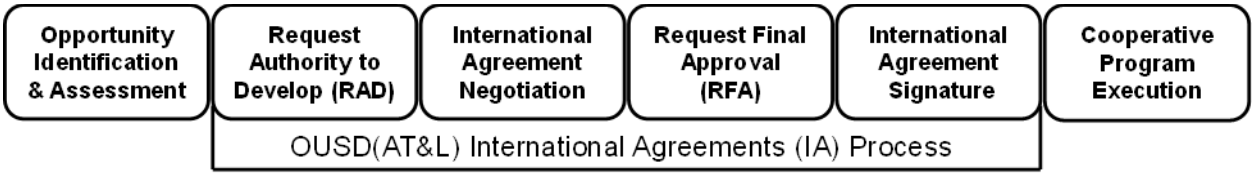
International Cooperative Programs (ICPs) Job Support Tool (JST)

Overview

This Job Support Tool (JST) identifies best practices that Program Management Offices (PMOs) and Science and Technology (S&T)/Research and Development (R&D) laboratory project offices should consider in identifying and assessing cooperative opportunities, formulating cooperative program strategies, establishing required international agreements, and executing cooperative programs within the International Cooperative Program (ICP) process shown in Figure 1.

Figure 1: International Cooperative Program (ICP) Process Overview



Opportunity identification & Assessment	Identifying a potential cooperative opportunity, conducting exploratory or technical discussions, and assessing viability of the effort
Request Authority to Develop (RAD)	Staffing of the Summary Statement of Intent (SSOI) "business case" within Component and OSD to obtain approval to negotiate
IA Negotiation	Negotiating the International Agreement (IA) with partner nation(s) after obtaining authority through RAD approval
Request Final Approval (RFA)	Obtaining approval to sign the IA based on Component and OSD staffing of the IA text and an updated SSOI
IA Signature	Obtaining U.S. and partner nation(s) signature of the IA
ICP Execution	Executing the cooperative project/program in accordance with the signed IA

Organization

This JST, which is designed to augment DAG Chapter 1 (paragraph 4.2.8.4) guidance on ICPs, identifies fundamental policies, best practices, and key questions to ask associated with PMO and laboratory project office activities to identify, explore, validate, document, and execute ICPs shown in Figure 1. The JST is organized as follows: Section 1 – Fundamental Policies, Section 2 – Identifying and Assessing Cooperative Opportunities, Section 3 – Conducting ICP Exploratory Discussions, Section 4 – Navigating the ICP International Agreements (IA) Process, and Section 5 – ICP Execution.

Note: This JST only provides general information about the OUSD(AT&L) International Agreement (IA) process steps – RAD, IA Negotiation, RFA, IA Signature – shown in Figure 1. For detailed information on AT&L ICP IA policy and procedures, please refer to DAG Chapter 1 (paragraph 4.2.8.4.3) and DAG Chapter 1 IA&E Supplement S-6.

Relationship to Other JSTs

For DoD acquisition programs, DAG Chapter 1 (paragraph 4.2.8.3) recommends that Program Managers (PMs) conduct an International Acquisition and Exportability (IA&E) Assessment to collect information and assess factors that may lead to the identification of ICP opportunities. Please refer to the IA&E

Assessment JST for best practice guidance in this area. Moreover, DoD acquisition PMs must develop an Acquisition Strategy International Involvement section to address 10 USC 2431a (subparagraph (c)(2)(G)) and 10 USC 2350a (para (e)) and DoD 5000 series requirements regarding ICP identification and assessment. Please refer to the Acquisition Strategy – International Considerations JST for best practice guidance in this area. For DoD acquisition programs that require initial development or updating of an Acquisition Strategy, PMOs should pursue any applicable ICP efforts described in this ICP JST in parallel with development of ICP-related content in the Acquisition Strategy International Involvement section.

Section 1 – Fundamental Policies

A. ICP Assessment and Identification

1. Statutory Requirements

An ICP is any acquisition program or technology project that includes participation by the U.S. and one or more foreign nations, through an international agreement, during any phase of a system's life cycle. ICP opportunities for all Acquisition Category (ACAT) level programs must be assessed at an early point during DoD's formal development review process (normally at the first acquisition decision milestone) in accordance with 10 USC 2350(a)(e). The results of this assessment should be addressed in the program's Acquisition Strategy International Involvement section in accordance with 10 USC 2431a.(c)(2)(g) and DoDI 5000.02, Enclosure 1, Table 2, page 47).

2. DoD Policy Requirements

International cooperative development programs are preferred over a joint or DoD Component unique program (DoDD 5000.01, Enclosure 1, paragraph E1.1.18, page 8). Where appropriate, PMs should pursue cooperative opportunities and international involvement throughout the life cycle to enhance cooperation and improve interoperability per DoDI 5000.02, Enclosure 2, paragraph 7.a, page 92.

B. ICP-Specific Policies

1. Establishing ICPs

PMOs and laboratory project offices should use AT&L's streamlined International Agreement (IA) development and negotiation procedures to establish ICPs per (DoDI 5000.02, Enclosure 2, paragraph 7.b, page 92). For detailed information on AT&L ICP IA policy and procedures, please refer to DAG Chapter 1 (paragraph 4.2.8.4.3) and DAG Chapter 1 IA&E Supplement S-6.

2. ICP Equitability Requirements

Depending on the legal basis used to establish an ICP, there is normally both a statutory and DoD policy requirement for the ICP to be "equitable" in terms of achieving a balance between financial and non-financial contributions made by the partners and benefits received. Refer to DoD FMR Volume 12, Chapter 9 for the quantitative equitability evaluation methodology used by the OSD Comptroller in assessing the equitability of proposed international agreements. DoD Office of General Counsel (OGC) and OUSD(AT&L)'s Director, International Cooperation also assess ICP equitability during the AT&L ICP IA review and approval process based on U.S. law and acquisition policy precepts. See Section 4 of this JST (Navigating the ICP IA Process) for further details concerning this area.

3. ICP Termination or Reduced Participation

DoD Components will notify and obtain the approval of the Defense Acquisition Executive (DAE) for Major Defense Acquisition Programs (MDAPs) and Major Automated Information Systems (MAIS) before terminating or substantially reducing participation in ICPs under signed ICP IAs per DoDI 5000.02, Enclosure 2, paragraph 7.b,(2) page 92. The DAE may require the DoD Component to continue to provide some or all of the funding for that program. A substantial reduction is defined as a funding or quantity decrease that impacts the viability of the program and/or significantly increases the costs to the other participants in the program.

Section 2 – Identifying and Assessing Cooperative Opportunities

A. ICP-Related IA&E Assessment and Acquisition Strategy Aspects

Step 1

Use the results from Section 2.C. (Cooperative Opportunities) of the IA&E Assessment JST as a key input in PMO/project office cooperative opportunities identification efforts.

Step 2

Use the program's Acquisition Strategy – International Involvement section (based on the results from Section 2.C. (International Cooperation Potential) of the Acquisition Strategy – International Considerations JST) as a key input in evaluation of potential ICP efforts.

B. ICP Identification and Assessment Best Practices

Step 1

Experience has shown that ICP opportunities may be identified through many methods:

- Bottom-up ideas generated within the command or DoD Component
- Top-down ideas conceived by Executive Branch senior leaders, Congress, OSD senior leaders, or DoD Component senior leaders
- International fora, conferences, working groups, etc.
- Ideas proposed by prospective foreign partner representatives (may be bottom-up or top-down)
- Ideas proposed by U.S. and/or foreign industry representatives (CEOs, program managers, business development, etc.)

Step 2

Whether you are in an S&T organization, PMO, or other DoD acquisition organization, understand and assess the motivation(s) and circumstances that led to a decision to pursue ICP opportunities, then take the following actions to define potential ICPs:

- Determine the core objective(s) of a cooperative effort (e.g. technology access, cost sharing, coalition interoperability, enhanced sales potential, Security Cooperation objectives, etc.)
- Define DoD's ICP trade space (i.e., what DoD is willing to pursue with prospective partner nation(s))
- Engage prospective partner nations that have a reasonable probability of providing technology and resources that would achieve DoD's desired acquisition outcomes
- Use the various OSD and DoD Component international forums and mechanisms available to identify potentially viable partners (International Cooperation in AT&L Handbook, Chapter 11)

Define the potential type and scope of the prospective ICP arrangement from a U.S. DoD perspective – taking into account the considerations outlined in Step 3 below prior to taking action to identify and engage potentially viable partners.

Step 3

PMOs and laboratory project offices should recognize up-front that a key aspect of defining DoD's ICP trade space and engaging prospective partners is knowing and being able to clearly articulate the type and scope of ICP opportunity that the organization wants to (or has been asked to) pursue. The following list provides an overview of typical ICP opportunities that DoD acquisition organizations are interested in pursuing (refer to DoD FMR Volume 2B, Chapter 5 para 050201 for definitions of RDT&E budget activities (categories) used below):

- *S*&T and Technology Demonstration Projects (non-ACAT projects; 6.1 – 6.3)
- R&D Projects (Specific RDT&E projects related (but not part of) ACAT programs; 6.4 and 6.5)
- System Development Programs (MSA, TMRR, and EMD phases; 6.3, 6.4. 6.5)
- System Upgrades/Product Improvements/Support (P&D and O&S phases; 6.7, production modification, and operations and maintenance)

Step 4

Based on the type of ICP opportunity the organization decides to pursue, develop an initial plan to engage prospective partners by networking within the USG/DoD and the international community to:

- Identify global technology that could be relevant to DoD S&T objectives, technology demonstrations, or acquisition programs, particularly technologies with Technology Readiness Level (TRL) challenges
- Identify planned or ongoing foreign system development efforts that might meet or relate to DoD requirements
- Identify potential ICP system upgrade and cooperative logistics support opportunities on DoD systems previously acquired by allied/friendly nations via Foreign Military Sales (FMS) or Direct Commercial Sales (DCS)

Step 5

USG/DoD networking efforts to refine the organization's initial plan should include engagement/consultations with:

- Service laboratory experts
- Service overseas offices (Office of Naval Research (ONR) Global, Air Force Office of Scientific Research (AFOSR) International Office, and Army RDECOM International Technology Centers)
- Defense Advanced Research Projects Agency (DARPA)
- DoD Component participants in major international S&T/R&D forums (NATO Science and Technology Organization (STO), The Technology Cooperation Program (TTCP), and other similar S&T forums
- Intelligence Community
- U.S. industry

Use the results of these USG/DoD networking efforts to form an organizational-level 'common tactical picture' of potential ICP partner nations that should be engaged.

Step 6

Pursue initial international engagement activities with prospective ICP partners to further mature the organization's initial plan through:

- Multilateral technology and acquisition forums *(*NATO Main Armament Groups, TTCP, etc.)
- Bilateral technology and acquisition meetings (e.g. US-Australia Defense Acquisition Committee (ADAC), US-Japan Systems and Technology Forum (S&TF), bilateral National Armaments Director (NAD) meetings, other AT&L and DoD Component forums, etc.)
- Targeting engagement with foreign defense representatives arranged through these nations' embassies in the United States or our Security Cooperation Organizations (SCOs) in their countries

Use the results of these initial international engagement activities to identify potentially viable ICP partner nations that merit follow-up efforts. Once one or more viable partners have been identified, these nations must be willing to participate in exploratory discussions to assess whether a potential ICP can be established.

Step 7

Recognize that organizational-level international engagement efforts to identify the optimal ICP partner nation(s) may be challenging depending on the nature of the potential ICP effort – capabilities and technologies involved – as well the number and compatibility of the prospective partners. Political/military relationships and Technology Security & Foreign Disclosure (TSFD) false impressions policy considerations may influence DoD Component and OSD level decisions on planned engagement activities with potentially viable partners. Consult the DoD Component IPO for advice and assistance if challenging situations that arise in this area when arranging exploratory discussions.

Step 8

Consistent with the false impressions policy, and prior to conducting exploratory discussions with potential international partners' organizations, ensure that:

- DoD Component leadership support for the prospective ICP exists
- TSFD and export control boundaries have been identified and assessed to identify areas where foreign government and/or industry involvement would likely not be authorized by TSFD and/or export control authorities

Desired Outcome

Organizations must confirm that DoD Component support exists and document applicable TSFD and export control boundaries with DoD Component foreign disclosure authorities prior to engaging potentially viable ICP partner nations in exploratory discussions on prospective program details.

C. Analysis & Evaluation -- Key Areas

What are the motivations for pursuing the potential ICP arrangement? Who are the key U.S. and foreign officials interested in establishing the ICP, and what are their primary objectives?

Which ICP type(s) are being considered? Has the organization consulted with other DoD Component and higher level DoD organizations, as appropriate, to help define DoD's ICP trade space before engaging potential partners?

What is the organization's ICP engagement plan? Have the engagement activities identified one or more potentially viable ICP partners interested in participating in exploratory discussions with your organization?

Based on the nature of the organization's ICP opportunity, the number of potentially viable partner nations, these countries' political/military relationships with the U.S. and each other, and U.S. and partner TSFD and export control considerations, which prospective partner nations should be invited to participate in exploratory discussions?

Has the PMO/project office confirmed DoD Component support at an appropriate level and identified TSFD and export control boundaries for the prospective ICP prior to raising potential partner expectations by initiating exploratory discussions?

Section 3 – Conducting ICP Exploratory Discussions

A. ICP Exploratory Discussions Objectives

Once one or more potentially viable ICP partners have been identified using the steps outlined in Section 2 of this JST, organizations should arrange exploratory discussions (also known as "technical discussions") to attempt to explore and validate the following key areas:

- Harmonization of S&T objectives or operational requirements
- Definition of the participants' respective roles and responsibilities
- Alignment of the objectives and management structure of the potential S&T project or acquisition program phase(s)
- Exploration of various methods of achieving equitable cost sharing (financial and non-financial) as required by U.S. law and DoD policy
- Discussion of potential industry involvement and contracting approaches
- Validation of U.S. and partner TSFD and export control boundaries (as applicable)

Exploratory discussions should be used by organizations to identify areas of convergent and divergent interests among the prospective participants prior to beginning the formal ICP International Agreement (IA) development and negotiation process. Successful exploratory discussions build DoD Component and partner-equivalent organizational buy-in and set the stage for commencement of formal ICP IA development and negotiation.

B. ICP Exploratory Discussion Best Practices

Step 1
Exploratory discussions may be conducted using only PowerPoint charts, White Papers, Talking Points, etc. No IA text may be presented or provided in any form! Introducing IA text in any form would violate the DoDD 5530.03 "International Agreements" prohibitions on commencing IA negotiations prior to obtaining authority from OSD.

Step 2
Consistent with DoD acquisition chain-of-command guidance on ICP business arrangements, OSD political/military views, and TSFD and export control false impressions policy considerations, ensure prospective partners understand that the purpose of these exploratory discussions is to identify and define a potential ICP without guaranteeing that an ICP will be undertaken or pursued further.

Step 3
Exploratory discussions may be simple or complex depending on the nature of the potential ICP and the number of potential partners involved. Simple, bilateral ICP efforts may require only one exploratory discussion session. ICPs that are more complex, and/or involve multiple prospective partners, often require multiple exploratory discussion sessions to prepare for formal IA negotiations.

Step 4
Consult the DoD Component IPO for advice and assistance in planning and organizing an optimal exploratory discussion for the organization's ICP initiative. Some IPOs have developed generic checklists that identify topics that should be discussed and information that is needed to support development of IA documentation in case the exploratory discussions result in a mutual decision by DoD and one or more prospective partner nations to proceed to the formal ICP IA negotiation process.

Step 5
For complex ICPs, some potential partners may drop out after the first exploratory session since they may not be interested or able to join the potential ICP, while others may be asked to join after the first session based on mutual agreement among the initial participating nations. However, the final exploratory discussion session(s) must include all prospective partners to provide a solid foundation for transitioning to the next step, formal ICP IA negotiations. Most exploratory discussions initially focus on the potential ICP's conceptual framework and associated programmatic/technical subjects which, if successful, lead to progressively more extensive information exchange by the engaged prospective partners.

Step 6
Exploratory discussions, by their very nature, involve sharing of U.S. information, often at progressively higher levels of sensitivity and classification. Seek and obtain authority through the Foreign Disclosure Officer (FDO) to share U.S. Controlled Unclassified Information (CUI) and/or Classified Military Information (CMI) or discuss/take possession of Foreign Government Information (FGI) during exploratory discussions.

Step 7
In coordination with the FDO and DoD Component IPO, plan, coordinate, and obtain the necessary USG/DoD TSFD and export control approvals needed to ensure that effective engagement with prospective partners occurs. Up-front planning and coordination with the FDO is required prior to each exploratory discussion session to ensure adequate U.S. CUI (or even CMI) information is available for discussion. Other required actions include:

- Confirming USG/DoD TSFD policy guidance permits an adequate level of CUI (or even CMI) programmatic and technical discussions regarding compatible S&T objectives or R&D/system operational requirements
- Arranging U.S. and/or foreign facilities for exploratory discussions that permit CUI (or even CMI) level oral and visual information sharing
- Submitting and obtaining approval of required foreign visit requests in advance of each session

- Arranging for the safeguarding, handling, and transfer of U.S. CUI (or CMI) to prospective foreign partners and comparable measures for partner nation FGI consistent with U.S. and partner nation international security policies and procedures
- Ensuring DoD contractors (including support contractors) seek and obtain required USG export control approvals if you plan to have U.S. companies participate in the exploratory discussions

(Note: If a U.S company is unable to obtain an export license authorization to support USG conducted exploratory discussions because of time constraints, evaluate whether the DoD Component Authorized Exemption Official (DASA/DEC, Navy IPO, SAF/IA, AT&L(IC)) could authorize this participation through a temporary/interim ITAR exemption.)

Step 8

At some point, exploratory discussions should achieve an acceptable level of mutual acknowledgement by the U.S. and prospective partners that **all** nations are ready to proceed with formal ICP IA negotiations. Key areas of convergence among the prospective partners should include:

- Compatible S&T objectives, or R&D/system operational requirements
- Programmatic feasibility at an acceptable level of risk
- Equitable U.S./partner contributions and strong levels of commitment
- Mutually acceptable and equitable benefits
- TSFD and Export Control executability
- Program viability within the partner nations' acquisition organizations and government establishments at large

Consider using a "red, yellow, green" decision analysis by the organization and the DoD Component IPO which validates that each of one of these key areas is assessed in either "green" or "yellow" light status before proceeding to formal IA negotiations.

Step 9

Organizations should also maintain their objectivity during exploratory discussions and recognize that while many ICP proposals move forward to formal ICP IA negotiation stage, not all potential ICP initiatives work out. Effective exploratory discussions weed out ICPs that have little or no viability, which is actually a successful outcome. It is much better to confirm a potential ICP is not viable at this stage of the process rather than investing a substantial amount of time, effort, and resources needed to prepare for (and conduct) formal ICP IA negotiations. Experience has shown that ICP IA negotiations that commence with unresolved divergent views among prospective partners in several key areas almost always fail.

C. Analysis & Evaluation -- Key Areas

Has the organization identified potentially viable ICP partners, and are you (and the other nations) ready to arrange exploratory discussions to attempt to explore and validate the key aspects of the potential ICP?

Has the organization sought assistance from the Component IPO on structuring effective exploratory discussions to promote a smooth transition to IA negotiations if these discussions are successful?

Are all the potential partners participating in the exploratory discussions empowered, able to contribute, and committed to pursue the prospective ICP?

Has the organization made all the necessary arrangements and obtained required approvals needed to share U.S. CUI or CMI and receive and protect comparable FGI at progressively higher levels of sensitivity and classification during the exploratory discussion process?

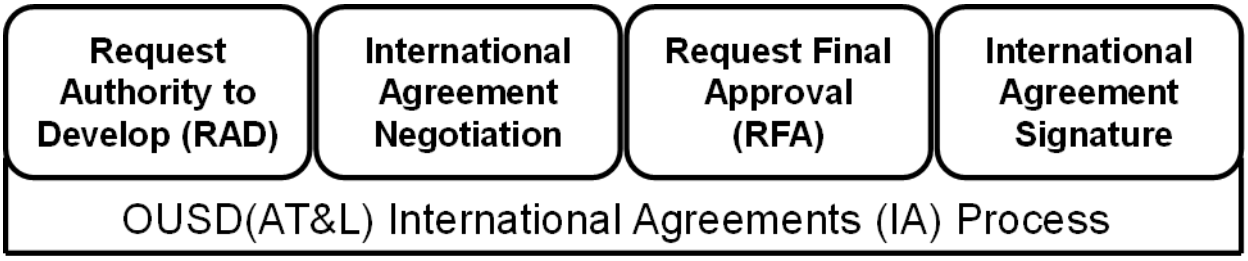
Has the organization conducted a "red, yellow, green" exploratory discussion decision analysis and validated that each key ICP areas is in either "green" or "yellow" light status? Has the organization confirmed with the DoD Component IPO that you are ready to formally request authority to initiate ICP IA negotiations?

Section 4 – Navigating the ICP International Agreement (IA) Process

A. ICP IA Process Policy and Process Guidance

As noted above, this JST only provides a general description of the OUSD(AT&L) ICP IA process steps – RAD, IA Negotiation, RFA, IA Signature – shown in Figure 2. For detailed information on AT&L ICP IA policy and procedures, please refer to DAG Chapter 1 (paragraph 4.2.8.4.3) and DAG Chapter 1 IA&E Supplement S-6.

Figure 2: AT&L ICP International Agreement (IA) Process Overview



B. ICP IA Process Best Practices

Step 1

Your organization, working closely with the DoD Component IPO and DoD Component General Counsel's Office, should initiate the formal ICP IA process after successful exploratory discussions (see Section 3 for details) by assisting the Component IPO in the development and completion of several required internal DoD and partner nation ICP IA process documents described in Steps 1A and 1B.

Step 1A

Internal DoD IA process documents include:

- Summary Statement of Intent (SSOI) (always required and prepared IAW an AT&L/IC template)
- Delegation of Disclosure Authority Letter (DDL) (required for ICPs involving CUI or CMI generation and sharing among partners)
- Draft ICP IA Text (typically required for RAD staffing (always required when request is submitted to OSD for approval) – consult DoD Component IPO for details; always required for RFA staffing
- Draft Congressional Notification per Arms Export Control Act (AECA) Section 27 or Title 10 2350a (for all ICPs based on AECA Section 27 and some Title 10 USC 2350a ICPs)
- Draft Determination and Finding per Title 10 2350b (for all ICPs that may involve a partner nation contracting on DoD's behalf)

Step 1B

Partner nation shared/cooperative developed documents include:

- Draft ICP IA Negotiation Text (only provided to partners after DoD Component or OUSD(AT&L) RAD approval depending on type of IA)
- Program Security Instruction (PSI) (required for ICP IAs involving CUI or CMI generation and sharing among partners)
- Financial Management Procedures Document (FMPD) (required for ICP IAs involving transfer of funds among partners)

Step 2

PMOs and laboratory project offices play a critically important role in the development, coordination, negotiation, and finalization of all required ICP IA process documents. Such efforts normally include:

- Preparing the SSOI programmatic, financial, and TSFD/EC-related content
- Drafting IA objectives, scope, management provisions as well as providing business/financial management support for IA financial provisions and FMPD development

- Developing IA negotiation positions *(*in concert with DoD Component IPO)
- Participating in IA negotiations
- Preparing (or assisting in the preparation of) the other IA documents listed above, as appropriate

PMOs and laboratory project offices usually follow the DoD Component IPO's lead regarding the development and coordination of these documents as outlined in Step 3 below.

Step 3

The DoD Component IPO is normally the key player in the development, coordination, negotiation, and finalization of these ICP IA process documents. Their efforts usually include:

- Reviewing and coordinating RAD/RFA SSOIs and IA text within the Component and through AT&L/IC reviews that include OSD, other DoD Component, and interagency coordination
- Leading IA development using the DoD IA Generator or associated Project Agreement/Arrangement (PA) models
- Leading IA negotiation-position development
- Serving as the DoD Component's IA Chief Negotiator

DoD Component General Counsel Offices normally work closely with the DoD Component IPO, your organization, and its legal staff to provide advice and, if applicable, approvals on the legal, regulatory, and policy aspects of most ICP IA process documents. Their participation is an essential part of the process and the assigned attorney should be viewed as an important member of the team.

Step 4

While DoD Component IPO personnel are, in most cases, responsible for planning, preparing for, and conducting ICP IA negotiation activities, your organization must ensure that important programmatic, technical, financial, and TSFD-related areas are accurately and adequately reflected in IA process documentation. Key areas your organization should specifically focus on during the ICP IA negotiation process include:

- Cost/schedule/performance-related IA provisions, especially the IA's objectives, scope of work, and any programmatic/technical annexes/plans
- IA provisions regarding program management and IPT-related decision-making responsibilities and authorities
- Program of Record (POR) Acquisition Milestone decision documentation; Acquisition Strategy, Acquisition Program Baseline; and Planning, Programming, Budgeting, Execution (PPBE) process harmonization and conformance discussions

PMOs and laboratory project offices must remain vigilant throughout the IA process to ensure that these areas are adequately, consistently, and accurately addressed in both internal DoD and partner nation IA documents to ensure maximum alignment of Defense Acquisition System and AT&L ICP IA process documentation and decision-making activities.

ICP IA Process Training

DoD acquisition workforce members, other DoD personnel, contractor support personnel, and industry representatives who are tasked to help develop and negotiate an ICP IA should take ACQ 340 (Advanced International Management Workshop). ACQ 340 provides students with a comprehensive 4 ½ day IA process simulation – including SSOI preparation, use of DoD IA Generator, and a simulated multilateral ICP IA negotiation session using the IA text the students develop – to prepare them for actual ICP IA development and negotiation activities.

Desired Outcome

While DoD Component IPO and General Counsel IA process experts are responsible -- with your organization's help -- for developing and negotiating a well-conceived ICP IA, your organization is ultimately responsible to the DoD Component Acquisition Executive (CAE) and acquisition chain-of-command for ensuring negotiated ICP IA provides a sound basis for formation and implementation of an executable program. At the end of the day, the DoD Component's acquisition chain-of command and its

partner nation senior-leader counterparts will expect your organization (and those of the partner nations) to successfully implement the signed ICP IA.

C. Analysis & Evaluation -- Key Areas

Has your organization consulted the DoD Component IPO regarding which specific internal DoD and partner nation ICP IA process documents need to be developed and coordinated?

What resources – talent, time, funding – are needed to support ICP IA process activities? Has the organization identified and allocated the resources necessary to support the IA process?

Has the organization taken steps to ensure that key programmatic, technical, financial, and TSFD-related areas are accurately and adequately reflected in ICP IA process documents, especially the SSOI, signed IA and Delegation of Disclosure Letter (DDL)?

Have the DoD and industry personnel who will be involved in ICP IA process activities taken ACQ 340 (Advanced International Management Workshop)?

Is the organization and are the partner nation counterparts confident that the program described in the negotiated ICP IA can be successfully implemented once signed?

Section 5 – Cooperative Program Execution

A. ICP Execution Objectives

The organization should be ready to execute the ICP IA as soon as it is signed by the United States and partner nation(s). Effective ICP IA implementation requires timely establishment of an international PMO (or equivalent) for systems-level cooperative programs, a project office for S&T and R&D cooperative projects, and an international Steering Committee (SC) (or equivalent) described in signed ICP IA.

B. Initial ICP Execution Efforts

Program/Project Organization

Initial PMO/Project Office formation and Program/Project SC decision-making should focus on key areas such as:

- PMO/project office organization and staffing, including Cooperative Program Personnel (CPP) assignments, if applicable
- PMO/project office development and SC approval of key ICP IA documents including the Program Plan (or equivalent), PSI, and FMPD as applicable

Cooperative programs, unlike DoD FMS transactions, are jointly managed efforts. In most situations, pre-IA signature activities by U.S. DoD and partner personnel to prepare for international PMO/Project Office establishment are advisable due to the administrative requirements and lead times involved in finding acceptable working spaces, arranging permanent change of station moves by CPPs, addressing unique physical and information systems access requirements, and other related actions. Arranging and conducting an initial SC meeting immediately after IA signature to discuss and decide upon PMO/Project Office arrangements is highly encouraged.

Program (Project) Plan

If required by the IA, PMOs/Project Offices should work with the partner nations to complete development and approval of the Program Plan as soon as possible. The Program Plan must be approved by the SC prior to implementation of detailed program management activities, including the cost, schedule, and performance aspects of the program derived from the IA objectives and scope of work. For programs/projects involving contracting efforts that will be jointly funded by partner nations, PMOs/Project Offices will also be required by the IA to develop Program Direction for Contracts (PDC) for SC approval to provide jointly approved guidance regarding contracting process actions.

Financial Management Procedures Document (FMPD)

PMOs/Project Offices should work with the partner nations to complete development and approval of the program/project FMPD as provided for in the IA as soon as possible. The FMPD must be approved by the SC prior to any funds transfers between the participants.

- DoD International Agreements Generator contains a sample FMPD format which can be obtained from the Component IPO
- For programs/projects involving substantial transfers of funding between/among partner nations, consideration should be given to beginning development of the FMPD prior to IA signature

Project Security Instruction (PSI)

For programs/projects involving generation or transfer of Classified Military Information (CMI) or Controlled Unclassified Information (CUI), PMOs/Project Offices should develop the PSI required by the IA and seek approvals from the participant's National Security Authorities/Designated Security Authorities (NSA/DSA) as soon as possible. (Note: the U.S. DSA is the Defense Technology Security Administration (DTSA) International Security Directorate). Additionally:

- PSIs should be prepared using a format developed by the Multinational Industrial Security Working Group (MISWG). Contact the Component IPO for preparation guidance
- PSIs must be approved before CUI and CMI can be transferred under the terms of the IA; PSI development, coordination, and approval can be a lengthy process
- For programs/projects that involve generation or transfer of substantial amounts of CMI Information or CUI, PMOs/Project Offices should form a security working group with representatives from all participants to develop the PSI during the later stages of the negotiation phase such that it can be approved by the NSAs/DSAs soon after IA signature

C. Steady State ICP Execution Efforts

Program/Project Management Approach

After the initial ramp-up efforts, steady state ICP IA execution is quite similar to a domestic S&T project, R&D project, or systems acquisition program implementation. Once the key ICP IA documents described above have been developed and approved, the PMO should immediately commence ICP implementation activities focusing on achievement of the program's cost, schedule, and performance objectives (just like a domestic program) including preparing contractual documents and awarding contracts that are consistent with the IA as required. If all goes well, the PMO should be able to implement the Program Plan with minimal SC oversight. However, there are three major areas of difference that PMOs and U.S. SC representatives should be cognizant of during ICP IA implementation, particularly if any complex or significant issues arise.

Cooperative Mindset

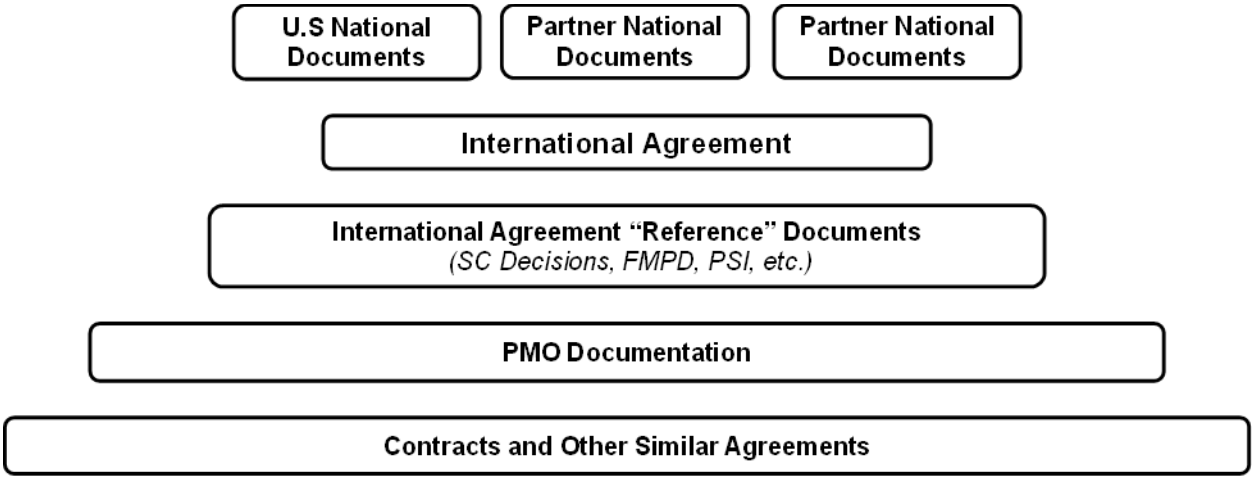
All too often, ICP IA implementation is mistakenly considered to be similar to implementing an FMS case. Foreign nations are partners, not customers, and they play an integral part in program execution on a daily basis through their presence and participation in PMO and SC management and decision-making activities. On systems-level cooperative programs, personnel in the DoD Component and larger organization, particularly in the training and sustainment communities, may engage with the program based on an "ICPs are just like FMS" mindset, which can cause substantial frustration among partner nation CPPs and SC representatives if not effectively dealt with by U.S. PMO and SC leaders. Recommend that U.S. personnel involved in ICP IA execution establish and maintain a positive ICP-oriented mindset and work effectively with the broad range of USG, DoD, and industry personnel involved in day-to-day ICP implementation activities to mitigate any "ICPs are just like FMS" misunderstandings that may arise.

Documentation Hierarchy

In addition to the program's U.S. domestic acquisition documentation and U.S laws, regulations and policies, the ICP IA, as well as all documents approved by and decisions made by the SC, must be implemented by the PMO. In practice, this can be quite challenging. Moreover, when significant issues

arise, foreign partners will inevitably ask “what has the SC decided” or “what does the IA say?” As a result, U.S. PMO and SC personnel must be aware of, understand, interpret, and, if necessary, reconcile any differences that arise in the ICP IA documentation hierarchy shown in Figure 3 below. For complex and/or significant execution issues, the organization should consult the DoD Component IPO and DoD Component General Counsel’s office for assistance prior to establishing a formal position on a particular matter.

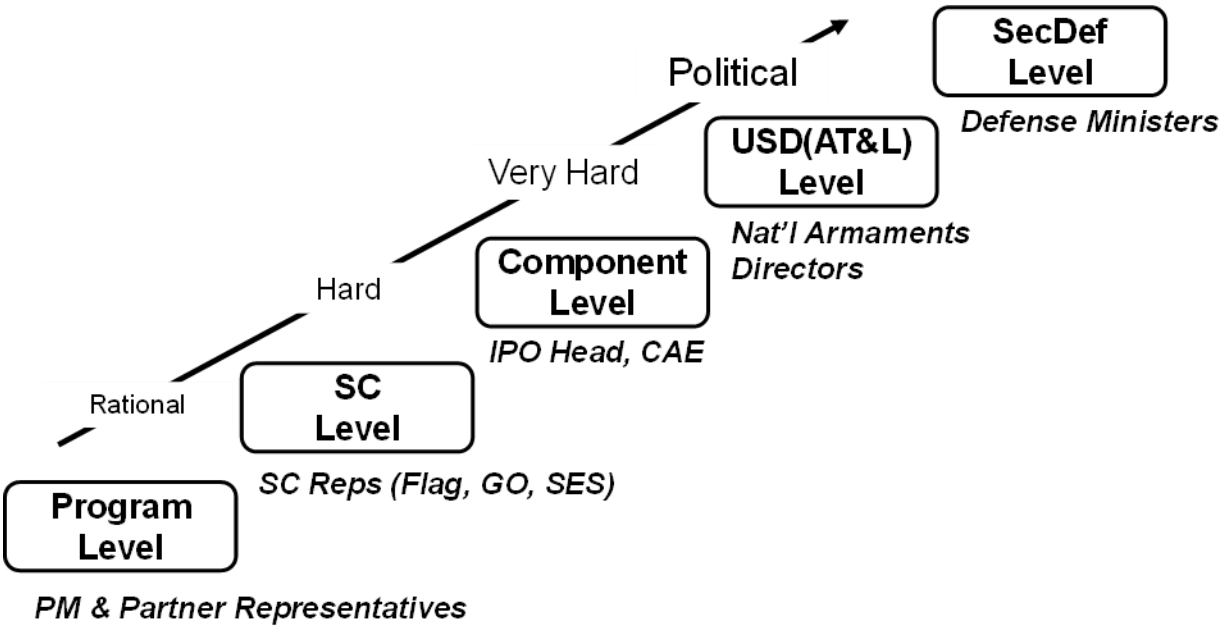
Figure 3: International Cooperative Program (ICP) Documentation Hierarchy



Problem Resolution

Complex or significant ICP IA issues may arise during ICP execution. DoD and the partner nation(s) must work together to resolve them. Most DoD acquisition workforce members are familiar with the process used to resolve domestic program issues in the DoD acquisition chain-of-command leading through the PEO/major command, CAE, USD(AT&L), SecDef levels. ICP IA problem resolution is similar, but involves the partner nation(s)’ counterparts at each level as shown in Figure 4 below. Experience has shown that the best course of action is to try to resolve issues at the PMO or SC level since higher level decision makers are less familiar with program details. Moreover, at higher levels, other factors outside the ICP IA itself may come into play. If the organization ends up in a problem resolution matter where higher levels become involved, make sure you know “what the SC has decided” and “what the IA states” to ensure DoD decision makers have the information needed to effectively engage their partner nation counterparts. For complex or significant problems, the organization should consult the DoD Component IPO and DoD Component General Counsel’s office for assistance prior to establishing a formal position on a particular matter.

Figure 4: International Cooperative Program (ICP) Problem Resolution Level



Desired Outcome

Effective ICP implementation requires intimate knowledge of IA ICP documentation combined with flexibility, creative thinking and problem solving, and a positive mindset. Due to the breadth of ICP types and potential complexities involved in the various acquisition functional areas (Systems Engineering, Contracting, Financial, Logistics, T&E, Security, etc.) there are a seemingly infinite number of U.S. and partner nation laws, regulations, and policies that could apply to the organization's ICP execution. ICP IAs cannot be implemented using a "manual" or "checklist" approach due to the diversity of ICP types and acquisition life-cycle activities. When ICP IA execution challenges arise which can happen at any point during the program/project effort, consult with the DoD Component IPO and (if possible) other similar ICPs in your Component or elsewhere in DoD to obtain advice and lessons learned to effectively and efficiently implement the organization's ICP. In general, however, DoD organizations responsible for ICP implementation are able to employ their DoD program management and Integrated Project Team (IPT) leadership and management skills and expertise in concert with their partner counterparts in the PMO/Project Office to achieve desired ICP outcomes that meet or exceed U.S. and partner nations' requirements.

D. Analysis & Evaluation -- Key Areas

Has the organization pursued the actions required to establish the international PMO (or equivalent) and international SC (or equivalent) immediately after the ICP IA is signed?

Has advance work been conducted in developing the PSI and FMPD so that these documents can be approved soon after IA signature?

Have the PMO and SC developed and approved the Program Plan and Program Direction for Contracts (PDC) or other contracting process-related documentation to enable government and industry key players to begin executing ICP scope of work efforts?

Has the organization encountered any "ICPs are just like FMS" execution problems internal or external to the PMO? If so, what steps should the organization take to create a positive mindset among the key DoD and industry players involved in day-to-day ICP implementation?

Are U.S. PMO and SC personnel well versed in the ICP IA's documentation? Are they ready to interpret and, if necessary, reconcile any differences that arise concerning ICP IA documentation and U.S./partner nation laws, regulations, and policies if they arise?

Is the organization familiar with how to effectively pursue U.S. partner nation problem resolution efforts if any complex or significant issues arise during ICP IA execution?

Note: If you would like to provide feedback on this JST, have ideas on how the JST could be improved, have questions on this JST, or would like advice on how to use this JST in the workplace, please send an email to InternationalHelp@dau.mil.