



Acquisition

CONTINUATION OF ESSENTIAL UNITED STATES TRANSPORTATION
COMMAND CONTRACTOR SERVICES DURING CRISIS SITUATIONS

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This Instruction provides the policies and procedures for implementing Defense Federal Acquisition Regulation Supplement (DFARS) 237.76, *Continuation of Essential Contractor Services*. It establishes policies, responsibilities, and procedures to provide reasonable assurance of the continuation of essential United States Transportation Command (USTRANSCOM) contractor services during crisis situations. It applies to all USTRANSCOM directorates and the Command Support Group (CSG). Refer recommended changes and questions about this publication to the office of primary responsibility using Air Force Form 847, *Recommendation for Change of Publication*. Ensure that all records created as a result of processes prescribed in this instruction are maintained in accordance with USTRANSCOM Instruction 33-32, *USTRANSCOM Records Management Program*.

SUMMARY OF REVISIONS

The changes to this instruction include requirement for a negative annual status report to be submitted to USTRANSCOM Directorate of Acquisition (TCAQ) by Directorates or CSG offices that do not have any essential contractor services, and revises the term "Essential Contractor Service" to agree with the DFARS term. TCAQ will maintain a listing of contracts that provide mission-essential functions.

1. References and Supporting Information. References, related publications, abbreviations, acronyms, and terms used in this instruction are listed in Attachment 1.

2. Policy:

2.1. USTRANSCOM shall use the most effective mix of the total force, cost, and other factors considered, including active, reserve, Department of Defense (DOD) civilian, and contract resources necessary to fulfill assigned peacetime and wartime missions.

2.2. Contractors providing services designated as essential by Directors and CSG Chiefs are expected to use all means at their disposal to continue to provide such services in accordance

with the terms and conditions of the contract during periods of crisis.

2.3. USTRANSCOM Directorates and CSG offices working with contractors performing essential services shall develop and implement the procedures of this instruction which are intended to provide reasonable assurance of the continuation of essential services during crisis situations using contractor employees and other resources as necessary.

2.4. For situations which create a reasonable doubt about the continuation of essential services during crisis situations by an incumbent contractor, Directors and CSG Chiefs shall prepare a contingency plan for obtaining essential services from alternate sources, i.e., military or DOD civilians.

3. Responsibilities:

3.1. Directors/CSG Chiefs will:

3.1.1. Ensure assigned personnel comply with the policy and procedures in this instruction.

3.1.2. Ensure all contractor services, including new and existing contracts, are reviewed annually to determine which services will be essential during crisis situations.

3.1.3. Conduct an annual assessment of the unexpected and/or early loss of essential contractor services on the effectiveness of mission support.

3.1.4. Appoint a point of contact to monitor/ensure compliance with this instruction.

3.2. Directorate/CSG point of contact will:

3.2.1. Determine if and where essential services are performed by contract personnel within the Directorate or CSG. Identify services designated as mission essential functions in assigned contract statement of work/performance work statement.

3.2.2. Maintain, in a current status, the following information:

3.2.2.1. The generic description of the essential contractor services.

3.2.2.2. The name, address, and telephone number of the contractor performing the essential service.

3.2.2.3. The number of contractor employees and full-time equivalents required to perform the essential service.

3.2.3. At the earliest opportunity, include provisions in operations or contingency plans to assume or supplement contractor-supplied essential services during crisis situations when members of the United States Armed Forces or DOD civilians (considering appropriate civilian emergency essential (E-E) requirements) can be identified to perform the essential DOD

contracted services. The contractor providing the service should be made aware of such replacement and transitioning plans.

3.2.4. Ensure the contract statement of work/performance work statement requires the development of contractor contingency plans for those tasks identified as essential to provide reasonable assurance of continuation during crisis conditions.

3.2.5. Ensure that contractors providing essential services identify their employees having military mobilization recall commitments. Contractors must have adequate plans in place for replacing those employees in the event of mobilization or recall, in accordance with guidelines in DOD Directives 1200.7, *Screening the Ready Reserve*, and 1352.1, *Management and Mobilization of Regular and Reserve Retired Military Members*.

3.2.6. Ensure information on contractor employee benefits due to war exigencies, under Title 42 United States Code 1651, Chapter 11, *Compensation for Disability or Death to Persons Employed at Military, Air, and Naval Base Outside United States*, and Title 42, United States Code 1701, Chapter 12, *Compensation for Injury, Death, or Detention of Employees of Contractors with United States Outside United States*, is fully developed and provided, in writing, to all affected contractor employees.

3.2.7. Provide an annual status no later than 1 October of each year to TCAQ noting the number of essential contractor services and if there is reasonable assurance that these services will continue during a crisis situation. A negative report is required for Directorates or the CSG offices that do not have any essential contractor services. If services are discontinued, outline backup provisions to provide uninterrupted service.

3.3. TCAQ will:

3.3.1. Monitor and provide assistance with the implementation of this instruction to Directorate and CSG points of contact.

3.3.2. Maintain status for the command of continuation of essential contractor services during crisis.

3.3.3. Maintain a listing of contracts that provide mission essential functions.

3.3.4. Relate status of command continuation of essential contractor services when requested by the Deployment Distribution Operations Center Chief.

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Attachment 1

Glossary of References and Supporting Information

Section A – References

Public Law 77-208, *Defense Base Act*

Public Law 77-784, *War Hazards Compensation Act*

Title 42 United States Code 1651, Chapter 11, *Compensation for Disability or Death to Persons Employed at Military, Air, and Naval Base Outside United States*

Title 42, United States Code 1701, Chapter 12, *Compensation for Injury, Death, or Detention of Employees of Contractors with United States Outside United States*

DFARS Part 237.76, *Continuation of Essential Contractor Services*

DOD Directive 1200.7, *Screening the Ready Reserve*

DOD Directive 1352.1, *Management and Mobilization of Regular and Reserve Retired Military Members*

USTRANSFARS 5537.90, *Contractor Personnel Performing Mission Essential Services*

Section B – Acronyms

Not Used

Section C - Terms

Essential Contractor Service. A service provided by a firm or individual under contract to Department of Defense (DOD) to support mission essential functions, such as support of vital systems, including ships owned, leased, or operated in support of military missions or roles at sea; associated support activities, including installation, garrison, and base support services; and similar services provided to foreign military sales customers under the Security Assistance Program. Services are essential if the effectiveness of defense systems or operations has the potential to be seriously impaired by the interruption of these services, as determined by the appropriate functional commander or civilian equivalent.

Mission Essential Functions. Those organizational functions that must be performed, under all circumstances, to achieve DOD component missions or responsibilities as determined by the appropriate functional commander or civilian equivalent. Failure to perform or sustain these functions would significantly affect DOD's ability to provide vital services or exercise authority, direction, and control.