

225.370 Contractors performing private security functions.

225.370–1 Scope.


225.370–2 Applicability.

This section applies to acquisitions for supplies and services that require the performance of private security functions in areas of—

(a) Contingency operations (see FAR 2.101);
(b) Complex contingency operations;
or
(c) Other military operations or exercises that are designated by the combatant commander.

225.370–3 Definitions.

As used in this section—

Complex contingency operations means large-scale peace operations (or elements thereof) conducted by a combination of military forces and non-military organizations that involve one or more of the elements of peace operations that include one or more elements of other types of operations, such as foreign humanitarian assistance, nation assistance, support to insurgency, or support to counterinsurgency.

Private security functions means activities engaged in by a contractor, including—

(1) Guarding of personnel, facilities, designated sites, or property of a Federal agency, the contractor or subcontractor, or a third party; and
(2) Any other activity for which personnel are required to carry weapons in the performance of their duties.

225.370–4 Policy.


(b) The requirements of this section apply to contractors that employ private security contractors in areas of contingency operations, complex contingency operations, or other military operations or exercises that are designated by the combatant commander, whether the contract is for the performance of private security functions or other supplies or services.

(c) DoD requires contractors described in paragraph (b) above to—

(1) Ensure that all employees of the contractor who are responsible for performing private security functions comply with orders, directives, and instructions to contractors performing private security functions for—
(i) Registering, processing, accounting for, managing, overseeing, and keeping appropriate records of personnel performing private security functions. This includes ensuring the issuance, maintenance, and return of Personal Identity Verification credentials in accordance with FAR clause 52.204-9, Personal Identity Verification of Contractor Personnel, and DoD procedures, including revocation of any physical and/or logistical access (as defined by Homeland Security Presidential Directive (HSPD–12)) granted to such personnel;
(ii) Authorizing and accounting for weapons to be carried by or available to be used by personnel performing private security functions;
(A) All weapons must be registered in the Synchronized Predeployment Operational Tracker (SPOT) materiel tracking system.
B) In addition, all weapons that are Government-furnished property must be assigned a unique identifier in accordance with the clauses at 252.211–7003 and 252.245.7001 and physically marked in accordance with MIL–STD 130 (current version) and DoD directives and instructions. The items must be registered in the DoD Item Unique Identification (IUID) Registry (https://www.bpn.gov/iuid/);

(iii) Registering and identifying armored vehicles, helicopters, and other military vehicles operated by contractors performing private security functions;
(A) All armored vehicles, helicopters, and other military vehicles must be registered in SPOT.

(B) In addition, all armored vehicles, helicopters, and other military vehicles that are Government-furnished property must be assigned a unique identifier in accordance with the clauses at 252.211–7003 and 252.245.7001 and physically marked in accordance with MIL–STD 130 (current version) and DoD directives and instructions. The items must be registered in the DoD IUID Registry; and

(iv) Reporting incidents in which—
(A) A weapon is discharged by personnel performing private security functions;
(B) Personnel performing private security functions are attacked, killed, or injured;
(C) Persons are killed or injured or property is destroyed as a result of conduct by contractor personnel;
(D) A weapon is discharged against personnel performing private security functions or personnel performing such functions believe a weapon was so discharged;
(E) Active, non-lethal countermeasures (other than the discharge of a weapon) are employed by personnel performing private security functions in response to a perceived immediate threat;

(2) Ensure that all employees of the contractor who are responsible for personnel performing private security functions are briefed on and understand their obligation to comply with—
(i) Qualification, training, screening (including, if applicable, thorough background checks), and security requirements established by DoDI 3020.50;
(ii) Applicable laws and regulations of the United States and the host country and applicable treaties and international agreements regarding performance of the functions of the private security contractors;
(iii) Orders, directives, and instructions issued by the applicable commander of a combatant command relating to weapons, equipment, force protection, security, health, safety, or relations and interaction with locals; and
(iv) Rules on the use of force issued by the applicable commander of a combatant command for personnel performing private security functions;

(3) Cooperate with any Government-authorized investigation by providing access to employees performing private security functions and relevant information in the possession of the contractor.

225.370–5 Remedies.

(a) In addition to other remedies available to the Government—
(1) The contracting officer may direct the contractor, at its own expense, to remove and replace any contractor personnel who fail to comply with or violate applicable requirements. Such action may be taken at the Government’s discretion without prejudice to its rights under any other contract provision, including termination for default. Required contractor actions include—
(i) Ensuring the return of personal identity verification credentials;
(ii) Ensuring the return of any other equipment issued to the employee under the contract; and
(iii) Revocation of any physical and/or logistical access granted to such personnel;

(2) The contracting officer shall include the contractor’s failure to comply with the requirements of this subpart in appropriate databases of past performance and consider any such failure in any responsibility determination or evaluation of past performance;

(3) In the case of award-fee contracts, the contracting officer shall consider a contractor’s failure to comply with the