Joint Engineer Contingency Operations (JECO) Committee

21 May 2013

**Moderator:** RADM Charles R. Kubic, P.E., USN (Ret.), Kubic Engineer Group, JECO Vice-Chair, Policy & Doctrine

**Speakers:**
- Col Dan Grey, P.E., USA (Ret.), Louis Berger Group, Chair, JECO Committee
- Doug Horn, SVP, Contingency Operations, KBR
- Charles Mouzannar, Executive Vice President, AMEC
- Deborah Duncan, USACE Middle East District
JECO Mission

• Facilitate discussion among the military services and industry on current joint engineer operations and the issues that need to be addressed for future joint engineer operations.
  – Include Joint Staff, Combatant Command engineers, field commanders, training center commanders, and supporting contractors
  – Facilitate discussion among the Engineer Officer training centers at AFIT, AES, CECOS and the Marine Corps Center of Excellence on training and education of engineer forces to support the combatant commanders.
• The desired end state is the increased relevancy of SAME within the Joint Force and Component Engineer Communities.
Committee Organization

• Chair – COL Dan Grey, USA (Ret.), Louis Berger Group
• Vice Chairs:
  – Joint Engineer Doctrine and Policy:  RADM Chuck Kubic, CEC, USN (Ret.), Kubic Engineer Group
  – Engineer Schools:  LTC Shawn Howley, USA (Ret.), Director, Joint Engineer Operations Course
• Committee Membership
  – Tim O’Rourke, U.S. Army, Joint Engineer Capability Management
  – CAPT Joe Alling, CEC, USN, 1st Naval Construction Division
2013-2014 Committee Goals

• Continue support of Joint Engineer Officer’s Course (JEOC) – Contractors on the Battlefield
• Improve support to Service Engineer Schools
• Expand on today’s session on contract risk allocation and set conditions for improved contractor support for operations
• Expand on Thursday’s workshop to assist in maximizing the effectiveness of the Engineer structure
• Identify opportunities where SAME can support the JOEB
Figure III-16. Notional Operation Plan Phases

Reference: Joint Publication 5-0, Joint Operation Planning, dated 11 August 2011
Six Phased Campaign Plan Structure

Civilian/Interagency Lead

Military Lead

Shape  Deter  Seize Initiative  Dominate  Stabilize  Enable Civil Authority

Goals & Requirements:

- Prepare & Shape the Theater
- Crisis Defined Force Tailoring
- Assure Freedom of Action
- Theater Access Infrastructure
- Apply Dominant Force and Achieve Full Spectrum Superiority
- Establish Security
- Restore Services
- Transfer Authority Redeploy
Contingency Ops Risk Allocation

**Risk Assessment**
- Current
- Recommended

**Government (G)**  
**Contractor (C)**

- Phase II/III
- Phase IV
- Phase V

**Total Risk** = Financial, Technical, Time, Security

*High (H)*  
*Low (L)*
Contingency Ops Risk Allocation

Phase II/III
- Planning: Low (L)
- Construction: High (H)
- Services: Low (L)

Phase IV
- Planning: Low (L)
- Construction: High (H)
- Services: Low (L)

Phase V
- Planning: Low (L)
- Construction: High (H)
- Services: Low (L)

Risk Assessment
- Current Incorrect
- Recommended Correct

Risk Allocation
- Government (G)
- Contractor (C)

*Total Risk = Financial, Technical, Time, Security
Contractor Risks on the Battlefield (Outside the wire perspective)

-Safety/Security: Examples: In Afghanistan LBG has had 216 killed, 327 wounded to date; Expats arrested; Employees kidnapped
- Health
- Financial
- Legal
- Performance evaluations
- Reputation
10. Phasing Model

a. Although the commander will determine the number and actual phases used during a campaign or operation, use of the phases shown in Figure III-17 and described below provides a flexible model to arrange combat and stability operations. Within the context of these phases established by a higher-level JFC, subordinate JFCs and component commanders may establish additional phases that fit their CONOPS. For example, the joint force land component commander (JFLCC) or a subordinate joint task force (JTF) might have the following four phases inside the GCC’s seize initiative phase: deploy, forcible entry, defense, and offense. The JFLCC could use the offense phase as a transition to the GCC’s dominate phase.

b. The six-phase model is not intended to be a universally prescriptive template for all conceivable joint operations and may be tailored to the character and duration of the operation to which it applies.

c. The general phasing construct can be applied to various campaigns and operations. Operations and activities in the shape phase normally are outlined in TCPs and those in the remaining phases are outlined in JSCP-directed contingency plans. While most shaping
activities are contained in the TCP, contingency plans may include shaping activities that must be accomplished to support an operation. GCCs generally use the phasing model to link the pertinent TCP and OPLAN operations and activities.

(1) **Shape (Phase 0).** Joint and multinational operations—inclusive of normal and routine military activities—and various interagency activities are performed to dissuade or deter potential adversaries and to assure or solidify relationships with friends and allies. They are executed continuously with the intent to enhance international legitimacy and gain multinational cooperation in support of defined national strategic and strategic military objectives. They are designed to ensure success by shaping perceptions and influencing the behavior of both adversaries and partner nations, developing partner nation and friendly military capabilities for self-defense and multinational operations, improving information exchange and intelligence sharing, and providing US forces with peacetime and contingency access. **Shape** phase activities must adapt to a particular theater environment and may be executed in one theater in order to create effects and/or achieve objectives in another. Planning that supports most “shaping” requirements typically occurs in the context of day-to-day security cooperation, and CCMDs will nest phase 0 activities and tasks into the TCP. Planners developing contingency plans must identify shaping requirements that can be accomplished within the scope of the TCP’s steady-state activities; however, planners may also identify shaping requirements specific to their plan that would only be implemented in the event of crisis. Other activities can also be performed during phase 0, such as establishing logistics capabilities needed to support phase 1 activities. For example, time and distance challenges may require taking actions or setting the conditions during the shape phase for sustainment to be available should use of military force become necessary.

(2) **Deter (Phase I).** The intent of this phase is to deter undesirable adversary action by demonstrating the capabilities and resolve of the joint force. It includes activities to prepare forces and set conditions for deployment and employment of forces in the event that deterrence is not successful. Once the crisis is defined, these actions may include mobilization; tailoring of forces and other predeployment activities; initial deployment into a theater; increased security cooperation activities; shows of force; deployment of missile defense forces; development and maturation of joint or multinational C2 structures; employment of ISR assets to provide real-time and near-real-time situational awareness; the surge production of foundational intelligence required to employ advanced weapon systems; setting up of transfer operations at en route locations to support aerial ports of embarkation in post-chemical, biological, radiological, and nuclear environments; and development of mission-tailored C2, intelligence, force protection, transportation, and logistic requirements to support the commanders’ CONOPS. Commanders continue to engage multinational partners, thereby providing the basis for further crisis response. Liaison teams and coordination with other agencies assist in setting conditions for execution of subsequent phases of the campaign or operation. Many actions in the **deter** phase build on security cooperation activities from phase 0 and are conducted as part of security cooperation activities. They can also be part of stand-alone operations.

(3) **Seize Initiative (Phase II).** JFCs seek to seize the initiative through the application of appropriate joint force capabilities. In combat operations, this involves executing offensive operations at the earliest possible time, forcing the adversary to offensive
culmination, and setting the conditions for decisive operations. Rapid application of joint combat power may be required to delay, impede, or halt the adversary’s initial aggression and to deny the initial objectives. If an adversary has achieved its initial objectives, the early and rapid application of offensive combat power can dislodge adversary forces from their position, creating conditions for the exploitation, pursuit, and ultimate destruction of both those forces and their will to fight during the dominate phase. During this phase, operations to gain access to theater infrastructure and to expand friendly freedom of action continue while the JFC seeks to degrade adversary capabilities with the intent of resolving the crisis at the earliest opportunity. In all operations, the JFC establishes conditions for stability by providing immediate assistance to relieve conditions that precipitated the crisis.

(4) Dominate (Phase III). The dominate phase focuses on breaking the enemy’s will for organized resistance or, in noncombat situations, control of the operational environment. Success in this phase depends upon outmatching joint force capability at the critical time and place. This phase includes full employment of joint force capabilities and continues the appropriate sequencing of forces into the OA as quickly as possible. When a campaign or operation is focused on conventional enemy forces, the dominate phase normally concludes with decisive operations that drive an adversary to culmination and achieve the JFC’s operational objectives. Against irregular threats, decisive operations are characterized by dominating and controlling the operational environment through a combination of traditional warfare, irregular warfare (with counterinsurgency, foreign internal defense, stability operations, and counterterrorism as subsets), and IO. Stability operations are conducted as needed to ensure a smooth transition to the next phase and relieve suffering. In noncombat situations, the joint force’s activities seek to control the situation or operational environment. Dominate phase activities may establish the conditions for an early favorable conclusion of operations or set the conditions for transition to the next phase.

(5) Stabilize (Phase IV). The stabilize phase is required when there is no fully functional, legitimate civil governing authority present. The joint force may be required to perform limited local governance, integrating the efforts of other supporting/contributing multinational, IGO, NGO, or USG department and agency participants until legitimate local entities are functioning. This includes providing or assisting in the provision of basic services to the population. A significant proportion of this support may require contracted goods and services. JFO support this by synchronization and deconfliction to avoid contractor inefficiency, duplicative spending, and inadvertent funding of adversaries. The stabilize phase is typically characterized by a change from sustained combat operations to stability operations. The purpose of stability operations is to help move a host nation from instability (and particularly the violent conflict that often accompanies increased instability) to increased stability (and reduced violent conflict). This involves comprehensive efforts by the US and its partners to stabilize states in crisis and to build the capacity of fragile states. Planning for rotational deployments and redeployment operations should begin as early as possible and continue through all phases of the operation. Throughout this segment, the JFC continuously assesses the impact of current operations on the ability to transfer overall regional authority to a legitimate civil entity, which marks the end of the phase.
(6) **Enable Civil Authority (Phase V).** This phase is predominantly characterized by joint force support to legitimate civil governance in theater. Depending upon the level of indigenous state capacity, joint force activities during phase V may be at the behest of that authority or they may be under its direction. The goal is for the joint force to enable the viability of the civil authority and its provision of essential services to the largest number of people in the region. This includes coordination of joint force actions with supporting or supported multinational, agency, and other organization participants, and continuing integrated finance operations and security cooperation activities to influence the attitude of the population favorably regarding the US and local civil authority’s objectives. DOD policy is to support indigenous persons or groups promoting freedom, rule of law, and an entrepreneurial economy and opposing extremism and the murder of civilians. The joint force will be in a supporting role to the legitimate civil authority in the region throughout the *enable civil authority* phase. Redeployment operations, particularly for combat units, will often begin during this phase, and deployments, including force rotations, may occur to support and enable civil authorities. CCMD involvement with other nations and agencies, beyond the termination of the joint operation, may be required to achieve the national strategic end state.

**SECTION D. ASSESSMENT**

11. Overview

Assessment is the continuous monitoring and evaluation of the current situation and progress of a joint operation toward mission accomplishment. It involves deliberately comparing forecasted outcomes to actual events to determine the overall effectiveness of force employment. In general, assessments should answer two questions: Is the JFC doing things right? Is the JFC doing the right things? More specifically, assessment helps JFCs determine progress toward achieving objectives and whether the current tasks and objectives are relevant to reaching the end state. It helps identify opportunities, counter threats, and any needs for course correction, thus resulting in modifications to plans and orders. This process of continuous assessment occurs throughout the joint planning process. It is an essential tool that allows planners to monitor performance of tactical actions (measures of performance [MOPs]) and to determine whether the desired effects are created (MOEs) to support achievement of the objectives.

12. Application

a. Assessment and learning enable incremental improvements to the commander’s operational approach and the campaign or contingency plan. The aim is to understand the problem and develop effective actions to address it. These actions may be a military activity—or may involve military actions in support of nonmilitary activities. Once JFCs understand the problem and what needs to be accomplished to succeed, they identify the means to assess effectiveness and the related information requirements that support assessment. This feedback becomes the basis for learning, adaptation, and subsequent adjustment.
Key Points

• Need to examine the proper mix of force structure vs. contractor support

• Need to examine the proper mix of contracting/acquisition tools for construction and security (firm fixed vs. cost +)

• Risk = cost vs. benefits and is both tangible (financial, security, etc.) and intangible (reputation, trust)

• Fewer projects = greater financial risk and additional attention to quality and service

• New strategic context - contractor support for full range of national security partners
Contract Risk Allocation between the Government and Contractors in Contingency Operations

Charles A Mouzannar, PE
Executive Vice President
Project Risks are always there and cannot be ignored. They can be shared, transferred, mitigated, managed, or just accepted.

Project risks include:

- Security incidents
- Health & Safety
- Cost overruns
- Schedule delays
- Quality issues
- Scope & change management
- Procurement & Contracts
- Stakeholders management
- Information management
- External influences
• Fair Risk Distribution Is Necessary For Responsible Contractors To Support The Government

• Faced With Mission Demands and Deadlines, Many Agencies Place Unmanageable Risks On Contractors

• Certain Risks Are Best Managed By The Government

• A Proper Distribution of Risks Will Protect all Stakeholders and Ensure That The Mission Is Accomplished
• **Responsible Contractors Mitigate Risks By:**
  – Properly Conducting Risk Assessments
  – Shifting risks to where they belong
  – Insuring certain risks
  – Pricing all unmitigated risks into the bid
  – Establishing controls to manage risks during project execution

• **Irresponsible and/or Inexperienced Contractors Typically Hope For The Best**
## SIGAR List of Entities:

- Referred for Suspension
- Referred for Debarment
- Suspended
- Proposed for Debarment
- Debarred

In Afghanistan, more than **131** entities have failed
Total Risk Management
### Project Risks On The Battlefield

<table>
<thead>
<tr>
<th>Contractual Risks</th>
<th>Phases II &amp; III</th>
<th>Phase IV</th>
<th>Phase V</th>
</tr>
</thead>
<tbody>
<tr>
<td>Onerous provisions in relation to Change Orders</td>
<td>Green</td>
<td>Yellow</td>
<td>Red</td>
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<tr>
<td>Liquidated Damages</td>
<td>Green</td>
<td>Yellow</td>
<td>Red</td>
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<tr>
<td>Host nation licenses</td>
<td>Green</td>
<td>Yellow</td>
<td>Red</td>
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<tr>
<td>Host nation legal system</td>
<td>Green</td>
<td>Yellow</td>
<td>Red</td>
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<tr>
<td>Corruption</td>
<td>Red</td>
<td>Red</td>
<td>Red</td>
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<tr>
<td>Compliance &amp; documentation</td>
<td>Red</td>
<td>Red</td>
<td>Red</td>
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<tr>
<td><strong>Quality Risks</strong></td>
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<tr>
<td>Capability &amp; Experience of Subcontractors &amp; Suppliers</td>
<td>Yellow</td>
<td>Green</td>
<td>Red</td>
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<tr>
<td>Capabilities of local construction force</td>
<td>Yellow</td>
<td>Green</td>
<td>Red</td>
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<tr>
<td>Availability of construction materials &amp; equipment</td>
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<tr>
<td>Design Risks</td>
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<td>Geotechnical information</td>
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<td><strong>Schedule Risks</strong></td>
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<tr>
<td>Reliability of resources</td>
<td>Red</td>
<td>Red</td>
<td>Red</td>
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<tr>
<td>Availability of materials &amp; equipment</td>
<td>Red</td>
<td>Red</td>
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<tr>
<td>Weather</td>
<td>Red</td>
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<tr>
<td>Governmental &amp; host nation approvals</td>
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<td><strong>Cost Risks</strong></td>
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<td>Foreign Exchange Risk</td>
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<td>Taxation</td>
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<td>Import Export tariffs and taxes</td>
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<td>Insurance</td>
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<td>Builder's All Risks</td>
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<td>Price escalation/ Inflation</td>
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<td>Banking availability</td>
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<tr>
<td><strong>Security &amp; Safety</strong></td>
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<tr>
<td>Site security</td>
<td>Yellow</td>
<td>Green</td>
<td>Red</td>
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<tr>
<td>In-Country movements</td>
<td>Yellow</td>
<td>Green</td>
<td>Red</td>
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<tr>
<td>Logistics</td>
<td>Yellow</td>
<td>Green</td>
<td>Red</td>
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<tr>
<td>Security providers</td>
<td>Yellow</td>
<td>Green</td>
<td>Red</td>
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<tr>
<td>Urgent medical care &amp; Evacuation</td>
<td>Yellow</td>
<td>Green</td>
<td>Red</td>
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</tbody>
</table>

**Legend**

- **Low Risk**: Green
- **Medium Risk**: Yellow
- **High Risk**: Red
Key Additional Risks Facing The Government:

– Additional Losses in Military &/or Civilian Lives
– Mission Delays or Failures
– Waste Of Taxpayers’ Money
– Loss Of Confidence From The Leadership & The Stakeholders
The appropriate contract type is critical.
Contractor Selection Method Is Key
Best Value vs. Low Bid Selection

Heart Surgeon

Common Cold

Heart Surgeon

General Practitioner
• Proper Risk Distribution Is Necessary For Contractors To Continue To Support The Government On The Battlefield

• Some Risks That The Government Could Best Address:
  – Lack Of Site Information During The Bid Phase
  – War Risks Related To Losses From Hostile Activities
  – Changes In Host Country Laws
  – Recourse Against Corruption
  – Availability Of Reliable Security Providers
  – Urgent Medical Care & Extraction
Contingency Ops Risk Allocation

**Total Risk** = Financial, Technical, Time, Security

**Risk Assessment**
- Current
- Recommended

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<tr>
<th>Phase</th>
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<tbody>
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<td>II/III</td>
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<td>IV</td>
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<td>V</td>
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**Risk Allocation**
- Government (G)
- Contractor (C)