM)
Theater of Operations (DEVIATION 2015-O0003)**

Use this clause in solicitations and contracts that will require contractor personnel to perform construction or services, or to deliver supplies, in support of OUA in the USAFRICOM theater of operations. This clause does not replace the use of clause DFARS 252.225-7040, Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States, as prescribed in DFARS 225.7402-5(a), but supplements paragraphs (c) and (g) of that clause.

CONTRACTOR PERSONNEL PERFORMING IN SUPPORT OF OPERATION
UNITED ASSISTANCE (OUA) IN THE UNITED STATES AFRICA COMMAND
(AFRICOM) THEATER OF OPERATIONS
(DEVIATION 2015-O0003) (DECEMBER 2014)

(a) *Synchronized Predeployment and Operational Tracker (SPOT).*

(1) For United States citizen and third-country national Contractor personnel performing under this contract in support of OUA in the USAFRICOM theater of operations, the Contractor shall—

(i) Comply with the SPOT registration requirements at paragraph (a)(2) of this clause;

(ii) Use the SPOT web-based system to enter and maintain accurate, up-to-date information on individual Contractor personnel throughout employment in support of OUA in the USAFRICOM theater of operations area; and

(iii) Annotate changes to status of individual Contractor personnel relating to their in-theater arrival date, duty location, and medical quarantine status, to include closing out the employment with their proper status (e.g., mission complete, killed, wounded), within the SPOT web-based system in accordance with the processes and timelines established in the SPOT business rules at <http://www.acq.osd.mil/log/PS/spot.html>.

(2) SPOT registration requirements.

(i) SPOT registration requires one of the following login methods:

(A) A Common Access Card (CAC) or a SPOT-approved digital certificate.

(B) A Government-sponsored SPOT user ID and password. This type of log-in method is only allowed for those individuals who are not authorized to obtain a CAC or an external digital certificate, and requires SPOT Program Management Office approval.

(ii) Contractor administrators shall register for a SPOT account at <https://spot.dmdc.mil>.

(iii) The SPOT Customer Support Team must validate user need. This process may take two business days. Contractor representatives will be contacted to validate Contractor administrator account requests and determine the appropriate level of user access.

(iv) Upon approval, all users shall access SPOT at <https://spot.dmdc.mil/>.

(v) Refer SPOT application assistance questions to the Customer Support Team at—

(A) Phone: 703-578-5407, DSN 312-698-5407; or

(B) Email: dodhra.beau-alex.dmdc.mbx.spot-helpdesk@mail.mil.

(vi) Refer to the SPOT OSD Program Support website at <http://www.acq.osd.mil/log/PS/spot.html> for additional training resources and documentation regarding registration for and use of SPOT.

(b) *Monthly report.* The Contractor shall provide to the Contracting Officer, on a monthly basis, the aggregate count, by country, of all local national Contractor employees performing on service or construction contracts for 30-days or longer.

(c) *Contractor emergency medical care.* For United States citizen and third-country national Contractor personnel performing under this contract in support of OUA in the USAFRICOM theater of operations—

(1) Contractor employees shall receive emergency care in military treatment facilities and emergency evacuation in order to save life, limb, or eyesight. Contractor employees shall be stabilized, and then referred to their health care system as soon as the emergency period ends. Inter-theater emergency evacuation requires patient movement approval;

Class Deviation—Contractor Personnel Performing in Support of Operation United Assistance (OUA) in the United States Africa Command (USAFRICOM) Theater of Operations

(2) Contractor employees shall have a Letter of Authorization (LOA) and a valid government-issued photo ID and passport;

(3) Sick call or routine medical care will not be provided;

(4) Primary medical and/or dental care is not authorized; and

(5) Emergency medical care costs will be reimbursed in accordance with the terms of the DoD contract.

(d) *Medical evacuation of contractor personnel.*

(1) For United States citizen and third-country national Contractor personnel performing under this contract, DoD will provide—

(i) Aero-medical evacuation of Ebola Virus Disease (EVD) exposed but asymptomatic, EVD infected, and EVD symptomatic patients out of the Ebola-affected nations when available and in accordance with the contract terms and conditions, in coordination with the United States Transportation Command (USTRANSCOM) and/or commercial carriers as available, on a reimbursable basis via the most appropriate means of conveyance; and

(ii) Aero-medical evacuation of non-Ebola-related and no-risk patients out of the Ebola-affected nations when able and in accordance with the contract terms and conditions, in coordination with USTRANSCOM and/or commercial carriers as available, on a reimbursable and case-by-case basis.

(2) For local national Contractor personnel performing under this contract in support of OUA in the USAFRICOM theater of operations—

(i) Non-healthcare provider employees who are deemed EVD-symptomatic and infected shall be referred to a local Ebola treatment unit for treatment; and

(ii) Healthcare provider employees who are deemed EVD-symptomatic and infected shall be referred to the Monrovia Medical Unit for treatment.

(3) Unless specified elsewhere in the contract, the Contractor is responsible for all other support required for its personnel performing in the designated operational area. Allowable costs are determined in accordance with FAR subpart 31.

Class Deviation—Contractor Personnel Performing in Support of Operation United Assistance (OUA) in the United States Africa Command (USAFRICOM) Theater of Operations

(e) Upon redeployment from an Ebola-affected nation, Contractor personnel performing under this contract shall comply with the following--

(1) U.S. Federal, including Centers for Disease Control and Prevention, and State and local public health authority requirements for return to, and activities in, the United States and its territories; and

(2) Other foreign nation requirements as stipulated for entry into those countries or territories.

(f) *Other government-furnished support.*

(1) Any contractor who is entitled to U.S. Government-furnished support must have a SPOT-generated LOA signed by the Contracting Officer in order to travel to, from, or within the OUA Joint Operational Area (JOA). The LOA also will identify any additional authorizations, privileges, or U.S. Government support to which contractor personnel are entitled under this contract.

(2) In accordance with DFARS Subpart 225.7402, the Government will provide Contractor personnel the services checked below: *[Contracting Officer to enter the names of the Contractor operating locations that the requiring activity has properly coordinated with the applicable Joint Forces Command (JFC) representatives.]*

(i) For United States citizens:

- APO/FPO Postal Service
- Billeting
- CAC
- Contractors Authorized to Accompany Forces (CAAF)
- Government Dining Facilities (DFAC)
- Excess Baggage
- Government Furnished Meals
- Local Access Badge
- Military Banking
- Military Exchange
- Military Issued Clothing
- Military Issued Equipment
- Morale, Welfare, and Recreation (MWR) Facilities
- Non-CAAF
- Transportation (land transportation within OUA area)

Class Deviation—Contractor Personnel Performing in Support of Operation United Assistance (OUA) in the United States Africa Command (USAFRICOM) Theater of Operations

- All of the above
- None of the above

(ii) For third-country national employees:

- Billeting
- CAC
- CAAF
- DFAC
- Excess Baggage
- Government Furnished Meals
- Local Access Badge
- Military Banking
- Military issued clothing
- Military Issued Equipment
- Non-CAAF
- Transportation (land transportation within OUA area)
- All of the above
- None of the above

(iii) Local National (LN) employees:

- CAC
- CAAF
- DFAC
- Government Furnished Meals
- Local Access Badge
- Military Issued Clothing
- Military Issued Equipment
- Non-CAAF
- Transportation (land transportation within OUA area)
- All of the above
- None of the above

(3) In the event of any discrepancy between the checked above and the description of services in the Statement of Work, this clause will take precedence.

(4) Due to urgency and timing of OUA JOA base life support throughout the country, standards will be lowered to an “expeditionary” environment. Expeditionary standards will be based on specific condition, and may include down grading from permanent housing (B-huts, hardened buildings) to temporary tents or other facilities.

Class Deviation—Contractor Personnel Performing in Support of Operation United Assistance (OUA) in the United States Africa Command (USAFRICOM) Theater of Operations

(4) Due to the urgency and timing of OUA JOA efforts, DFACs may not be fully operational. Hot meals may decrease from three per day to one or none per day. Meals Ready to Eat (MREs) may be substituted for DFAC-provided meals; however, contractors will receive the same meal standards as provided to military and DoD civilian personnel.

(g) *Subcontracts*. The Contractor shall incorporate the substance of this clause, including this paragraph (g)—

(1) In all subcontracts that require subcontractor personnel that are United States citizens or third-country nationals to perform outside the United States in support of OUA in the USAFRICOM theater of operations; and

(2) In subcontracts, to the maximum extent practicable, that require only subcontractor personnel that are local nationals to perform outside the United States in support of OUA in the USAFRICOM theater of operations.

(End of clause)