

20121203-COMKAF\_Memo\_Contractor- Management

To: All Contractors and Subcontractors Operating on Kandahar Airfield

Copy: All NSEs

### POLICY ON CONTRACTOR MANAGEMENT

1. My predecessor wrote<sup>1</sup> to you last month reminding you of the COMKAF policy for the demobilization of contractor personnel and specifically your responsibilities in respect of the people you employ. Since my arrival I have had the opportunity to review the emerging issues from the US NSE's re-issue of meal cards, as well as the findings from the post-Infrastructure Planning Board (IPB) and contractor compound inspections undertaken by COMKAF HQ and supported by the NSEs (principally the US RSG). It is apparent from these that most companies aim to comply with the provisions of the COMKAF Tenants' Charter and SOPs governing the good behaviour of contractors on KAF; however, a minority choose to blatantly flout or disregard the rules that they signed up to when they registered their company with the Contractor Administration Cell.

2. Consequently, over the next 6 -12 months I have directed my staff to implement a more rigorous policy of enforcement of the COMKAF Tenants' Charter and related SOPs. The purpose of this note is give you a heads-up of some of the issues that my staff will be looking at. The list is not exhaustive nor is it intended to be; rather it covers those issues that have been raised during past inspections and for which a contractor has sought clarification or additional information.

a. **Contract Sponsorship.** Each contract you hold should have a sponsor; sponsorship for one contract does not cover additional contracts as the terms and conditions of sponsorship may vary from one contract to another. Some may have full sponsorship and other only partial sponsorship; the difference is key to understanding the services you may receive at KAF free of charge and those you will have to pay for. In other words, for one contract your Real Life Support (RLS) costs may be covered by your sponsor but for another you may be responsible for your RLS costs. Please note that national contracting agencies cannot sponsor companies on KAF as this responsibility falls to the approved National Support Elements (NSE). Furthermore, a company might have more than one sponsor – for example, one contract may be sponsored by the US NSE (US RSG), another by the UK NSE (JFSU TCMC), and a third by a NATO NSE such as NSPA or NCIA.

b. **Contractor Registration.** Generally speaking, each and every contract you hold (either as a prime or sub-contractor) must be registered with the CAC; there may be some exceptions for small sub-contractors and prime-contractors should seek clarification from the CAC as required. Sub-contractors must be registered through a prime-contractor and the prime's sponsor must have agreed to sponsor the sub-contractor. Please note that the terms of sponsorship of the prime do not automatically pass down to a sub-contractor; each case will be assessed on its merits by the sponsor.

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1. 20121106-COMKAF\_Memo\_Demobilization\_of\_Personnel.

## NON-SENSITIVE INFORMATION RELEASABLE TO THE PUBLIC

Furthermore, each company registration is only valid for those contracts that have been declared to and approved by the CAC. The maximum registration period for a company is one year irrespective of the contract length; if this exceeds one year then the company should review its registration every year until the end of the contract. Irrespective of the registration period shown on a registration certificate, once the contract or contracts for which sponsorship and registration were approved are completed or terminated (for any reason) the company registration is invalid and CAC will issue a demobilization notification to the company.

c. **Contract Award.** The award of a contract by a national contracting organisation or prime-contractor gives no rights to work or live on KAF. Contracting agencies should clear all contracts in advance with the respective NSE before its award; contractors are advised to check that this has been done before accepting a contract, as COMKAF will only consider contractors for registration if they have a valid contract and proof of sponsorship (either full or partial) from the appropriate NSE. Registration applications that are submitted without either a valid contract or sponsorship will be rejected automatically by the CAC.

d. **Land Allocation.** No company is guaranteed use of land on KAF nor can a contracting agency or NSE authorise the use of KAF land for a company, as this authority resides with COMKAF. Land allocated to a company for one contract can not be used to support another contract or contracts without COMKAF approval; as a rule of thumb, only contracts that are fully supported by a NSE will be considered for land allocation. Companies that have been allocated land may, subject to COMKAF approval, use spare capacity on that land to support a contract with only partial sponsorship **but** the RLS costs for the personnel associated with the latter contract must be paid by the company. Each case will be considered on its merits. Please note that any development on allocated land is subject to COMKAF Infrastructure Planning Board (IPB) approval. Contractors who develop land without permission or who deviate from the approved permissions do so at their own risk and will carry the financial cost of returning the land to the approved condition. COMKAF retains all rights to the land and contractors are not allowed to sub-let or lease to another company or organisation without approval from COMKAF; furthermore, if approval is given this will be on a case by case basis, as no blanket authorisations will be provided. Under no circumstances are companies to charge rent for the use of land or accommodation; such action constitutes a gross violation of the COMKAF Tenants' Charter and SOPs and will dealt with accordingly. At the end of the fully sponsored contracts for which land was allocated, a company must return, at their cost, the land to its original condition or a condition that has been agreed with COMKAF as part of the demobilization process.

e. **Company Demobilization.** At the end or termination of the last valid and sponsored contract held by a company, CAC will issue a 30 day demobilization notification. This should not come as a surprise, as part of a company's preparation for a contract should include a transition plan for demobilization. In other words, companies should be planning for demobilization as soon as a contract is awarded. Consequently, as a general rule, requests to extensions for demobilization dates will not be approved unless there are exceptional and extenuating circumstances and the application is supported by the sponsoring NSE. During compound inspections, my staff may ask to see company transition plans to assure themselves that the necessary planning action is in hand.

f. **Meal Cards.** The US NSE has recently re-issued meal cards to entitled US military personnel, DOD civilians, and US contractors in order to tighten control of their use and reduce spiralling food costs. They have introduced a number of new control measures, all of which are supported by COMKAF. Contractors working to a US contracts are to ensure that if they are authorised to eat in a DFAC then they have either a valid meal card issued by the respective NSE or purchased from NSPA, or a valid letter of authority. Regrettably, a minority of contractors have been caught using fake or somebody else's meal card or Letter of Authority; if caught, actions will be taken against the individual and the company for whom they work. I would appreciate your support in clamping down on this small minority, as their actions have resulted in more stringent regulations being introduced.

3. Should your fail to comply with the COMKAF Tenants' Charter and related SOPs then your company, and you, as its owners and managers will be held accountable. Consequences can include the removal of authorized requestor privileges; issuance of Letters of Concern, Censure or Reprimand; debarment of company owners and managerial personnel; and, deregistration and demobilization of contractor companies. For this reason, I recommend you review your company operations to ensure that you are complying with the COMKAF Tenants' Charter and related SOPs. If you are in any doubt please contact my Contractor Administration Cell ([yam.kahatri@rcs.isaf.nato.int](mailto:yam.kahatri@rcs.isaf.nato.int) or [Raducu.radis@rcs.isaf.nato.int](mailto:Raducu.radis@rcs.isaf.nato.int)) or the COMKAF Legal Advisor ([neal.frazier@rcs.isaf.nato.int](mailto:neal.frazier@rcs.isaf.nato.int)).



JOHN DOLAN  
Brigadier General (NATO OF-6) USAF  
Commander  
Kandahar Airfield, Afghanistan