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Evaluation of the Contract Management Process in the United Nations for Acquiring Peacekeeping Operations/Services

15 June 2007

by

Mohammad Shameem, Wing Commander

Bangladesh Air Force

Advisors: Rene G. Rendon, Senior Lecturer

Jeffrey R. Cuskey, Lecturer

Graduate School of Business & Public Policy

Naval Postgraduate School

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Abstract

Over the years, the United Nations' (UN) peacekeeping operations have increased significantly. When a crisis develops in any part of the world, the UN is expected to respond. It examines the overall situation in order to assess the political and military goals, required composition of force, equipment, training, financial implications, circumstances of deployment and effectiveness of the peacekeeping operation required. The UN does not have any permanent force structure; it is dependent on its member States for contribution of forces, though the equipment may or may not be provided by the troops' contributing countries. The UN has a standard procedure for acquiring peacekeeping operations/services. The process is a contract between the United Nations' Department of Peacekeeping Operations (UNDPKO) and the troops' contributing countries. Though there are similarities between UN-followed contract management process and the generally accepted contract management process identified in the contract management body of knowledge, there are many differences as well. The purpose of this study is to both evaluate the existing UN contract management process being followed to acquire peacekeeping operation/services from various troops' contributing countries against the generally accepted contract management process identified in the contract management body of knowledge as well as to evaluate the contract management process maturity so as to assess the effectiveness of the UN contract management process for obtaining peacekeeping operations/services from troops' contributing countries.

Keywords: Acquisition, Analysis, Contract, Contract Management, Contract Management Maturity Model, Contract Management Maturity Assessment Tools, Evaluation, Force Generation Service, Maturity Level, Peacekeeping Operations, Ratings, Structure, Troops' Contributing Countries, United Nations, United Nations Department of Peacekeeping Operations.

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LIST OF ACRONYMS AND ABBREVIATIONS

COE   Contingent-owned Equipment

CONOPS   Concept of Operations

CM   Contract Management

CMMM   Contract Management Maturity Model

CMMMAT   Contract Management Maturity Assessment Tools

CMOS   Current Military Operations Services

DPA   Department of Political Affairs

DPKO   Department of Peacekeeping Operations

DSRSG   Deputy Special Representative of the Secretary General

FGS   Force-generation Service

FMS   Finance Management Service

FGT   Force-generation Team

LOA   Letter of Assist

LSD   Logistic Support Division

MOU   Memorandum of Understanding

MOVCON   Movement Control

MPS   Military Planning Service

NGO   Non-governmental Organization

OMS   Office of Mission Support

OO   Office of Operations

PFD   Peacekeeping Finance Department

PKO	Peacekeeping Operations
SOP	Standard Operating Procedure
SOFA	Status-of-forces Agreement
SOMA	Status-of-mission Agreement
SRSG	Special Representative of the Secretary General
TCC	Troops' Contributing Country
UN	United Nations
UNDPKO	United Nations' Department of Peacekeeping Operations
UNTSO	United Nations Truce Supervision Organization
UNDP	United Nations Development Programme
USG	Under Secretary General

Executive Summary

The primary purpose of UN peacekeeping operations is to maintain international peace and security. Its success continues to depend, to a significant degree, on the ability to acquire necessary personnel (uniformed and civilian) and weapon/equipment systems and to deploy them rapidly. The acquisition and deployments of troop contingents for peacekeeping operations are done following mechanisms known as Memorandum of Understanding/Letter of Assist. The United Nations Department of Peacekeeping Operations is responsible for the overall contract management process, starting from concept development to termination of the mission. The process followed is more or less standardized for almost all peacekeeping operation planning and acquiring peacekeeping operations/services, though at times changes are made to accommodate certain political and security considerations, and willingness of host countries, UN and its member countries. Additionally, the contract management process maturity assessment is essential to understand the process's effectiveness. Specifically, the application of the Contract Management Maturity Model and its subsequent analysis determines the overall contract management maturity level of the United Nations Department of Peacekeeping Operations for acquiring peacekeeping operations/services. The analysis also highlights the weaknesses in various areas of contract management process and provides a guide for contract management process improvement.

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I. INTRODUCTION

A.   BACKGROUND

One of the founding missions of the United Nations (UN) was to prevent the scourge of war between States. With time, the international community has largely realized that goal. However, while inter-State war has become a relatively rare aberration, threats to human security have by no means been eradicated. Savage civil wars still persist. Recent experience has shown that the quest for international peace and security requires complementary action on two fronts: on the security front, where victory spells freedom from fear, and on the economic and social front, where victory spells freedom from want. Human security and equitable and sustainable development turn out to be two sides of the same coin.

UN peacekeeping clearly offers certain unique advantages not to be found elsewhere, including the universality of its mandate and the breadth of its experience. The perpetual preparedness of the Security Council—ready to authorize new peacekeeping operations whenever, and for as long as, they may be needed—not only strengthens the United Nations' conflict-prevention efforts, but also assists its wider peacemaking and post-conflict peace-building endeavors.

Fifty years after the establishment of the first UN peacekeeping operation, the number of current UN peacekeeping operations is 16; six of these are in Europe, four in the Middle East, four in Africa, two in Asia and one in the Americas with some 87,707 military and police personnel deployed in missions around the globe (Ban-Ki-Moon, 2007, January 7). Since peacekeeping continues to be adapted to changing needs and situations, the total number of peacekeepers in the field varies; several United Nations operations wind down while other missions open up.

Over the years, the UN peacekeeping operations have increased significantly. When a crisis develops in any part of the world, the UN is expected to respond. It examines the overall situation in order to assess the political and military goals,

required composition of force, equipment, training, financial implications, circumstances of deployment and effectiveness of the peacekeeping operation required. The UN does not have any permanent force structure. When it decides to initiate peacekeeping operation, it obtains forces and/or services/equipment from Troops' Contributing Countries (TCCs) following a Memorandum of Understanding (MOU) or Letter of Assist (LOA). This is a unique contract procedure—one not in place in the public procurement/contracting system or commercial procurement/contracting system worldwide. Though the UN-followed contract management process for acquiring peacekeeping operations/services is similar to the contract management process identified by the contract management body of knowledge, there are many differences as well. Despite the well-established nature of the process, not much evaluation of this contract management process has been documented.

For future improvement of performance of peacekeeping operations, it is essential to analyze the performance of the contract management process being followed to acquire peacekeeping operations/services. Applying the Contract Management Maturity Model (CMMM), this paper endeavors to evaluate the maturity of the contract management process being followed in the UN for acquiring peacekeeping operations/services.

B.   PURPOSE AND RESEARCH QUESTIONS

The purpose of this research is to study the United Nations' contract management process for acquiring peacekeeping operations/services. The primary research questions of this project are:

a.   What is the UN contract policy, process or system for acquiring peacekeeping operations/ services?

b.   What is the extent of similarity or dissimilarity of the UN contract management process with the generally accepted contract management process as identified in the body of knowledge?

c. How effective is the UN contract management process for acquiring peacekeeping operations/services?

d. How mature is the contract management process of acquiring peacekeeping operations/services?

C. SCOPE AND METHODOLOGY

1. Scope

The methods and machinery for preventing or controlling conflicts have taken many forms—peacekeeping operations, observation missions, fact-finding missions, supervision of plebiscites, missions of good offices, conciliation panels, mediators and special representatives, etc. Peacekeeping missions are not the UN's only presence in conflict zones. Field staff of UN entities, among them the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), the Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Development Programme (UNDP), and the Office of the United Nations High Commissioner for Human Rights (OHCHR), often work closely with peacekeepers. In addition, peacekeepers have been called upon to support the activities of non-governmental and other organizations engaged in providing humanitarian assistance to victims of conflicts. However, for ease of understanding and volume of work, this paper deals with only the contract procedure related to the many military aspects of peacekeeping operations.

2. Methodology

This research project is a study of the contract management process being followed in the UN for acquiring peacekeeping operations/services from troops' contributing countries (TCCs). A literature review of the generally accepted contract management process as identified in the contract management body of knowledge will be conducted to analyze this process and how it relates to the UNDPKO's (as receiver) acquisition planning, solicitation process, source selection and evaluation, negotiation and award of contract for acquiring peacekeeping operations/services

and TCC's (as provider) contribution planning, bid/no-bid decision, proposal preparation, contract negotiation and formation, contract administration and contract closeout. Thereafter, the UN peacekeeping contract management process will be evaluated using the CMMM developed jointly by Gregory A. Garrett and Dr. Rene G Rendon. Use of CMMM will also include interviews of key personnel in the UN peacekeeping contract management process and survey.

D.   BENEFITS OF THE STUDY

The role and authority of multinational peace operations in today's complex political world pose important legal and policy issues for the international community (Sharp, 1995, p. XIX). Any UN peacekeeping operation begins with an agreement or contract between the warring factions of a country or countries, the UN and the TCC(s). The peacekeeping operation is very diverse, changes with country, situation, time and stakeholders. Thus, the contract management process becomes extremely complex and time-consuming. The results of this study can provide both internal and external stakeholders a useful framework for understanding/evaluating the contract management process followed in the UN for acquiring peacekeeping operations/services. An evaluation of these contract management processes using CMMM will both give a clear understanding of contract management process maturity as well as act as an ideal analytical tool both for the UN and the TCC. An understanding of the UN contract management process is fundamental to the proper planning and execution of a successful peacekeeping operation. It is well understood that generally accepted contract management process identified in the contract management body of knowledge and the UN contract management process will have many dissimilarities; still, this study is expected to provide an important image of UN's contract management process, its organization, strategy, working process and many other factors.

E. ORGANIZATION OF THE RESEARCH

The following chapters form the complete study on the UN contract management process for peacekeeping operations/services. Chapter I introduces the research paper—giving background, purpose, research questions, scope and methodology, benefits of the research and organization of the paper. Chapter II highlights UN peacekeeping operations, which is followed by a literature review on the contract management process for acquiring the UN peacekeeping operations/services in Chapter III. Chapter IV presents an evaluation of the UN contract management process against generally accepted contract management process identified in the contract management body of knowledge; the study then applies the Contract Management Maturity Model to assess the contract management maturity of the UN contract management process for acquiring peacekeeping operations. Finally, Chapter V gives research implications and suitable recommendations for future research.

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II. UN PEACEKEEPING OPERATIONS/SERVICES

A. INTRODUCTION

The previous chapter introduced the research paper—giving background, purpose, research questions, scope and methodology, benefits of the research and organization of the paper. This chapter will explain UN peacekeeping operations/services, UN peacekeeping policy/strategy, the way UN peacekeeping operations are established, the role of the UN Department of Peacekeeping Operations (DPKO), types of peacekeeping operations, legal authority for peacekeeping operations, and financing methods.

B. UN PEACEKEEPING—GENERAL

1. Definition

UN Peacekeeping is the deployment of a UN presence in the field, hitherto with the consent of all parties concerned, and normally involving the UN's military and/or police personnel and (frequently) civilians, as well. "Peace keeping is a technique that expands all possibilities for both prevention of conflict and the making of peace" (Sharp, 1995, p. 27). Basically, it is the duty of military personnel or forces in a country or countries to perform traditionally non-military functions (or military functions, if a mandate is received from the Security Council) in an impartial manner. These functions might include supervision of a cessation of hostilities agreement or truce, observation or presence, interposition between opposing forces as a buffer force, maintenance and patrol of a border, or removal of arms in the area. However, with the passage of time, UN peacekeeping operations have evolved from being mostly non-military functions to including military functions.

The first peacekeeping operation mission established by the UN was an observer mission, The UN Truce Supervision Organization (UNTSO), set up in the Middle East in June 1948. Other observer missions were set up following the same principle as that of UNTSO (UN, 2007c).

C. UN PEACEKEEPING POLICY/STRATEGY

1. Peacekeeping Principles

UN peacekeeping is based on the principle that an impartial presence on the ground can ease tensions between hostile parties and create space for political negotiations. Peacekeeping can help bridge the gap between the cessation of hostilities and a durable peace, but only if the parties to a conflict have the political will needed to reach the goal. Initially developed as a means of dealing with inter-State conflict, UN peacekeeping has increasingly been used in intra-State conflicts and civil wars, which are often characterized by multiple armed factions with differing political objectives and fractured lines of command. These realities have, particularly since the late 1980s, led to an evolution in the structure of peacekeeping missions.

The UN Security Council normally establishes peacekeeping operations in keeping with certain basic principles:

a. Impartiality: i.e., peacekeepers must be impartial between parties,

b. Consent and cooperation: i.e., peacekeeping operations could be established only with the consent of the parties to the conflict in question,

c. Appropriate use of force,

d. Unity and international character,

e. Respect for principles of international humanitarian law, and respect for local laws and customs. (Goulding, 2007, p. 453; Peacekeeping Best Practices Unit, 2003, December, p. 55)

There are also a few other principles which are considered before planning a mission, which include agreement and continuing support by the Security Council, unrestricted access and freedom of movement by the operation within the countries of operation and within the parameters of its mandate, provision of personnel and/or equipment on a voluntary basis by UN members, and non-interference by the operation and its participants in the internal affairs of the host government (GAO, 2003, September). A large number of peacekeeping operations are based on the

"traditional" model of a military operation deployed in support of a political activity. These operations involve military tasks such as monitoring ceasefires and patrolling buffer zones between hostile parties and are carried out by UN peacekeepers who may or may not be armed and who are widely known as "blue helmets" or "blue berets" because of their distinctive headgear. Although past military observer missions have also included non-military tasks, a growing number of UN peacekeeping operations have become multidimensional, composed of a range of components, including military, civilian police, political, civil affairs, rule of law, human rights, humanitarian, reconstruction, public information and troops'gender. Some of these operations do not have a military component but carry out their mandates alongside a regional or multinational peacekeeping force.

Depending on their mandate, multidimensional peacekeeping operations (also referred to as peace operations) may be required to (Peacekeeping Best Practices Unit, 2003, December, p. 10):

a. Assist in implementing a comprehensive peace agreement,

b. Monitor a ceasefire or cessation of hostilities to allow space for political negotiations and a peaceful settlement of disputes,

c. Provide a secure environment encouraging a return to normal civilian life,

d. Prevent the outbreak or spill-over of conflict across borders,

e. Lead States or territories through a transition to stable government based on democratic principles, good governance and economic development, and

f. Administer a territory for a transitional period, thereby carrying out all the functions that are normally the responsibility of a government.

Since 1948, the UN has launched 60 peacekeeping operations, out of which 16 are currently active; six of these are in Europe, four in the Middle East, four in Africa, two in Asia and one in the Americas. Till the end of the Cold War, the number of and expenditure for UN peacekeeping operations were more or less steady. But

after the end of the Cold War, as the number of peacekeeping missions started to increase, so did expenditures. Then, in the mid-1990s, there was a steady decline. After that, the number of UN peacekeeping missions increased steadily. Over the years, peacekeeping has come to constitute more than just the placement of military forces into a cease-fire situation with the consent of all the parties. Military peacekeepers may be disarming or seizing weapons, aggressively protecting humanitarian assistance, and clearing land mines. Presently, peacekeeping operations have expanded non-military tasks such as maintaining law and order (police), election monitoring, and human rights monitoring. The following tables give an idea of the trend of UN peacekeeping operations and expenditure through 2006 (UN, n.d.).

Active U.N. Peacekeeping Operations
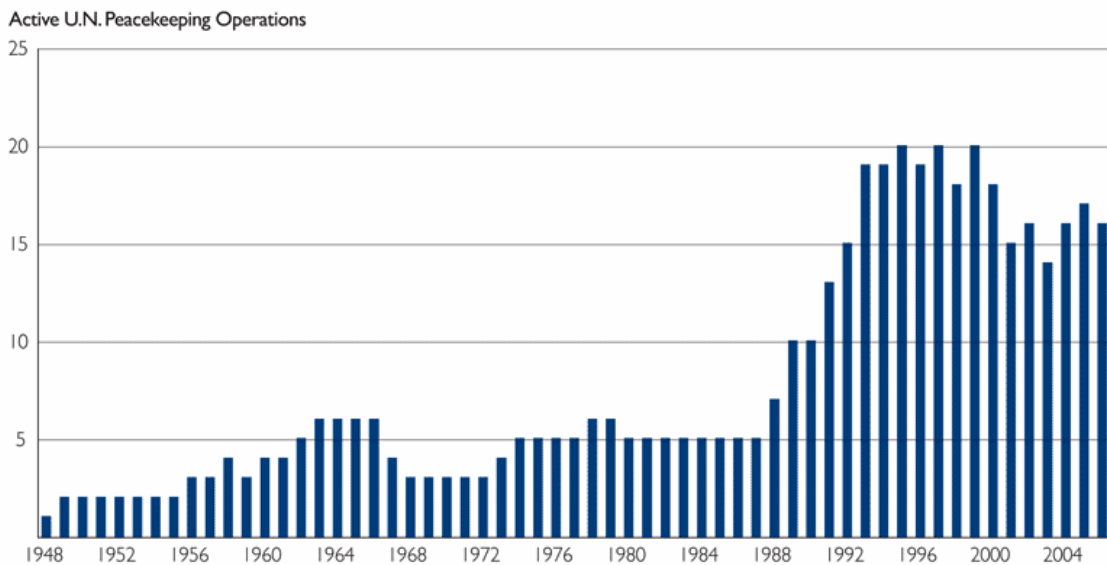
Note: The number of operations is totaled annually. If an operation was operational at any point during the year, it is included in the total for that year. From 1948–2006, the U.N. had a total of 61 peacekeeping operations.
Source: U.N. Department of Peacekeeping Operations, "List of Operations, 1948–2007," at www.un.org/Depts/dpko/list/list.pdf (January 31, 2007).

Figure 2.1.   Number of Active UN Peacekeeping Operations

U.N. Budget Expenditures ($Billion)

Figure 2.2.   UN Expenditure for Peacekeeping from 1986 to 2006

D.   ESTABLISHING PEACEKEEPING OPERATIONS

Peacekeeping operations are established by the Security Council, which is, under the UN Charter, the organization with "primary responsibility for international peace and security." In each case, a new mission must be designed and its components assembled to meet the requirements of that particular situation. Since the UN has no standing army or police force, this requires that the Organization generate troops and civilian police from Member States and recruit international and national civilian staff, as required by the mission's mandate. There is no set sequence of events leading to the establishment of a peacekeeping operation, but in most cases, some combination of the following events occurs (Peacekeeping Best Practices Unit, 2003, December, p. 12):

1.   **Consultations/Peace Agreements**

As a particular conflict develops or intensifies, or as the hostile parties approach agreement on a negotiated settlement, ongoing consultations take place among Member States, the Secretariat, the parties on the ground, States in the region concerned and countries that are potential contributors of troops, police and other resources, regarding the possible need for a UN presence and the shape the settlement might take. It is particularly critical that the parties concerned provide consent for UN involvement. Often, one or more of the parties will insist, as a precondition for signing the peace agreement, on a UN role in verifying compliance with or helping to implement the agreement. As such, peace agreements often define the contours of any future UN operation; and the UN can provide, during the negotiations phase, valuable advice as to the kind of mandate that the UN would be able to implement—based on its capacity, expertise and previous experience—should the Security Council agree to authorize such a mandate. Early and ongoing consultation with the Security Council and other Member States is essential to ascertain if they are prepared to support the course of action envisaged for the UN and to provide the resources required to do the job.

2.   **Technical Assessment Mission**

As soon as security conditions permit, an integrated technical assessment mission involving the relevant UN departments, funds and programs travels to the country or territory where the mission is to be established to assess the overall security, political, humanitarian, human rights and military situation on the ground and the implications for a UN operation.

3.   **Report of the Secretary General**

The Secretary General makes recommendations to the Security Council, taking into account the findings and recommendations of the technical assessment mission, on the options for establishing a peacekeeping operation, including its size and resources.

4. Security Council Resolution

The Security Council passes a resolution authorizing the operation's deployment and determining its size and mandate. (Such decisions require at least nine out of 15 votes in favor and are subject to a veto by any of the Council's five permanent members: China, France, the Russian Federation, the United Kingdom and the United States). The budget and resources of the missions is then subject to General Assembly approval.

5. Appointment of Senior Official

The Secretary General appoints a senior official, preferably a serving and well-reputed and recognized officer in the UN, to head the operation.

6. Planning

In the meantime, planning for political, military, operational and support (i.e., logistics and administration) aspects of the peacekeeping operation is ongoing, with the Special Representative to the Secretary General (SRSG) (or other senior official) and Department of Peacekeeping Operations (DPKO) in the lead. The Military Planning Service (MPS), in consultation with the Military Division of the DPKO, is responsible for preparing the Strategic Estimate, Concept Operations, Command Directive, determination of Force Requirement and Rules of Engagement of the peacekeeping force (MPS Official, 2007, February 6). The planning phase usually involves the establishment of a Headquarters-based joint working group or integrated mission task force (IMTF), with participation of all relevant UN departments, funds and programs. The following diagram shows detailed planning process for peacekeeping operation (UN, 2001, September, Annex "A"):
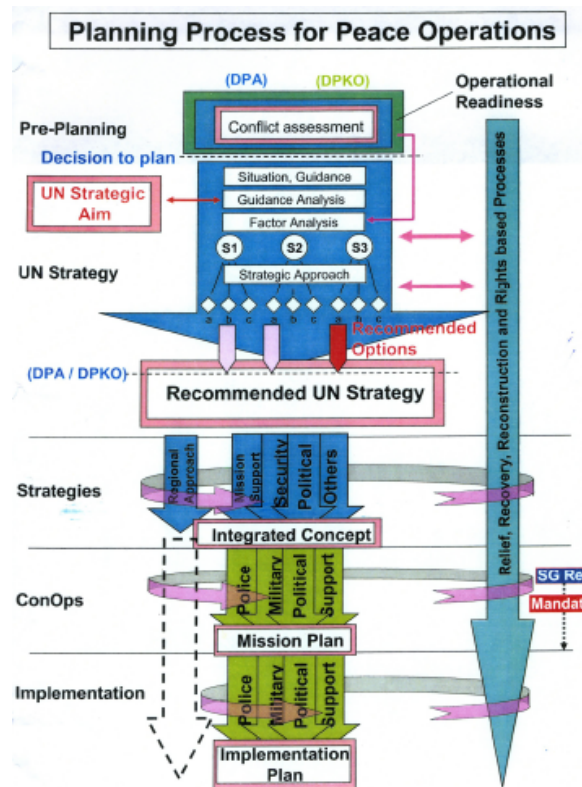
Figure 2.3. Planning Process for UN Peacekeeping Operations

7. Contribution of Troops and Other Resources

Member States are asked to contribute military troops and civilian police, if required, as well as supplies, equipment, transportation and logistical support.

8. Deployment

Deployment proceeds as quickly as possible—taking into account the security and political conditions on the ground—often starting with an advance team to establish mission headquarters and leading to a gradual build-up to encompass all components and regions, as required by the mandate.

9. Reporting and Review

The Secretary General reports regularly to the Security Council concerning the activities of the operation. The Security Council renews and adjusts the mission's mandate, as required, until the mission is completed or closed. The following

diagrams highlight the chain of events in the establishment process of a complex UN peacekeeping operations (Durch, 2001, October, p. 13).
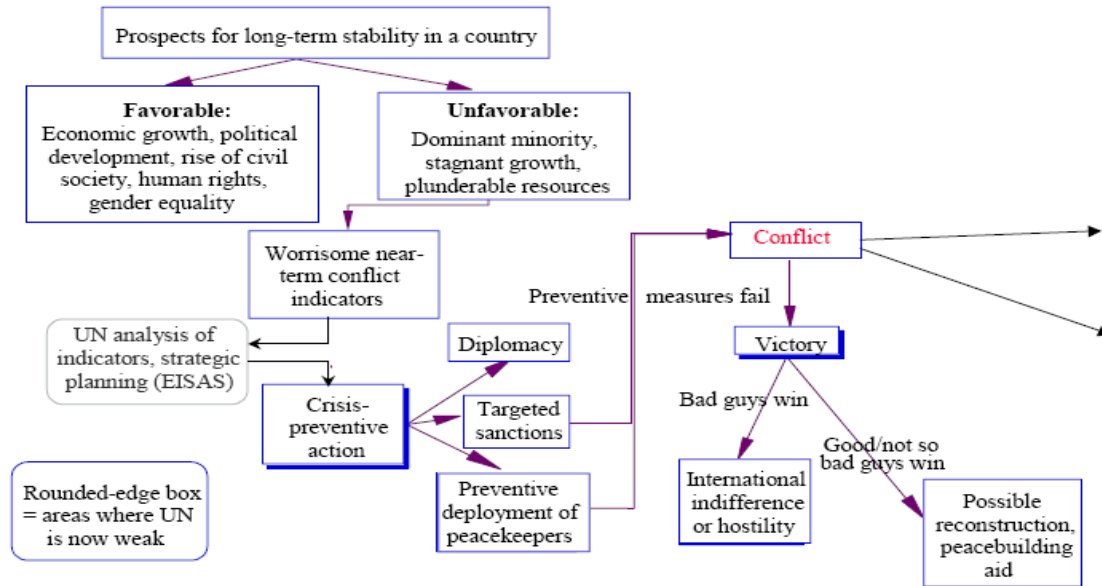
(c) 2001, The Stimson Center

Figure 2.4. Peacekeeping Planning Chain of Events
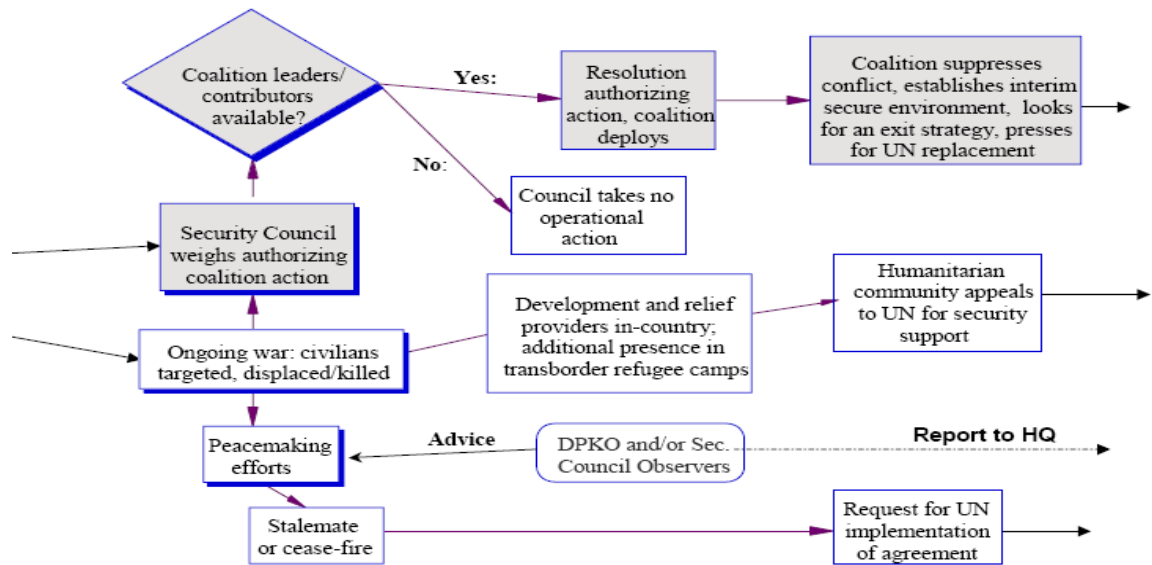
(c) 2001, The Stimson Center

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Figure 2.5.   Path to Complex Operations
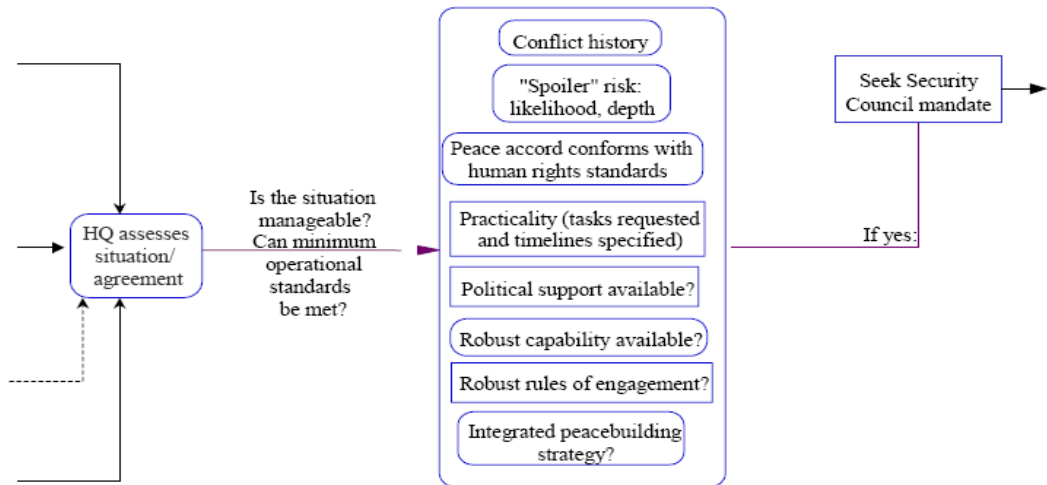
(c) 2001, The Stimson Center

Figure 2.6.   Assessing an Operation's Prospect

E.   ROLE OF THE DEPARTMENT OF PEACEKEEPING OPERATIONS

The UN is a key enabler to avoiding, containing and resolving disputes. Leaving aside its work on economic, social and humanitarian matters (and indeed even on arms control and disarmament negotiation), it has had to act on the basis of certain prescriptions in the UN charters; it is charged with the promotion and development of international law; it has a role in the settlement of disputes, and it is intended to play a central role in the provision of collective security.

Peacekeeping operations, traditionally, were mostly military operations with limited political goals and tasks. Consequently, they were generally placed under the supervision of a Force Commander, with any political functions directed from UN Headquarters. However, given the nature of the new generation of multidisciplinary peacekeeping operations and the need for rapid decision-making in the field in the areas of considerable political sensitivity, these new missions were placed under the overall supervision of a Special Representative of the Security General (SRSG) to whom both military and civilian components reported. The increasing use of SRSGs endowed peacekeeping operations with greater political mediation capability infield. In addition SRSGs are able to communicate direct country-specific requirements to UNHQ. In this way, SRSGs are able to spearhead, in many instances, the consolidation of peace at the local level.

The DPKO, which was established as a separate department of the UN Secretariat in 1992, is responsible for planning, managing, deploying, supporting and, on behalf of the Secretary General, providing executive direction to all UN peacekeeping operations (Wikipedia, 2007, January). It also performs similar functions in support of peace and security operations that are predominantly civilian, such as the United Nations Assistance Mission in Afghanistan (UNAMA). The DPKO works very closely with the Department of Political Affairs (DPA), which is the focal point in the UN system for conflict prevention, peacemaking and peace-building. The

standard organizational structure for UN PKO is given in the figure below (UN, 2007a).
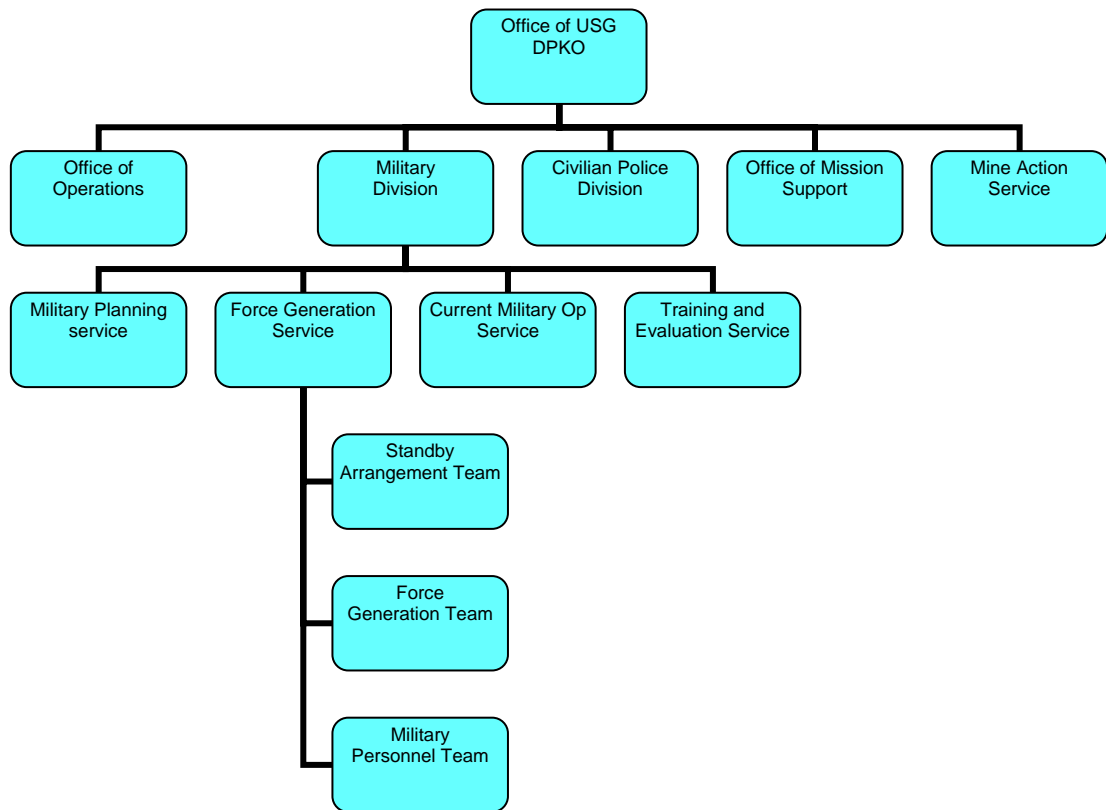
Figure 2.7.   Organization Structure for UN Peacekeeping Operations
(UNDPKO, 2006)

F.   TYPES OF PEACEKEEPING OPERATIONS

There are three types of peace operations: traditional peacekeeping, peace-building, and peace enforcement or making, the details of which are given below (Gantz, 2006, August, p. 1):

1.   Peacekeeping

This is a 50-year-old enterprise that has evolved rapidly in the past decade from a traditional, primarily military model of observing ceasefires and force separations after inter-State wars, to incorporate a complex model of many elements, military and civilian, working together to build peace in the dangerous

aftermath of civil wars. Traditional peacekeeping missions, in which usually the UN peacekeepers (and at times outside military forces like regional force or security alliances) are interposed between the former warring parties, have generally been successful when the parties are genuinely engaged in and committed to the peace process. The UN peacekeepers prevent accidents or mitigate the consequences of accidents, but cannot force parties to engage in the peace process.

2.   Peace-building

This is also known as nation building (or more accurately, State building), which tries to ensure that the peace process is sustainable and long-lasting. Today's complex, multidimensional peace operations—which take a holistic approach to establishing security and the rule of law and which strengthen the political and economic management capacity of governments in weak or failed States—are examples of peace-building efforts. These sorts of operations can follow the integrated mission model (in which all parts of the UN system are supposed to be working together) or feature executive authority (in which the UN administers significant parts of the country/territory and hands over to local control as local capacity becomes capable of effective management). This is what the UN is trying to do in places such as Haiti, Liberia, and Kosovo.

3.   Peace Enforcement or Peacemaking

This process addresses conflicts in progress, attempting to bring them to a halt using the tools of diplomacy, mediation and or force. Peacemakers may be envoys of Governments, groups of States, regional organizations or the UN, or they may be unofficial and non-governmental groups (as was the case, for example, in the negotiations leading up to a peace accord for Mozambique). Peacemaking may even be the work of a prominent personality, working independently.

Again, peace enforcement operations, in which a peace process is imposed on the warring parties by outside military forces, are difficult, costly, and require extensive and long-term efforts to sustain the peace. Because the use of force in

conjunction with robust rules of engagement is difficult both for troop-contributing countries and the UN itself, the UN seldom engages in these sorts of operations. In fact, peace enforcement by the UN has often been unsuccessful. The exceptions are cases in which there was strong unity and support for the mission within the international community, such as in East Timor and Eastern Slovenia, or cases in which the use of force was handed off to a military organization, such as in Kosovo—which relies on NATO military forces for the peace enforcement component of peace operations.

G. LEGAL AUTHORITY FOR PEACEKEEPING OPERATIONS

Two key charters of the UN provide the legal authority for the Security Council to maintain international peace and security. *Chapter VI* provides for the "Pacific Settlement of Disputes" (UN, 2006a). This chapter requires the parties to any dispute that may endanger international peace and security to "seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangement or other peaceful means of their own choice." Within this peaceful settlement mechanism, the Security Council has investigative powers and the authority to recommend "appropriate procedures or methods of adjustments." *Chapter VI* peace operations rely upon the consent of the parties involved and are intended to be impartial in nature. As defined by the Secretary General of UN in his *Agenda for Peace,* these consensual peace operations include preventive deployment, peace-making, and peacekeeping operations and are normally conducted under the control of the Secretary General. If diplomacy or *Chapter VI* measures fail to restore or maintain international peace and security, *Chapter VII* authorizes UN Security Council to employ coercive force. Article 39 provides that the "Security Council shall determine the existence of any threat to peace, breach of the peace, or an act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Article 41 and 42, to maintain or restore international peace and security" (Sharp, 1995, p. XIX).

H. FINANCING METHOD FOR UN PEACEKEEPING OPERATIONS

All Member States share the costs of UN peacekeeping operations. The General Assembly apportions these expenses based on a special scale of assessments applicable to peacekeeping. This scale takes into account the relative economic wealth of Member States, with the permanent members of the Security Council required to pay a larger share because of their special responsibility for the maintenance of international peace and security. As of 1 January 2007, the top 10 providers of assessed contributions to United Nations peacekeeping operations were: the United States, Japan, Germany, the United Kingdom, France, Italy, China, Canada, Spain and the Republic of Korea (UN, 2006b). Many countries have also voluntarily made additional resources available to support UN peacekeeping efforts on a non-reimbursable basis in the form of transportation, supplies, personnel and financial contributions above and beyond their assessed share of peacekeeping costs.

Basic financial issues relating to peacekeeping are considered by the General Assembly under the agenda item, "Administrative and budgetary aspects of the financing of the UN peacekeeping operations" (UN, 2006a). The Finance Management Services (FMS) and Peacekeeping Finance Department (PFD) are responsible for formulation and management of budget requirements of individual peacekeeping missions. The first stage of the budget process is production of the addendum to SG's report to the Security Council, which covers the financial implications of the operation. In most cases, the mandate period is six months. The total cost provided in the financial implications serves as the ceiling which detailed cost estimates cannot exceed when submitted at a later date for General Assembly's (GA) approval. Once the financial implications have been submitted, a detailed budget is prepared for presentation to the GA to obtain funds for the mission. Due to the long lead-time required for a mission to be established by the UN (up to six month from establishing the mission to budget approval), a financing mechanism is available to enable the mission to access the fund for immediate operational

requirement. This mechanism is done by way of a "Request for Commitment Authority," which has the authority to approve up to US $50million without requiring 5th Committee approval (UN, 2001, September, p. E-2).

I.   SUMMARY

This chapter highlighted UN peacekeeping operations/services, UN peacekeeping policy/strategy, the way peacekeeping operations are established, the role of the UNDPKO, types of peacekeeping operations, legal authority for peacekeeping operations, and the financing methods followed in UN for peacekeeping operations. The next chapter will give the literature review of the contract management process followed by the UN. Specifically, this chapter will identify and discuss the following UN contract management process: contract planning, contract elements, contract types, legal framework, contents of standard MOUs and LOAs and the application of contract principles.

III. LITERATURE REVIEW ON CONTRACT MANAGEMENT PROCESS

A. INTRODUCTION

The previous chapter explained UN peacekeeping operations/services, UN peacekeeping policy/strategy, the way peacekeeping operations are established, the role of the UNDPKO, types of peacekeeping operations, legal authority for peacekeeping operations, and financing methods. This chapter will give the literature review of the contract management process followed by the UN. Specifically, this chapter will identify and discuss the following UN contract management process: contract planning, contract elements, contract types, legal framework, contents of standard MOUs and LOAs and the application of contract principles.

B. DEFINITION OF CONTRACT

A contract is a relationship between buyer and seller defined by an agreement about their respective rights and responsibilities. In other words, contracts define an agreed-on relationship between a buyer and seller. Generally, contracts are written documents containing words, numerals, symbols and perhaps drawings to describe a relationship(s) between contracting parties (Garrett, 2003, p. 52). The written documents have Clauses and Terms and Conditions. A contract consists of a series of statements called clauses. Clauses are short and normally easy to understand. Collectively, clauses form the terms and conditions of the contract; ideally, they define the rights and responsibilities of the parties to the contract. A term is simply a part of the contract. In the context of contracts for peacekeeping operations/services, the contract is a document that describes an agreement about rights and responsibilities. Both in the commercial world and in the UN, the law places great emphasis on the written manifestation of the agreement.

C.   ELEMENTS OF A CONTRACT

Typically, in order to be enforceable, a contract must have the following elements:

a.   Mutual consent,

b.   Offer and acceptance,

c.   Mutual consideration (the mutual exchange of something of value),

d.   Performance or delivery,

e.   Good faith, and

f.   No violation of public policy. ("Expert Law," 2007)

The contracts for peacekeeping operations/services have these same elements, though they are subject to additional rules, regulations and policies.

D.   CONTRACT TYPES FOR ACQUIRING PEACEKEEPING OPERATIONS

Contrary to the procedure followed in the commercial world, the contract type followed by the UN is aimed at providing needed flexibility in acquiring peacekeeping operations and services. Contract types vary according to the degree of urgency and responsiveness of both the UN and the troops' contributing country (TCC). The generally followed practice is basically awarding negotiated contract, either competitive or noncompetitive. There are two types of negotiated contracts, sole-source and competitive. In the UN, the contract for peacekeeping operations are done in a competitive environment (unique to the UN), though the procedures are tailored to suit the UN system so as to minimize complexity of the solicitation, evaluation, and source-selection process. It maintains a process designed to foster an impartial and comprehensive evaluation of the UNDPKO's requirement against the TCC's proposals, leading to selection of the proposal representing the best value to the UN. However, the reimbursements both for troops/contingents and specialized equipments are accomplished via firm-fixed-price contracts.

The UN peacekeeping operations are performed by deploying contingents of troops in the mission areas. This process can be defined as a service rendered by troop contingents. This acquiring of peacekeeping operations/services is done following a contract between the UNDPKO and the TCC. For the deployment of contingents—with the integral weapons systems and equipments—the contract is a Memorandum of Understanding (MOU).

When the contingents need specialized weapons or equipments, there are two ways through which such equipment/weapon systems are acquired. For example, if the mission needs aircraft, one way is to acquire them through commercial means. The process occurs after the Force Generation Service (FGS) receives a Concept of Operations from the Military Planning Service (MPS). The FGS then carries out an assessment (in consultation with the MPS) of its requirement of what type of aircraft, number of aircraft, area of deployment, specific load capacity, crew requirement, support requirement, etc. After determining all these specifications (generally performance), the FGS prepares an Invitation to Bid (ITB) and sends it to Procurement Service at UNHQ, which issues an Expression of Interest. The UN-registered commercial contractors participate in the bidding process. After they receive offers from prospective suppliers, the FGS carries out a technical evaluation against the mission requirement. After the technical evaluation, the FGS sends those bids to the commercial department for financial evaluation. After technical and commercial evaluation of all prospective bids, Headquarters Committee on Contract in the UN approves the contract. After the approval, the FGS signs the contract on behalf of the UN.

The second way to acquire the specialized equipment or weapon system is from the TCC. The contract management process for acquiring specialized equipment or weapon systems is similar to the process followed for acquiring troop contingents. However, in this case, in addition to the MOU, a separate Letter of Assist (LOA) is signed between the UNDPKO and the TCC. Both the contracts are managed by the FGS of the UNDPKO (FGS Official, 2007, February 6). As

previously mentioned, the signing processes of MOUs and LOAs are similar. The flow chart of the contract management process is given in the following table (SOP, 2001, February).
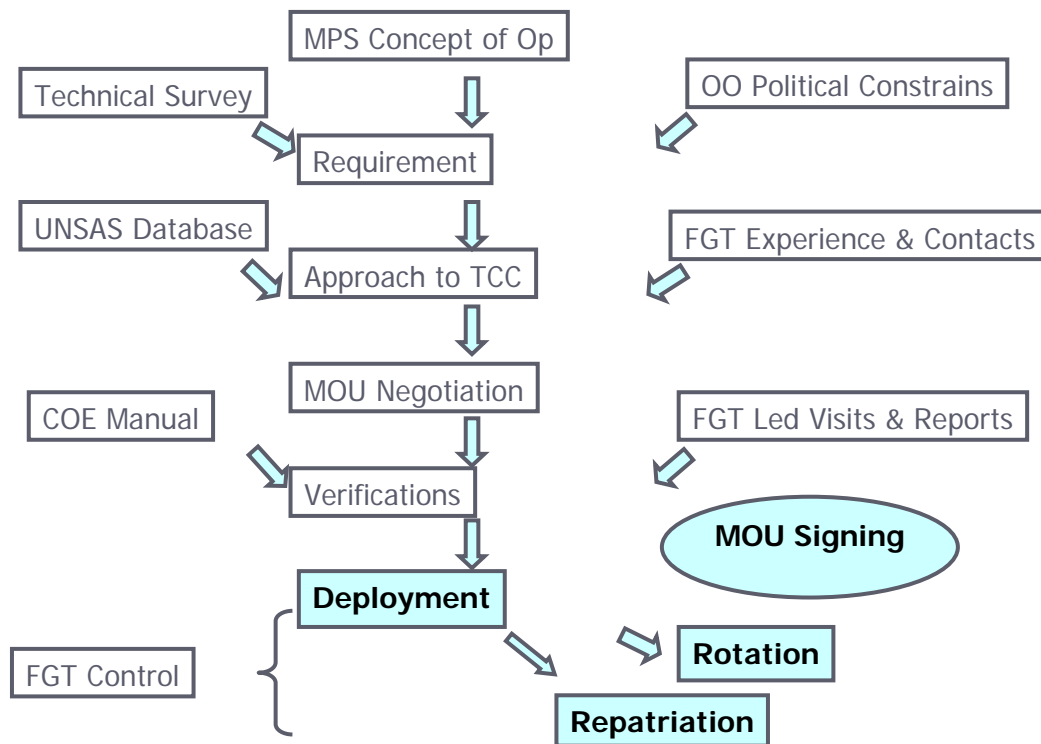
Figure 3.1.   Force-generation Process: Flow Chart of Signing of MOU/LOA
(UNDPKO, 2007, February 6)

E.   LEGAL FRAMEWORK

There is no universal law of contracts. Some countries adopt a statutory or civil law system; others are governed by common law. Civil law is that body of law created by acts of legislature; common laws comprise a body of principles and rules of action that derive their authority not from legislative enactments but from usages and customs or from judgments and decrees of the courts recognizing, affirming and enforcing such usages and customs. Commercial sales are governed currently by statutes even in most common-law countries. A sale is a contract pursuant to whose terms goods are transferred from seller to buyer. Although the law of sale is based

on the same principles applicable to other contracts, it has developed certain specialized aspects concerning the rights and obligations arising from the transfer of goods. For example, in the USA, a contract for sale of goods will be subject to the statute called the Unified Commercial Code (UCC) (Garrett, 2003, p. 45).

Commercial contracting law allows organizations to form contracts based on generally accepted notions of commercial reasonableness (Free Dictionary, 2007). In essence, the law allows each side to rely on the other's presence to establish authority to make a binding contract. Of course, there are many nuances and cases covering this, but, generally, the law favors the creation of commercial contracts in order to facilitate business. However, the UN has its own laws for conduct and implementation of contracts between itself and the TCC for peacekeeping operation/services. In addition, the *Status of Forces Agreement* (*SOFA*), *Status of Mission Agreement* (*SOMA*), MOU and LOA also act as guiding rules for peacekeeping operations. The relationship between the UN and the TCC are legal. The contract binds them to one another, but does not place one under managerial control. Irrespective of the country, the terms and condition of the contract ensures equal treatment.

Generally, the contract for peacekeeping operation is drafted between the TCC's permanent mission in the UN (on behalf of the respective government) and the UNDPKO. The contract management process is similar to the contract management process accepted by the contract management body of knowledge. However, it is also a little different from the commercial contract management process, which requires special care. For example, in case of a contract between the US Federal Government and a company, the US Government can be thought of as an agent for the American people who acts only through the powers given to it by the people of the United States; the circumstance is similar in the UN process: the UNDPKO acts as an agent for the UN for signing contracts with respective TCCs (the permanent missions acts as agents). The powers given to the UNDPKO are set forth in UN Charters, which all members agreed to abide by. The powers given to

the respective country's permanent missions are set forth in their constitution, legislations and regulations. Though the contribution of troops is voluntary, the TCC has no authority to deviate from the agreement with which they have agreed to comply. As with any other regulation, the *SOP of Military Division*, *COE Manual*, *UN Procurement Manual*, UN Laws have been promulgated through the legal regulatory process. These manuals, SOPs, and guidelines are considered to have the force and effect of law; thus, neither the receiver nor the provider of troops/services have authority on their own to deviate from these regulations.

F.   DRY/WET LEASE DECISION-MAKING

In the process of planning, it is necessary to determine what types of troops/ equipment/service(s) to acquire and when. The first management problem for the UN is to decide which country and what services to contract and whether the TCC would have a dry or wet lease agreement. The dry lease means the TCC will contribute only troops; the equipment will be provided by the UN through a separate organization or country under a separate contract. The wet lease means the TCC will have all its essential equipment owned, operated and maintained by contingent during the complete duration of the mission. This dry-lease or wet-lease decision requires consideration of many factors, some of which are strategically important. The decision to dry lease creates a force deployment that needs to be implemented in cooperation with another country or with the UN itself. Generally, the UN Security Council prefers peacekeeping missions with wet lease. There is another process called Bi-lateral Agreement, in which a country offers troops but the equipment is provided by another UN member State. In this case, the TCC is reimbursed for its troop deployment, and the country providing equipment is reimbursed for equipment. However, the UN does not generally follow this system (Aircraft Management and Contract Unit Official, 2007, February 6).

G. CONTENTS OF A STANDARD MOU AND LOA

Though there is no uniform format in a typical MOU, the contents are as follows (UN, 2006, January 11, p. 148):

1. The signatories

2. Articles stating various terms and conditions, regulations and their explanations.

3. Annexes explaining the following items:

   a. Annex 'A'—Personnel

      i. Requirement

      ii. Reimbursement

      iii. General condition

   b. Annex 'B'—Major equipment provided by the TCC

      i. Requirement and reimbursement rate

      ii. General condition

      iii. Verification and control procedure

      iv. Transportation

      v. Mission usage factor

      vi. Loss or damage

      vii. Loss or damage in transit

      viii. Special case equipment

      ix. Liability for damage to major equipment

   c. Annex 'C'—Self-sustainment provided by the TCC

      i. Requirement and reimbursement rate

      ii. General condition for self-sustainment

iii.   Verification and control procedure

   iv.   Transportation

   v.   Mission-related usage factors

   vi.   Loss or damage

d.   Annex 'D'—Performance standard for major equipment

e.   Annex 'E'—Performance standard for self-sustainment

f.   Definitions

g.   Guidelines for troop contributors

A typical LOA has similar contents; however, it is very concise. It pertains to the lease of special equipment/weapon systems only, and it is more technical in nature. The signatories are the same. The articles and Annexes are similar to that of a MOU.

H.   PREDICTING THE SIZE OF UN PEACEKEEPING OPERATIONS

The character and the size of UN peacekeeping operations have changed dramatically over the past fifty years. What began as an experiment in 1948 in sending a small number of unarmed observers to supervise a truce in the Middle East has blossomed into multitask operations that include a wide variety of civilian and military personnel working on election supervision, humanitarian assistance, and State-building (to name but a few functions). One apparent trend is the dramatic increase in the size of peacekeeping operations. During the Cold War, the average operation numbered only a few thousand (and many were considerably fewer); yet, some of the more recent operations have been substantially larger: the UN operation in Cambodia included almost 30,000 personnel, and the NATO-sponsored mission in Bosnia has approximately 60,000 troops associated with it. In the aggregate, UN peacekeeping personnel worldwide reached a peak of over 80,000—much greater than in the Cold War period when only several thousand troops were typically in the

field at any one time (Green, Kahl & Diehl, 1998, Summer, p. 485). The following table shows the number of peacekeepers over the years (Henry L. Stimson Center, 2007).

Number of U.N. Peacekeeping Personnel
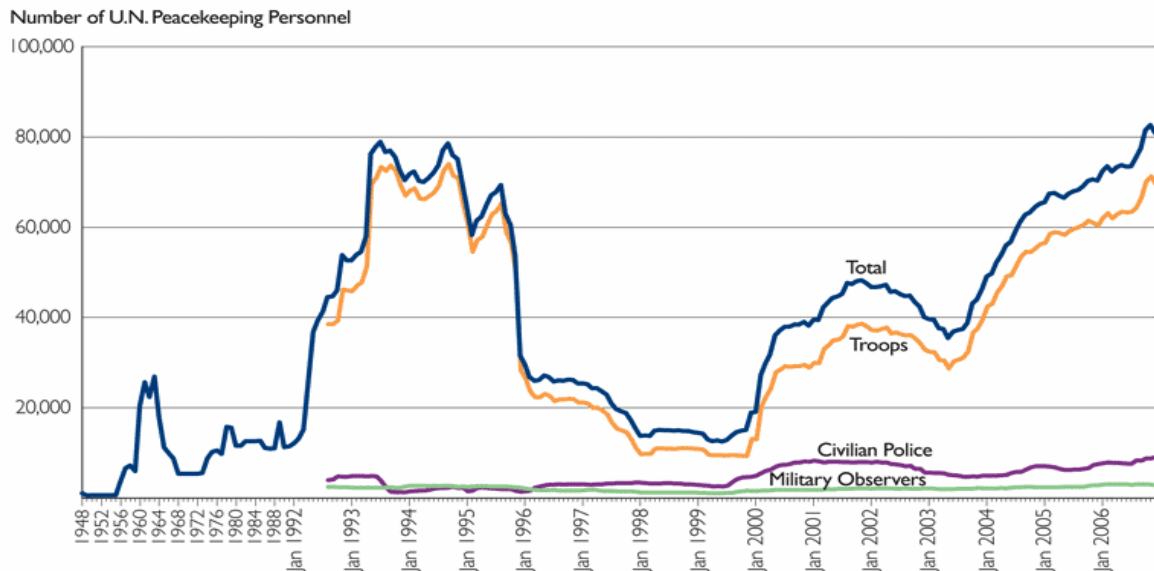
Note: Data for individual categories are not available prior to August 1992. Data for June and July 1992 and December 1998 are interpolated.

Sources: U.N. Department of Peacekeeping Operations, "Uniformed Personnel in UN Peacekeeping: 1991–2006," November 10, 2006, at www.un.org/Depts/dpko/chart.pdf (January 31, 2007); U.N. Department of Peacekeeping Operations, "Monthly Summary of Military and Civilian Police Contribution to United Nations Operations," at www.un.org/Depts/dpko/dpko/contributors/Yearly_Summary.pdf and www.un.org/Depts/dpko/dpko/contributors/Yearly06.pdf (January 31, 2007); U.N. Department of Public Information; Henry L. Stimson Center, Future of Peace Operations Program, "Numbers of Uniformed Personnel in Peace Operations at Mid-Year, 1948–2006," at www.stimson.org/fopo/xls/peace_ops_size_1948-2006_web_data.xls (January 31, 2007); and author's correspondence with U.N. Department of Peacekeeping Operations.

Figure 3.2.   UN Peacekeeping Personnel 1948 – 2006

The size of the contingent and type of equipment that a peacekeeping force requires to support a peacekeeping operation depends on several factors. These include the (Global Security.org, 2007):

a.   Specific type of peacekeeping operation,

b.   Support responsibilities outlined in the terms of reference ,

c.   Size of the force being supported,

d.   Duration of the operation (or rotation within an operation),

e.   Environmental considerations, such as the degree of urbanization or the presence of mine warfare,

f.   Degree to which the belligerents are maintaining peace,

g.   Existing facilities and services, and

h.   Availability of contracted engineering support.

The terms of references outline the specific missions of the contingent to a peacekeeping force. In some multinational operations, another country may be tasked to provide similar support to the force as a whole. In other cases, the deployed contingent may be tasked to provide all peacekeeping support for the operation. The type of support may include base development, maintenance and some internal engineer support to implement force-protection measures. There may also be combat missions that affect the whole force.

The size of the force provided to a peacekeeping operation may range from several observers to a few divisions with associated arms and services reinforced with support assets, or to an even larger force. If the force moves into an area with no facilities, it would definitely require sufficient construction/engineering skills. If the peacekeeping force moves into existing facilities, the requirement for construction/engineering skills depends on who will maintain the facilities.

How the belligerents comply with peacekeeping force deployment affects the need for force structure. A relatively benign environment requires minimal combat support. This is the case with the Multinational Force and Observers in almost all UN deployments, where each ground troop division is supported by reinforced squads during its rotation. In more threatening environments (where all disputing parties are not complying with a cease-fire, for example), the need for combat support skills increases. In some cases, one or more belligerents may continue to conduct mining operations, for example, in contested areas or along peacekeeping force-patrol routes. They may place booby traps as defensive measures or to harass opponents or peacekeepers. The belligerents may conduct openly aggressive activities such as ambushes or raids. In any of these conditions, troops may be required to conduct

standard combat operations, possibly under fire. Due to the high-risk and high-stress nature of these operations, the number of combat forces should be increased.

I.   APPLYING CONTRACT PRINCIPLES

Although contracting principles in the UN are different from generally accepted contracting principles identified by the contract management body of knowledge, basic principles like formation, offer, acceptance, consideration, competent parties and legality of purpose are more or less common. Many principles can be taken for granted; for instance, in the case of the contract management in the UN, it is assumed that the TCCs also operate following the same principles.

J.   CONTRACT MANAGEMENT PROCESS

1.   Generally Accepted Contract Management Process as Identified by the Contract Management Body of Knowledge

Acquisition planning is considered procurement planning in the contract management body of knowledge. Market-based societies developed the concept of a contract in response to critical problems like uncertainty and risk of delivery time and performance of services. Contracts act as management tools to mitigate uncertainty and risk (Garrett, 2003, p. 18). The use of such documented relationships enables buyers and sellers to enforce their agreement through the power of government, thereby reducing the risk associated with commercial transactions of goods and services. The contracting concepts of large contracts are quite complex; such intricate contracts can be considered projects. In managing contracts as projects, it is essential to breakdown the contract management process into smaller steps that can be handled easily. The contract management process has three common phases—comprised of six major steps for buyer and six major activities for seller. The following figure gives a bird's eye view of the generally accepted contract management process as identified by the contract management body of knowledge (p. 20).

Phase 1: Pre-Award			
Buyer	1. Procurement Planning	2. Solicitation Planning	3. Solicitation
		Make/buy Decision	
Seller	1. Pre-sale Activities	2. Bid/no-bid Decision Making	3. Bid or Proposal Preparation
		Bid Decision	

Phase 2: Award		Phase 3: Post Award	
Buyer	4. Source Selection	5. Contract Administration	6. Contract Closeout/ Termination
		Contract Award	
Seller	4. Contract Negotiation & Formation	5. Contract Administration	6. Contract Closeout/ Termination

Table 3.1.   Contract Management Process (Garrett, 2003)

2.   Contract Management Process Planning of the UNDPKO (as Receiver)

The UN contract management process for acquiring peacekeeping operation is termed as "Force Generation Process." Force generation is the process in which military forces and equipment are acquired from the TCCs to meet the requirements of the Concept of Operations (CONOPs). The force generation team (FGT) manages the force generation, rotation of troops' contingent/sustenance and repatriation process of both formed units and individuals deployed as part of the military component of UN missions or peacekeeping operations and is the focal point of contact for TCCs. The force generation process consists of the following (SOP, 2005, June, p. 10):

a.   Developing the Concept of Operations

b.   Approaching Member States, Potential TCCs

c.   Assessment visits

d.   Selection of TCCs

e.   Joint Reconnaissance Visits

f.   MOU Negotiations and Signings

g.   Pre-deployment Visits

h.   Deployment

i.   Rotation/Repatriation

3.   Contract Management Process Structure in the UNDPKO (as Receiver)

Typical UN peacekeeping contracts are very complex and, as such, are managed as projects. These peacekeeping contracts are goal-oriented, involve coordinated undertaking of related activities, are finite in duration and unique—each different from the other (FGS Official, 2007, February 7). Similar to the contract management process accepted by the contract management body of knowledge, the contract management process for acquiring UN peacekeeping operations/services without specialized equipment/weapon systems has three phases: pre-award, award and post-award (Garrett, 2003, p. 20; FGS Official, 2007, February 6).

4.   Pre-award Phase

The Pre-award phase has four major activities.

a.   Acquisition Planning

The acquisition planning process identifies which types of services/performances are required to perform peacekeeping operations in a particular place or situation. This process involves determining whether to make wet or dry lease, how to lease, what to lease, how much to lease (force structure), and when to lease. During this phase, an acquisition plan is developed that addresses

the statement of work, force description, availability of force, contract-type selection and associated risks. The planning is done by a team of experts consisting of military planners, financial personnel, logistics experts, etc. of the UNDPKO. Basically, military planners are active-duty military professionals deputed to the UNDPKO from its member States for a certain duration.

b.   Solicitation Planning

The process of preparing the documents to support solicitation is termed solicitation planning. This process involves documenting program requirements and identifying potential sources. In this phase, the UN:

a.   Determines its requirement or deliverables,

b.   Identifies potential TCCs,

c.   Analyzes the sources of uncertainty and the risk that the UN will face,

d.   Develops terms and conditions of the contract,

e.   Chooses the method of source selection and proposal evaluation, negotiation and contract formation, and

f.   Arranges for effective administration of the contract.

c.   Market Research

Market research is a process to collect, organize, maintain, analyze and present data for the purpose of maximizing the capabilities, technology and competitive forces of the market place to meet an organization's needs for supplies and services. The UNDPKO maintains a database containing the lists of member States with identified capabilities and past participation records. However, the UN encourages the inclusion of new TCCs in every mission—subject to willingness, commitment, performance verification and evaluation (FGS Official, 2007, February 7; MPS Official, 2007, February 7).

d.   Solicitation

In the process of obtaining information (bids and proposals) from prospective TCCs for acquiring peacekeeping operations/services, the UNDPKO asked all potential TCCs to identify their willingness, proposals for contribution of suitable troops and their equipment (SOP, 2005, June, p. 22). The UN also negotiates with its member TCC for reimbursement and possible deployment with or without equipment at a prescribed time. However, the COE manual provides standard rates of reimbursement and a reimbursement guideline.

5.   Award Phase

Based on solicitations, the UN evaluates all bids from different TCCs for possible TCC selection. The consent from the host country, political consideration, and stakeholders' interest plays a major role in determining the TCC selection (FGS Official, 2007, February 6). The award phase consists of two steps, namely source selection and contract negotiation and formation.

a.   Source Selection

Source selection may be as simple as determining the lowest bidder, which may involve weeks or even months of proposal analysis, inspection and testing. The selection may be done by one person or a group of professionals. The UN source-selection process is different than that followed in the commercial sector. Since reimbursement is based upon a fixed rate contained in the COE manual, cost does not play any major role in source selection. The UN follows a best-value approach for selecting troops' contingents with COE only. Additionally, the UN considers the following factors during source selection (UN, 2001, September, p. 7; MPS Official, 2007, February 7):

a.   Political acceptability,

b.   Threat scenario,

c.   Stakeholders' interest,

d.   Willingness of host country, warring factions, the UN and potential TCC and donors,

e.   Acceptance of the UNDPKO *Concept of Operations* and *Rules of Engagement,*

f.   Military readiness and capability to undertake military operations,

g.   Self-sustainment capability,

h.   Cost,

i.   Command and control,

j.   Geographic representation,

k   Compatibility of equipment system with UN-operated equipment, and

l.   Past performance.

When a number of TCCs are willing to provide similar units with similar military readiness and capabilities, they are placed on a "short list" for further evaluation via an assessment visit. Such visits are usually attended by representatives of the FGS, Office of Mission Support (OMS), Logistic Support Division (LSD) and FMS (Financial Management Service) and may include a representative from the mission (if already established). Detailed briefings are usually conducted to ensure the CONOPS is clearly understood and that the COE and self-sustainment requirements and procedures are adhered to. The FGS takes the lead in these visits and will issue a detailed "After Inspection Report" that will summarize the TCC's level of readiness and will recommend which TCC should be selected to deploy to the Mission. It should also evaluate the readiness of the TCC to deploy and highlight the shortfalls to be overcome before any agreement to deploy can be reached (SOP, 2005, June, p. 11). To select a TCC for specialized equipment/weapon system like aircraft, helicopters, ships, specialized vehicles, etc., all factors mentioned for source selection of a TCC are followed. However, here cost and self-sustainment capability play a significant role.

b.   Contract Negotiation and Formation

After the TCC is selected, the FGS and TCC must reach a certain understanding of the nature of their undertaking and negotiate the terms and conditions of the MOU/LOA. After the reconnaissance visit, Member States negotiate with the UNDPKO for the MOU/LOA for the agreed-upon unit. The FGS (which will take the lead), discusses and agrees upon the terms and conditions for the number of personnel, major equipment and self-sustainment categories that the UN will reimburse for the TCC's contribution to a UN Peacekeeping Mission. The result of these negotiations will be an agreed-upon MOU/LOA, which will be formally signed by the Permanent Representative of the Country to the UN and USG, UNDPKO (Peacekeeping Best Practices Unit, 2003, December, p. 65). The process of signing both the MOU and LOA are almost the same. The detailed process of signing the MOU is given in Figure 3-1.

6.   Post-award Phase

The final phase in the contract management process is the post-award phase, which consists of Pre-deployment Inspection, Deployment, Contract Administration and Contract Close-out and Termination. In UN peacekeeping operations, the post-award phase of contract management is very challenging, since various contingents from different parts of the world are deployed in the same geographical mission areas having various terms and conditions of employment, diverse operating procedures, diverse training, diverse equipment systems, command and control structures, languages and communication difficulties. The SRSG, a high-ranking UN civilian staff, is in charge of a peacekeeping mission. The military aspects are dealt with by the Force Commander, or FC. All military components of the peacekeeping operations are directly under the FC (Voetmann, 1997, April, p. 2). All UN peacekeeping missions are managed as projects. In the DPKO, existing missions are overseen by Current Military Operations Services (CMOS), a unit of MILAD. CMOS has a number of desks, run by officers, who manage these missions. UN

civilian staffs manage the political, administrative, communication, logistic and financial functions. The post-award phase consists of the following activities:

a. Pre-deployment Inspection or Assessment Visits

One or two weeks prior to movement of vehicles, major equipment and self-sustainment stores to the mission area, a UNDPKO Team consisting of representatives from the FGS, LSD, FMS and, if required, a representative from the Mission, will move to the TCC in order to assist in any outstanding issue prior to their departure and to assess any shortfall in their level of readiness and recommend solutions prior to the deployment to the Mission area (SOP, 2005, June, p. 11).

b. Deployment

Once the pre-deployment visit is completed, Movement Control (MOVCON) of the UN makes all arrangements for shipping cargo to the mission area. Generally, all heavy loads are transported by ship. Troops, along with their integral light equipment/weapon system/cargo, are transported by chartered aircraft or commercial cargo aircraft. The UN may also request the TCC to provide airlift support for deployment if need be. In such cases, the TCC is reimbursed for air transport.

Generally, a deployment is either one year or six months (depending on the agreement between the UNDPKO and the TCC). When the mandate of a mission is extended, the UN may request the same TCC to continue to provide the same services (which is generally done and obviously understandable). If the TCC agrees, then the UN arranges rotation with the help of MOVCON unit. If the TCC is unwilling to continue, then the UN may go for another contract with another TCC. UN incurs all expenditure for rotation of troops at intervals not less than six months and usually not more than twelve months (p. 13).

c. Contract Administration

The contract administration is the process of ensuring that each party's performance meets contractual requirements (Garrett, 2003, p. 158). Almost all UN

peacekeeping missions are conducted by contingents from multiple TCCs, and communications and logistics supports are provided by different providers. Hence, a key aspect of contract administration is managing the interfaces among various providers. Together, all contingents function as a bigger organization, integrating the efforts of many contingents and organizations under a clear command and control structure. Since peace depends on the collective functions of all elements of the deployed contingents in the mission areas, the consequence of failure to do effective contract administration could be very significant.

(1)   Post-deployment Inspection. Once the military contingent arrives in the Mission area, within the first 30 days after arrival, the Missions COE Unit will conduct an "Arrival Inspection" to verify that the units have met the operational requirements. The Mission COE Unit follow-ups with any shortfall in coordination with the FMS, LSD and FGS. The FGS, in turn, follows up with the respective Permanent Mission of the TCC in order to resolve the issue.

(2)   Contract Guide. For all issues, the MOU and LOA act as the primary document for administering the contract.

(3)   Change. If there is any change in Concept of Operation, the FGS has an effective process for managing change. The changes are called amendments. The changes are implemented upon agreement from both the TCC and host country.

(4)   Payment. The UN has an established procedure for payment, which is different from the procedure followed in commercial acquisition. The payment from the service is called reimbursement, which is at a fixed price stipulated in the COE Manual.

(5)   Dispute Resolution. The UN has an established mechanism to discuss and resolve any dispute arising from the application of the MOU/LOA amicably by negotiation. This mechanism is comprised of two levels of dispute resolution. The first level is in the mission area, where the Chief Administrative Officer and the contingent Commander attempt to reach a negotiated settlement of the dispute. If the dispute is not resolved in the first level, it is resolved in the second level between the representative of the Permanent Mission of the TCC and the Under-Secretary General for Peacekeeping Operations or his representative.

d.   Contract Close-out and Termination

A peacekeeping operation is closed down as a result of a Security Council resolution. A peacekeeping operation is considered completed when all troops and associated personnel are withdrawn, all administrative actions have been completed, all disputes settled, and final payment has been made to all TCCs, contractors and associated agencies. The Military Planning Division is the lead agent in the planning for the closure of a mission, in co-ordination with the mission in the field. The planning document for closeout is called the Liquidation Plan. In concert with the Field Administration and Logistics Division and its liquidation team, the Planning Division develops the time-frames and coordinates with other units outside the DPKO which are affected by the mission closure (Voetmann, 1997, April, p. 11). Prior to the acceptance of the plan, outside agencies, such as Non-Governmental Organizations, are informed of the projected withdrawal of security forces. A typical liquidation plan includes following elements:

1.   Financial Statement,

2.   Mission Performance Report,

3.   Disposition and accountability of resources/material,

4.   Disposal of materiel—including redeployment to other mission areas and sale of excess articles,

5.   Payment,

6.   Claims and Disputes,

7.   Donation to the host country (has to be approved by General Assembly),

8.   Closure of Audit, and

9.   Archiving of all records. (UNDPKO, 2006, July 11)

Though there is an established procedure for reimbursement against an MOU/LOA to any TCC, the payment by the UNDPKO often gets delayed. The UN reimburses the money after it receives contributions from member States.

Unfortunately, there is a significant shortage of funds for peacekeeping operations, since a good number of member States do not pay their contributions regularly. The following table highlights the contributions due to UN by various Member States (Global Security.org, 2007).
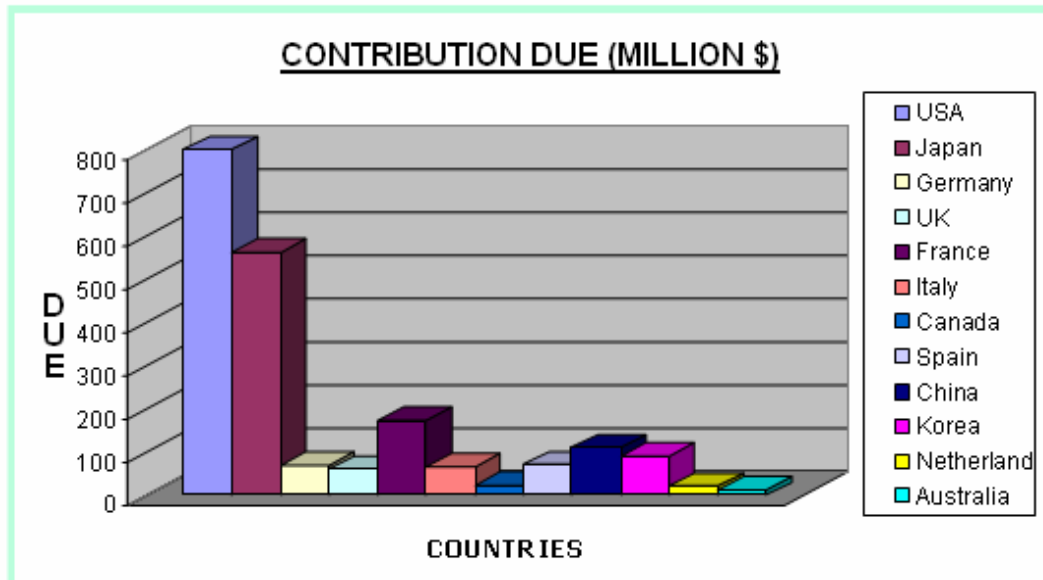
Figure 3.3.   Contribution Due to UN by Member States

7.   Contract Management Process in the TCC (as Provider)

Similar to the UNDPKO, the contract management process followed by a TCC has three phases: pre-award, award and post-award (Garrett, 2003, p. 20; Officials of Permanent Missions of Bangladesh and Pakistan to UN, 2007, February 8).

8.   Pre-award Phase

The Pre-award phase has four major activities:

a.   Troops' Contribution Planning

The troops' contribution planning process identifies which types of contingents/services the UNDPKO may require to perform peacekeeping operations at a particular place or situation. This process involves determining whether to plan

for a wet or dry lease. The TCCs regularly prepare their units, giving them formal training on UN peacekeeping operations (2007, February 8).

b.   Bid/No-bid Decision

Upon receiving initial solicitation through their permanent mission to the UN, the TCCs decide whether they would like to participate in the contribution process or not.

c.   Proposal Preparation

Subject to their own government's decision, the TCCs' Ministry of Defense, with the help of their respective service headquarters, prepare and send proposals to the UNDPKO. Though initial information on a prospective troops' contribution to TCC is given via respective permanent missions, all subsequent communications are done directly between the FGS and the TCC.

9.   Award Phase

a.   Contract Negotiation and Formation

During the award-phase, the contract is negotiated and signed. The time required depends on the size of the contingent and complexity of the mission. The TCC's permanent mission military advisor conducts the negotiations on its behalf.

10.   Post-award Phase

The final phase in the contract management process is the post-award phase, which consists of Contract Administration and Contract Close-out and Termination. The post-award phase has the following activities:

a.   Contract Administration

The contract administration process includes Pre- and Post-deployment Inspection, deployment and mission execution.

1.   Pre-deployment Inspection by FGS. One or two weeks prior to deployment, a DPKO Team (consisting of representatives from the FGS, LSD and FMS) will conduct pre-deployment inspection to see

whether the TCC is providing all equipment agreed upon in the contract (SOP, 2005, June, p. 11)..

2. Deployment. Once the pre-deployment visit is completed, MOVCON of the UN makes all arrangements for shipping cargo/load to the mission area. As stated previously, the UN may also request the TCC to provide airlift support for deployment if need be. In such a case, the TCC is reimbursed for such air transport.

3. Mission Execution. In this step, the deployed contingents carry out the mission as specified in the terms and agreement of the contract. The UN provides reimbursement to the TCC. Any dispute during the mission execution is settled via Alternative Dispute Resolution (ADR).

b.   Contract Close-out and Termination

A peacekeeping operation is closed down as a result of a Security Council resolution. A peacekeeping operation is considered completed when all troops and associated equipment are withdrawn, all administrative actions have been completed, all disputes settled, and final payment has been made to all TCCs.

Phase 1: Pre-Award			
Receiver (FGS)	1Acquisition Planning	2. Solicitation Planning	3. Solicitation
		Dry/Wet Lease Decision	
Provider (TCC)	1. Troops' Contribution Planning	2. Bid/no-bid Decision Making	3. Proposal Preparation
		Bid Decision	

Phase 2: Award		Phase 3: Post Award	
Receiver (FGS)	4. Source Selection	5.Contract Administration	6. Contract Closeout/ Termination
		Contract Award	
Provider (TCC)	4. Contract Negotiation & Formation	5. Contract Administration	6. Contract Closeout/ Termination

Table 3.2.   Contract Management Process in Peacekeeping Perspective
(Adapted from Garrett, 2003)

     The governments of TCCs play a significant role in the continuation of peacekeeping operations. Any time the UN delays payment/reimbursement to a TCC, the respective government of that TCC generally pays the troops and contingents from their own resources. After it receives reimbursement from the UN, it adjusts its fund (Officials of Permanent Missions of Bangladesh and Pakistan to UN, 2007, February 8). Thus, operations continue unhindered. However, during the research it was observed that most of the peacekeeping missions have become open-ended. In a good number of missions, despite withdrawal of troops, the UN

maintains a presence for monitoring certain functions. A successful closeout may not be the indication of a successful mission, but it gives an indication of the post-peacekeeping healing process.

K.   SUMMARY

This chapter provided a literature review on contract management processes followed by the UN. It identified and discussed the following UN contract management process: contract planning, contract elements, contract types, legal framework, contents of standard MOU and LOA and application of contract principles. In the following chapter, the evaluation of the UN contract management process for acquiring peacekeeping operations/services will be discussed. The chapter will first introduce the concept of contract management maturity and discuss the selection of the Contract Management Maturity Model developed by Dr. Rene Rendon and published in *Contract Management Organizational Assessment Tools* by Garrett and Rendon. Thereafter, the chapter will analyze the organizational assessment of study participants and use the Contract Management Maturity Model to assess the UNDPKO (FGS) and the TCC in terms of acquiring peacekeeping operations/services. Lastly, the chapter will discuss how the assessment results can be used to improve the UN's contract management process.

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IV.THE EVALUATION OF CONTRACT MANAGEMENT PROCESS THROUGH THE CMMM

A.   INTRODUCTION

The previous chapter provided a literature review of the UN's contract management process for acquiring peacekeeping operations/services. In this chapter, the evaluation of the contract management process in the UN for acquiring peacekeeping operations/services will be discussed. The chapter will provide a description of the Contract Management Maturity Model developed by Dr. Rendon (2003). Thereafter, the chapter will carry out the organizational assessment of study participants, apply the Contract Management Maturity Model (CMMM) to FGS and TCC and analyze the assessment results. Lastly, the chapter will discuss how the CMMM results can be used to improve the FGS's contract management process maturity.

B.   CONTRACT MANAGEMENT MATURITY

Contract management maturity is the organizational contract management capability that can consistently produce successful business results for buyers and sellers of products, services, and integrated solutions. The maturity level of an organization's contract management process can be assessed to determine the overall organizational contract management performance. To conduct this assessment, the evaluator needs to (Garrett & Rendon, 2005, p. 47):

a.   Develop or select an organizational contract management capability maturity model for both the buyer and seller,

b.   Develop or select an appropriate assessment tool for the buyer and seller for measuring organizational contract management maturity, and

c.   Apply the maturity model and assessment tool to an organization and use the assessment results as a guide for improving the organization's contract management process capability.

C. SELECTION OF A BASIC MATURITY MODEL

Because of obvious reasons, this study is based on available research tools. Within the fields of management, a handful of organizational assessment tools are available to evaluate the management process so as to improve the management performance. There is only one CMMM available, developed by Rendon, to analyze contract management maturity level. Considering the CMMM's versatility, the Model was selected to evaluate the UN's contract management process for acquiring peacekeeping operation/services. The CMMM utilized by this study uses a systematic approach for assessing the maturity level of any organization's contract management process. This research-based systematic assessment tool was selected to evaluate overall contract management process capability of both a receiver and a provider. The Contract Management Maturity Assessment Tool (CMMAT) was tailored to evaluate FGS's contract management process maturity. It is comprised of sets of survey questions developed for FGS as receiver. Similarly, the CMMAT was tailored to evaluate a TCC's contract management process maturity. It is comprised of sets of survey questions developed for a TCC as a provider of services. It also intended to help benchmark a country's contract management strength and assess areas for improvement. The CMMM adapted for this study consists of five-levels of maturity, with each level building upon the previous maturity level. These five levels are "ad-hoc," "basic," "structured," "integrated" and "optimized" (Garrett & Rendon, 2005, p. 53). The following describe the five contract management process maturity levels considered in CMMM:

1. ***Ad-hoc***. Ad-hoc is the lowest level in the CMMM, which is determined by the following characteristics:

   a. The FGS acknowledges that contract management processes exist, that these processes are accepted and practiced for all UN peacekeeping missions, and the FGS/TCC understands the benefit and value of using contract management processes.

   b. Although there are no established basic contract management processes, some established contract management processes

exist and are used within the FGS/TCC, but applied only on an ad-hoc and sporadic basis to various contracts.

c. Informal documentation of contract management processes may exist within the FGS/TCC, but are used only on an ad-hoc and sporadic basis on various contracts.

d. Organizational managers and contract management personnel are not held accountable for adhering to, or complying with, any contract management processes or standards.

2. *Basic*. Basic is the second level of CMMM and has the following characteristics:

a. Some basic contract management processes and standards have been established within the FGS/TCC, but are required only on selected, complex or critical, missions.

b. Some formal documentation has been developed for these established contract management processes and standards.

c. The FGS/TCC does not consider these contract management processes or standards established or institutionalized throughout the FGS/TCC.

d. There is no organizational policy requiring the consistent use of these contract management processes and standards other than on the required contracts.

3. *Structured*. This is the third level of CMMM and consists of the following:

a. Contract management processes and standards are fully established, institutionalized, and mandated throughout the FGS/TCC.

b. Formal documentation has been developed for these contract management processes and standards, and some processes may even be automated.

c. Since these contract management processes are mandated, the FGS/TCC allows the tailoring of processes and documents, allowing consideration for the unique aspects of each contract— such as contracting strategy, contract type, terms and conditions and type of mission-support required.

d.   Senior management is involved in providing guidance, direction, and even approval of key contracting strategy, decisions, related contract terms and conditions, and contract management documents.

4.   *Integrated.* This is the fourth level of CMMM, which has the following characteristics:

   a.   The peacekeeping mission HQ in the field is an integral member of the acquisition team.

   b.   Basic contract management processes are integrated with other organizational core processes—such as adhering to mandate, cost control, schedule management and performance management.

   c.   Management uses efficiency and effectiveness metrics to make acquisition-related decisions.

   d.   Management understands its role in the acquisition/contract management process and executes the process well.

5.   *Optimized.*   The highest level of the CMMM is Optimized, which consists of the following characteristics:

   a.   Contract management processes are evaluated periodically using efficiency and effectiveness metrics.

   b.   Continuous process improvement efforts are implemented to improve the contract management process.

   c.   Lessons learned and best-practice programs are implemented to improve the contract management processes, standards, and documentation.

   d.   Acquisition process streamlining initiatives are implemented as part of the process-improvement program.

D. ORGANIZATIONAL ASSESSMENT OF STUDY PARTNERS

1. The FGS

To conduct a peacekeeping operation, the Military Division of the UNDPKO must coordinate actions with other branches of the Secretariat. This research concentrates on the military aspects of peacekeeping operation. Other related functions are assumed to have been completed as planned or to be completed as expected. The UNDPKO is a large organization that is responsible for the negotiation and signing of the MOU/LOA for acquisition of peacekeeping operations/services. The FGS receives its mandate and approval from the Security Council and Secretary General respectively and then plans and executes the contract management maturity process. The Under Secretary General (USG), DPKO is authorized and responsible for signing the contract (MOU/LOA) on behalf of the UNDPKO. The USG is appointed by the Secretary General.

2. TCCs

On the other hand, TCCs were taken as respondents for the assessment as provider, since they provide required forces and associated weapon and equipment systems. For the CMMM assessment, seven TCCs were selected based on troops' contribution, history of peacekeeping and geographical area. Three leading TCCs are Pakistan, Bangladesh and India; four highly reputed traditional peacekeepers come from Europe (Sweden), South America (Uruguay), Africa (Ghana) and the Middle East (Jordan) (UN, 2007b)[1]. All Military Advisors of the Permanent Missions in the UN for their respective countries were contacted and surveyed. Despite repeated effort, no response was received from the Permanent Mission of India to the UN and the Permanent Mission of Ghana to the UN. Military Advisers of Pakistan and Bangladesh's Permanent Mission in the UN participated in the study—granting interviews and survey responses. Because of time constraints, the other

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[1] Presently three leading troops' contributors in UN for peacekeeping operations are Pakistan, India and Bangladesh contributing close to 30,000 troops.

three TCC Military Advisors could not be scheduled for interview. However, they agreed to respond to questions if sent electronically. Accordingly, all were sent survey questions. In addition to the responses from the Permanent Mission of Pakistan and Bangladesh to the UN, the answers to the survey questions from the Permanent Mission of Sweden and Jordan in the UN were received and analyzed for the research. Despite giving reminders, no response was received from the Permanent Missions of Uruguay and Ghana.

E.   APPLICATION OF CMMM

The contract management process for acquiring peacekeeping operations/services is a core management process. A self-administered CMMM survey was found to be an excellent assessment tool for obtaining information on any organization's management process. Hence, the CMMM self-administered survey was adopted and used as the assessment method for evaluating the contract management process for acquiring UN peacekeeping operations/services. The survey responses, in turn, were used to assess the maturity level of contract management key process areas and key practice activities of the FGS. The following contains CMMAT, which consists of the survey statement and the survey response options.

1.   Survey Statement

The adopted CMMM uses two self-administered surveys, one for the FGS and one for the TCCs. The surveys contain statements related to key process areas of the FGS as a receiver of services and key process areas of each TCC as a provider of services. The contract management key process areas for the FGS are acquisition planning, solicitation planning, solicitation, source selection, contract administration and contract close-out. The key process areas for TCC are troops' contribution planning, bid/no-bid decision-making, proposal preparation, contract negotiation and formation, contract administration and contract close-out. And all these key process areas of both the FGS and the TCCs are used for the maturity

assessment. A separate set of survey statements was used for each area. The aim of the survey statements was to obtain information on the extent that the FGS and TCCs implemented various key practice activities. It also indicated the maturity level of the specific contract management key process area addressed. Thus, the totality of the respondent's answers to specific survey statements determined whether the FGS and the TCCs were at the "ad-hoc," "basic," "structured," "integrated" or "optimized" level of maturity for their key specific process areas (Garrett & Rendon, 2005, p. 52).

2. Survey Response Options

The CMMAT uses a Likert scale response protocol (p. 52). With this type of response structure, the respondent is asked to agree or disagree with each statement. The respondent has six responses to choose from, ranging from "never" to "always" or "don't know" for each statement. Each response is given a numerical score to reflect its degree of attitude favorableness; for example, a response of "always" equals to a score of five. The response of "don't know" equals 0. The rational for assigning a value of 0 to the "don't know" was that for an organizational process to be capable and effective, it must be well known, understood and accepted throughout the FGS/TCC. A "don't know" response indicates that the specific key process area or key practice activity is not well established or understood throughout the FGS/TCC. The Likert scale allows the optional responses to be correlated with different levels of the maturity model for that specific contract management process area. Thus, the response option chosen for each survey item was used to determine the level of process capability maturity for that specific aspect of the contract management process. The scores for all of the survey statements for that key process area were then totaled, and the total score was converted to the maturity level of that specific contract management process area. A conversion table within the CMMM was used to convert the total scores for each contract management process area to a specific maturity level. Once the surveys for each of the six contract management key process areas were completed, the contract

management maturity assessments of both the FGS and TCCs were completed for their respective key process areas. All possible caution was taken to ensure understanding, clarity, relevance and effectiveness of the survey statements, optional responses, and overall mechanics of the assessment tool.

3.   Application of CMMM

a.   Application to FGS

The FGS deals with both contingents (troops and contingent-owned equipment) and specialized equipment. Contingents deployed with integral equipment/weapons systems will use a MOU contract format. When a contingent deploys with special equipment/weapons systems, a LOA contract format will be used along with the MOU (FGS Officials, 2007, February 8). To understand the contract management maturity of the FGS, the CMMM was applied to FGS MOUs and LOAs pertaining to surveyed TCCs.

b.   Application to TCC

To understand the contract management maturity of the TCCs, the CMMM was applied to two leading troops' contributors and two reputable traditional TCCs. Presently, Pakistan, Bangladesh, India and Jordan each has 5 contingents deployed at various mission areas—having a number of MOUs for contingents and LOAs for specialized equipment contingents. Ghana, Uruguay and Sweden have 4, 3 and 1 contingents respectively, having corresponding numbers of MOUs (UN, 2007b)[2]. Since survey responses received from Pakistan, Bangladesh, Jordan and Sweden focused primarily on the MOUs and LOAs mentioned above, the response analysis was also based on those same replies. This application of CMMM on FGS and TCC highlighted their contract management process maturity.

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[2] A contingent may be formed by a company, battalion, brigade or even a division. A specialized contingent may be formed depending on type and number of equipment and its supporting personnel. Only the major contingent deployment with COE were considered, not troops' deployment without complete contingent.

F. EVALUATION OF ASSESSMENT RESULT

1. Evaluation of Assessment on the FGS

This phase focuses on the evaluation of the assessment results to determine the maturity level of the FGS's contract management process capability. Since all branches work together to complete the contract management process, branches were not isolated individually; instead, the CMMAT was applied to the FGS's overall response to the survey. Table 4.1 provides a listing of the survey score for each contract management key process area of the FGS, and Table 4.2 provides an overall listing of maturity level for each contract management process area. This assessment indicates that the FGS contract management process is documented and institutionalized. Because of the UNDPKO's unique operating procedure, FGS allows tailoring of this contract management process subject to changed mission scenarios. Also, all concerned personnel within the FGS hierarchy provide guidance, approval and even key contract management strategy within the contract management process. Based on survey responses, only "Source Selection" was assessed at a "Basic" level of maturity. Solicitation, contract administration and contract closeout were found to be "Integrated," and solicitation planning was found to be at the "Structured" level. Acquisition planning was found to be at an "Optimized" level of maturity. The area-wise analysis on FGS will be discussed in the next phase. The tables below show the survey scores and contract management maturity of all FGS contract management process areas.

FGS Scores against Activities				
Acquisition Planning		**Scores**	**Source Selection**		**Scores**
0-20	Ad-hoc		0-20	Ad-hoc	
21-30	Basic		21-30	Basic	**30**
31-40	Structured		31-40	Structured	
41-45	Integrated		41-45	Integrated	
46-50	Optimized	**48**	46-50	Optimized	
Solicitation Planning			**Contract Administration**		
0-20	Ad-hoc		0-20	Ad-hoc	
21-30	Basic		21-30	Basic	
31-40	Structured	**39**	31-40	Structured	
41-45	Integrated		41-45	Integrated	**45**
46-50	Optimized		46-50	Optimized	
Solicitation			**Contract Close-out**		
0-20	Ad-hoc		0-20	Ad-hoc	
21-30	Basic		21-30	Basic	
31-40	Structured		31-40	Structured	
41-45	Integrated	**41**	41-45	Integrated	**44**
46-50	Optimized		46-50	Optimized	

Table 4.1.Survey Score of FGS, UNDPKO
(Adapted from Garrett & Rendon, 2005)

Maturity Level	CM Process Areas					
	Acquisition Planning	Solicitation Planning	Solicitation	Source Selection	Contract Administration	Contract Closeout
5 Optimized	**FGS**					
4 Integrated			**FGS**		**FGS**	**FGS**
3 Structured		**FGS**				
2 Basic				**FGS**		
1 Ad-Hoc						

Table 4.2.   Contract Management Maturity Level of FGS
(Adapted from Garrett & Rendon, 2005)

2.   Evaluation of Assessment on the TCCs

This phase focuses on the evaluation of the assessment results to determine the maturity level of each TCC's contract management process capability. The CMMAT was applied to survey responses from four TCCs (Pakistan, Bangladesh, Jordan and Sweden). Table 4.3 provides a listing of survey scores for each contract management key process area for each surveyed TCC. Table 4.4 provides an overall listing of maturity level for each contract management process area. This assessment indicates that the contract management process is documented and institutionalized. All TCCs allow tailoring of the contract management process subject to changed mission scenarios. Also, all concerned personnel in respective TCCs provide guidance, approval and key strategy within the contract management

process. Based on survey responses, in terms of TCC Jordan, all areas of contract, i.e., "troops' contribution planning," "bid/no-bid decision," "proposal preparation," "contract negotiation and formation," "contract administration," and "contract closeout" were found to have a "Structured" level of maturity. With respect to TCC Bangladesh, the contract management process areas of "troops' contribution planning," "bid/no-bid decision," "proposal preparation" and "contract closeout" activities were found to have an "Integrated" level of maturity. Their "contract negotiation and formation" was found to be a "Structured" level, and "contract administration" was found to have an "Optimized" level of maturity. For TCC Pakistan, the contract management process areas of "bid/no-bid decision," "proposal preparation" and "contract closeout" were found to have an "Optimized" level of maturity. The "pre- troops' contribution planning" and "contract negotiation and formation" areas were found to have a "Structured" level, and "contract administration" was found to have an "Integrated" level of maturity. With respect to TCC Sweden, the contract management process areas of "contract negotiation and formation," "contract administration" and "contract closeout" were assessed to have an "Integrated" level of maturity. The "troops' contribution planning" and "bid/no-bid decision" were found to have a "Structured" level, and "proposal preparation" was found to have an "Optimized" level of maturity. The area-wide analysis on TCCs will be discussed in the next phase. The tables below show the TCCs' survey scores and the maturity of all contract management process areas.

TCC Scores against Activities										
Activities	TCC Scores				Activities	TCC Scores			
	BD	JD	PK	SW		BD	JD	PK	SW
Troops' Contribution Planning					**Contract Negotiation & Formation**				
Ad-hoc					Ad-hoc				
Basic					Basic				
Structured		33	37	40	Structured	37	35	34	
Integrated	43				Integrated				41
Optimized					Optimized				
Bid/No-bid Decision					**Contract Administration**				
Ad-hoc					Ad-hoc				
Basic					Basic				
Structured		37		40	Structured		36		
Integrated	45				Integrated			44	43
Optimized			50		Optimized	47			
Proposal Preparation					**Contract Closeout**				
Ad-hoc					Ad-hoc				
Basic					Basic				
Structured		39			Structured		36		
Integrated	41				Integrated	43			41
Optimized			49	46	Optimized			47	

Legend: BD (Bangladesh), JD (Jordan), PK (Pakistan), SW (Sweden)

Table 4.3.   Survey Score of TCC
(Adapted from Garrett & Rendon, 2005)

Maturity Level	CM Process Areas					
	Troops' Contribution Planning	Bid/No-bid Decision	Proposal Preparation	Contract Negotiation & Formation	Contract Administration	Contract Closeout
5 Optimized		PK	PK, SW		BD	PK
4 Integrated	BD	BD	BD	SW	PK, SW	BD, SW
3 Structured	JD, PK, SW	JD, SW	JD	BD, JD, PK	JD	JD
2 Basic						
1 Ad-hoc						

Table 4.4.   Contract Management Maturity Level of Four Assessed TCCs
(Adapted from Garrett & Rendon, 2005)

G.   USE OF ASSESSMENT RESULT AS A GUIDE FOR IMPROVING CM PROCESS CAPABILITY

Previously, the assessment results were analyzed to determine the FGS and TCC's overall contract management process maturity levels in the key process area. In this section, the assessment analysis is extended to identify contract management process areas and practice activities that need to be developed or improved to increase the maturity level for a specific process or for overall contract management capability. This analysis will provide a road map for the FGS and TCCs to use in implementing contract management process improvements. This analysis will also aid the FGS and TCCs in identifying any areas in which adherence to contract

management standards, processes, documentations, or management is lacking. The ultimate goal is for the FGS and TCCs to be able to use the assessment survey results as an implementation road map—that is, as a long-term action plan for improving contract management process capability.

1.   The FGS

Based on the FGS's survey response, the assessment results reflect the contract management key process areas—acquisition planning, solicitation planning, solicitation, and contract administration—were all assessed at the "Structured to Optimized" maturity level. These assessment results revealed that the FGS's basic contract management processes are formal and documented. Its processes are standardized, institutionalized and mandated throughout the FGS for all key process areas. Additionally, this maturity level reflects the FGS's flexibility in tailoring its contract management process in consideration of the unique aspects of each UNDPKO's peacekeeping strategy and contract.

The following sections highlight specific activities for each of these contract management key process areas the FGS should focus on to increase the maturity level of its contract management processes.

a.   Acquisition Planning

The survey assessment results indicate the FGS's acquisition planning key process area was rated at the "Optimized" level. The FGS provides specific and focused acquisition planning in the areas of integrating acquisition planning process activities with other organizational process, such as deployment, financial management, mission management, security management and risk management. Additionally, the FGS always provides specific, focused mission planning in the areas of producing performance-based strategic estimate, concept of operation, statement of work determination and logistic sustenance.

Since "Optimized" is the highest level of contract management maturity, and FGS is already in this level, FGS should endeavor to continue to remain in the same level.

b.   Solicitation Planning

The survey assessment results indicate the FGS's solicitation planning key process area was rated at the "Structured" level. The FGS provides specific, focused solicitation planning in the areas of integrating acquisition planning process activities with other organizational processes, such as timely deployment, mission management, financial management, security management and risk management. Additionally, the FGS generally provides specific and focused solicitation planning in the areas of producing performance-based strategic estimate, concept of operation, statement of work determination and logistic sustenance. Additionally, to ensure an effective solicitation, the FGS should continue to focus on the following areas:

1.   Prepare and maintain a qualified TCC list.

2.   Conduct market research.

3.   Advertise peacekeeping mission opportunities.

4.   Conduct pre-proposal conferences.

Since in solicitation planning, the FGS is in "Structured" level of maturity, in order to move to next higher ("Integrated") level of contract management maturity, the FGS needs to integrate the personnel deployed in the field in its planning process. The solicitation planning processes needs to be integrated with other FGS core processes such as timely deployment and mission management in respect of finance, security and risk. FGS management also needs to use efficiency and effectiveness metrics to make acquisition-related decisions.

c.   Solicitation

The survey assessment results indicate the FGS's solicitation key process area was rated at the "Integrated" level. The FGS's solicitation process is specific and focused in the areas of integrating solicitation process activities with other

organizational processes—such as mission management, security management, logistics sustenance, financial management and risk management.

Since, in solicitation, the FGS is in "Integrated" level of maturity, in order to move to next higher level of contract management maturity ("Optimized"), the FGS needs to evaluate its contract management process periodically using efficiency and effectiveness metrics. It also needs to ensure that continuous process improvement efforts and best practices and lessons learned are implemented to improve the contract management process.

d.   Source Selection

Based on survey assessment results, the source-selection key process area was rated "Basic," which is relatively less mature compared to other contract management process areas. Although the FGS's source-selection process is standardized and documented, the Service does not routinely use evaluation criteria, evaluation standards, or weighting. Its source-selection process is highly related to the UN's core principles of political neutrality, acceptance by the host country, multi-nation participation, transparency and mandate.

Since, in source selection, the FGS is at a "Basic" level of maturity, in order to move to the "Structured" level of contract management maturity, the FGS needs to ensure that its contract management process and standards are fully established, institutionalized and mandated throughout the organization. It also needs to ensure that formal documentation has been developed for these contract management processes.

e.   Contract Administration

The survey assessment results indicate FGS's contract administration key process area was rated at the "Integrated" level. This assessment revealed that FGS's contract administration process is well standardized, documented and always followed. All concerned personnel are well aware of their responsibilities, and

periodic performance evaluations are conducted. FGS uses alternative dispute resolution for resolving any issue related to contracts with TCCs.

Since, in contract administration, FGS is in "Integrated" level of maturity, in order to move to next higher level of contract management maturity, the FGS needs to evaluate its contract management process periodically using efficiency and effectiveness metrics. It also needs to ensure that continuous process improvement efforts, best practices and lessons learned are implemented to improve contract management process.

f.   Contract Closeout

The survey assessment result of the FGS's contract management process capability maturity assessment indicated that the contract closeout key process area was rated at the "Integrated" level. Currently, forty-five of UN Peacekeeping Missions have been completed (InfoPlease, 2007). Though a number of those missions were closed-out at one stage, some of them were re-opened, and some of the missions have become open-ended—running for decades (2007)[3]. Despite the presence of open-ended or re-opened peacekeeping missions, FGS's contract closeout process is well documented, involving checklists, templates and standard forms. However, none of the closeout processes are automated. Basically, the FGS follows standard procedures in accordance with its policy guidelines and manuals. It follows established processes for exercising a mutual agreement with a TCC to discontinue a mission completely or partially honoring contractual rights. However, the FGS does not always follow systematic evaluations of the contract closeout process. The FGS does use a lessons-learned and best-practices database to facilitate the planning of future missions.

Since, in contract closeout, the FGS is in "Integrated" level of maturity, in order to move to the "Optimized" level of contract management maturity, the FGS

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[3] The ongoing missions, like missions in India/Pakistan, in the Middle East have been running since 1948.

needs to evaluate its contract management process periodically using efficiency and effectiveness metrics. It also needs to ensure that continuous process-improvement efforts and best practices and lessons learned are implemented to improve contract management processes.

As seen in this analysis, the CMMM and CMMAT provide a wealth of information with which to improve the FGS's contract management process for acquiring peacekeeping operations/services. The assessment not only offers organizational insight on the level of contract management maturity of the FGS, it also provides the organization with an effective road map for identifying potential areas for process improvement. From the analysis, the weakest phase of the FGS contract management process was "Source Selection." The FGS may look into the possible reasons and potential remedies of this weakness. Considering the uniqueness of the UN peacekeeping operations, the existing system works reasonably well for the FGS.

2.   The TCCs

The following discussions provide only a summary-level analysis of the TCCs' contract management process capability, but do not provide analyses of individual TCC's contract management processes. Previously, the assessment results were analyzed to determine each TCC's overall contract management process maturity level in the key process areas. In this section, the assessment analysis is extended to identify contract management key process areas and practice activities that need to be developed or improved to increase the maturity level for specific processes, or for overall contract management capability. Since it is a summary-level analysis, it will not provide a road map for individual TCCs to use as improvement tools for their contract management process improvements.

The assessment results reflect the contract management key process areas— "troops' contribution planning," "bid/no-bid decision," "proposal preparation," "contract negotiation and formation," "contract administration" and "contract

closeout"—were all assessed at a "Structured to Optimized" maturity level. These assessment results revealed that basic TCC contract management processes are formal, documented and are standardized, institutionalized and mandated for key process areas. Additionally, this maturity level reflects each TCC's flexibility in tailoring its contract management processes.

The following sections highlight specific activities for each of these contract management key process areas that the TCCs should focus on to increase the maturity level of these contract management processes.

a.   Troops' Contribution Planning

The survey assessment results indicate the TCCs' troops' contribution planning key process area was rated mostly at the "Structured" level. Thus, the TCCs provide specific and focused troops' contribution planning to integrate the mission planning processes with other organizational process—such as deployment, financial management, mission management, logistic sustenance, security management and risk management.

Since in troops' contribution planning, most of the TCCs are in "Structured" level of maturity, in order to move to next higher level of contract management maturity, i.e., "Integrated," they need to integrate the personnel deployed in the field in its planning process. The countries also need to be integrated with other planning processes, such as timely deployment and mission management in respect of finance, security and risk. The management also needs to use efficiency and effectiveness metrics to make troops' contribution-planning-related decisions.

b.   Bid/No-bid Decision

The survey assessment results indicate the TCCs' bid/no-bid decision key process area was rated between the "Structured and Optimized" levels. Their intention to participate is spelled out clearly.

In bid/no-bid decision-making, TCCs with "Optimized" level should continue to maintain the same level. However, TCCs in "Structured" level of maturity, in order to move to next higher level, i.e., "Integrated," need to integrate their core processes, such as schedule and performance management, into decision-making. Their management also needs to use efficiency and effectiveness metrics to make bid/no-bid-related decisions.

c. Proposal Preparation

The survey assessment results indicate the TCCs' proposal preparation key process area was rated between the "Optimized and Structured" levels. The TCCs' proposal preparation process is specific and focused, considering the FGS's unique requirement. It is integrated with other activities of the management process, such as mission management, security management, logistics sustenance, financial management and risk management.

In proposal preparation, the TCCs with "Optimized" level should maintain the same level. However, the TCCs in "Structured" level of maturity, in order to move to next higher level, i.e., "Integrated," need to integrate their core processes—such as cost, schedule and performance management in proposal preparation. Their management also needs to use efficiency and effectiveness metrics to make proposal-preparation-related decisions.

d. Contract Negotiation & Formation

Based on survey assessment results, the contract negotiation and formation key process area was rated at the "Structured" level—except for TCC Sweden, which was rated at the "Integrated" level of maturity. This assessment revealed that the TCCs' contract negotiation and formation processes are standardized and documented. The TCCs do exercise their authority to either accept or not accept the contract.

In contract negotiation and formation, "Structured" was the lowest level of maturity found among surveyed TCCs. Thus, in order to move to next higher level, i.e., "Integrated," they need to integrate their core processes such as cost, schedule and performance management in contract negotiation and formation. Their management also needs to use efficiency and effectiveness metrics to make contract negotiation- and formation-related decisions.

e.   Contract Administration

The survey assessment results of the TCCs' contract administration key process area were rated between "Structured and Optimized" levels. This assessment revealed that the TCCs' contract administration process is well standardized, documented and usually followed. All concerned personnel are well aware of their responsibilities, and periodic performance evaluations are conducted. TCCs' always follow alternative dispute resolution for resolving any issue related to contract with the UNDPKO.

In contract administration, TCCs with "Optimized" level should continue to maintain the same level. However, TCCs in "Structured" level of maturity, in order to move to next higher level, i.e., "Integrated," need to integrate their core processes, such as cost, schedule and mission performance management, in contract administration. Their management also needs to use efficiency and effectiveness metrics to make contract-administration-related decisions.

f.   Contract Closeout

The survey assessment results of the TCCs' contract closeout key process area were rated between "Structured and Optimized" levels. Almost all of the TCCs' contract closeout processes are well documented, involving checklists, templates and standard forms. However, nothing is automated. The TCCs follow established processes for exercising their right with the UNDPKO to discontinue a mission completely or partially honoring contractual rights. All the TCCs follow systematic

evaluations of the contract closeout process and use lessons learned and best practices for use in future missions.

In contract closeout, the TCCs with "Optimized" levels should endeavor to maintain the same level. However, the TCCs in the "Structured" level of maturity, in order to move to the "Integrated" level, need to integrate their core processes such as cost, schedule and mission performance management in contract closeout. Their management also needs to use efficiency and effectiveness metrics to make contract-closeout-related decisions.

As seen from this analysis, the CMMM and CMMAT provide a wealth of information about the TCCs' contract management processes for providing peacekeeping operations/services. Although the assessment offers organizational insight on the level of contract management maturity of TCCs in general, it has inherent limitations. The research and analysis was based on survey only, and there were no physical visits to mission areas or to the participating countries. Over 115 TCCs participate or have participated in UN peacekeeping operations (UN, 2007b). This research included the participation of just four TCCs. Hence, the results project higher levels of contract management maturity. However, considering the uniqueness of UN peacekeeping operations, the existing system works well for most TCCs. Using the CMMM and CMMAT, with its key process areas and key practice activities, the TCCs can focus on improving their contract management processes.

G.   SUMMARY

In this chapter, the evaluation of contract management processes in the UN for acquiring peacekeeping operations/services was discussed. The chapter first introduced the contract management maturity and discussed the selection of the Contract Management Maturity Model developed. Thereafter, the chapter carried out the organizational assessment of study participants, applied the CMMM to the FGS and TCCs and analyzed the assessment result to ascertain the contract management process maturity in respect of acquiring peacekeeping

operations/services. Lastly, this chapter discussed how the CMMM could be used to improve the FGS and TCCs' contract management process. The next chapter provides research conclusions, highlights the research implications and provides suggestions for future research.

V. SUMMARY, CONCLUSION AND RECOMMENDATIONS

A.   INTRODUCTION

In the previous chapter, the evaluation of the contract management process in the UN for acquiring peacekeeping operations/services was discussed. This chapter provides research conclusions, highlights the research implications and provides suggestions for future research.

B.   SUMMARY

The success of peacekeeping operations continues to depend to a significant degree on the UN's ability to acquire and deploy necessary uniformed and civilian personnel, and to deploy them rapidly. All acquiring and deployment of troops for peacekeeping operations is done via a MOU/LOA. The FGS of the UNDPKO is responsible for the overall management of the contract management process. A brief background of the UN peacekeeping process was provided in Chapter I to facilitate the readers' understanding of the UN acquisition process. After that, the contract management process for acquiring peacekeeping operations was described and analyzed. It was revealed that a generic process is followed more or less universally for almost all peacekeeping operation planning and operations/services acquisition. The planning process is not always followed as laid out, due to certain limitations like political consideration, security and threat scenarios and the flexibility of the UN and its member countries.

Thereafter, the CMMM and CMMAT was applied to both the FGS and TCCs to assess their respective contract management process maturity. The CMMM has five levels of maturity: "ad-hoc," "basic," "structured," "integrated" and "optimized." The contract management process was divided into six key process areas both for the FGS and TCCs as a method of understanding their contract management process capability. The key process areas for the FGS are acquisition planning,

solicitation planning, solicitation, source selection, contract administration and contract close-out. The key process areas of the TCCs are troops' contribution planning, bid/no-bid decision, proposal preparation, contract negotiation and formation, contract administration and contract closeout. The available CMMAT was tailored to fit both the FGS and the TCCs' contract management process analysis. The CMMAT used a self-administered survey containing 10 specifically developed statements related to each of the six contract management key process areas and key process activities. The survey response options chosen by the respondents for each item were used to determine the level of process capability maturity for that specific aspect of the contract management process.

C. CONCLUSION

The application of CMMM and its subsequent analysis determined both FGS and TCC's overall contract management maturity level. For the FGS, the maturity level was found between "Basic to Optimized," where contract management key process area source selection was found in the "Basic" level of maturity. The analysis also highlighted the drawbacks in various areas of the UN contract management process, particularly in source selection, identified the FGS's knowledge deficiencies and provided a guideline for contract management process improvement. To analyze the contract management process of the TCCs, initially seven TCCs were identified, three leading troops' contributors (namely Pakistan, Bangladesh and India) and four traditional well-reputed troops' contributors (namely Sweden, Ghana, Jordan and Uruguay). Out of these seven TCCs, CMMM could be applied to four TCCs only (Pakistan, Bangladesh, Sweden and Jordan), as no response was received from Permanent Missions of India, Ghana and Uruguay to the UN. Based on the TCC survey responses, the assessment results reflect the contract management key process areas (i.e., pre-contract activities, bid/no-bid decision, proposal preparation, contract negotiation and formation, contract administration and contract closeout) were all assessed between "Structured and Optimized" maturity levels. These assessment results revealed that basic contract

management processes of almost all TCCs are formal and documented, and it is standardized, institutionalized and mandated for these key process areas. Additionally, this maturity level reflects the TCCs' flexibility in tailoring this contract management process in consideration of the uniqueness of each mission.

The contract management process in the UNDPKO for acquiring peacekeeping operations/services and the contract management process followed by the TCCs as providers are unique in nature. Some of the key process areas follow the universal contract management process, and some follow unique and tailored contract management processes. Despite having certain limitations in the present context, the contract management process followed by both the FGS and the TCCs for peacekeeping operations/services works satisfactorily.

D.   RESEARCH IMPLICATIONS

This research focused on evaluation of contract management processes using CMMM and CMMAT. The model was developed with the intention of evaluating US Air Force and US Department of Defense's contract management process. Therefore, the CMMAT was developed keeping those contracts in mind. Though the survey statements were tailored to fit the FGS and TCC's contract management process, it still contained default limitations. Another significant limitation was the participation from the TCC's permanent mission representatives in the UN. Out of initially planned seven TCCs, only four TCCs could be surveyed and analyzed. Since these TCCs are leading TCCs, the assessment results portray higher contract management maturity level. Another limitation of the study is the expectation of the evaluation. The purpose of this study was to identify the UNDPKO's contract management process, its maturity level in key contract management process areas and to identify weaknesses, not to provide the solutions. The FGS and TCCs can all use these findings to identify their weaknesses and limitations in key contract management process areas and to develop a road map for continuous process improvement. Finally, the application of the CMMM and CMMAT to the FGS and TCCs was a personal initiative for academic purposes only. During

this study, the researcher conducted a site visit to the UNDPKO only. No visit was conducted to any TCC or mission area due to time and resource constraints. Though the analysis of the FGS's contract management process was based on first-hand data and information received from the UNDPKO, the analysis of the TCCs is solely based on the results of a self-administered assessment survey by a limited number of respondents, on interviews of key personnel, and the research available in websites, books, journals and manuals.

E.   RECOMMENDATION

Since contract management processes are critical enablers of successful peacekeeping operations, the assessment results may be used by the FGS and the TCCs as a guide for improving their contract management process for acquiring peacekeeping operations/services. Each of the FGS and TCCs may target a level of maturity they would like to achieve, develop appropriate action plans and prepare performance metrics for achieving desired maturity level.

F.   FURTHER RESEARCH

This research only identified the contract management process maturity in key process areas of both the FGS and the TCCs. It did not provide solutions to the shortcomings that were identified. Future research may be carried out to evaluate the contract management process of additional TCCs to get more data on TCCs' contract management process maturity. Additional research should be conducted to assess specific areas that could benefit from process innovation.

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