



Department of Defense DIRECTIVE

NUMBER 4270.5

March 2, 1982

ASD(MRA&L)

SUBJECT: Military Construction Responsibilities

- References: (a) DoD Directive 4270.5, "Public Works Construction Responsibilities," July 11, 1955 (hereby canceled)
- (b) Sections 2682, 2233 (a)(1), (2), (3), (4), 2674 of title 10, United States Code
 - (c) DoD Directive 5000.11, "Data Elements and Data Codes Standardization Program," December 7, 1964
 - (d) through (g), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a), and establishes policy and responsibilities for the use of DoD construction agents in the design or construction of military construction program facilities.

2. APPLICABILITY AND SCOPE

2.1. The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, their National Guard and Reserve components, and the Defense Agencies (hereafter referred to as the "DoD Components").

2.2. Its provisions encompass DoD construction agent activities for all military construction projects that are authorized and funded in the annual military construction authorization and appropriation acts to support the DoD Components.

3. DEFINITIONS

3.1. DoD Construction Agent. The Corps of Engineers, the Naval Facilities Engineering Command, or other such approved DoD activity, assigned the design or construction execution responsibilities associated with military construction program facilities.

3.2. United States. The 50 States and the District of Columbia.

4. POLICY

4.1. Acquisition of military facilities, including family housing construction and certain National Guard and Reserve component facilities within the United States shall be accomplished as follows:

4.1.1. The Department of the Army shall use the services of the Corps of Engineers, and the Department of the Navy shall use the services of the Naval Facilities Engineering Command for the design and construction of military facilities for their respective Military Departments. Each may use the services of the other Department in the interest of efficiency and cost-effectiveness, or when otherwise considered appropriate.

4.1.2. The Corps of Engineers or the Naval Facilities Engineering Command shall be used in the design, construction, maintenance, rehabilitation, repair, alteration, addition, expansion, or extension of a real property facility for a Defense Agency with the approval of the Military Department having jurisdiction of the real property facility. Another construction agent may be used when the Secretary of the Military Department having jurisdiction of the Defense Agency real property facility recommends (such candidate alternate construction agent having been nominated by the Director of the Defense Agency concerned), and the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)), or designee, approves this alternate as the most efficient, expeditious, and cost-effective accomplishment of the authorized construction. The Director of the Defense Agency concerned shall submit the name of the candidate alternate construction agency to the appropriate DoD construction agency for comment, and to the Secretary of the Military Department having jurisdiction of the Real Property Facility, and to the ASD(MRA&L), concurrently.

4.1.3. The Department of the Air Force shall use the services of the Corps of Engineers or the Naval Facilities Engineering Command for design and construction of the annual military construction program. Another construction agent may be used when recommended to and approved by the ASD(MRA&L), or a designee. The

recommendation shall be submitted by the Department of the Air Force to the appropriate DoD construction agent for comment, and to ASD(MRA&L), concurrently. In addition, the Department of the Air Force may design and construct under its own supervision selected projects subject to the prior approval of the ASD(MRA&L), or designee.

4.1.3.1. Projects in this category must meet the following criteria:

4.1.3.1.1. Involve extensive alteration or modification of existing facilities with the requirement for continuing operation of the facility during construction. The magnitude and nature of the work must be similar to that normally undertaken by base civil engineer forces for Air Force operations and maintenance (O&M) projects; or

4.1.3.1.2. Involve design or construction of Air Force-unique systems, such as instrument landing, communication, or electrical power systems that are of a magnitude and nature in keeping with local base civil engineer capabilities; or

4.1.3.1.3. Are special one-time circumstances, such as projects that involve an application of an integrated test of alternative design and construction approaches; and

4.1.3.1.4. Are the responsibility, within existing capabilities and resources, of the bases and commands involved.

4.1.3.2. Air Force military family housing normally shall be designed and constructed directly within the resources and supervision of the Department of the Air Force.

4.1.4. The Reserve components shall normally use the services of the Corps of Engineers or the Naval Facilities Engineering Command for the design and construction of facilities covered by 10 U.S.C. 2233(a)(1) (reference (b)). The National Guard may use the services of the Corps of Engineers, the Naval Facilities Engineering Command, or the U.S. Property Fiscal Officer (USPEO) of the National Guard Bureau. However, the National Guard and Reserve components may use the services of other qualified construction agents. Before the initiation by other construction agents and after coordination with the appropriate DoD construction agent, the Secretary of the Military Department concerned shall submit to the ASD(MRA&L), or designee, for approval, a complete description, estimated cost, and rationale for using the activity selected to accomplish design and construction of the project. The design and construction of National Guard projects covered by 10 U.S.C. 2233(a), (2), (3), or

(4) (reference (b)), shall be accomplished according to the laws of the State, territory, or possessions, and under the supervision of its officials, subject to the inspection and approval of the ASD(MRA&L), or designee.

4.1.5. Facilities to be constructed on Army, Navy, and Marine Corps activities for other DoD Components shall be designed and constructed by the host-Military Department construction agent.

4.1.6. The appropriate DoD construction agent may, at the request and on behalf of non-DoD Agencies (including nonappropriated fund sponsors), provide design and construction assistance for facilities requirements if the scope of the service does not adversely impact on military construction and national defense interest.

4.2. Acquisition of military facilities, including family housing construction, outside the United States, shall be accomplished as follows:

4.2.1. Geographical areas are designated to specific construction agents in enclosure 2. Minor construction, and O&M type repair and improvement in these areas may be executed by the requiring Military Department or in the case of a Defense Agency, by the Military Department having jurisdiction of the real property facility.

4.2.2. The appropriate DoD construction agent may, at the request and on behalf of non-DoD Agencies (including nonappropriated fund sponsors), provide design and construction assistance for facilities requirements, if the scope of the services does not adversely impact on military construction and national defense interests, and provided that the assigned geographical areas of responsibility are maintained.

4.3. Existing DoD standard data elements will be used for all data requirements to the extent possible, in accordance with the provisions of DoD Directive 5000.11 (reference (c)).

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), or designee, shall administer the provisions of this Directive, and shall:

5.1.1. Approve the use of a DoD Component or another activity as a DoD construction agent to exercise the design or construction responsibilities involved in the supervision of contracts for the execution of projects in the DoD military construction program, including family housing and National Guard and Reserve component construction.

5.1.2. Designate and modify enclosure 2, the geographical assignments of DoD construction agents outside the United States.

5.1.3. Certify that additional costs for expediting construction of a project are necessary to protect the national interest and to establish a reasonable construction completion data for each such project.

5.1.4. Approve negotiations for the expenditure of funds for cost-plus-a-fixed-fee contracts for work to be performed within the United States, except Alaska.

5.1.5. Approve the use of a construction agent other than the Corps of Engineers or the Naval Facilities Engineering Command for any National Guard or Reserve component project covered by 10 U.S.C. 2233(a)(1) (reference (b)). (See subparagraph 4.1.4., above.)

5.1.6. Monitor the execution of the military construction program to ensure the most efficient, expeditious, and cost-effective accomplishment of the program by DoD construction agents.

5.1.7. Monitor the use of military units or personnel in the execution of minor construction projects, accomplished under 10 U.S.C. 2674 or 2233 (reference as implemented in DoD Directives 4270.24 (reference (d)) and 1225.5 (reference (e))).

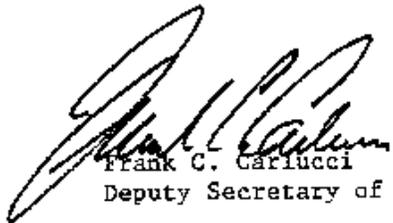
5.2. The Secretaries of the Military Departments and the Directors of the Defense Agencies shall:

5.2.1. Manage their portions of the annual military construction programs, including National Guard and Reserve component facilities and family housing construction.

5.2.2. Ensure that the use of military personnel for the construction of projects within the United States is included in the annual military construction programs and is in accordance with DoD Directive 1135.2 (reference (f)) and paragraph 18-103, DAR (reference (g)).

6. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) within 120 days.



Frank C. Cariucci
Deputy Secretary of Defense

Enclosures - 2

- E1. References, continued
- E2. Designated DoD Construction Agents

E1. ENCLOSURE 1

REFERENCES, continued

- (d) DoD Directive 4270.24, "Minor Construction and Restoration or Replacement of Facilities Damaged or Destroyed," October 16, 1978
- (e) DoD Directive 1225.5, "Guard/Reserve Forces Facilities Projects," January 23, 1979
- (f) DoD Directive 1135.2, "Procurement of Services for the Maintenance, Repair, and Construction of Real Property," January 14, 1975
- (g) Defense Acquisition Regulation (DAR)

E2. ENCLOSURE 2

DESIGNATED DoD CONSTRUCTION AGENTS

E2.1.1. DEPARTMENT OF THE ARMY

Canada, excluding Newfoundland
Canal Zone
Egypt
Europe, excluding Spain, Portugal, Italy, Greece
Greenland
Israel
Japan, including the Ryukyu Island (Okinawa)
Korea and Taiwan
Marshall Islands
Middle East, including the Saudi Arabian Peninsula
Southern Asia, from Iran to Burma
Turkey

E2.1.2. DEPARTMENT OF THE NAVY

Atlantic Ocean area
Australia and New Zealand
Caribbean Sea area
Greece
Iceland
Indian Ocean area
Italy
Newfoundland
North Africa, including Somalia and Kenya, but excluding Egypt
Pacific Ocean area, excluding the Marshall Islands
Portugal, including the Azores
Republic of the Philippines
Southeast Asia
Spain

E2.1.3. DEPARTMENT OF THE AIR FORCE

British Isles

Countries not specifically assigned above will be designated by the Secretary of Defense as requirements occur. Certain other countries may have assignments changed as requirements change.