

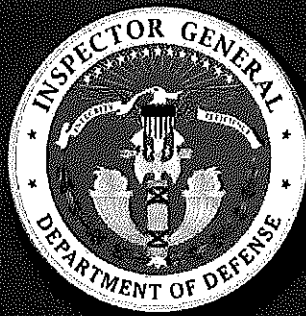
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Report No. DODIG-2012-075

April 16, 2012

Inspector General

United States
Department of Defense



DoD Oversight of Private Security Contractors in Iraq Was
Sufficient, but Contractors May not Deter Attacks on
Office of Security Cooperation-Iraq Enduring Sites

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(U) Acronyms and Abbreviations

BDOC	Base Defense Operations Center
C-JTSCC	U.S. Central Command Joint Theater Sustainment Contracting Command
COR	Contracting Officer Representative
DCMA-I	Defense Contract Management Agency-Iraq
ECP	Entry Control Point
JSS	Joint Security Station
OSC-I	Office of Security Cooperation-Iraq
PSC	Private Security Contractor
PWS	Performance Work Statement
RUF	Rules for the Use of Force
SOP	Standard Operating Procedures
SSS-I	Strategic Security Services-Iraq
TWISS	Theater Wide Internal Security Services
USCENTCOM	U.S. Central Command
USF-I	U.S. Forces-Iraq

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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ARLINGTON, VIRGINIA 22350-1500

April 16, 2012

MEMORANDUM FOR COMMANDER, U.S. CENTRAL COMMAND
U.S. AMBASSADOR TO IRAQ
AUDITOR GENERAL, DEPARTMENT OF THE ARMY

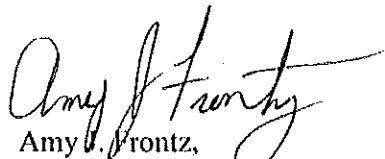
SUBJECT: (U) DoD Oversight of Private Security Contractors in Iraq Was Sufficient, but Contractors May Not Deter Attacks on Office of Security Cooperation-Iraq Enduring Sites (Report No. DODIG-2012-075)

(S) We are providing this report for your review and comment. DoD officials provided sufficient oversight of private security contractors in Iraq; however, those contractors may not deter attacks at the Office of Security Cooperation-Iraq enduring sites. Specifically, at 5 of 30 installations using PSC guards, U.S. military commanders supplemented the guards with military personnel during times of heightened threat. In addition, the Security Support Services-Iraq contract, which provides private security contractor services at the enduring sites, removes the private security contractors' responsibility to defend the enduring sites. We considered management comments on a draft of this report when preparing the final report.

(U) DoD Directive 7650.3 requires that all recommendations be resolved promptly. The Executive Director, U.S. Army Contracting Command-Rock Island responded for the Commander, U.S. Central Command. However, the comments were partially responsive and did not indicate agreement or disagreement with the findings and recommendation; therefore, we request additional comments by May 16, 2012.

(U) If possible, send management comments in electronic format (Adobe Acrobat file only). Copies of management comments must have the actual signature of the authorization official for your organization. We are unable to accept the /Signed/ symbol in place of the actual signature. If you arrange to send classified comments electronically, you must send them over the SECRET Internet Protocol Router Network (SIPRNET).

(U) We appreciate the courtesies extended to the staff. Please direct questions to me at (703) 604-8905.


Amy V. Prontz,
Principal Assistant Inspector General
for Auditing

cc:

Commander, Joint Theater Support Contracting Command
Executive Director, U.S. Army Contracting Command-Rock Island

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(U) DoD Oversight of Private Security Contractors in Iraq Was Sufficient, but Contractors May Not Deter Attacks on Office of Security Cooperation-Iraq Enduring Sites

(U) What We Did

(U) Our objective was to determine whether DoD adequately administered and managed private security contractors (PSCs). Specifically, we evaluated contract requirements and related security control measures and procedures for access to U.S. military installations in Iraq. We identified concerns related to the future role of PSCs in Iraq; therefore, we evaluated the private security contract requirements for the Office of Security Cooperation-Iraq (OSC-I) enduring sites.

(U) What We Found

(U) DoD officials adequately administered and provided oversight of PSCs at Victory Base Complex and Forward Operating Base Hammer. In addition, U.S. Forces-Iraq had adequately planned for the use of PSCs during the withdrawal of U.S. forces from Iraq. As a result, we identified only minor concerns related to training requirements and weapons qualifications.

~~(S)~~ However, the PSC guards did not always deter insurgents from attacking military installations in Iraq as the security requirements in the private security contract were not adequate. Specifically, U.S. military commanders at 5 of 30 installations using PSC guards supplemented the guards with military personnel during times of heightened threat. In addition, PSC guards did not return fire on insurgents during two separate attacks.

~~(S)~~ The U.S. military augmentation occurred because the PSC staffing level is based on the threat level at the time the contract is awarded and does not allow increased staffing commensurate with the changes in the threat level without a contract modification. In addition, contract restrictions and

~~(S)~~ international agreements limited the PSCs' ability to react to threats and place the PSC guards under Iraqi jurisdiction for acts considered to be criminal, which may cause the guards to delay in returning fire on insurgents. As a result, U.S. Government and contractor personnel and assets will likely be at an increased risk.

~~(S)~~ Military officials expressed concern that once the U.S. military completes its withdrawal, the PSCs may not be able to deter attacks on the OSC-I enduring sites in Iraq, putting U.S. personnel and assets at increased risk. In addition, the Security Support Services-Iraq contracts that will provide PSC services at OSC-I enduring sites removes the contractor responsibility to defend the sites against attacks, further exacerbating the security risks at the enduring sites.

(U) What We Recommend

(U) The Commander, U.S. Central Command, should modify the Security Support Services-Iraq contract to include a surge capability to allow the private security contractors to respond to changing threat levels, provide additional guidance and examples of what is considered an imminent threat, and clarify the guards' responsibility to engage the enemy when attacked.

(U) Management Comments and Our Responses

(U) The Executive Director, U.S. Army Contracting Command-Rock Island responding for the Commander, U.S. Central Command, did not indicate agreement or disagreement with the findings and the comments were partially responsive. Therefore, we request additional comments by May 16, 2012. Please see the recommendation table on the back of this page.

(U) Recommendation Table

Management	Recommendation Requiring Comment
Commander, U.S. Central Command	B

Please respond by May 16, 2012

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(U) Introduction

(U) Objective

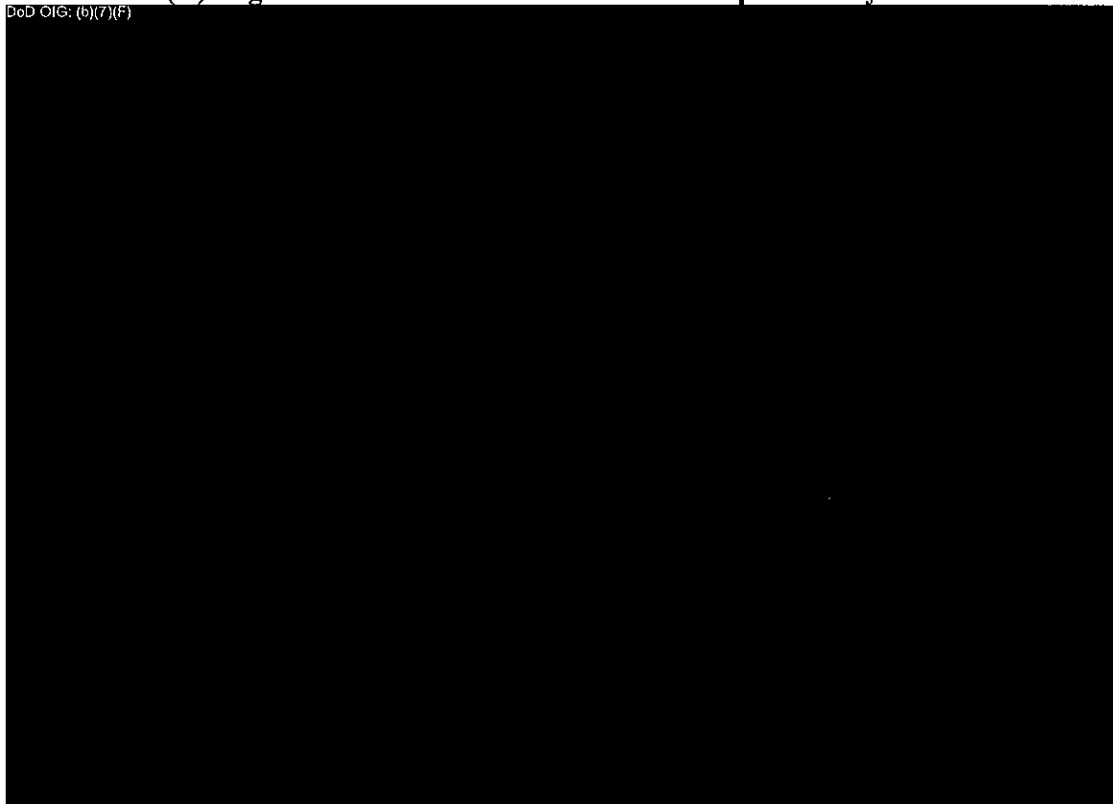
(U) Our objective was to determine whether DoD adequately administered and managed private security contracts during the drawdown of U.S. forces from Iraq. Specifically, we evaluated contract requirements and related security control measures and procedures for access to U.S. military installations in Iraq. We focused on the primary concern of safety and security at U.S. installations in Iraq and limited our review to the contractors' performance in meeting security requirements outlined in the contracts. We did not review other financial aspects of contract administration and oversight. We identified concerns related to the future role of private security contractors (PSCs) in Iraq; therefore, we evaluated the private security contract requirements for the Office of Security Cooperation-Iraq (OSC-I) enduring sites. See Appendix A for a discussion of our audit scope and methodology.

(U) Background

(U) DoD uses PSCs for static base defense and mobile security. In Iraq, static base defense includes manning guard towers and entry control points and providing security for specified internal locations, such as dining facilities and base exchanges. Mobile security includes convoy escorts and personnel protection details. For this audit, we reviewed static base defense only. As of May 2011, PSCs provided security at 33 U.S. installations in Iraq as shown in Figure 1.

(U) Figure 1. Installations With PSCs in Iraq as of May 2011

DoD OIG: (b)(7)(F)



Source: Audit Team

(U) Theater Wide Internal Security Services Contract

(U) DoD contracted for PSC services in Iraq through task orders placed against the Theater Wide Internal Security Services (TWISS) multiple award contracts. The TWISS contracts are indefinite-delivery, indefinite-quantity contracts, and were awarded to four companies (Triple Canopy, EOD Technology [EODT], Torres, and Special Operation Consulting [SOC]). As of May 2011, approximately \$582 million was obligated against the TWISS contracts. See the below table for a list of the TWISS contracts, task orders, and obligations.

(U) Table. TWISS Contracts, Task Orders, and Obligations

Contractor	Contract Number	Task Orders	Obligations
Triple Canopy	W91GDW07D4022	14	\$ 99,262,193.11
EODT	W91GDW07D4027	13	\$ 128,304,089.02
EODT	W91GDW09D4029	11	\$ 13,172,943.35
Torres	W91GDW09D4030	15	\$ 58,407,338.00
SOC	W91GDW09D4031	17	\$ 224,364,069.73
Triple Canopy	W91GDW09D4033	11	\$ 58,424,473.22
Total		81	\$ 581,935,106.43

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(U) The TWISS contracts required the PSCs to provide all labor, weapons, equipment, and other essential resources to supplement security operations in the Iraqi theater and “enforced the respective force protection commander’s security rules and regulations.” The contracts identified the requirements for each specific type of labor, including the amount and frequency of PSC guard training. The contracts also provided information about recruiting and vetting prospective PSC employees, as well as legal jurisdiction of the PSC workforce. The TWISS contracts provided PSC security through the withdrawal of U.S. forces from Iraq. As the enduring installations transition to the OSC-I between October 2011 and December 2011, PSC security services will be provided by the Security Support Services-Iraq (SSS-I) contracts.

(U) Responsible Organizations

(U) Several DoD organizations are responsible for the development, management, and oversight of the PSC contracts. Those organizations include the U.S. Central Command (USCENTCOM), U.S. Forces-Iraq (USF-I), USCENTCOM Joint Theater Support Contracting Command (C-JTSCC), and Defense Contract Management Agency-Iraq (DCMA-I).

(U) U.S. Central Command

(U) USCENTCOM is responsible for developing and issuing policies, directives, instructions, and other forms of guidance that direct the use of PSCs. The guidance includes the rules for the use of force (RUF), which dictate when the PSCs are authorized to use deadly force in response to threats. While the use of deadly force is authorized in self defense or the defense of others without a graduated response, the RUF requires the PSCs to follow a graduated response in other situations. A graduated response requires the PSCs to give verbal and visual warnings, demonstrate the intent to use their weapons, and attempt to physically prevent access. Only after following these steps are the PSC guards authorized to use deadly force.

(U) U.S. Forces-Iraq

(U) Before December 2011, the USF-I was the USCENTCOM subordinate command responsible for U.S. military operations in Iraq. USF-I issued security-related operations orders based on USCENTCOM direction, gathered intelligence, and other military guidance. The operations orders were disseminated through the division level to the Base Defense Operations Center (BDOC) at each Iraq installation. The BDOC was responsible for installation security and could alter the security requirements, based upon the threat level. BDOC officials coordinated with the PSCs to fulfill security protection requirements.

(U) USCENTCOM Joint Theater Support Contracting Command

(U) C-JTSCC provided operational contracting support for U.S. forces in Iraq. C-JTSCC developed and awarded the PSC contracts, but delegated the contracts administration and oversight duties to DCMA-I.

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(U) Defense Contract Management Agency–Iraq

(U) DCMA is the DoD component that works directly with Defense suppliers to help ensure that DoD, Federal, and allied Government supplies and services are delivered on time, at projected cost, and meet all performance requirements. DCMA-I provided PSC contract administration and oversight to ensure that the contractor complied with contract requirements and USCENTCOM guidance and also ensured that the U.S. Government fulfilled its contract obligations.

(U) Review of Internal Controls

(U) DoD Instruction 5010.40, “Managers’ Internal Control Program (MICP) Procedures,” July 29, 2010, requires DoD organizations to implement a comprehensive system of internal controls that provide reasonable assurance that programs are operating as intended and to evaluate the effectiveness of the controls. We did not identify any internal control weaknesses related to the management and oversight of the two PSCs we reviewed. The internal controls were in place and operating as intended. At both sites visited, the contracting officer representatives (CORs) and DCMA-I quality assurance representatives performed monthly reviews of the contractor’s performance, and these inspections were sufficient to ensure the contractor was performing as required by the contract. Therefore, the U.S. military officials’ ability to provide additional security during periods of heightened threat mitigated the security risks related to the inability of the PSC guards to surge when required. However, after the withdrawal of U.S. forces from Iraq, if a surge is necessary, the PSCs’ inability to adjust to threat levels will be a security weakness. The recommendation in this report could help prevent this weakness from occurring. We will provide a copy of this report to the senior officials responsible for internal controls in the U.S. Central Command and the U.S. Embassy Iraq.

(U) Finding A. DoD Oversight of Private Security Contractors in Iraq Was Sufficient

(U) DoD officials adequately administered and provided oversight of PSCs at Victory Base Complex and Forward Operating Base Hammer. Specifically, CORs, BDOC personnel, and DCMA-I officials adequately monitored the PSCs performance to ensure that the contractors were in compliance with contractual and BDOC-established security requirements, security control measures, and procedures for access to U.S. military installations in Iraq. In addition, USF-I adequately planned for the use of PSCs during the withdrawal of U.S. forces from Iraq. As a result, we identified only minor concerns related to training requirements and weapons qualifications.

(U) Compliance With Contract Requirements

(U) The PSCs at Victory Base Complex and Forward Operating Base Hammer complied with contract requirements for performance. Specifically, the contract and associated task orders contained requirements for the development of standard operating procedures (SOPs), guard training, and manning tables outlining the positions and duties of the guards. At both bases, PSC personnel developed SOPs that identified duties and explained expectations for each work task. PSC personnel also performed all contract-required training. During our site inspections, we did not identify any deviance from the manning requirements or duties performed at the guard towers and Entry Control Points (ECPs).

(U) The PSCs at Victory Base Complex and Forward Operating Base Hammer complied with contract requirements for performance.

(U) Standard Operating Procedures

(U) The contract and task orders required the contractor to develop SOPs that cover vehicular screening and entry control procedures. We reviewed the SOPs and determined they were reasonable and compliant with contractual terms and conditions. The SOPs at Victory Base Complex and Forward Operating Base Hammer included specific instructions for the PSC guards at the perimeter towers and ECPs. The perimeter tower SOPs detailed the responsibilities performed at each tower, the place of performance, the weapons and communication equipment needed, weapon conditions, RUF requirements, and expected guard reaction to indirect fire. The ECP SOPs detailed the responsibilities performed at the ECP, the equipment ECP personnel should have at the ECP and on their person, weapon conditions, RUF, procedures for personnel searches, and procedures for vehicle searches.

(U) PSC Training

(U) The contracts outlined required training for the PSCs, including instructions on first aid, emergency response procedures, the Law of Armed Conflict, RUF, prevention of sexual harassment, General Order Number 1, Trafficking in Persons, and weapons training and qualification. In most cases, PSC personnel ensured that security guards received training in accordance with contractual terms and conditions.

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(U) During our review of a statistical sample of 147 training records at Victory Base Complex, we found no major concerns, and identified no more than 10¹ of the ex-patriot guards with expired training. We did not identify any third-country national guards with expired training. We identified one ex-patriot and four third country nationals without a current weapon qualification. We did not project the sample results for the weapons qualification because not all positions require PSCs to carry a weapon. We viewed the expired training to be a minor administrative concern, and during the audit, contractor personnel took immediate action to ensure the PSC guards took the required training and qualified on their weapons. Finally, we identified no more than 21 ex-patriots and no more than 91² of the third-country nationals who are missing personnel files.

(U) We reviewed the files for all 11 ex-patriots and 154 third-country nationals at Forward Operating Base Hammer. We identified two, third-country nationals with expired weapons qualifications. However, not all positions require the guard to carry a weapon, so we viewed this as a minor problem. We were unable to determine if 1 ex-patriot and 78 third-country nationals were current in their Trafficking in Persons training because of issues identifying the exact date the training was administered. We viewed the potentially expired training as a minor administrative concern which was addressed during the audit. The PSC manager stated that the Trafficking in Persons training would be provided to ensure training was up to date.

(U) Manning of Towers and ECPs

(U) We observed security guards effectively performing their duties at perimeter towers and ECPs on Victory Base Complex and Forward Operating Base Hammer. After reviewing the contracts and SOPs for each PSC, we created a checklist to use in inspecting the perimeter towers and ECPs at both bases. Because of the high security threat and the risk of impeding security operations, we could not review all areas of the ECPs. However, we reviewed required documents and observed equipment in the perimeter towers, along with security control measures and procedures for access to the U.S. military installations at the ECPs. We also verified that the PSCs submitted manning reports before placing guards on duty as required by the contract.

(U) Adequate Government Oversight

(U) We found that the COR, BDOC personnel, and DCMA-I officials performed adequate oversight of PSCs. The oversight included inspections performed by the COR and BDOC personnel, and quality assurance reviews performed by DCMA-I officials. The inspections and reviews covered all aspects of the PSCs' performance and included reviews of armed contractor documentation requirements, performance at ECPs and towers, daily manning reports, and inspections of weapons and ammunition. The COR and

(U) The inspections and reviews covered all aspects of the PSCs' performance...

¹ (U) See Appendix C for a full discussion of the statistical sample of the 10 ex-patriots with expired training.

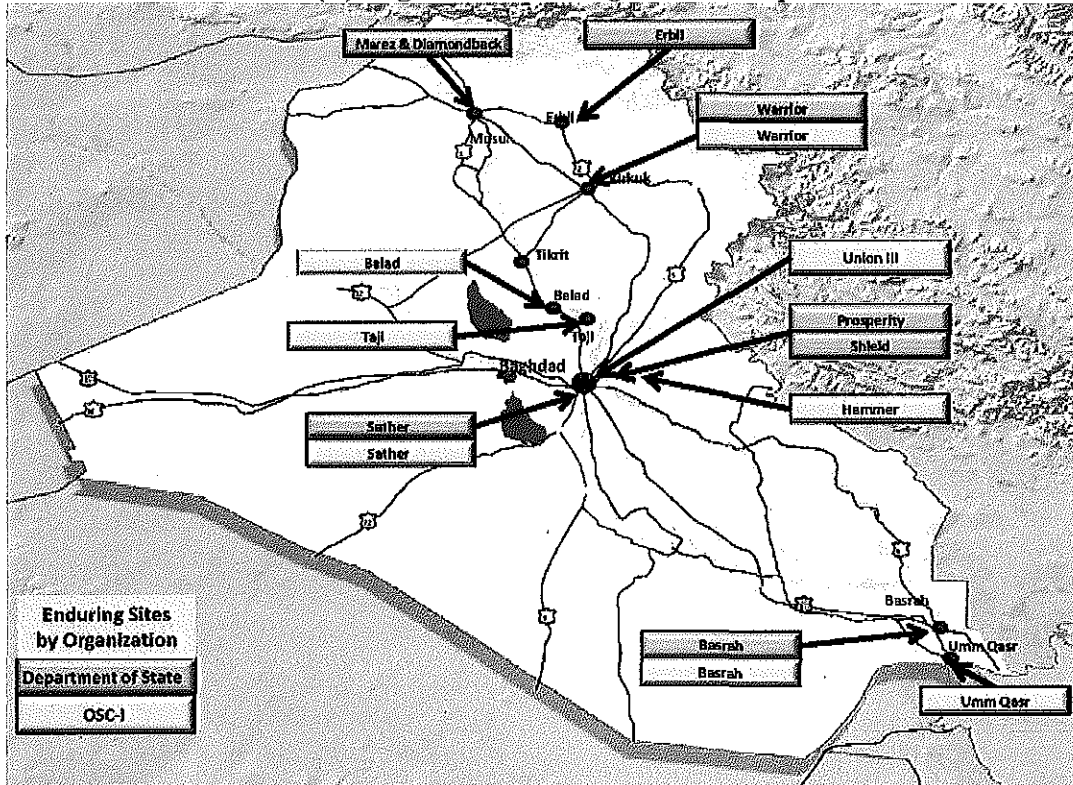
² (U) See Appendix C for a full discussion of the statistical sample of the 21 ex-patriots and 91 third-country nationals missing personnel files.

(U) BDOC personnel submitted inspection results to DCMA-I officials for review. At Victory Base Complex, the COR's primary duty was to review and inspect PSCs, and this enabled him to perform extensive reviews of the PSC's performance and conduct.

(U) Use of PSCs During Iraq Drawdown

(U) USF-I officials adequately planned for the use of PSCs during the withdrawal of U.S. forces from Iraq. According to the security agreement between the U.S. Government and the Government of Iraq, U.S. forces will transition out of Iraq by December 2011. While the majority of installations currently occupied by the U.S. forces will be turned over to the Government of Iraq, a few installations, called enduring sites, will remain under the control of the OSC-I and the U.S. Department of State. According to C-JTSCC contracting officials, the manner in which security is provided during the drawdown of U.S. forces at each location will be based on the future status of the installation. Figure 2 identifies the enduring sites.

(U) Figure 2. Enduring Sites in Iraq



Source: Audit Team

(U) Non-Enduring Sites

(U) At sites to be transferred to the Government of Iraq, all U.S. property, personnel, contractors, and contractor property must be removed or accounted for before the transfer of the installation. According to C-JTSCC contracting officials, PSC services will be terminated in the final few days or weeks before the transfer, during which time the installation will be secured by U.S. military personnel. The C-JTSCC contracting official

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(U) stated that this will maintain the level of security required to protect the U.S. Government and contractor personnel and assets while allowing the PSCs sufficient time to remove their equipment and personnel before the transfer of the installation.

(U) OSC-I Enduring Sites

(U) OSC-I will provide training and advisory services to the Iraqi military and police after the withdrawal of U.S. forces in Iraq. For the OSC-I enduring sites, which will remain under DoD management, PSCs will continue to provide perimeter and internal security services under new contracts. Although the new contracts have been awarded, as of May 19, 2011, the task orders were not issued and it is not known if the present PSCs will continue to provide security at these sites or if there will be a new contractor. C-JTSCC officials stated that if there is a change in PSC, there will be a period of overlap between the incumbent and incoming contractors. C-JTSCC officials stated that the transition period is intended to avoid disruption in security services.

(U) Department of State Enduring Sites

(U) U.S. military sites transferring from DoD to Department of State will be handled in a similar manner to the OSC-I locations. However, according to C-JTSCC officials, there may be challenges regarding the level of security services provided under Department of State management. C-JTSCC contracting officials stated that the timeline for the transfer from DoD to the Department of State may slip. According to DoD officials, the current PSC contracts can be adjusted to accommodate for this delay.

(U) Summary

(U) The PSCs were aware of their contractual requirements and worked to meet these requirements. While we identified minor problems with training requirements and weapons qualifications, these represented approximately 2 percent of the files we reviewed. We believe the low number of problems in the personnel files is directly attributable to the relationship demonstrated between PSC managers and DoD officials performing oversight. Throughout our review, we noticed examples of PSC managers working with the BDOCs, CORs, and DCMA-I quality assurance representatives to ensure that contract requirements were met and the security services provided aligned with the security requirements established by the BDOCs. When changes were necessary, the PSCs worked with DoD officials to make the required adjustments. We did not identify any major areas of noncompliance in the PSC performance or DoD oversight of the TWISS contracts we reviewed.

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(U) Finding B. Private Security Contractors May Not Deter Attacks on OSC-I Enduring Sites

~~(S)~~ The PSC guards did not always deter insurgents from attacking military installations in Iraq, as the security requirements in the private security contract were not adequate. Specifically, U.S. military commanders at 5 of 30 installations³ in Iraq using PSC guards supplemented the PSC guards providing perimeter security with military guards in times of heightened threats. Also, PSC guards did not return fire on insurgents during two separate attacks. This occurred because contract restrictions and international agreements limited the ability of the PSCs to react to threats, specifically:

- (U) the contracts limited the number of PSC guards for each installation and did not allow for a surge capability,
- (U) contract clauses and international agreements placed restrictions on when and how PSC guards can use their weapons in response to threats, generally requiring a graduated force response to threats, and
- (U) international agreements made the PSCs subject to Iraqi jurisdiction for acts considered to be criminal.

(U) While U.S. forces were in Iraq, military members supplemented the PSCs and mitigated these security concerns. However, after the U.S. military forces withdrew from Iraq in December 2011, the PSC guards became the primary deterrent to prevent attacks on the enduring sites. Without the military presence, the PSCs may not be able to deter attacks on the OSC-I enduring sites, and the SSS-I contracts⁴ further limits the guards' deterrence by removing the responsibility of the PSC guards to respond to attacks. As a result, U.S. Government and contractor personnel and assets will likely be at an increased risk.

(U) Contractors' Role Under the TWISS Contracts

(U) While the PSCs' role under the TWISS contracts is to supplement and augment BDOC established security activities at U.S. installations in Iraq, there have been instances in which military commanders determined that military units were needed to supplement the PSCs to provide adequate security for the installation. These instances included periods of heightened threat and direct attacks at one installation.

³ ~~(S)~~ Only 30 of the 33 military commanders responded to our questionnaire related to military members supplementing the PSC guards.

⁴ (U) The SSS-I contracts will be used to provide security at the OSC-I enduring sites in Iraq.

(U) PSCs Require Augmentation During Periods of Heightened Threats

(S) U.S. military commanders at 30 of the 33 installations with PSC guards, responded to our questionnaire on their performance. According to the responses received to our questionnaire, the military commanders at five of these installations deemed it necessary to supplement the PSC guards with military units in times of heightened threats. According to BDOC personnel, the contracts limit the ability of PSCs to respond to changing threat levels. While the contracts had some flexibility in the distribution of PSC guards, the authorized manning levels and requirements were fixed and could not be altered without contract modification. Therefore, BDOC personnel could not alter the total number of PSC guards at each installation. When the BDOC determined that the threat level increased sufficiently to warrant additional perimeter PSC guards, the only options were to DoD OIG: (b)(7)(F), or to supplement with U.S. military forces.

(U) Contractors Did Not Return Fire on Insurgents

(S) While the majority of attacks on U.S. installations were indirect fire, there were direct attacks on the PSC guards. Specifically, insurgents launched attacks using long range rockets and mortars, which the PSC guards cannot defend against. On January 4, 2011, and March 20, 2011, attacks at Joint Security Station (JSS) Loyalty, insurgents fired rocket propelled grenades at guard towers, causing damage to the towers and injury to the PSC guards. In both instances, the PSC guards did not return fire on the insurgents.

(S) On January 4, 2011, and March 20, 2011, attacks at Joint Security Station (JSS) Loyalty, insurgents fired rocket propelled grenades at guard towers... In both instances, the PSC guards did not return fire on the insurgents.

(S) During both attacks, the PSC guards immediately took cover and were found on the lower level of the guard towers. In the first attack, the guards stated that they did not have time to prepare their weapons for firing. Military officials questioned whether the PSC guards would return fire, even if they had time to prepare. Officials also stated that the PSC guards are familiar with the RUF and aware that they would be subject to Iraqi jurisdiction if they fired their weapon even if in self defense. Military officials stated that they believed this caused the guards to hesitate firing their weapons, and they viewed the PSC guards as only an "early warning system" that would report attacks or suspicious individuals. As a result, U.S. military personnel were used to augment the PSCs in guarding the installation.

(S) On April 19, 2011, the administrative contracting officer issued a letter of concern to the PSC requiring changes to the JSS Loyalty SOPs. According to the JSS Loyalty BDOC, the SOPs in place at the time of the attacks instructed the guards to take cover when attacked and report the attack to the BDOC. The letter of concern instructed the PSC to change the SOPs to require the guards to return fire, in accordance with the RUF, when attacked.

(U) Limitations on Contractors' Response

(U) Restrictions and limitations in the contracts and international agreements limit the response of the PSCs to changing security needs and threats. The contracts restrict the PSC guards' ability to use force in response to threats and limit the flexibility in the number of guards available to manage changes in the manning tables as threat levels change. Specifically, the contracts place limits on the number of personnel the PSC is authorized to employ, reducing their ability to respond to changes in threat levels. In addition, PSC guards follow the RUF which places restrictions on when they are allowed to fire their weapons, and international agreements place the PSC guards under Iraqi jurisdiction for crimes, which may cause the guards to be hesitant to return fire.

(U) Number of PSC Guards Allowed

(U) The task order performance work statement (PWS) of the TWISS contracts outlines the types of posts and operating hours, and the required manning for day and night operations. Although the task order PWS stated that because of mission dynamics the U.S. Government anticipates an unknown level of growth in the amount of contracted security services required, there is no capability for the PSC guard force to surge in times of heightened threat. According to a PSC official, he could adjust the manning requirements by moving PSC guards around as security operations dictate. However, this could only be done on a temporary basis as the total number of PSC guards does not change. To increase the number of PSC guards at an installation, the administrative contracting officer should negotiate a surge capability with the contractor and issue a contract modification. While U.S. military forces remained in Iraq, they were used to provide additional security during periods of heightened threat. When these forces drawdown, the PSCs will need to have the flexibility in manning to respond to periods of heightened threat. While we are not making specific recommendations for the TWISS contracts, the recommendation in this report could prevent security weaknesses under the SSS-I contracts at OSC-I enduring sites.

(U) RUF Require a Graduated Response

~~(S)~~ According to the TWISS contract, under the RUF, the PSC guards may use deadly force "in self-defense or defense of others when there is a reasonable belief of imminent threat of death or serious bodily harm." However, under other situations, they must use a graduated force response. A graduated force response includes giving a verbal warning ("Shout"), showing their weapons and demonstrating an intent to use them ("Show"), physically detaining or otherwise preventing an individual from gaining access to the installation ("Shove" – not applicable to the tower guards), and only after these prior efforts are the guards allowed to fire their weapons ("Shoot"). Also, under the RUF, PSC guards are not allowed to fire warning shots.

~~(S)~~ The rules discussed above could hinder PSC guards' response to potential attacks because the imminent threats were not clearly defined in the contracts. For example, according to a PSC official, if tower guards identified a person with a rocket propelled grenade who was not actively aiming at the installation, the PSC guards were not allowed to shoot at the suspect in accordance with the RUF. Instead, the PSC guards should report the situation to the BDOC and continue to monitor the potential threat. Later on, if the

(S) suspect aimed a rocket propelled grenade at the tower or the installation, the situation became an imminent threat. The PSC guards can then fire upon the attacker in self-defense or in defense of others.

(S) In another example, if an individual scaled a perimeter wall unarmed, he might not represent an immediate threat. However, his bulky dress could indicate that he is a suicide bomber. Because it is impractical to define every instance that would be considered an imminent threat, the PSC guards must determine whether an individual poses an imminent threat, and whether they are required to follow the RUF. The uncertainty of what is considered an imminent threat may cause the guards to delay their response to an attack.

(U) Contractor Guards Subject to Iraqi Jurisdiction

(U) According to an international agreement between the governments of the United States and Iraq, U.S. military forces and DoD civilians are not subject to Iraqi criminal and civil law while performing normal duties. However, the Iraqi Government has the primary right to exercise jurisdiction over U.S. contractors and contractor employees. According to a PSC official, the PSC guards were aware that if they fired upon Iraqi civilians, they would be subject to Iraqi jurisdiction and could be tried and imprisoned in Iraq. Another senior DoD contracting official also stated that if the PSC guards shot an insurgent on the scene, they could face a trial in Iraqi court. Although we do not have specific examples in which the PSC guards did not return fire because of the fear of Iraqi jurisdiction, military officials expressed concern that this is causing a delay in the PSC guards' response to attacks. While a change to the international agreement is unlikely, by including language in the contracts or task orders requiring the PSC guards to engage insurgents who are attacking the installation and endangering the lives of the PSCs and U.S. Government personnel, this hesitance could be mitigated. Although we are not making a recommendation to specifically address this issue, the recommendation made should mitigate the risk.

(U) Contractors' Ability to Deter Attacks at OSC- I Enduring Sites

(S) Since the drawdown of U.S. military forces from Iraq, PSCs are play an increasingly important role in the security at OSC-I enduring sites. Without the U.S. military as a backup, the PSCs are the primary deterrent against attacks on the OSC-I enduring sites. However, without the flexibility to respond to changing threat levels and to require a defensive response to attacks, the PSC guards will not be able to deter attacks, and U.S. Government and contractor personnel and assets will likely be at an increased risk of terrorist attack.

(S) *Without the U.S. military as a backup, the PSCs will be the primary deterrent against attacks on the OSC-I enduring sites.*

(U) U.S. Military Presence in Iraq After December 2011

(S) In accordance with the agreement between the U.S. Government and the Government of Iraq, U.S. Forces withdrew from Iraq in December 2011. There is a small contingent of U.S. military personnel at the OSC-I sites. However, the military personnel will be responsible for overseeing and administering the ongoing training programs for the Iraqi

(S) Army and Federal Police. Military units are not available to support or augment the PSCs in the defense of the OSC-I sites. The PWS in the SSS-I contracts states that the PSC must maintain flexibility to adjust to changing threat environments. However, excluding the option to adjust the number of PSC guards from the task order, limits the contractor's ability to respond to heightened threat levels.

(S) Military Officials Express Concerns Over Contractor Guards' Response to Attacks

(S) Military commanders expressed concerns regarding the ability of the PSCs to deter attacks on the installations. In the two direct fire incidents at JSS Loyalty, command personnel raised questions concerning the willingness of the contractors to return fire. In the conclusion of the incident report for the first of the direct fire attacks at the installation, the BDOC Commander stated,

(S) the major concern arising from this attack is the culture that is present in the [PSC] organization. A culture of hesitation and even an unwillingness to fire their weapons. There are many examples throughout the SOP that discourages the use of deadly force. This hesitation and weapon posture aided the enemy's successful attack on [Joint Security Station] Loyalty. The mentality needs to be changed if this contract is to be beneficial to United States Forces. Otherwise they are just an early warning system and not the first line of defense for [Joint Security Station] Loyalty.

(S) The JSS Loyalty Battalion Commander stated that without a response to the attacks on the installation, the enemy would be emboldened to continue the attacks. He also expressed concern that the lessons the insurgents were learning through their attacks at JSS Loyalty could be used at other locations.

(S) SSS-Iraq Contracts Further Limit Contractor's Authority

(S) At present, the PSCs providing security at installations in Iraq operate under the TWISS contracts. However, the OSC-I enduring sites will have security provided under the SSS-I contracts, which were signed on May 3, 2011. The new SSS-I contracts contain different requirements than those in the TWISS contracts, specifically in regards to the duties performed by the perimeter security guards. Under the present TWISS contracts, the role of the contractor is to supplement and augment security operations at the installations. The task orders and SOPs expanded on this role, requiring the PSCs to provide assistance in defending the installations. Specifically, the task orders and SOPs required the PSCs to defend the installation from hostile action and return fire when attacked. The SSS-I contracts do not require the same response from the PSC guards. The contracts state that the static (perimeter) guards' duties are to control access to the installation, perform vehicle and personnel searches, and report suspicious persons. The contracts do not mention the defense of the installation. In addition, the SSS-I contracts state that the PSCs are not responsible for safeguarding against direct fire, indirect fire, or terrorist attacks. While U.S. forces were in Iraq, military members supplemented the PSCs and mitigated

(S) *The SSS-I contracts state that the PSCs are not responsible for safeguarding against direct fire, indirect fire, or terrorist attack.*

~~(S)~~ these security issues. As of December 2011, military members are no longer available to supplement the PSC guards. Without the U.S. military as support, the PSCs must be ready to respond to the changing threat levels in order to ensure they can accomplish their mission. However, with the requirement to defend the installations against attacking insurgents removed from the new SSS-I contracts and the lack of military members to show force, there will be no action taken to deter insurgents from attacking the installations. This will exacerbate the security risks at the enduring sites and will put U.S. Government and contractor personnel and assets at increased risk of terrorist attack. A PSC requirement to defend the installation is proper, however, only to the extent that it is consistent with the PSCs right of self defense and the defense of others.

~~(S)~~ On June 6, 2011, insurgents again attacked JSS Loyalty. The attack was launched from a truck parked outside of an Iraqi Federal Police base that is adjacent to JSS Loyalty. The insurgents fired 7, 240 millimeter improvised rockets at the installation, each carrying 150 to 200 pounds of explosives. Of the 7 rockets fired, 5 struck the installation killing 5 U.S. soldiers and wounding 17. The Iraqi Federal Police fired at the insurgents from an observation tower, driving them off. However, if a similar attack took place at an OSC-I enduring site in front of the PSC guards, according to the new SSS-I contract, the guards would not be required to return fire on the insurgents. The only contractually-required duty would be to report the incident to the installation security office.

(U) Recommendations, Management Comments, and Our Response

(U) B. We recommend the Commander, U.S. Central Command modify the Security Support Services-Iraq contract to:

(U) 1. Include a surge capability to allow private security contractors to respond to changing threat levels,

(U) U.S. Army Contracting Command-Rock Island Comments

(U) The Executive Director, U.S. Army Contracting Command-Rock Island, responding for the Commander, U.S. Central Command, did not indicate agreement or disagreement with the recommendation. Army Sustainment Command: (b)(5)

~~(S)~~ Our Response

~~(S)~~ The comments of the Executive Director, U.S. Army Contracting Command-Rock Island were partially responsive to part B.1 of the recommendation and did not fully address the intent of the recommendation. Although U.S. combat forces have departed, Iraq remains a hostile environment and PSCs operating in that environment are the primary deterrent against attacks on U.S. Government personnel and assets. The PWS for the

~~(S)~~ SSS-I contracts states that the PSCs must maintain flexibility to adjust to changing threat environment. If the option to adjust the number of PSC guards is not included in the task orders, the contractors' ability to maintain flexibility and respond in times of heightened threats will be limited. Excluding a surge option in a hostile environment could lead to great risk on both the PSC and U.S. Government personnel and assets in Iraq. Planning for a surge capability in the event of heightened threats could help establish a response process to dissuade attackers from committing hostile acts against U.S. Government personnel and assets in Iraq. We request that the Commander, U.S. Central Command reconsider his position and provide comments to the final report on recommendation B.1.

(U) 2. Provide additional guidance and examples of situations and events that should be considered an imminent threat.

(U) U.S. Army Contracting Command-Rock Island Comments

(U) The Executive Director, U.S. Army Contracting Command-Rock Island did not respond to part B.2 of the recommendation.

(U) Our Response

(U) We request that the Commander, U.S. Central Command provide comments in response to part B.2 of the recommendation to the final report.

(U) 3. Clarify the guards' responsibility to engage the enemy when attacked.

(U) U.S. Army Contracting Command-Rock Island Comments

(U) The comments of the Executive Director, U.S. Army Contracting Command-Rock Island were partially responsive to part B.3 of the recommendation. Army Sustainment Command. (b)(5)

(U) Our Response

(U) The Executive Director's comments were partially responsive, and did not fully address the intent of our recommendation, which was not to encourage performance of inherently governmental functions, but to clarify the guards' responsibility for the safety of U.S. Government personnel and assets in Iraq.

~~(S)~~ The PWS of the SSS-Iraq contracts includes a clear distinction between the PSCs responsibilities and inherently governmental functions. The PWS states that contractors, "are not, under any circumstances, to be involved in or engage in offensive operations or use tactics that provide the appearance of offensive operations." This statement addresses the intent of the OMB Letter 11-01, which states that contractors are not to engage in combat or security operations. However, OMB Letter 11-01 also states that contractors'

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~~(S)~~ prohibition from combat "should not be interpreted to preclude contractors taking action in self-defense or defense of others against imminent threat of death or serious injury." The PWS for the SSS-I contracts further states that "the contractor shall only be required to deploy a level of physical security protection necessary to maintain access control of the sites designated, and is not responsible for safeguarding against LEVEL 1 threats (for example, direct fire, terrorist attacks, and indirect fire)." This statement deviates from the intent of the SSS-I contracts and will create uncertainties in PSC's response technique, ability to respond to life endangering threats, or to take appropriate action when in imminent danger.

(U) In addition, PSCs are armed guards operating in an environment with constant threat of direct fire, terrorist attacks, and indirect fire. Clarifying the guards' responsibilities could help establish control and accountability if the guards take action in self defense, response to imminent danger, actions to limit installation access to authorized personnel only, and plans to protect U.S. Government personnel. Therefore, we ask the Commander, U.S. Central Command, provide comments to the final report on Recommendation B.3.

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(U) Appendix A. Scope and Methodology

(U) We conducted this performance audit from January 2011 through December 2011 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

(U) To accomplish the audit objectives, we limited our review to the contractor performance in meeting security requirements. We did not review other financial aspects of contract administration. We identified 6 TWISS contracts and 81 task orders used to provide PSC services at U.S. installations in Iraq. We reviewed the contracts to determine whether they contained required Federal Acquisition Regulation clauses, and judgmentally selected two sites at which we tested contractor compliance with contract and base defense requirements, including training, SOP development, and security control measures. We chose to visit Victory Base Complex and Forward Operating Base Hammer based on the number of PSC guards and the company providing the service. Victory Base Complex had the largest number of PSC guards and Forward Operating Base Hammer had a different PSC company. We evaluated the management and oversight of PSCs at the two sites visited. During our site visits, we reviewed PSC personnel records to determine whether the PSC guards had received the required training and certifications. At Victory Base Complex, we relied on a nonjudgmental sample to review the personnel files.* At Forward Operating Base Hammer, we reviewed all of the personnel files for the PSC employees. We developed a checklist of required activities for ECPs and towers, and performed site inspections to ensure the required work was being performed. We reviewed manning documents to ensure that the PSC guards required at each location were present and performing the duties assigned. We also visited organizations associated with the management and oversight of PSCs (see the table below for a listing of locations visited).

(U) Table. Listing of Site Visits

Site Location	Entities Visited
Victory Base Complex	BDOC
	COR
	Administrative Contracting Officer
	PSC Management
Forward Operating Base Hammer	BDOC
	COR
	DCMA Quality Assurance
	PSC Management

* (U) See Appendix C for a full discussion of the statistical sample

(U) We interviewed DCMA-I officials and CORs to determine the level of oversight performed in regards to the PSCs' performance, and obtained and reviewed records of this oversight, including site inspection reports, manning reports, and site visit calendars. We met with force protection officials within USF-I and the individual installations to discuss security requirements. To determine the number of installations that supplemented the PSC guards with military units, we sent a questionnaire to all 33 installations that had PSCs providing security services. Finally, we met with C-JTSCC officials to discuss the drawdown of U.S. forces from Iraq and the effect this will have on the PSCs.

(U) We performed an additional site visit to JSS Loyalty after the direct fire incidents at that installation. During that site visit, we met with command personnel, the BDOC commander, and PSC representatives. We obtained and reviewed incident reports and performed inspections of the towers that had come under attack.

(U) We obtained and reviewed policies and procedures for the award, management, and oversight of private security contracts. We also reviewed the following DoD instructions, orders, and other guidance related to the management, oversight, and performance of PSCs:

- (U) Federal Acquisition Regulations and Defense Federal Acquisition Regulation Supplement;
- (U) DoD Instruction 5200.8-R, "Physical Security Program," April 9, 2007;
- (U) DoD Instruction 3020.41, "Contractor Personnel Authorized to Accompany the U.S. Armed Forces," October 3, 2005;
- (U) "Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq," November 17, 2008; and
- (U) Multinational Force-Iraq Fragmentary Order 09-109, "Armed Contractors/DoD Civilians and PSC," March 7, 2009.

(U) Use of Computer-Processed Data

(U) We did not use computer-processed data during this audit.

(U) Use of Technical Assistance

(U) The DoD Office of Inspector General Quantitative Methods and Analysis Division (QMAD) assisted with the audit. For our review of the PSC compliance with contract requirements at Victory Base Complex, the QMAD developed the sample size and selected the sample population of contractors for review. We reviewed the personnel files for this sample to determine if the personnel files were complete and the contractor guards had received the required training. See Appendix C for detailed information about the work QMAD performed.

(U) Appendix B. Prior Coverage

(U) During the last 5 years, the Government Accountability Office (GAO), the Special Inspector General for Iraq Reconstruction (SIGIR), and U.S. Agency for International Development (USAID) have issued 13 reports discussing the use of private security contractors at U.S. military installations in Iraq. Unrestricted GAO reports can be accessed over the Internet at <http://www.gao.gov>. Unrestricted SIGIR reports can be accessed at <http://www.sigir.mil/directorates/audits/auditReports.html>. Unrestricted USAID reports can be accessed over the internet at <http://www.usaid.gov/oig/public/fy09rpts/fy09rpts1.html>

(U) GAO

- (U) GAO Report No. GAO-09-351, "DoD Needs to Develop and Finalize Background Screening and Other Standards for Private Security Contractors," July 2009
- (U) GAO Report No. GAO-08-966, "DoD and State Department Have Improved Oversight and Coordination of Private Security Contractors in Iraq, but Further Actions Are Needed to Sustain Improvements," July 2008
- (U) GAO Report No. GAO-08-572T, "DoD Needs to Reexamine Its Extensive Reliance on Contractors and Continue to Improve Management and Oversight," March 11, 2008
- (U) GAO Report No. GAO-06-865T, "Actions Still Needed to Improve the Use of Private Security Providers," June 13, 2006

(U) SIGIR

- (U) SIGIR 11-015, "Gulf Region District Is Adjusting Its Aegis Security Contract Requirements for Changes in Reconstruction Activities in Iraq," April 27, 2011
- (U) SIGIR 09-023, "Investigation and Remediation Records Concerning Incidents of Weapons Discharges By Private Security Contractors Can Be Improved," July 28, 2009
- (U) SIGIR 09-022, "Field Commanders See Improvements in Controlling and Coordinating Private Security Contractor Missions In Iraq," July 28, 2009
- (U) SIGIR 09-019, "Opportunities To Improve Processes For Reporting, Investigating, and Remediating Serious Incidents Involving Private Security Contractors In Iraq," April 30, 2009
- (U) SIGIR 09-014, "Security Forces Logistics Contract Experienced Cost, Outcome, and Oversight Problems," April 26, 2009
- (U) SIGIR-09-017, "Need to Enhance Oversight of Theater-Wide Internal Security Services Contracts," April 24, 2009

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(U) SIGIR-09-010, "Oversight of Aegis Performance on Security Services Contracts in Iraq with the Department of Defense," January 14, 2009

(U) SIGIR-09-005, "Agencies Need Improved Financial Data Reporting For Private Security Contractors," October 30, 2008

(U) USAID

(U) Audit Report No. E-267-09-002-P, "Audit of USAID/IRAQ'S Oversight of Private Security Contractors In Iraq," March 4, 2009

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(U) Appendix C. Statistical Sample

(U) Population

(U) The universe consisted of 229 ex-patriots and 1,806 third-country nationals employed by the PSC at Victory Base Complex.

(U) Measures

(U) We used an attribute measure of correct or incorrect that is their file was or was not with them and whether or not the personnel files contained records of the required training.

(U) Parameters

(U) We used a 90-percent confidence interval.

(U) Sample Plan

(U) We used a simple random sample design. The QMAD analysts provided a random sample of 60 ex-patriots and 87 third-country nationals for review. We reviewed the personnel files for the individuals selected in the sample to determine whether the training required by the contract was completed, timely, and identifiable in the personnel files.

(U) Analysis and Interpretation

(U) According to the PSC manager, not all of the positions require the guards to carry weapons. Because of the difficulty in identifying which positions require weapons and identifying the individual PSC guards manning those positions, we determined it would not be an effective use of resources to match the individuals against positions requiring weapons. During our review, we found one ex-patriot and four third-country nationals who did not have a current weapon qualification.

(U) Based on our analysis of the personnel files, we identified one ex-patriot file that did not contain records of the required training. Projecting this to the population, we are 90 percent confident that there are no more than 10 (or 4.6 percent) of the ex-patriots with deficient training records in the population of 229. We did not identify any third-country nationals that were missing training records. We discussed the training records with the PSC managers, who agreed to take immediate action to ensure the files were complete.

(U) We were not able to review three files for the ex-patriots. Projecting this to the population, we are 90 percent confident that there are no more than 21 (or 9.2 percent) of the individuals with missing files in the population of 229. Of the three sample items missing, one file was being transferred between agencies at the time of the review. The second file was taken by the employee when he left the company. The third was taken with the employee while he was on leave. For the third-country nationals, we were not able to review the personnel files for two of the sample items. Projecting this to the

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(U) population, we are 90 percent confident that there are no more than 91 (or 5.1 percent) of the population of 1,806 that are missing personnel files. For the two items in our sample, PSC managers stated the two guards missing files were new employees and the personnel files did not arrive from the PSC's headquarters.

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(U) Appendix D. List of Classified Documents

- ~~(S)~~ "Attacks on Bases, Incident Reports, and Survey Results"
Declassification Date: June 14, 2036
Generated Date: June 14, 2011

- ~~(S)~~ "RPG Attack on USF in COS Loyalty"
Declassification Date: January 5, 2036
Generated Date: January 5, 2011

- ~~(S)~~ "RPG Attack Targeting COS Warrior"
Declassification Date: January 23, 2036
Generated Date: January 23, 2011

- ~~(S)~~ "RPG Attack on COL Loyalty"
Declassification Date: March 20, 2036
Generated Date: March 20, 2011

- ~~(S)~~ "RPG Attack Targeting COL Loyalty"
Declassification Date: April 15, 2036
Generated Date: April 15, 2011

- ~~(S)~~ "IRAM Attack Targeting COL Loyalty"
Declassification Date: June 7, 2036
Generated Date: June 7, 2011

- ~~(S)~~ "Responses to DoDIG Questionnaire"
Declassification Date: June 5, 2036
Generated Date: June 5, 2011

- ~~(S)~~ "Report of Proceedings by Investigation Officer/Board of Officers"
Declassification Date: January 21, 2036
Generated Date: January 21, 2011

- ~~(S)~~ Briefing Charts, "Engineering Excellence in the IJOA U.S. Forces – Iraq, Operation New Dawn"
Declassification Date: January 28, 2036
Generated Date: January 28, 2011

(U) U.S. Central Command Comments



UNITED STATES CENTRAL COMMAND
OFFICE OF THE INSPECTOR GENERAL
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

02 February 2012

MEMORANDUM FOR OFFICE OF THE U.S. DEPARTMENT OF DEFENSE
INSPECTOR GENERAL AUDITOR, JOINT AND SOUTHWEST ASIA
OPERATIONS

SUBJECT: DODIG Draft Report No. D2011-D000JB-0098.000, "DOD Oversight of
Private Security Contractors in Iraq was Sufficient, but Contractors May Not Deter
Attacks on OSC-I Sites.

1. USCENTCOM Comments: The SSS-I contract is currently administered by Rock
Island. C-JTSCC defers the response to ACC-RI. In the ACC-RI memo, Subject: Army
Contracting Command-Rock Island (ACC-RI) Recommendations to DoDIG Report dated
26 Jan 20 12, the SSS-I (contract) Procuring Contracting Officer (PCO) has provided
responses to the DoDIG recommendations in the report.

2. POC is [REDACTED]

CENTCOM. (b)(6)

[REDACTED]

Executive Director Inspector General

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REPLY TO
ATTENTION OF:

CCRC

UNCLASSIFIED

DEPARTMENT OF THE ARMY
ARMY CONTRACTING COMMAND - ROCK ISLAND
1 ROCK ISLAND ARSENAL
ROCK ISLAND, IL 61298-8000

JAN 26 2012

MEMORANDUM FOR Commander, Joint Theater Support Contracting
Command (C-JTSCC), Camp As Sayliyah, APO AE 09898

SUBJECT: Army Contracting Command-Rock Island (ACC-RI)
Recommendations to DoDIG Report

1. Army Contracting Command Rock Island (ACC-RI) received an email from USCENTCOM HQ CCJ4-C (CCJ4-C) on 11 January 2012, requesting that ACC-RI respond to a Department of Defense Inspector General (DODIG) report titled, "DOD Oversight of Private Security Contractors in Iraq was Sufficient, but Contractors May Not Deter Attacks on OSC-I Enduring Sites." The CCJ4-C's email request to ACC-RI included a Memorandum For Record (MFR) from CENTCOM Joint Theater Support Contracting Command (C-JTSCC) Chief of Staff dated 09 January 2012. This MFR stated that "USCENTCOM no longer has jurisdiction in Iraq." The MFR also stated, "The Security Support Services-Iraq (SSS-I) contract is currently administered by Rock Island and falls under the HCA authority of Mr. Mike Hutchison."

2. The MFR incorrectly asserts that USCENTCOM has no authority in Iraq. Commander USCENTCOM has Title 10 United States Code (U.S.C.) authority for Iraq, including but not limited to the authority to contract. USCENTCOM's Title 10 U.S.C. authority to contract is delegated to Rear Admiral Kalathas, Commander C-JTSCC, as Head of Contracting Activity (HCA). In a delegation letter dated 21 October 2011, Rear Admiral Kalathas delegated his HCA authority for contracting to Mr. Michael (Mike) Hutchison, ACC-RI Principal Assistant Responsible for Contracting (PARC). USCENTCOM retains its Title 10 U.S.C. contracting authority and responsibilities despite the delegation to Mr. Hutchison. The SSS-I contract is currently administered by Rock Island, and the SSS-I Procuring Contracting Officer (PCO) has provided a response to the DODIG report recommendations below.

3. Recommendation: Security contracts should include a surge option in order to respond to increased threat levels.

ACC-RI Comment: Army Sustainment Command: (b)(5)
Army Sustainment Command: (b)(5)

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JAN 26 2012

CCRC

SUBJECT: Army Contracting Command-Rock Island (ACC-RI)
Recommendations to DoDIG Report

Army Sustainment Command: (b)(5)

4. Recommendation: Clarify the guards' responsibility to engage the enemy when attacked.

ACC-RI Comment: Army Sustainment Command: (b)(5)
Army Sustainment Command: (b)(5)

Army Sustainment Command: (b)(5)

Army Sustainment Command: (b)(5)

"5. Security provided under any of the circumstances set out below. This provision should not be interpreted to preclude contractors taking action in self-defense or defense of others against the imminent threat of death or serious injury.

(a) Security operations performed in direct support of combat as part of a larger integrated armed force.

(b) Security operations performed in environments where, in the judgment of the responsible Federal official, there is significant potential for the security operations to evolve into combat. Where the U.S. military is present, the judgment of the military commander

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SUBJECT: Army Contracting Command-Rock Island (ACC-RI)
Recommendations to DoDIG Report

JAN 26 2012

should be sought regarding the potential for the operations to evolve into combat.

(c) Security that entails augmenting or reinforcing others (whether private security contractors, civilians, or military units) that have become engaged in combat."

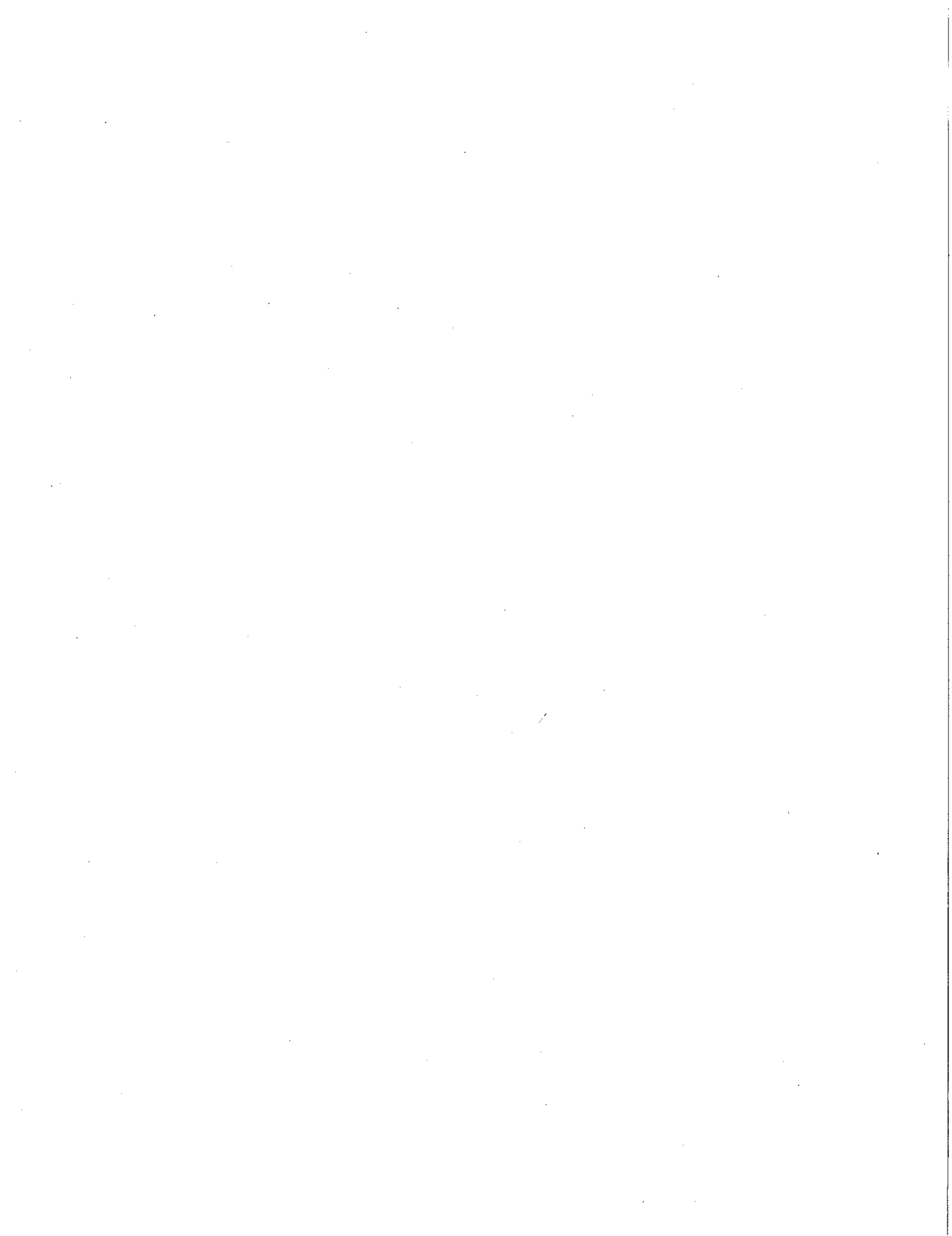
It is ACC-RI's position that contractually authorizing the security contractors to use greater levels of force is likely to result in the contractor providing services that have been defined as inherently governmental.

5. Please contact [REDACTED] [REDACTED] [REDACTED] if you have further questions.

Kristan A. Mendicino
MICHAEL R. HUTCHISON
for Executive Director
Army Contracting Command-Rock Island

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Inspector General
Department of Defense

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