



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(RESEARCH, DEVELOPMENT AND ACQUISITION)
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WASHINGTON DC 20350-1000

NOV 19 2009

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Theater Business Clearance/Contract Administration Delegation
(TBC/CAD) Compliance

By attached memorandum dated September 15, 2009, the Acting Deputy Under Secretary of Defense for Acquisition, Technology and Logistics (DUSD (AT&L)) emphasized the importance of complying with the Theater Business Clearance (TBC) policy and expressed concern that some organizations are not complying with the mandatory TBC policy requirements. DUSD (AT&L) highlighted three areas whereby adherence with the TBC policy directly supports the operational responsibilities of the Joint Force Commander and indicated that the associated Contract Administration Delegation (CAD) process ensures coordination of contract administration support in Iraq and Afghanistan prior to contract award. In addition, the memorandum delineated the contracts subject to the TBC. Accordingly, DUSD (AT&L) has mandated that all contracting activities must revalidate that they are aware of, and are complying with TBC requirements for Iraq and Afghanistan. These requirements and the TBC/CAD policy are contained in DFARS PGI 225.74 – Defense Contractors Outside the United States.

It is requested that all appropriate personnel be advised that they should be diligent in complying with the TBC requirements. Further, all applicable contracting activities shall affirm compliance with the TBC requirements to this office no later than November 30, 2009. My point of contact for this matter is Clarence Belton, clarence.belton@navy.mil, (703) 693-4006.

Elliott B. Branch

Elliott B. Branch
Executive Director
DASN (A&LM)

Attachment:
As stated

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See next page

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ACQUISITION AND
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DEPUTY UNDER SECRETARY OF DEFENSE
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SEP 15 2009

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), ASA (ALT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION AND LOGISTICS MANAGEMENT),
ASN (RDA)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTORS, DEFENSE AGENCIES
DIRECTORS, DOD FIELD ACTIVITIES

SUBJECT: Theater Business Clearance/Contract Administration Delegation
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References:

- (A) Procedures for Contracting, Contract Concurrence, and Contract Oversight for Iraq and Afghanistan, October 19, 2007 (copy attached)
- (B) Amplifying Guidance Regarding Procedures for Contracting, Contract Concurrence and Contract Oversight for Iraq and Afghanistan, October 25, 2007 (copy attached)
- (C) Iraq/Afghanistan Theater Business Clearance (TBC), November 26, 2007 (copy attached)
- (D) Retroactive Iraq/Afghanistan Contract Compliance and Assignment of Contract Administration, December 20, 2007 (copy attached)
- (E) Theater Business Clearance Review Notification Update and Assignment of Contract Administration, February 26, 2008 (copy attached)
- (F) CENTCOM Contracting Webpage
“<http://www2.centcom.mil/sites/contracts/Pages/Default.aspx>”

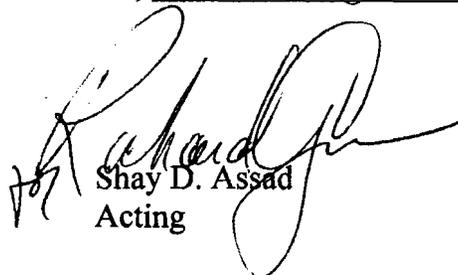
Theater Business Clearance (TBC) is a critical enabler which provides the Joint Force Commander visibility over all contracts and contractors performing work in their area of responsibility. The Joint Contracting Command Iraq/Afghanistan, CENTCOM, and our Joint Staff partners report that organizations are not complying with TBC policy.

The importance of complying with TBC policy cannot be understated. TBC is of operational importance. First, it helps create for the Joint Force Commander a common operating picture of contracted support in a Joint Operations Area. Second, TBC ensures that solicitations and contracts contain provisions to meet Commander's requirements. Third, it assures that contractor personnel life support requirements are addressed and coordinated prior to their arrival in theater. The associated Contract Administration Delegation (CAD) process ensures coordination of contract administration support in Iraq and Afghanistan prior to contract award. Therefore, all contracting activities must revalidate they are aware of, and are complying with TBC requirements for Iraq and Afghanistan.

Contracts subject to the TBC are those: (1) under which contractor personnel are performing in Iraq and/or Afghanistan after April 1, 2008; (2) that require the delivery of material to Iraq and/or Afghanistan after April 1, 2008, under FOB Destination terms using commercial transportation outside the Defense Transportation System; or (3) that authorize contractor personnel, including subcontractors, to carry weapons in Iraq and/or Afghanistan regardless of contract end date.

TBC/CAD has been implemented through a series of OSD, theater and JCC-I/A policy documents (References A through E and as contained in Reference F). Contracting Officers who award contracts for performance or delivery in the CENTCOM AOR need to be familiar with and comply with the associated TBC/CAD requirements. The CENTCOM Contracting webpage (Reference F) contains unique contracting guidance that affects all such contracts, regardless of source. This webpage is updated frequently and should be checked as part of the normal course of the contracting process, as required by DFARS PGI 225.7401. Four JCC-I/A TBC/CAD-related documents were recently updated on August 15, 2009, and posted to the CENTCOM Contracting webpage: Iraq-Afghanistan TBC Guide, TBC Request and Tracker, CO's Guide to Special Requirements, and TBC Frequently Asked Questions.

These requirements as well as the TBC/CAD policy are part of the DFARS PGI at Subpart 225.74, Defense Contractors Outside the United States. I ask that your contracting activities affirm their compliance to you with the TBC requirements by October 31, 2009. Please report back to me on your component's completion of this tasking via my POC, Mr. Bill Reich, 703-699-3727, William.reich@osd.mil.


Shay D. Assad
Acting