

Headquarters  
United States Forces Korea  
Unit #15237  
APO AP 96205-5237

United States Forces Korea  
Regulation 700-19

28 August 2012

Procurement

THE INVITED CONTRACTOR AND TECHNICAL REPRESENTATIVE PROGRAM

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**\*This regulation supersedes USFK Regulation 700-19, dated 4 June 2007.**

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FOR THE COMMANDING GENERAL:

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**Summary.** This regulation establishes policies and procedures for the designation of corporations and individuals as Invited Contractors (ICs) and Technical Representatives (TRs) who work in support of the United States (U.S.) Armed Forces or other armed forces in the Republic of Korea (ROK) under the Unified Command receiving logistics support from the U.S. armed forces under the U.S.-ROK Status of Forces Agreement (SOFA) and applicable U.S. regulations. ICs and TRs will be managed in accordance with (IAW) the SOFA and applicable U.S. regulations.

**Summary of Change.**

- Defined "ordinarily residence of U.S." more clearly and identified documents that could be used to support the SOFA requirement of being "ordinarily residence of U.S." in chapter 2-2 e(2)(a), page 8, Definition of Ordinarily Resident of U.S., page 66 and Definition of Supporting Documentation, page 67.

- Added new requirement: Responsible Officer's (RO's) must be appointed as Trusted Agents for the Contractor Verification System, when practical in chapter 3-4 j on page 23.
- Added new requirement: contract SOFA designation can be for multiple years however, IC SOFA designation is based on each funded contract. Contract SOFA designation must cover the period of IC contract performance in the ROK in chapter 2-5c on page 11.
- Added new requirement: PMO and Ration Control checks shall encompass all visits to the ROK on page 13, chapter 2-5 e(3)(c).
- Deleted the thirty day SOFA extension which allowed contractors SOFA coverage beyond the expiration date of the contract's period of performance.
- Added new requirement: RO's are required to have RO training within 90 days of appointment. Added link to USFK/FKAQ website for Invited Contractor Program/RO Training in chapter 3-3 a(1) on page 17.
- Added new requirement: RO's must submit an Applicant Questionnaire on the IC when submitting for SOFA designation on page 8, chapter 2-2 e(2)(a).
- Added clarification to the type of contract documents required for extending contract SOFA designation beyond original designation period on page 11, chapter 2-5 c.
- Other changes have been made in the last couple of years but the track changes have been accepted as the changes were made.
- Added clarification to TR designation in chapter 1-4d on page 6.
- Added IC/TR must immediately notify RO in incidents involving injury or death of a ROK LN. Also, added RO must immediately notify appropriate USFK agency such as SJA, PMO, FKAQ, etc when IC/TR notifies them about incidents involving injury or death of a ROK LN in chapter 2-5 e(2) on page 12, in chapter 3-4 a(2)(g) on page 19, and page 24 chapter 3-5j.
- Added ICP/RO training slide location in chapter 3-4 a(2)(d) on page 19.

### **Applicability.**

a. This regulation applies to--

(1) All contracting offices that solicit, award, or administer contracts involving work to be performed in the ROK by U.S. contractors or third country nationals for the support of the U.S. Armed Forces.

(2) Contractor's Sponsoring Agencies (SA) and Responsible Officers (RO).

(3) Contractors, their employees and dependents (including those in a TDY/TAD status) that meet IC or TR criteria IAW the U.S.-ROK SOFA and this regulation.

b. This regulation does not apply to Defense Security Assistance Agency, Department of State, Foreign Military Sales (FMS) contractors, or their SAs. These contractors are not in the ROK solely for the benefit of the U.S. Armed Forces. Therefore, they are--

(1) Not normally eligible for status under the U.S.-ROK SOFA.

(2) Not normally eligible to be United States Forces Korea (USFK) ICs or TRs.

c. This regulation is applicable during all phases of contract operations.

**Supplementation.** Supplementation of this regulation and issuance of command and local forms by subordinate commands is prohibited unless prior approval is obtained from HQ USFK, Assistant Chief of Staff, Acquisition Management (FKAQ), Unit #15289, APO AP 96205-5237.

**Internal Control Provisions.** This regulation does not contain management control checklists.

**Forms.** USFK forms are available at <http://www.usfk.mil/USFK/default.aspx>

**Records Management.** Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information System website at <https://www.arims.army.mil>.

**Suggested Improvements.** The proponent of this regulation is HQ, USFK Assistant Chief of Staff (ACS), Acquisition Management (FKAQ). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the HQ, USFK (FKAQ), Unit #15289, APO AP 96205-5237.

**Distribution.** Electronic Media Only (EMO).

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## Chapter 1 Introduction

### 1-1. Purpose

This regulation establishes policies and procedures for the designation of corporations and individuals as Invited Contractors (ICs) and Technical Representatives (TRs) who work in support of the United States (U.S.) Armed Forces or other armed forces in the Republic of Korea (ROK) under the Unified Command receiving logistics support from the U.S. Armed Forces under the U.S.-ROK Status of Forces Agreement (SOFA) and applicable U.S. regulations. ICs and TRs will be managed in accordance with (IAW) the SOFA and applicable U.S. regulations. This regulation applies in armistice, contingency and war.

### 1-2. References

Required and related publications are listed in appendix A.

### 1-3. Explanation of Abbreviations and Terms

Abbreviations and terms used in this regulation are explained in the glossary.

### 1-4. Overview

a. The U.S. – ROK SOFA Article XV, ICs, defines an IC as “a person(s), including (a) corporations organized under the laws of the United States, (b) their employees who are ordinarily resident in the U.S., and (c) the dependents of the foregoing, present in the ROK solely for the purpose of executing contracts with the U.S. for the benefit of the U.S. Armed Forces or other armed forces in the ROK.”

b. In order for a U.S. contractor (defined as a corporation organized under the laws of the United States) to legally perform contracts for the U.S. Armed Forces in Korea, it must either obtain formal approval from the U.S. Representative to the U.S.-Republic of Korea (U.S.-ROK) Joint Committee under the U.S.-ROK SOFA as set out in this regulation (i.e., designation as an IC or TR), or obtain requisite business licenses directly from the ROK government and conduct business IAW all applicable ROK laws, including rules and policies regarding labor and taxation. Any non-Korean business entity that performs under U.S. contract for the benefit of the U.S. Armed Forces or other armed forces in the ROK and fails to obtain IC/TR designation or applicable ROK government business licenses is in violation of the U.S.-ROK SOFA and Korean Law.

**Note:** Only IC/TR designated contractors can qualify for USFK logistics support.

c. The U.S. Representative to the SOFA Joint Committee designates ICs and TRs IAW the provisions of SOFA Articles XV and I, respectively. IC designations shall be made upon consultation with the ROK Government and both IC designations and TR determinations shall be restricted to cases where performance by a Korean firm is not practical due to:

- (1) Security considerations,
- (2) The technical qualifications of the contractor involved,
- (3) The unavailability of materials or services required by U.S. standards, or
- (4) Limitations of U.S. law.

d. The U.S. Representative to the SOFA Joint Committee determines TR status IAW the provisions of the Commerce Subcommittee recommendation concerning TRs approved by the Joint Committee, at the 14<sup>th</sup> SOFA Joint Committee meeting on September 14, 1967, and as amended at 171<sup>st</sup> Joint Committee meeting on June 26, 1992, and further amended at the 180<sup>th</sup> Joint Committee on April 2, 2001. Once someone has been determined to be a TR, that individual qualifies as a member of the civilian component under the SOFA.

## **1-5. Policy**

a. The U.S. Government (including USFK) has the obligation to comply with the provisions of the U.S.-ROK SOFA, an international agreement as described in the Federal Acquisition Regulation (FAR), Part 25.8 (Other International Agreements and Coordination), including provisions regarding use of contractors in support of U.S. Armed Forces in Korea. Department of Defense FAR (DFAR), Part 225.74 (Defense Contractors Outside the United States). Specifically, DFAR 225.7401 and PGI 225.7401 (Contracts Requiring Performance or Delivery in a Foreign Country). Accordingly, the U.S. and USFK may provide SOFA status and support only to contractors meeting the IC or TR status criteria IAW the U.S.-ROK SOFA and this regulation.

b. USFK policy mandates the use of local contractors in the ROK whenever possible for procurement. U.S. Government Contracting Officers shall request approval to use U.S. contractors when at least one of the four conditions listed in paragraph 1-4c is met. In the event no Korean or U.S. contractors are available, ROK consent may be sought to use a Third-Country National (TCN) contractor IAW the U.S.-ROK SOFA and this regulation.

c. Contracts that include a requirement for performance in the ROK shall include a specific clause that addresses requirements and obligations of the U.S.-ROK SOFA ("SOFA clause"). Contracts that include a requirement for performance in other than peacetime or armistice (e.g., contingency, wartime, etc.) shall contain appropriate clauses and/or Statement of Work (SOW) requirements consistent with Department of Defense (DOD) and USFK policy. Failure to include appropriate contract requirements is a basis for denying SOFA status. Sample SOFA and contingency clauses are provided in appendix B. While these sample clauses are not prescriptive, substantially similar clauses must be incorporated into contracts before SOFA designation will be granted. Additional information on contingency contract requirements may be found in the publications listed in appendix A.

d. The Assistant Chief of Staff (ACoS), Acquisition Management, USFK (FKAQ) is charged with the management and oversight of the IC and TR program.

## **1-6. Invited Contractor (IC)/Technical Representative (TR) Designation Order of Precedence**

a. The following hierarchy of source documents governs the requirements for the designation of ICs/TRs for SOFA status:

- (1) First: The U.S.-ROK SOFA.
- (2) Second: U.S. Law/Federal Acquisition Regulation.
- (3) Third: DOD and USFK Regulations.

b. Any conflict between this or any other U.S. regulation and a contract's terms and conditions will be resolved by reference to the pertinent source documents in the order listed in Chapter 1, paragraph 1-6a, above.

## Chapter 2

### Invited Contractors (ICs), Technical Representatives (TRs) and The U.S. – ROK Status of Forces Agreement (SOFA)

#### 2-1. General

U.S. contractors selected to execute contracts in support of the U.S. Armed Forces in Korea shall only enter Korea to perform contractual obligations IAW the terms and conditions of their respective contract(s). The requirement to include SOFA and (if warranted) contingency clauses cannot be over-emphasized. The USFK ACoF, Acquisition Management (FKAQ), as the U.S. Chairman of the Commerce Subcommittee under the U.S.-ROK SOFA Joint Committee, is charged with the management and oversight of the overall IC and TR program for the U.S. Representative to the SOFA Joint Committee. Additionally, FKAQ is delegated authority to designate, suspend and revoke individual employees and their dependents status as ICs and TRs.

#### 2-2. Invited Contractor Designation

a. Designation of the specific contract(s) to be performed in Korea is the first step in the SOFA designation process for ICs. Contracting Officers initiate the designation process by submitting a request to FKAQ IAW Appendix D, Figure (Fig) D-1. Designation will only take place following a consultation with the ROK and the resolution of any issues arising from that consultation.

b. Once the contract is designated, the IC, in coordination with the USFK Sponsoring Agency (SA), will obtain individual SOFA status for all contract employees and dependents supporting contract performance in the ROK.

c. SOFA designation affords the IC and its employees certain legal benefits under the U.S.-ROK SOFA. SOFA status is a precondition for USFK logistics support for the contractor and its employees and their dependents and is subject to availability/space available. Granting logistics support to ICs is a unilateral right of USFK and not a contractual benefit. A contract or subcontract shall not require logistics support privileges to be extended to IC as a condition for performance in Korea.

d. U.S. contractors may be designated as ICs under Article XV of the SOFA only if--

(1) The Contracting Officer justifies in writing to FKAQ that ROK contractors cannot satisfy the requirement due to one of the conditions listed in Chapter 1, paragraph 1-4c.

(2) The contractor is organized under the laws of the U.S.

(3) The contractor is in Korea solely for the purpose of executing contracts with the U.S. for the benefit of the U.S. Armed Forces.

(4) The contractor is not engaged in any business or activity in the ROK other than pertaining to the U.S. Armed Forces or other armed forces in the ROK under the Unified Command receiving logistics support from the U.S. Armed Forces.

e. The employees may be designated as ICs if--

(1) Their company and contract has been properly designated IAW the U.S.-ROK SOFA;

(2) They are ordinarily resident in the U.S.: FKAQ will determine ordinary resident status.



(a) The determination of where an individual is ordinarily resident is made by consideration of a number of factors. In order to make that determination, each employee requesting designation as an IC shall submit with their 700-19 a completed copy of the Applicant Questionnaire (Appendix D, Figure D-12). Figure D-12 requires each applicant to provide certain support documents to include passport pages, home mortgage/apartment lease documents, property tax documents, various household bills, and bank statements. FKAQ may also request any additional information, such as tax returns, credit card statements, or any other documentation FKAQ deems necessary to determine eligibility for IC status. With the exception of the passport, the requested documents must show at a minimum name, address, date, and usage.

(b) See glossary for the definition of the term “ordinarily resident in the United States”

(c) Failure to provide requested information, providing incomplete information, or providing inaccurate information is a basis to deny an employee IC status.

(3) They are present in the ROK solely to perform under the terms and conditions of their SOFA designated contract and are not engaged in other business in Korea.

f. For contractors, SOFA status shall be automatically withdrawn upon completion or termination of the contract/employment. Furthermore, SOFA status will be withdrawn if companies or their employees and/or dependents engage in any other business activities not pertaining to USFK, engage in illegal practices, or violate USFK policy.

g. SOFA status and logistics support shall not be provided to salespersons, marketing representatives, consultants, and others not directly performing work to satisfy a contract requirement in support of U.S. Armed Forces in Korea.

### **2-3. Technical Representative Designation**

a. TR status is very limited under the definitions agreed to by the U.S.-ROK SOFA Joint Committee. The Contracting Officer or SA will consult with FKAQ prior to requesting this determination. The U.S. Representative to the SOFA Joint Committee determines the eligibility of TRs to be designated as members of the civilian component under **Article I** of the SOFA. Contracting Officers or the SA commander/chief initiates the process by submitting a request to FKAQ IAW Appendix D, figure D-1.

b. SOFA designation as a member of the civilian component affords the TR certain legal benefits under the U.S.-ROK SOFA, which is more expansive than those for ICs. SOFA status is a precondition for USFK logistics support for TRs and their dependents. Granting logistics support to TRs is a unilateral right of USFK. A contract shall not require logistics support privileges to be extended to TR as a condition for performance in Korea.

c. If the US Government does not have privity of contract with potential TR designated personnel, before the TR designation can be extended, the subject personnel must execute a memorandum of agreement to abide by the terms of the ROK-US SOFA.

### **2-4. SOFA Benefits for ICs and TRs**

SOFA “status” refers to those categories of companies and personnel covered by the provisions of the U.S.-ROK SOFA. SOFA status provides certain legal benefits for designated personnel and also establishes an obligation for them to comply with the terms of the SOFA. SOFA benefits comprise the following:

- a. Entry into the ROK IAW the provisions of SOFA Article VIII.
- b. Access and movement, as provided for in SOFA Article X, paragraph 2.
- c. Exemption from customs duties and other such charges provided for in SOFA Article IX, paragraph 3, for members of the U.S. Armed Forces, the civilian component, and their dependents.
- d. The use of U.S. military postal facilities provided for in SOFA Article XX.
- e. The use of utilities and services IAW those priorities, conditions, rates or tariffs accorded the U.S. Armed Forces by SOFA Article VI.
- f. Exemption from the laws and regulations of the ROK with respect to terms and conditions of employment, and licensing and registration of businesses and corporations. However, U.S. contractors directly hiring Korean national employees must comply with USFK Regulation (Reg) 690-1 and other applicable USFK regulations concerning the employment of local nationals.
- g. Exemption from ROK taxation on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under the SOFA, of movable property, tangible or intangible, the presence of which in the ROK is due solely to the temporary presence of these persons in the ROK, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in the ROK or to any intangible property registered in the ROK.
- h. Exemption from ROK income and corporate taxes on any income derived under a contract with the U.S. for the benefit of USFK in connection with the construction, maintenance or operation of any of the facilities or areas covered by the SOFA.
- i. The protections of SOFA Article XXII, Criminal Jurisdiction, paragraphs 5, 7(b), and 9, and the related Agreed Minutes and Understandings on Implementation, although the authorities of the ROK have the right to exercise jurisdiction over U.S. contractors, their employees and their dependents for offenses committed in the ROK and punishable by ROK law.

## **2-5. Processing Requests for SOFA IC Designation**

a. ROK SOFA designation is a 2 STEP process in USFK. STEP 1 is to obtain SOFA designation on the contract. STEP 2 is to obtain SOFA designation on the IC working on the contract. Both STEPs can be processed simultaneously; however, STEP 2 cannot be completed until all documents for STEP 1 has been submitted. Failure to provide requested information, providing incomplete information, or providing inaccurate information is a basis to deny SOFA designation on contract and/or IC/TR.

b. STEP 1 - SOFA designation on the contract.

(1) The contracting office and SA shall coordinate solicitation requirements prior to initiating a request for SOFA designation. The Contracting Officer and the SA shall evaluate all requirements for U.S. Armed Forces in Korea for performance by local firms before soliciting contractors in the U.S. The Contracting Officer will sign a written memorandum citing the applicable condition(s) of SOFA Article XV (see Chapter 1, paragraph 1-4c of this regulation) that prevents the use of local firms. Include this memorandum in the request package (see Appendix D, Fig D-1) to FKAQ for SOFA designation for the contract not later than 45 days prior to the date work is scheduled to commence in the ROK. If citing technical qualifications or unavailability of materials or services in the ROK as exceptions, the contracting officer must insert in the

"Justification section" of the SOFA request memo verifying no Korean firm can perform the work. With the designation request memorandum (Fig D-1), include a copy of the signature page of the applicable contract/modification that incorporates the "SOFA" clause (and contingency clause, if required), Delivery Date/Period of Performance page, and a copy of the Statement of Work (SOW)/Performance Work Statement (PWS) to FKAQ. FKAQ will determine if the request meets the conditions of SOFA Article XV and USFK policy before processing the request IAW the U.S.-ROK SOFA and established Joint Committee procedures for consultation and designation. **Failure to provide all requested information will delay processing.**

(2) If a request for SOFA designation is submitted in the contract pre-award stage, the Contracting Officer shall sign and forward a Post-Award Coordination Memorandum to FKAQ upon contract award. SOFA designation cannot be completed until notification of the contract award is received by FKAQ. (See Appendix D, Fig D-2).

(3) Each U.S. contract shall have a separate SOFA designation. Any action that results in a new basic contract number or change in company name (e.g. novation) shall be designated separately. Contract actions (modifications), delivery/task orders, do not require separate contract SOFA designation if their period of performance was covered by the original SOFA contract designation period.

c. STEP 2 - SOFA designation on the IC. Invited Contractors will only receive SOFA designation for the funded period of performance in the ROK. SOFA designation of IC/TR terminates when contract funded period of performance ends or IC/TR separates from contract due to termination, retirement, relocation or any other form of disassociation with the SOFA designated contract. The contract maybe SOFA designated (STEP 1) for multiple years; however, IC's can only be SOFA designated for the funded period. IC's operating under CRA may obtain SOFA designation for the base/option period of that fiscal year. Contracting Officers must submit copies of modifications that exercise and fund option periods to FKAQ once they are approved and signed. The following documents are acceptable to prove contract being funded: 1. Signed and released contract by the contracting officer (includes exercise of option year with subject to availability of funds clause added). 2. Notice-to-Proceed from the contracting officer. 3. Fully funded Purchase Request (PR&C) identifying the accounting line and the requirement plus the DRAFT contract. For #3, a blank or unapproved PR&C will not be accepted. Multi-year contracts may receive multi-year SOFA designation. However, evidence of multi-year funding must be included in the SOFA designation request. Failure to provide all requested information will delay processing.

d. Processing a Request for TR Designation as a Member of the Civilian Component.

(1) The determination that someone is a TR is limited by agreement of the U.S.-ROK SOFA Joint Committee to individuals who serve in three basic capacities--

(a) Special individual instructors or technical advisors: Such individuals might be dispatched to USFK to provide technical training, evaluation, installation or maintenance and inspection of complex military equipment or systems. Such training is often involved during the initial fielding of new equipment and systems and is provided by the equipment or system manufacturer. These individual trainers typically do not fall under any direct contractual obligation with the U.S. Government. See paragraph (para) 2-2 and 2-3 for more information.

(b) Individual medical and dental service personnel hired by USFK directly under a "personal services contract" in lieu of direct government employment, which by the express terms or administration of the contract, makes the individual contractor appear, in effect, as an employee

of the U.S. Government. Such personal services contractors fill voids in military and civilian component manning by providing personal medical and dental services to USFK personnel.

(c) Special individual vendor representatives provided by major U.S. manufacturers to ensure commissaries and exchanges in the ROK are properly stocked with American-style products and to act as the interface between U.S. commissaries and exchanges and U.S. suppliers of U.S. products. Such individuals are not under any contractual obligation to the U.S. Defense Commissary Agency or USFK.

(2) The Contracting Officer or the head of the SA shall submit a request for determination of TR status to FKAQ citing the applicable condition above, including an explanation of how the proposed TR meets the conditions of the citation (see Appendix D, Fig D-1) not later than 45 days prior to the date work is scheduled to commence in the ROK. With the designation request memorandum (Fig D-1), include a copy of the signature page of the applicable contract/modification that incorporates the "SOFA" clause, period of performance page, and a copy of the Performance Work Statement (PWS)/ Statement of Work (SOW) to FKAQ. Failure to provide all requested information will delay processing. FKAQ will determine if the request meets the conditions previously outlined before processing the request IAW the U.S.-ROK SOFA and established Joint Committee procedures.

e. Processing Individual Contractor Employees and Dependents for SOFA Status (ICs and TRs).

(1) IAW USFK 190-7, paragraph 2-4a(3) IC status will supersede other non-SOFA personnel categories.

(2) Concurrent with the request for SOFA designation, the SA will appoint a RO/Alternate RO for the contract and submit an RO/Alternate RO Appointment Memorandum to FKAQ (see Appendix D, Fig D-3). The RO/Alternate RO will be the USFK focal point for verifying SOFA status entitlements and coordinating any logistic support for contractor employees and their authorized dependents. Approved USFK Form 700-19 will only be returned to the RO/Alternate RO listed on the appointment memo. In extenuating circumstances, the USFK Form 700-19 can be forwarded to the SA. IC/TR must immediately report any incidents involving injury or death of a ROK LN by IC/TR to the RO. The RO must immediately report any incidents involving injury or death of a ROK LN by IC/TR to appropriate USFK agency such as SJA, PMO, FKAQ, etc.

(3) SOFA status and logistical support authorization shall be verified for all individual employees and authorized dependents. The RO shall send a Letter of Accreditation to FKAQ listing all contract employees and dependents to be designated and their subject to availability USFK provided logistical support (see Appendix D, Fig D-4). FKAQ shall require contractor personnel to demonstrate their residence and citizenship by presenting their passport for review. Additionally, the RO, with assistance from the contractor, will prepare a USFK Form 700-19A-R-E (Invited Contractor and Technical Representative Personnel Data Report), (see Appendix C). The Letter of Accreditation and USFK Form(s) 700-19A-R-E shall be transmitted to FKAQ within 10 workdays of the arrival of any IC employees/dependents in Korea. Incomplete or late receipt of this information will delay individual employees/dependents SOFA designation and receipt of USFK provided logistical support. The following forms and all supporting documentation will be submitted to FKAQ for review;

(a) The USFK Form 700-19A-R-E is necessary to apply for base access media (Identification Card (ID)), SOFA status, and to receive any authorized, available logistics support.

(b) Contractor personnel are required to complete a USFK Form 700-19B-R-E, Application for Dependency Determination, US IC/TR (see Appendix D, Fig D-11) when claiming people other than spouse and children under 21 years of age (i.e., parents, parent-in-laws, stepchild, adopted child, or child ward) and provide source documentation as required (i.e. birth certificates, divorce/custody decrees, marriage certificates, etc). Dependents identified as Designated Country Personnel (DCP) shall provide a copy of their DCP approval in accordance with USFK Reg 190-7 when submitting the USFK Form 700-19A-R-E. Dependency determinations and DCP approval may require detailed analysis by USFK personnel and may delay USFK Form 700-19A-R-E approval.

(c) A current (90 days old or less) Provost Marshal Office (PMO) check and Ration Control check. If the contractor has a Ration Control or PMO violations the RO must submit a counseling action with these forms. PMO and Ration Control checks shall encompass all visits to the ROK.

(4) Article XV of the SOFA prohibits ICs and their dependents from engaging in business activities in the ROK. This provision is not applicable to TRs who obtain their SOFA status under Article I of the SOFA, vice Article XV. Ordinary employment by IC and IC dependents on SOFA designated contracts with USFK are not considered a business activity; ordinary employment by IC or IC dependents on the ROK economy are considered a business activity. The use of SOFA benefits for conducting business in the ROK is strictly prohibited. Any FKAQ determined violation may result in immediate termination of SOFA status of that individual and forfeiture of ID cards, ration control plates and all rights and privileges previously granted. If the sponsor loses his/her status, the status of any dependents shall also be terminated.

(5) The SA (via the RO) will determine the available logistics support to be provided to contractor employees and eligible dependents IAW the SOFA and USFK regulations. The employee will use the signed USFK Form 700-19A-R-E in conjunction with other applicable documents to receive the approved logistics support. The SA shall ensure all IC/TR employees comply with applicable provisions of USFK Regulation 350-2 *Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK* and submit the training certificate to FKAQ. The training website is: <http://www.usfk.mil/usfk/theaterrequiredtraining.aspx>.

(6) The RO is responsible for all supporting documents for contractor employees and their authorized dependents while in Korea including processing requirements for logistics support. See paragraph 3-4 for details on all RO duties.

## **2-6. Termination and Withdrawal of SOFA Status**

IC designation or TR status may be withdrawn by USFK under the following circumstances:

a. Such shall be withdrawn for Invited Contractors/Technical Representatives business entities, upon contract expiration date (as noted on the USFK Form 700-19A-R-E) or termination of employment.

b. Such may be withdrawn upon a determination the contractor or a contractor's IC/IC's dependents engaged in business activities in the ROK other than those designated by the U.S. Representative to the SOFA Joint Committee; or

c. Such may be withdrawn upon a determination the contractor or a contractor's employee/employee's dependents engaged in practices in violation of USFK regulations and policies.

d. USFK/FKAQ is responsible for processing all IC/TR terminations and maintains the unilateral right to terminate IC/TR SOFA status.

## **2-7. Non-US Citizen Employees of Designated United States ICs**

a. **ICs.** Non-US citizen employees (U.S. green card holders) of U.S.-ICs who ordinarily reside in the U.S. may qualify for SOFA status. Qualified employees may receive SOFA status and logistics support. Non-U.S. citizen employees of U.S. ICs who are not ordinarily residents in the U.S. do not qualify for SOFA status.

b. **TRs.** Non-US citizen TRs who are not ordinarily resident of Korea, possessing certain skills not available from U.S. or Korean sources may be designated TRs solely for the purpose of employment by U.S. Armed Forces in Korea. In addition to explaining how the employee meets the definition of TR, the Contracting Officer or head of the SA shall demonstrate that the skills required for contract performance are not available from ROK or U.S. sources. FKAQ approved Non-US citizen TRs receive the same SOFA benefits and logistics support as U.S. citizen TRs.

## **2-8. Requests for SOFA Designation for Third-Country Contractor Firms**

a. Third-country contractor firms may be designated ICs under the SOFA. IAW Article XV of the SOFA, the Contracting Officer's request shall demonstrate a significant advantage for ROK-U.S. mutual defense by utilizing a third-country contractor in lieu of a ROK or U.S. Firm. IC requests for third-country contractors must be submitted to the ROK government for consideration prior to designation.

b. IAW Article XV of the SOFA, the U.S. Armed Forces may bring into the ROK, with SOFA status but without SOFA benefits, third-country contractor employees possessing special skills not available from the Korean labor force. Request to FKAQ shall clearly demonstrate the special skills required for contract performance are not available in the Korean labor force. Individual logistics support from U.S. Armed Forces is not available for third-country employees of third-country corporations. Such employees are eligible only for a USFK facilities/post pass with no logistics support privileges.

## **2-9. Subcontractors**

Subcontractors and their employees/dependents are covered under the umbrella of the prime contractor for purposes of SOFA status for any work performed in Korea supporting the prime contractor's contractual obligation. Subcontractor corporations performing in Korea shall be identified in the prime contractor's request for IC designation. RO's shall ensure USFK Forms 700-19A-R-E and letters of accreditation reference the appropriate prime contractor and subcontractor(s) name and shall list all subcontractor employees and dependents. Subcontractors must meet the same criteria as prime contractors set forth in this regulation to receive SOFA benefits and USFK logistics support. Contracting officers will coordinate changes in subcontractors with FKAQ.

## **2-10. U.S.-Korean Joint Ventures**

Only U.S.-Korean Joint Ventures established for the sole purpose of performing work for U.S. Armed Forces in Korea may qualify for SOFA status. Only the U.S. partner and its qualifying employees in the Joint Venture will be IC designated, eligible for SOFA benefits and USFK logistics support

## **Chapter 3**

### **Duties and Responsibilities**

#### **3-1. U.S. Government Contracting Offices**

The provisions of the U.S.-ROK SOFA supersede domestic law for both the ROK and the U.S. (See 17 UST 1677, TIAS 6127, or 674 UNTS 163.) All U.S. contracting offices awarding and administering contracts to be performed in the ROK in support of U.S. Armed Forces shall conform to the provisions of the U.S.-ROK SOFA and this regulation. Before awarding any contract for work to be performed in the ROK for the benefit of the U.S. Armed Forces, the contracting office awarding the contract shall coordinate with FKAQ and the USFK SA IAW the FAR sub-Part 25.8 and DFAR 225.7401 and PGI 225.7401, and the requirements listed in this regulation. Failure to coordinate may result in a refusal to allow the contractor to enter the ROK with the proper SOFA visa, delays in contract performance, and/or no logistics support for the contractor, its employees and dependents. U.S. or Third Country (TC) contractors working in the ROK without proper designation; or in the case of TC contractors, without proper immigration status, are in direct violation of the U.S.-ROK SOFA and ROK law and are subject to prosecution by ROK authorities.

#### **3-2. Contracting Officers**

##### **a. Pre-solicitation coordination with FKAQ.**

(1) The Contracting Officer shall submit a request for SOFA designation memorandum to FKAQ upon identifying a contract requirement for performance in the ROK. Along with the designation request memorandum (Fig D-1), include a copy of the solicitation/amendment that incorporates the "SOFA" clause, funding line, Delivery Date/Period of Performance date and a copy of the Statement of Work (SOW)/Performance Work Statement (PWS) to FKAQ. The request shall be submitted to FKAQ at least 45 days before the scheduled contract performance in the ROK. See Appendix D, Fig D-1 for a sample request memorandum. Direct questions concerning this procedure to FKAQ (see Appendix E for FKAQ contact information).

(2) The Contracting Officer shall appoint a SA in Korea to coordinate contractor logistics support requirements and ensure all IC/TR employees comply with applicable USFK regulations and policies, especially provisions of USFK Regulation 350-2 *Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK*. All IC/TR theater training requirements should be completed prior to or immediately after IC/TR employee arrival in Korea.

(3) The Contracting Officer shall ensure all SOFA related contract clauses, including applicable clauses in Appendix B (or similar clauses) of this regulation, are included in both the solicitation and the awarded contract or through contract modification if original contract has been executed.

(4) The Contracting Officer will provide an information copy of the pre-solicitation request for SOFA status to the USFK SA.

b. Logistics Support coordination. The Contracting Officer shall coordinate the applicability and availability of USFK provided logistics support (corporate and individual) for contractors with the USFK SA prior to contract award. The USFK SA must coordinate any USFK provided logistics support with all cognizant installation administration officials/offices. Logistics support is provided on a "subject to availability/space available" basis. USFK shall not be contractually bound to provide logistics support to contractors or contractor personnel. Contingency and/or wartime requirements shall include logistics support coordination for applicable contract requirements.

c. Post-award coordination. The Contracting Officer shall provide the information shown in the sample Post-Award Coordination Memorandum (see Appendix D, Fig D-2) to FKAQ, at least 10 workdays prior to the contractor beginning performance in the ROK.

d. Contract clauses/requirements. Contracts that include a requirement for performance in the ROK, shall include a specific clause that addresses requirements and obligations of the U.S-ROK SOFA ("SOFA clause" see Appendix B, Table B-1). A Wartime Contingency Clause and/or contingency contract requirements substantially similar to those set out in Appendix B, Table B-2 shall be included in contracts requiring continued performance during wartime or contingency conditions. As part of the SOFA designation request memorandum, contracting officers must verify subject contracts contain such language.

e. Extensions of performance period or follow-on contracts. Contracting Officers shall notify and provide a copy the contract extension modification to FKAQ at least 30 calendar days prior to expiration of the current contract to ensure no break in SOFA status. A copy of the contract extension modification must be submitted to FKAQ prior to SOFA status extension. Contracting Officers shall submit a request for contract designation for follow-on contracts awarded under a different contract number. Contracting Officers can submit one of three documents to request extension of SOFA designation: modification to extend contract which includes subject to availability funds clause, contract Notice-to-Proceed signed by the contracting officer, or fully funded modification. Failure to provide modification or other contracting actions in a timely manner may result in the contract losing its SOFA designation and contractor employees losing their IC/TR SOFA status.

### **3-3. United States Forces Korea (USFK) Sponsoring Agency (SA)**

a. General.

(1) The USFK SA is the DOD organization located in the ROK designated to ensure the IC or TR is provided with logistics support. In many cases, the SA is the Unit Commander and/or equivalent of the contract requiring activity. SA must ensure RO training is completed within 90 days of appointment as the RO. RO training slide can be found at <http://www.usfk.mil/usfk/organization.fkaq.607>. The Contracting Officer shall, when possible, designate the SA during the pre-solicitation phase of the contracting cycle.

(2) The SA provides, or as necessary, terminates authorized logistics support to the IC/TRs in consultation with FKAQ, monitors the conduct of contractor personnel, and immediately notifies FKAQ of all changes in status.

(3) The SA shall designate a DOD military member or DOD employee as the RO and Alternate RO to act on behalf of the SA. The SA must be in the supervisory chain of the RO being appointed. The RO shall be an E5 or above, if military, GS-07 or above if civilian. The RO is directly responsible for administering appropriate logistics support for SOFA contractors during contract performance in the ROK.

b. SA duties. When a USFK unit or agency is notified by a contracting office that it has been appointed as a SA, the SA will--

(1) Communicate directly with the contracting office and provide a POC to the Contracting Officer.



(2) Validate the availability of logistics support (both corporate and individual) that is stipulated in the terms of the solicitation or contract.

(3) Provide the contracting office with information concerning security, access and training requirements pertaining to the area of contract performance.

(4) Coordinate any special contract requirements, particularly contingency requirements, if included in the contract.

(5) Ensure all IC/TR employees comply with applicable provisions of USFK regulations and policies, especially USFK Regulation 350-2 *Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK*. All IC/TR theater training requirements should be completed prior to or immediately after IC/TR employee arrival in Korea.

(6) Notify FKAQ and the Contracting Officer in the event any contractor employee fails to comply with any contract contingency requirement (e.g., EEC physical, etc.).

(7) Appoint RO and an alternate RO in writing for each contract. Provide a copy of the RO Appointment Memorandum to FKAQ and appointee. See Appendix D, Fig D-3 for a sample RO Appointment Memorandum. Update RO appointments, as needed, to ensure duties are performed for the entire contract period of performance in Korea.

(8) Include non-emergency essential contractor employees and dependents and emergency essential contractor employees' dependents in USFK's Noncombatant Evacuation Operation (NEO) planning.

(9) Include contractor operations in agency contingency planning including life support and force protection IAW USFK policy. For instance, see Army FM 3-100.21 for additional planning considerations.

(10) Advise FKAQ of planned contractor wartime operating locations for each emergency-essential contractor employee.

### **3-4. Responsible Officer (RO)**

#### **a. General.**

(1) The USFK RO or its Alternate is the DOD personnel located in the ROK designated to ensure the IC or TR is provided with logistics support. RO's cannot be self-appointed. Duties include determining available logistics support and assisting the employees and eligible dependents in obtaining support. The RO and the SA are jointly responsible for all contractor logistics support documents and must ensure issued items (Government Furnished Property or "GFP") are returned to the appropriate offices when no longer authorized. The RO should be geographically and functionally situated to enable direct personal contact with contractor employees. The RO may be the same person as the contracting officer's representative (COR) or contracting officer's technical representative (COTR) but must be a Government employee (military or civilian). Multiple ROs may be appointed for the same contract depending on the number of contractor employees and the dispersal of geographic locations. The RO must take the RO training, provided by FKAQ, at the time of appointment (this is not the same as COR training). In addition, annual refresher RO training must be completed on the anniversary date of being appointed.

(2) RO functions include but are not limited to--

(a) Certification of SOFA status eligibility by reviewing all employee(s)/dependent(s) documents and submitting completed USFK Form 700-19A-R-E and supporting documentation to FKAQ.

(b) Coordination with FKAQ and property custodian (if applicable) for previously approved logistics support and administer such support for the contractor and authorized individual employees and dependents.

(c) Preparation of Letters of Accreditation for contractor personnel. (See Appendix D, Fig. D-4 for a sample Letter of Accreditation.)

(d) RO training slide is located at: <http://www.usfk.mil/usfk/organization.fkaq.607>

(e) Ensuring contractor employees out-process properly, to include collecting all logistics support documents (CAC/ID cards, Ration Control Plates (RCP), SOFA vehicle license plates, etc.), and GFP and returning them to the appropriate offices. Indicate completion by closing out each contractor employee's USFK Form 700-19A-R-E and returning the original to FKAQ.

(f) Ensuring coordination, and where appropriate, initiation of administrative action in reported instances involving violations of SOFA status privileges or misconduct on the part of IC/TR personnel and their dependents.

(g) The RO must immediately report any incidents involving injury or death of a ROK LN by IC/TR to appropriate USFK agency such as SJA, PMO, FKAQ, etc.

b. USFK Form 700-19A-R-E (formerly, USFK Form 175-R).

(1) The RO will provide each contractor employee a typed USFK Form 700-19A-R-E. Each completed form and supporting documentation must be submitted to FKAQ and approved prior to contractor employee performance in the Republic of Korea. Contractors shall assist the RO in completing the form.

(2) The USFK Form 700-19A-R-E is valid only for the funded period of performance of the contract as reported by the Contracting Officer during the designation process. Initial issue of logistics support documents (CAC/ID cards, RCPs, vehicle registration, etc.) and GFP must be completed within 30 calendar days of FKAQ's verification date.

(3) Prior to submitting the USFK Form 700-19A-R-E Packet to FKAQ, the RO shall--

(a) Ensure Parts I and II are signed and properly completed.

(b) PMO and Ration Control checks shall encompass all visits to the ROK. Request PMO and Ration Control checks for new arrivals if IC's passport indicates prior ROK SOFA status. Request PMO and Ration Control checks for contractor personnel and dependents for any USFK Form 700-19A-R-E change of data (e.g., employment under a new contractor or contract period of performance is extended). The RO is responsible for counseling contractors who have ration control and PMO violations and providing copies of the counseling to FKAQ. Submission of requests for ration control and Provost Marshal checks may be submitted in memorandum format

when USFK Forms 217 and 237 are in use. However, FKAQ may require a copy of the employee's passport to verify new arrival status. See Appendix D, Figs D-5 and D-6 for sample memorandums. Previous PMO or RCP violations may result in the denial of logistics support. Provost Marshal background and RCP checks are valid for 90 calendar days from date of issuance.

- (c) Certify that PMO/RCP information is correct by signing the form as the RO.
  - (d) Provide all supporting documentation to determine "ordinarily residence" and dependency status.
  - (e) Include a copy of the Letter of Accreditation with the USFK Form 700-19A-R-E.
  - (f) Provide the 700-19 packet to FKAQ for processing.
- (4) After FKAQ stamps and signs the USFK Form 700-19A-R-E, the RO will--
- (a) Submit changes in data to FKAQ on a new USFK Form 700-19A-R-E, along with required documents.
  - (b) Retain one copy of the original and any changes and provide one copy to the contractor employee.
  - (c) Assist the contractor in obtaining authorized, available logistics support.
  - (d) If an employee changes employment from one contract to another contract or from one contractor to another contractor, the RO must close out the original USFK Form 700-19A-R-E by completing Part IV and submitting it to FKAQ. A new USFK Form 700-19A-R-E shall be submitted to FKAQ with new employment information for contractor personnel remaining in the ROK. FKAQ will not process changes in employment status until the RO completes Part IV of the original USFK Form 700-19A-R-E.

c. ROK Visa and SOFA Verification.

(1) The RO shall ensure all incoming contractor personnel and their dependents have the appropriate ROK Multiple Entry Permit Visa or a SOFA verification stamp entered into the employee/dependent passport. Failure to obtain the proper visa can result in loss of status.

(2) The RO shall provide USFK FL 1EK (HQ United States Forces Korea SOFA Card) to all incoming contractor employees and their dependents.

d. Government provided Identification (ID) cards. The RO shall assist authorized contractor employees and dependents with obtaining ID cards.

e. Ration Control Plates (RCPs).

(1) The RO will assist the contractor employees/dependents in obtaining a RCP.

(2) The RO will request a RCP check for contractor personnel and dependents when the USFK Form 700-19A-R-E is changed (see sample memorandum in Appendix D, Fig D-6). If previous violations of ration control regulations and rules are identified, ration privileges or other logistics support may be denied. RCP checks are valid for 90 days from date of issuance.

f. Vehicles and Driver's Licenses.

(1) Company Vehicles. The RO shall review and approve/disapprove all company requests to import and/or register company vehicles required for the execution of contract obligations. The RO shall consider the quantity and types of vehicles requested. Approval must be obtained before importation or local purchase and registration. The RO will ensure that ownership documents, importation or exportation, registration, and disposition of company-owned vehicles are undertaken IAW USFK Reg 190-1.

(2) Privately Owned Vehicles (POVs). USFK registration of POVs is a privilege subject to USFK approval. The RO should use USFK criteria for approvals; for example, junior grades usually are not permitted to import or register vehicles. The RO will ensure that POV ownership documents, importation or exportation, registration, and disposition as well as individual licensing are undertaken IAW USFK Reg 190-1.

(3) All contractor employees/dependents must meet the licensing requirements to legally drive on Korean roads IAW USFK Reg 190-1.

g. Dependent Education. The RO shall assist contractor employees/dependents with Department of Defense Dependent School (DODDS) enrollment. Enrollment in tuition-paying basis is a privilege subject to availability, eligibility, and approval. The contractor will prepare memorandums, if necessary, to the Director of DODDS in Korea in order to validate the enrollment status of contractor employee dependents. See Appendix D, Fig D-7 for a sample memorandum. The RO shall verify on an annual basis on IC dependents that are full time college students and must notify FKAQ of any changes of enrollment.

h. Out-processing and discharged employees.

(1) The RO shall complete Part IV of the USFK Form 700-19A-R-E verifying that all out-processing contractor employees/dependents--

(a) Turn in all USFK ID cards to proper issuing authorities.

(b) Turn in all RCPs to proper issuing authorities per USFK Reg 60-1.

(c) Properly close out motor vehicle registration by turning in decals, plates, related paperwork; and ensure proper disposition of such vehicles (the contractor is liable, on a non-reimbursable basis for the disposal of any abandoned vehicles.)

(d) Out process from USFK agencies providing SOFA benefits and logistics support privileges (such as post offices, libraries, banks, credit unions, social clubs, etc.).

(2) The RO shall notify the USFK Provost Marshal (FKPM-S), whenever IC employees and TRs are discharged from their employment or otherwise denied access to USFK installations. (See sample memorandums in Appendix D, Fig D-8 and D-9). The RO will verify contractor employee/dependents employment status and submit a report to FKAQ annually as required by FKAQ. The RO shall compare current USFK Forms 700-19A-R-E to the contractor's employment records. If the employee is no longer working for the company or has departed the ROK, the RO will ensure the original USFK Form 700-19A-R-E is closed out and returned to FKAQ within 10 business days.

i. Violations of SOFA status or privileges. The RO will assist with any administrative action for all reported contractor logistics support, administrative, or criminal violations IAW the procedures listed below. All contractor violations will be reported to FKAQ immediately. Each RO will consult with FKAQ about appropriate responses to violations and report all actions taken against ICs and TR personnel and/or their dependents.

(1) If FKAQ receives a law enforcement report or other report of derogatory information concerning a contractor, contractor employee or dependent, FKAQ will send a copy of the report to the RO with a request for action and/or explanation. Upon receiving this request, the RO will—

(a) Investigate the circumstances surrounding the report.

(b) Take immediate corrective action. If a report pertains to a violation of the USFK Ration Control System (USFK Reg 60-1), the RO must take immediate, suitable action. Depending on the severity of the violation some examples of corrective action might include--

- First-time offense - probation or a suspension of logistics support privileges for a period of time (e.g., three months).
- Second offense - a longer suspension of logistics support privileges (e.g., six months).
- Third offense - permanent suspension of logistics support privileges.
- If the violation is extreme, such as black marketing, then a one-year suspension or permanent revocation of logistics support privileges and/or SOFA status may be immediately justified.

(2) The RO shall confiscate all ID cards, RCPs and SOFA vehicle license plates when corrective action includes a suspension or revocation of privileges. The RO may request law enforcement assistance in confiscating these items. The RO may authorize a post pass (see USFK Reg 190-7) in lieu of a confiscated individual ID card unless installation access is also denied.

(3) Suspicion of the conduct of business activities in the ROK other than for the U.S. Armed Forces shall be reported immediately to FKAQ.

(4) For other reported violations, such as criminal activity or violations of regulation, the RO, acting on behalf of the SA, will assess the circumstances surrounding the reported violation and take appropriate action.

(5) If necessary, the RO will consult with the appropriate USFK law enforcement, judge advocate, base or garrison/Area commander and cognizant contracting officer for advice and counsel to determine appropriate disposition.

(6) The RO may also recommend to FKAQ that action be taken to withdraw SOFA status or logistics support for a contractor or for a specific employee/dependent for a severe violation. If SOFA status is withdrawn, all logistics support privileges for the individual and his/her dependents will automatically terminate. If a dependents derives their status solely from their sponsor, if that

sponsor's SOFA status is withdrawn, all such dependents will also have their SOFA status withdrawn. Once withdrawn for cause, SOFA status is not usually reinstated.

(7) Notify FKAQ, in writing, of all administrative actions taken.

j. RO's must be appointed as Trusted Agents (TA) for the Contractor Verification System (CVS), when practical. RO's and TA's are involved with contract management and contractor personnel matters and efficiencies will be realized once these functions are combined. The Department of Army Memorandum "Contractor Verification System (CVS) Program Implementation" dated October 11, 2006 lists the roles and responsibilities of the TA. Once appointed as TA, email: ahrc.army.cvsteam@us.army.mil for instructions/duties involving TA's.

### **3-5. Invited Contractor/Technical Representative**

IC/TR responsibilities include but are not limited to--

a. Assisting the RO in processing contractor employees and dependents for logistics support privileges.

b. Assisting the RO in verifying employment status for the annual verification of employment reports to FKAQ.

c. Notifying the RO whenever any condition set out on their employees' USFK Form 700-19A-R-E changes.

d. Notifying the RO whenever their SOFA designated employees are discharged from their employment or otherwise denied access to USFK installations per USFK Reg 190-7.

e. Along with its employees and dependents, complying with USFK Reg 190-1 when operating company and POVs on all U.S. military installations in the ROK.

f. Except for contractor air crews flying Air Mobility Command missions, all U.S. contractors performing work on USAF classified contracts will report to the nearest Security Forces Information Security Section for the geographical area where the contract is to be performed to receive information concerning local security requirements.

g. Ensuring its employees complete administrative tasks to out-process and depart the Republic of Korea no later than the estimated date of departure from Korea date as listed on the USFK Form 700-19A-R-E.

h. Ensuring all IC/TR employees comply with applicable provisions of USFK regulations and policies, especially USFK Regulation 350-2 *Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK*.

i. Contractors shall comply with all USFK regulations, policies and procedures.

j. IC/TR must immediately report any incidents involving injury or death of a ROK LN by IC/TR to the RO.

### **3-6. USFK Assistant Chief of Staff, Acquisition Management (FKAQ)**

a. FKAQ will provide information and assistance on the implementation and execution of the procedures described in this regulation to all USFK commands, contracting officers, and all

requiring and sponsoring activities, in and outside the ROK. FKAQ, in coordination with the U.S. SOFA Secretariat and USFK/SJA SOFA attorney, will establish policy and guidance which implements the provision of the U.S.-ROK SOFA as it pertains to ICs and TRs.

b. FKAQ will review requests for contract designation against the prerequisites of the SOFA for IC and TR status.

(1) FKAQ, in coordination with appropriate USFK staff elements, will determine if the proposed contract qualifies for SOFA status and advise the contracting office of its findings or any action being taken.

(2) FKAQ will notify the contracting office and the SA of the SOFA designation and advise on administrative and logistics support responsibilities required by the SOFA and this regulation.

c. FKAQ may initiate actions to withdraw or deny SOFA status upon determination that a regulatory violation has occurred.

d. FKAQ will process and provide the original stamped USFK Form 700-19A-R-E to the SA or RO. All other forms submitted to FKAQ will not be returned. Paper copies will not be furnished by FKAQ.

## **Chapter 4 Logistics support**

### **4-1. Policy**

a. Corporate and individual logistics support may be provided to USFK ICs and TRs only IAW the U.S.-ROK SOFA, USFK regulations, and subject to availability. However, under no circumstances can a contract grant access privileges that are broader than USFK regulations or the U.S.-ROK SOFA.

b. USFK will not provide logistics support to contractors in the ROK unless such contractors are eligible for SOFA status.

c. The USFK SAs have overall responsibility for obtaining and/or providing logistics support for ICs and TRs. (See Chapter 3 for responsibilities of the SA and the RO.)

d. Full logistics support may be provided only to full-time contractor employees of properly designated ICs and TRs.

e. Logistics support is a privilege provided by USFK and is not a contractual right. SOFA status is a precondition for USFK logistics support for the contractor and its employees and their dependents and is subject to availability/space available. Purchases in the Post Exchange or Base Exchange, commissary, and class VI store are subject to quantity limitations under a computerized ration control system. Over-purchases or other violations of USFK regulations by contractor employees and dependents may result in the loss of logistics support and SOFA status.

### **4-2. Government Provided Logistics Support, Corporate**

Specific logistics support provided to a specific IC or TR (corporate/company entity) must be coordinated between the Contracting Officer and the USFK SA. The SA must agree to provide specific logistics support prior to the contractor's arrival in the ROK. Examples include use of

military postal facilities for official corporate/company mail, office space, telephones, company fuel purchases, the number and type of company owned vehicles authorized to be registered, etc.

#### **4-3. Government Provided Logistics Support, Employee**

a. Contractor employees and their dependents may be provided logistics support IAW the U.S.-ROK SOFA, USFK regulations and subject to availability/space available. To be authorized logistics support from USFK, a dependent must be a lawful dependent of the contractor employee (see Glossary for definitions) and, for ICs but not TRs, be living in Korea with the employee. See Tables 4-1 and 4-2 for examples of available logistics support.

b. Some specific logistics support will be provided on a space available and/or reimbursable basis. If logistics support is provided on a reimbursable basis, contractor personnel and their dependents will be required to pay prevailing rates or fees for the logistics support received.

c. Eligibility for support for SOFA designated contractor employees and their dependents will be classified in one of the following three categories:

(1) **Full Logistics Support** – A TR or full-time contractor employee who is a U.S. citizen or a non-U.S. citizen with a U.S. green card, has ordinarily resident in the U.S. status, and employed in a full-time paid status with a period of performance greater than 179 days qualifies for full logistics support. Dependents of such TRs and full-time contractor employees may also receive full logistics support. (See Table 4-1) All contractor employees and their dependents authorized full logistics support will receive ID cards and RCPs. Local hires meeting the criteria, above, are eligible for full logistics support.

(2) **Individual Logistics Support** – A full-time contractor employee who is a U.S. citizen or a non-U.S. citizen with a U.S. green card, has ordinarily resident in the U.S. status, and employed in a full-time paid status with a period of performance of 179 days or less qualifies for individual logistics support. Local hires meeting the criteria, above, are eligible for individual logistics support. Additionally, contractor employees meeting the criteria the full logistics support but whose dependents do not meet the requirements for dependents of civilian local hires set out in USFK Reg 60-1, may be eligible for individual logistics support and not full logistics support.

(3) **No Support** - While SOFA status may be granted to third-country national employees and to part-time contractor employees, no logistics support is authorized for part-time contractor employees or their dependents. Part-time is paid status of less than 40 hours per week.

#### **4-4. Academic Institution/Transition Services Personnel**

a. This section applies only to academic institution instructors, training center managers, test examiners, military occupational specialty/vocational instructors and transition program providers. All other employees of contracted academic institutions will use the criteria in paragraph 4-3 for determining logistics support.

b. Full-time academic institution instructors (as defined in the contract with the academic institution) may receive full logistics support. Part-time instructors may receive logistics support on a case-by-case basis as determined by FKAQ in coordination with the Contracting Officer and SA.



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**Table 4-1**  
**Full Logistics Support Privileges**

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Contractor employees and authorized dependents, meeting the criteria set out in this regulation may be provided all of the logistics support listed below if properly authorized, on a **space-available basis** unless specifically excluded by the terms of their U.S. Government contract.

1. SOFA immigration status and SOFA visa for contractor employee and lawful dependents.
  2. Duty-free importation privileges IAW the SOFA and USFK regulations.
  3. ID Card.
  4. USFK Form 73 (USFK Ration Control Plate).
  5. Full Post Exchange (PX) or Base Exchange (BX) privileges.
  6. Full commissary privileges.
  7. Full Class VI store privileges (alcoholic beverage package store).
  8. Purchase of gasoline and petroleum, oil and lubricant products at PX or BX facilities.
  9. Military postal service privileges (APO and FPO).
  10. Military banking and credit union privileges.
  11. Motor vehicle operator's permit.
  12. Registration of one POV per family.
  13. Registration of pets.
  14. Medical services on a reimbursable basis.
  15. Dental services for emergency care only on a reimbursable basis.
  16. Mortuary services on a reimbursable basis.
  17. Access to Department of Defense Dependent Schools on a space available basis.
  18. Continuing education programs on a space available basis.
  19. Officers, noncommissioned officers, and enlisted members clubs subject to local policies.
  20. Morale, welfare, and recreation facilities.
  21. Use of Armed Forces Recreation center facilities on a space available basis.
  22. Legal assistance on a space available basis.
  23. Billeting and messing facilities (remote sites only, space available basis).
  24. Housing referral services (limited to translation assistance and explanation of host country rental laws and utility and telephone services).
  25. NEO registration of employees and dependents are authorized.
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**Table 4-2**  
**Individual Logistics Support Privileges**

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Contractor employees meeting the criteria set out in this regulation may be provided all of the logistics support listed below if properly authorized, on a **space-available basis** unless specifically excluded by the terms of their U.S. Government contract.

1. SOFA immigration status and a SOFA visa for contractor employee and lawful dependents.
  2. Duty free importation privileges IAW SOFA and USFK regulations.
  3. ID Card.
  4. USFK Form 73 (USFK Ration Control Plate) (family size--1).
  5. Post or Base Exchange privileges (family size--1).
  6. Commissary privileges (family size--1).
  7. Class VI store privileges (family size--1).
  8. Purchase of gasoline and POL products at PX or BX facilities (employee only).
  9. Military postal service privileges (APO and FPO) (includes dependents).
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**Table 4-2**  
**Individual Logistics Support Privileges - Continued**

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10. Military banking and credit union privileges (includes dependents).
  11. Motor vehicle operator's permit (employee only).
  12. Registration of one POV per family.
  13. Registration of pets (employee only).
  14. Routine medical services on a reimbursable basis (employee only).
  15. Emergency medical and dental services on a reimbursable basis (includes dependents).
  16. Mortuary services on a reimbursable basis (includes dependents).
  17. Continuing education programs on a space available basis (employee only).
  18. Officer, NCO, enlisted member clubs subject to local policies (employee only).
  19. Morale, welfare, and recreation facilities (employee only).
  20. Armed forces recreation center facilities on a space available basis (employee only).
  21. Legal assistance on a space available basis (employee only).
  22. Billeting and messing facilities (remote sites only, space available basis) (employee only).
  23. Housing referral services (limited to translation assistance and explanation of host country rental laws and utility and telephone services) (employee only).
  24. NEO registration of employees and dependents are authorized (includes dependents).
- 

c. Learning center managers, test examiners, military occupational specialty/vocational instructors, and transition program providers locally hired are considered full-time employees if working 20 hours or more per week for the purposes of determining logistics support as set out in paragraph 4-3.

#### **4-5. Identification (ID) Cards**

a. All SOFA-designated contractor employees residing in the ROK for 30 days or more will be issued a U.S. ID card. Contractor employees with wartime or contingency performance requirements specified in the IC's contract will be issued ID cards identifying the employee as being subject to the Geneva Convention. SOFA designated contractor employees remaining in the ROK for fewer than 30 days will be issued a USFK 37EK (Auto)(USFK Pass/ID-Employee). Dependents of such contractor employees issued the USFK 37EK (Auto) are not authorized any U.S. Government ID card and will not be issued a USFK 37EK (Auto).

b. TRs and SOFA-designated IC employees and dependents issued an ID card will have authorized logistics support (subject to Paragraph 4-3 above), such as access to military exchanges, commissaries, morale, welfare and recreation facilities, etc., annotated in the appropriate place on the ID card. Grade or rank equivalents will not be specified on the ID card for IC employees or dependents. A DD Form 1173 (Uniformed Services Identification and Privilege Card) without any privileges annotated may be issued to SOFA-designated contractor employees and dependents not authorized logistics support but who are provided status under the SOFA.

c. SOFA-designated contractors performing duties in the ROK for less than 30 days shall be issued a USFK 37EK (Auto) Post Pass. The USFK 37EK (Auto) does not entitle the bearer to duty-free goods. Contractors issued a USFK 37EK (Auto) require a passport or valid U.S. Driver's License, orders, and USFK Form 43-3 (USFK Temporary RCP) to access duty free-goods and MWR facilities IAW USFK Reg 60-1.

d. ID card requirements for IC/TR personnel discussed in this section are separate and distinct from any other contract-specific or work-site specific identification requirements placed upon contractor personnel (IC/TR or otherwise) performing contracts in support of USFK.

## **Appendix A References**

### **Section I. Required Publications**

U.S. – ROK Status of Forces Agreement (SOFA). a.k.a. The Mutual Defense Treaty between the Republic of Korea and the U.S. of America, Regarding Facilities and Areas and the Status of U.S. Armed Forces in the Republic of Korea, as amended.

Federal Acquisition Regulation (48 C.F.R) and applicable supplements (esp. FAR 25.8)

DODD 1200.7 (Screening the Ready Reserve)

DODEA Reg 1342.13 (Eligibility Requirements for Education of Elementary and Secondary School-age Dependents in Overseas Area)

DODD 1352.1 (Management and Mobilization of Regular and Reserve Retired Military Members)

DODI 3020.37 (Continuation of Essential DOD Contractor Services during Crisis)

DODI 3020.41 (Contractor Personnel Authorized to Accompany the U.S. Armed Forces)

USFK Reg 1-54 (Documentation and Verification of Status of Personnel)

USFK Reg 60-1 (Ration Control Policy - Access to Duty-Free Goods)

USFK Reg 190-1 (Motor Vehicle Traffic Supervision)

USFK Reg 190-7 (Installation Access Control System)

USFK Reg 350-2 (Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK)

USFK Reg 690-1 (Regulations and Procedures - Korean Nationals)

AR 638-2 (Care and Disposition of Remains and Disposition of Personal Effects)

FM 100-10-2 (Contracting Support on the Battlefield)

FM 3-100.21 (Contractors on the Battlefield)

### **Section II. Related Publications**

AFI 36-3026 (Identification Cards for Members of the Uniformed Services, Their Family Members, and Other Eligible Personnel)

JP 4-0 (Doctrine for Logistics Support of Joint Operations)

AR 715-9 (Contractors Accompanying the Force)

USFK Reg 690-118 (Qualification Standards for Korean Employees)

USFK Pam 690-500 (Standardized Job Descriptions for Korean Employees)

USFK Reg 1-38 (Change of Status of Personnel)

USFK Reg 1-40 (United States Forces, Korea Travel Clearance Guide)

USFK Reg 1-44 (Criminal Jurisdiction under Article XXII, Status of Forces Agreement)

USFK Reg 1-46 (Reporting of SOFA Personnel Entering and Departing the Republic of Korea)

USFK Reg 37-25 (Payroll Deductions from Korean National Employees)

USFK Reg 190-50 (Law Enforcement Procedures in Korea)

USFK Reg 526-11 (United States Forces Korea Relations with Korean Nationals Condolence Visits and Solatium Payments)

USFK Reg 600-52 (Civilian and-or Family Member Misconduct)

USFK Reg 643-2 (Transfers of Duty Free Items)

USFK Reg 700-16 (Logistics Support of United States Nongovernmental, Nonmilitary Agencies and Organization and Non-U.S. Agencies, Individuals and Organizations in the Republic of Korea)

UNC/USFK Reg 190-41 (USFK Customs Program)

**Appendix B**  
**Contract Clauses/Requirements**

**B-1. Sofa Contract Clause**

The clause shown in table B-1 or substantially similar clause shall be placed in each solicitation and/or awarded contract that requires SOFA status under the U.S.-ROK SOFA.

**B-2. Contingency Conditions Clause**

The clause shown in table B-2, or substantially similar clause shall be placed in each solicitation and/or awarded contract that requires IC or TR status under the U.S.-ROK SOFA and is required to be performed under contingency conditions.

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**Table B-1**  
**SOFA Contract Clause**

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**INVITED CONTRACTOR OR TECHNICAL REPRESENTATIVE STATUS  
UNDER U.S. - REPUBLIC OF KOREA (ROK)**

Invited Contractor (IC) and Technical Representative (TR) status shall be governed by the U.S.-ROK Status of Forces Agreement (SOFA) as implemented by United States Forces Korea (USFK) Reg 700-19, which can be found under the “publications” tab on the US Forces Korea homepage <http://www.usfk.mil>

(a) Definitions. As used in this clause—

“U.S. – ROK Status of Forces Agreement” (SOFA) means the Mutual Defense Treaty between the Republic of Korea and the U.S. of America, Regarding Facilities and Areas and the Status of U.S. Armed Forces in the Republic of Korea, as amended

“Combatant Commander” means the commander of a unified or specified combatant command established in accordance with 10 U.S.C. 161. In Korea, the Combatant Commander is the Commander, United States Pacific Command.

“United States Forces Korea” (USFK) means the subordinate unified command through which US forces would be sent to the Combined Forces Command fighting components.

“Commander, United States Forces Korea” (COMUSK) means the commander of all U.S. forces present in Korea. In the Republic of Korea, COMUSK also serves as Commander, Combined Forces Command (CDR CFC) and Commander, United Nations Command (CDR UNC).

“USFK, Assistant Chief of Staff, Acquisition Management” (USFK/FKAQ) means the principal staff office to USFK for all acquisition matters and administrator of the U.S.-ROK SOFA as applied to US and Third Country contractors under the Invited Contractor (IC) and Technical Representative (TR) Program (USFK Reg 700-19).

“Responsible Officer (RO)” means a senior DOD employee (such as a military E5 and above or civilian GS-7 and above), appointed by the USFK Sponsoring Agency (SA), who is directly responsible for determining and administering appropriate logistics support for IC/TRs during contract performance in the ROK.

(b) IC or TR status under the SOFA is subject to the written approval of USFK, Assistant Chief of Staff, Acquisition Management (FKAQ), Unit #15237, APO AP 96205-5237.

(c) The contracting officer will coordinate with HQ USFK/FKAQ, IAW FAR 25.8, and USFK Reg 700-19. FKAQ will determine the appropriate contractor status under the SOFA and notify the contracting officer of that determination.

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(Continued)

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**Table B-1**  
**SOFA Contract Clause - Continued**

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(d) Subject to the above determination, the contractor, including its employees and lawful dependents, may be accorded such privileges and exemptions under conditions and limitations as specified in the SOFA and USFK Reg 700-19. These privileges and exemptions may be furnished during the performance period of the contract, subject to their availability and continued SOFA status. Logistics support privileges are provided on an as-available basis to properly authorized individuals. Some logistics support may be issued as Government Furnished Property or transferred on a reimbursable basis.

(e) The contractor warrants and shall ensure that collectively, and individually, its officials and employees performing under this contract will not perform any contract, service, or other business activity in the ROK, except under U.S. Government contracts and that performance is IAW the SOFA.

(f) The contractor's direct employment of any Korean-National labor for performance of this contract shall be governed by ROK labor law and USFK regulation(s) pertaining to the direct employment and personnel administration of Korean National personnel.

(g) The authorities of the ROK have the right to exercise jurisdiction over invited contractors and technical representatives, including contractor officials, employees and their dependents, for offenses committed in the ROK and punishable by the laws of the ROK. In recognition of the role of such persons in the defense of the ROK, they will be subject to the provisions of Article XXII, SOFA, related Agreed Minutes and Understandings. In those cases in which the authorities of the ROK decide not to exercise jurisdiction, they shall notify the U.S. military authorities as soon as possible. Upon such notification, the military authorities will have the right to exercise jurisdiction as is conferred by the laws of the U.S.

(h) Invited contractors and technical representatives agree to cooperate fully with the USFK Sponsoring Agency (SA) and Responsible Officer (RO) on all matters pertaining to logistics support and theater training requirements. Contractors will provide the assigned SA prompt and accurate reports of changes in employee status as required by USFK Reg 700-19.

(i) Theater Specific Training. Training Requirements for IC/TR personnel shall be conducted in accordance with USFK Reg 350-2 Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK. IC/TR personnel shall comply with requirements of USFK Reg 350-2.

(j) Except for contractor air crews flying Air Mobility Command missions, all U.S. contractors performing work on USAF classified contracts will report to the nearest Security Forces Information Security Section for the geographical area where the contract is to be performed to receive information concerning local security requirements.

(k) Invited Contractor and Technical Representative status may be withdrawn by USFK/FKAQ upon:

(1) Completion or termination of the contract.

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(Continued)

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**Table B-1**  
**SOFA Contract Clause - Continued**

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(2) Determination that the contractor or its employees are engaged in business activities in the ROK other than those pertaining to U.S. armed forces.

(3) Determination that the contractor or its employees are engaged in practices in contravention to Korean law or USFK regulations.

(l) It is agreed that the withdrawal of invited contractor or technical representative status, or the withdrawal of, or failure to provide any of the privileges associated therewith by the U.S. and USFK, shall not constitute grounds for excusable delay by the contractor in the performance of the contract and will not justify or excuse the contractor defaulting in the performance of this contract. Furthermore, it is agreed that withdrawal of SOFA status for reasons outlined in USFK Reg 700-19, Chapter 2-6 shall not serve as a basis for the contractor filing any claims against the U.S. or USFK. Under no circumstance shall the withdrawal of SOFA Status or privileges be considered or construed as a breach of contract by the U.S. Government.

(m) Support.

(1) Unless the terms and conditions of this contract place the responsibility with another party, the COMUSK will develop a security plan to provide protection, through military means, of Contractor personnel engaged in the theater of operations when sufficient or legitimate civilian authority does not exist.

(2)(i) All Contractor personnel engaged in the theater of operations are authorized resuscitative care, stabilization, hospitalization at level III military treatment facilities, and assistance with patient movement in emergencies where loss of life, limb, or eyesight could occur. Hospitalization will be limited to stabilization and short-term medical treatment with an emphasis on return to duty or placement in the patient movement system.

(ii) When the Government provides medical or emergency dental treatment or transportation of Contractor personnel to a selected civilian facility, the Contractor shall ensure that the Government is reimbursed for any costs associated with such treatment or transportation.

(iii) Medical or dental care beyond this standard is not authorized unless specified elsewhere in this contract.

(3) Unless specified elsewhere in this contract, the Contractor is responsible for all other support required for its personnel engaged in the theater of operations under this contract.

(n) Compliance with laws and regulations. The Contractor shall comply with, and shall ensure that its personnel supporting U.S Armed Forces in the Republic of Korea as specified in paragraph (b)(1) of this clause are familiar with and comply with, all applicable—

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(Continued)

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**Table B-1**  
**SOFA Contract Clause - Continued**

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- (1) United States, host country, and third country national laws;
- (2) Treaties and international agreements;
- (3) United States regulations, directives, instructions, policies, and procedures; and
- (4) Orders, directives, and instructions issued by the COMUSK relating to force protection, security, health, safety, or relations and interaction with local nationals. Included in this list are force protection advisories, health advisories, area (i.e. "off-limits"), prostitution and human trafficking and curfew restrictions.
- (o) Vehicle or equipment licenses. IAW USFK Regulation 190-1, Contractor personnel shall possess the required licenses to operate all vehicles or equipment necessary to perform the contract in the theater of operations. All contractor employees/dependents must have either a Korean driver's license or a valid international driver's license to legally drive on Korean roads
- (p) Evacuation.
  - (1) If the COMUSK orders a non-mandatory or mandatory evacuation of some or all personnel, the Government will provide assistance, to the extent available, to United States and third country national contractor personnel.
  - (2) Non-combatant Evacuation Operations (NEO).
    - (i) The contractor shall designate a representative to provide contractor personnel and dependents information to the servicing NEO warden as required by direction of the Responsible Officer.
    - (ii) If contract period of performance in the Republic of Korea is greater than six months, non emergency essential contractor personnel and all IC/TR dependents shall participate in at least one USFK sponsored NEO exercise per year.
  - (q) Next of kin notification and personnel recovery.
    - (1) The Contractor shall be responsible for notification of the employee-designated next of kin in the event an employee dies, requires evacuation due to an injury, or is missing, captured, or abducted.
    - (2) In the case of missing, captured, or abducted contractor personnel, the Government will assist in personnel recovery actions in accordance with DOD Directive 2310.2, Personnel Recovery.
    - (3) IC/TR personnel shall accomplish Personnel Recovery/Survival, Evasion, Resistance and Escape (PR/SERE) training in accordance with USFK Reg 525-40, Personnel Recovery Procedures and USFK Reg 350-2 Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK.

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(Continued)

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**Table B-1**  
**SOFA Contract Clause - Continued**

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(r) Mortuary affairs. Mortuary affairs for contractor personnel who die while providing support in the theater of operations to U.S. Armed Forces will be handled in accordance with DOD Directive 1300.22, Mortuary Affairs Policy and Army Regulation 638-2, Care and Disposition of Remains and Disposition of Personal Effects.

(s) USFK Responsible Officer (RO). The USFK appointed RO will ensure all IC/TR personnel complete all applicable training as outlined in this clause.

(End of Clause)

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**Table B-2**  
**Contingency Conditions Clause**

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**CONTINUANCE OF PERFORMANCE DURING ANY STATE OF EMERGENCY  
IN THE REPUBLIC OF KOREA (ROK)**

Invited Contractor (IC) and Technical Representative (TR) status shall be governed by the U.S.-ROK Status of Forces Agreement (SOFA) as implemented by United States Forces Korea (USFK) Reg 700-19, which can be found under the “publications” tab on the US Forces Korea homepage <http://www.usfk.mil>

(a) Definitions. As used in this clause—

“U.S. – ROK Status of Forces Agreement” (SOFA) means the Mutual Defense Treaty between the Republic of Korea and the U.S. of America, Regarding Facilities and Areas and the Status of U.S. Armed Forces in the Republic of Korea, as amended

“Combatant Commander” means the commander of a unified or specified combatant command established in accordance with 10 U.S.C. 161. In Korea, the Combatant Commander is the Commander, United States Pacific Command.

“United States Forces Korea” (USFK) means the subordinate unified command through which US forces would be sent to the Combined Forces Command fighting components.

COMUSK means the commander of all U.S. forces present in Korea. In the Republic of Korea, COMUSK also serves as Commander, Combined Forces Command (CDR CFC) and Commander, United Nations Command (CDR UNC).

“USFK, Assistant Chief of Staff, Acquisition Management” (USFK/FKAQ) means the principal staff office to USFK for all acquisition matters and administrator of the U.S.-ROK SOFA as applied to US and Third Country contractors under the Invited Contractor (IC) and Technical Representative (TR) Program (USFK Reg 700-19).

“Responsible Officer” (RO) means A senior DOD employee (such as a military E-5 and above or civilian GS-7 and above), appointed by the USFK Sponsoring Agency (SA), who is directly responsible for determining and administering appropriate logistics support for IC/TRs during contract performance in the ROK.

“Theater of operations” means an area defined by the combatant commander for the conduct or support of specified operations.

“Uniform Code of Military Justice” means 10 U.S.C. Chapter 47

(b) General.

(1) This clause applies when contractor personnel deploy with or otherwise provide support in the theater of operations (specifically, the Korean Theater of Operations) to U.S. military forces deployed/located outside the United States in—

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(Continued)

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**Table B-2**  
**Contingency Conditions Clause - Continued**

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(i) Contingency operations;

(ii) Humanitarian or peacekeeping operations; or

(iii) Other military operations or exercises designated by the Combatant Commander.

(2) Contract performance in support of U.S. military forces may require work in dangerous or austere conditions. The Contractor accepts the risks associated with required contract performance in such operations. The contractor will require all its employees to acknowledge in writing that they understand the danger, stress, physical hardships and field living conditions that are possible if the employee deploys in support of military operations.

(3) Contractor personnel are not combatants and shall not undertake any role that would jeopardize their status. Contractor personnel shall not use force or otherwise directly participate in acts likely to cause actual harm to enemy armed forces.

(c) Support.

(1) Unless the terms and conditions of this contract place the responsibility with another party, the COMUSK will develop a security plan to provide protection, through military means, of Contractor personnel engaged in the theater of operations when sufficient or legitimate civilian authority does not exist.

(2)(i) All Contractor personnel engaged in the theater of operations are authorized resuscitative care, stabilization, hospitalization at level III military treatment facilities, and assistance with patient movement in emergencies where loss of life, limb, or eyesight could occur. Hospitalization will be limited to stabilization and short-term medical treatment with an emphasis on return to duty or placement in the patient movement system.

(ii) When the Government provides medical treatment or transportation of Contractor personnel to a selected civilian facility, the Contractor shall ensure that the Government is reimbursed for any costs associated with such treatment or transportation.

(iii) Medical or dental care beyond this standard is not authorized unless specified elsewhere in this contract.

(3) Unless specified elsewhere in this contract, the Contractor is responsible for all other support required for its personnel engaged in the theater of operations under this contract.

(d) Compliance with laws and regulations. The Contractor shall comply with, and shall ensure that its personnel supporting U.S Armed Forces in the Republic of Korea as specified in paragraph (b)(1) of this clause are familiar with and comply with, all applicable—

(1) United States, host country, and third country national laws;

(i) The Military Extraterritorial Jurisdiction Act may apply to contractor personnel if contractor personnel commit crimes outside the United States.

(Continued)

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**Table B-2**  
**Contingency Conditions Clause - Continued**

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(ii) Under the War Crimes Act, United States citizens (including contractor personnel) who commit war crimes may be subject to federal criminal jurisdiction.

(iii) When Congress formally declares war, contractor personnel authorized to accompany the force may be subject to the Uniform Code of Military Justice.

(2) Treaties and international agreements;

(3) United States regulations, directives, instructions, policies, and procedures; and

(4) Orders, directives, and instructions issued by the COMUSK relating to force protection, security, health, safety, or relations and interaction with local nationals. Included in this list are force protection advisories, health advisories, area (i.e. "off-limits"), prostitution and human trafficking and curfew restrictions.

(e) Pre-deployment/departure requirements. The Contractor shall ensure that the following requirements are met prior to deploying/locating personnel in support of U.S. military forces in the Republic of Korea. Specific requirements for each category may be specified in the statement of work or elsewhere in the contract.

(1) All required security and background checks are complete and acceptable.

(2) All contractor personnel meet the minimum medical screening requirements and have received all required immunizations as specified in the contract. In the Republic of Korea, all contractor employees subject to this clause shall comply with the same DoD immunization requirements applicable to Emergency Essential DoD civilians—INCLUDING ANTHRAX IMMUNIZATION. The Government will provide, at no cost to the Contractor, any Korean theater-specific immunizations and/or medications not available to the general public.

(3) Contractor personnel have all necessary passports, visas, and other documents required to enter and exit a theater of operations and have a Geneva Conventions identification card from the deployment center or CONUS personnel office—if, applicable.

(4) Country and theater clearance is obtained for contractor personnel. Clearance requirements are in DOD Directive 4500.54, Official Temporary Duty Abroad, DOD 4500.54-G, DOD Foreign Clearance Guide, and USFK Reg 1-40, United States Forces Korea Travel Clearance Guide. Contractor personnel are considered non-DOD personnel traveling under DOD sponsorship.

(f) Processing and departure points. Deployed contractor personnel shall—

(1) Under contingency conditions or under other conditions as specified by the Contracting Officer, process through the deployment center designated in the contract, prior to deploying. The deployment center will conduct deployment processing to ensure visibility and accountability of contractor personnel and to ensure that all deployment requirements are met;

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(Continued)

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**Table B-2**  
**Contingency Conditions Clause - Continued**

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(2) Use the point of departure and transportation mode directed by the Contracting Officer; and

(3) If processing through a deployment center, process through a Joint Reception Center (JRC) upon arrival at the deployed location. The JRC will validate personnel accountability, ensure that specific theater of operations entrance requirements are met, and brief contractor personnel on theater-specific policies and procedures.

(g) Personnel data list.

(1) The Contractor shall establish and maintain with the designated Government official a current list of all contractor personnel that deploy with or otherwise provide support in the theater of operations to U.S. military forces as specified in paragraph (b)(1) of this clause. The Synchronized Predeployment and Operational Tracker (SPOT) is the designated automated system to use for this effort. This accountability requirement is separate and distinct from the personnel accountability requirement listed in the U.S.–ROK SOFA's Invited Contractor/Technical Representative Program (as promulgated in USFK Regulation 700-19).

(2) The Contractor shall ensure that all employees on the list have a current DD Form 93, Record of Emergency Data Card, on file with both the Contractor and the designated Government official.

(h) Contractor personnel.

(1) The Contracting Officer may direct the Contractor, at its own expense, to remove and replace any contractor personnel who jeopardize or interfere with mission accomplishment or who fail to comply with or violate applicable requirements of this clause. Contractors shall replace designated personnel within 72 hours, or at the Contracting Officer's direction. Such action may be taken at the Government's discretion without prejudice to its rights under any other provision of this contract, including the Termination for Default clause.

(2) The Contractor shall have a plan on file showing how the Contractor would replace employees who are unavailable for deployment or who need to be replaced during deployment. The Contractor shall keep this plan current and shall provide a copy to the Contracting Officer and USFK Sponsoring Agency (see USFK Reg 700-19) upon request. The plan shall—

(i) Identify all personnel who are subject to U.S. or Republic of Korea military mobilization;

(ii) Identify any exemptions thereto;

(iii) Detail how the position would be filled if the individual were mobilized; and

(iv) Identify all personnel who occupy a position that the Contracting Officer has designated as mission essential.

(i) Military clothing and protective equipment.

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(Continued)

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**Table B-2**  
**Contingency Conditions Clause - Continued**

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(1) Contractor personnel supporting a force deployed outside the United States as specified in paragraph (b)(1) of this clause are prohibited from wearing military clothing unless specifically authorized in writing by the COMUSK. If authorized to wear military clothing, contractor personnel must wear distinctive patches, arm bands, nametags, or headgear, in order to be distinguishable from military personnel, consistent with force protection measures and the Geneva Conventions.

(2) Contractor personnel may wear military-unique organizational clothing and individual equipment (OCIE) required for safety and security, such as ballistic, nuclear, biological, or chemical protective clothing.

(3) The deployment center, the Combatant Commander, or the Sponsoring Agency shall issue OCIE and shall provide training, if necessary, to ensure the safety and security of contractor personnel.

(4) The Contractor shall ensure that all issued OCIE is returned to the point of issue, unless otherwise directed by the Contracting Officer.

(j) Weapons.

(1) If the Contractor requests that its personnel performing in the theater of operations be authorized to carry weapons, the request shall be made through the Contracting Officer to the COMUSK. The COMUSK will determine whether to authorize in-theater contractor personnel to carry weapons and what weapons will be allowed.

(2) The Contractor shall ensure that its personnel who are authorized to carry weapons—

(i) Are adequately trained;

(ii) Are not barred from possession of a firearm by 18 U.S.C. 922; and

(iii) Adhere to all guidance and orders issued by the COMUSK regarding possession, use, safety, and accountability of weapons and ammunition.

(iv) The use of deadly force by persons subject to this clause shall be made only in self-defense, except:

(v) Persons subject to this clause who primarily provide private security are authorized to use deadly force only as defined in the terms and conditions of this contract in accordance with USFK regulations and policies (especially, USFK Regulation 190-50).

(vi) Liability for the use of any weapon by persons subject to this clause is solely the responsibility of the individual person and the contractor.

(3) Upon redeployment or revocation by the COMUSK of the Contractor's authorization to issue firearms, the Contractor shall ensure that all Government-issued weapons and unexpended ammunition are returned as directed by the Contracting Officer.

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(Continued)

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**Table B-2**  
**Contingency Conditions Clause - Continued**

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(k) Evacuation.

(1) In the event of a non-mandatory evacuation order, unless authorized in writing by the Contracting Officer, the Contractor shall maintain personnel on location sufficient to meet obligations under this contract.

(l) Theater Specific Training. Training Requirements for IC/TR personnel shall be conducted in accordance with USFK Reg 350-2 Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK.

(m) USFK Responsible Officer (RO). The USFK appointed RO will ensure all IC/TR personnel complete all applicable training as outlined in this clause.

(n) Changes. In addition to the changes otherwise authorized by the Changes clause of this contract, the Contracting Officer may, at any time, by written order identified as a change order, make changes in Government-furnished facilities, equipment, material, services, or site. Any change order issued in accordance with this paragraph shall be subject to the provisions of the Changes clause of this contract.

(o) Subcontracts. The Contractor shall incorporate the substance of this clause, including this paragraph, in all subcontracts that require subcontractor personnel to be available to deploy with or otherwise provide support in the theater of operations to U.S. military forces deployed/stationed outside the United States in—

(1) Contingency operations;

(2) Humanitarian or peacekeeping operations; or

(3) Other military operations or exercises designated by the Combatant Commander.

(p) The Contracting Officer will discern any additional GFE, GFP or logistical support necessary to facilitate the performance of the enhanced requirement or necessary for the protection of contractor personnel. These items will be furnished to the Contractor at the sole discretion of the Contracting Officer and may be provided only on a reimbursable basis.

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(End of clause)

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## **Appendix D**

### **Sample Memorandums**

**D-1.** The following figures show sample memorandums to be used by contracting officers and responsible officers (RO). For clarity, a separate page is used for each sample.

**D-2.** The following is a listing of the samples:

- a. Figure D-1, Request for SOFA Designation Memorandum.
- b. Figure D-2, SOFA Post-Award Coordination Memorandum.
- c. Figure D-3, RO/Alternate RO Appointment Memorandum.
- d. Figure D-4, SOFA Letter of Accreditation.
- e. Figure D-5, USFK Form 237-E (Request for Provost Marshal Record Check)
- f. Figure D-6, USFK Form 217-E (Request for Ration Control Check)
- g. Figure D-7, Memorandum to DODDS Verifying Invited Contractor/Technical Representative Status.
- h. Figure D-8, Memorandum of Request to Deny Installation Access to U.S. Citizen Invited Contractor/Technical Representative Employee .
- i. Figure D-9, Memorandum of Request to Deny Third-Country National Invited contractor/TR Employee Installation Access.
- j. Figure D-10, RO Annual Employment Verification Report.
- k. Figure D-11, USFK Form 700-19B-R-E (Application for Dependency Determination, US Invited Contractor/Technical Representative)
- l. Figure D-12, Applicant Questionnaire Memo.

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(CONTRACTING OFFICE LETTERHEAD)

(Office Symbol)

(Date)

MEMORANDUM FOR HQ, U.S. Forces Korea (USFK), Assistant Chief of Staff, Acquisition Management, (FKAQ), Unit #15237, APO AP 96205-5237

SUBJECT: Request for Contractor Designation under U.S.-Republic of Korea (ROK) Status of Forces Agreement (SOFA) (Solicitation Number or Contract Number)

1. Reference USFK Regulation 700-19.
2. Request the referenced solicitation and subsequent contract award be approved for SOFA designation. Compliance with the US-ROK SOFA is included in the solicitation's terms and conditions and will be included in the resulting contract.
3. The following information is provided:
  - a. Contracting office name, mailing address, and e-mail address.
  - b. Contracting officer name, e-mail address, DSN, commercial, and FAX number.
  - c. Solicitation number/Contract number/TO number/DO number .
  - d. Justification for use of non-Korean firm (Cite specific reference from Chapter 1-4 and provide supporting justification). If citing exception technical qualifications or unavailability of materials/services, the contracting officer must verify no Korean firm can perform the work and insert in this block one of the statements below.

(1) When using technical qualification as the justification exception in the SOFA request memo, use this verbiage: "Market research was conducted and no one in Korea is technically qualified to perform this requirement."

(2) When using unavailability of service as the justification exception in the SOFA request memo, use this verbiage: "Market research was conducted and no one in Korea is able to perform this requirement."

\* If citing (1) or (2) and the contracting officer has not verified that no Korean firm can perform the work, the contract SOFA request may not be approved.

e. Name(s) of firm(s) being solicited OR name(s) of firm(s) awarded the contract and country in which they are incorporated. (Listing any/all sub-contractors here)

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**Figure D-1. Sample Request for SOFA Designation Memorandum**

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f. Contract period of performance dates to include all option years. List base and each option start and end date. What option period is currently exercised? Each new TO/DO period of performance needs to be identified.

g. Dates for current funded contract performance in the ROK, if different from overall period of performance.

h. Identify services to be performed (Detailed description or Performance of Work Statement or Statement of Work supporting justification in 3d).

i. Number of contractor employees (briefly document requirement for each employee).

(1) Number of U.S. citizen employees.

(2) Number of third-country national employees.

(3) Number of ROK employees.

j. Location(s) of performance in the ROK (include military installation(s)).

k. Is there a requirement for contractor performance in a contingency in wartime? If yes, indicate the following actions were accomplished by including the answers, below (FKAQ will not process contract SOFA designation request without completion):

(1) Contract contains appropriate wartime/contingency clause and/or statement of work requirements (attach copy of clause/contract requirements).

(2) Wartime/contingency logistics support has been coordinated with sponsoring agency.

(3) The number of emergency essential contractors performing in Korea is\_\_\_\_\_.

(4) Contractors' Major Command during wartime is\_\_\_\_\_.

l. Name of the USFK Sponsoring Agency/Responsible Officer/Name of Point of Contact/Telephone Number.

SIGNATURE BLOCK  
(CONTRACTING OFFICER)

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**Figure D-1. Sample Request for SOFA Designation Memorandum - Continued**

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(CONTRACTING OFFICE LETTERHEAD)

(Office Symbol)

(Date)

MEMORANDUM FOR HQ USFK (FKAQ), Unit #15237, APO AP 96205-5237

SUBJECT: Post-Award Coordination for Contract (Contract Number)

1. Reference USFK Regulation 700-19 and our previous correspondence dated (date), requesting SOFA Designation.
2. The solicitation in paragraph 3a below was awarded to (Contractor's Name) on (Date). Request you immediately designate the contract/contractor for SOFA status.
3. The following information is provided:
  - a. (Solicitation Number)
  - b. (Contract Number)
  - c. (Contractor name and address)
  - d. (Expiration date of the contract, including all option years)
  - e. (Effective date of contract)
  - f. Contractor personnel information:
    - (1) (Name of contractor employee(s))
    - (2) (Position title(s))
    - (3) (Social Security Number(s))
    - (4) (Passport Number(s))
    - (5) (Citizenship)
    - (6) (Names, Social Security Numbers, passport number, citizenship, and relationship of dependents who will accompany employee to the ROK)
  - g. (Name, address, and phone number of Administrative Contracting Officer (ACO))
4. Provide a copy of the front page of the awarded contract. A complete copy of the entire contract is not necessary.

SIGNATURE BLOCK  
(CONTRACTING OFFICER)

CF: Sponsoring Agency in USFK

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**Figure D-2. Sample SOFA Post Award Coordination Memorandum**

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(SPONSORING AGENCY LETTERHEAD)

(Office Symbol)

(Date)

MEMORANDUM FOR HQ USFK (FKAQ), Unit #15237, APO AP 96205-5237

SUBJECT: Appointment of Responsible Officer (RO) & Alternate RO for Contract (contract number)

1. In accordance with USFK Reg 700-19, the following named individual is appointed the RO/Alternate RO for the listed contract which has been designated a (invited contractor or technical representative) contract under the U.S.-ROK Status of Forces Agreement (SOFA):

- a. Contract Number: (full contract number)
- b. Contractor's Name: (name of company)
- c. Contract Period of Performance: (dates of contract including all option years)
- d. RO Name: (Full name of RO)                      Alt RO Name:
- e. RO Rank/grade: (rank or grade)                      Alt RO Rank/grade: (rank or grade)
- f. RO Mailing Address: (mailing address)                      Alt RO Mailing Address: (mailing address)
- g. RO Office Phone: (phone number)                      Alt RO Office Phone: (phone number)
- h. RO FAX: (FAX phone number)                      Alt RO FAX: (FAX phone number)
- i. RO DEROS: (DEROS date)                      Alt RO DEROS: (DEROS date)
- j. RO E-mail Address: (e-mail address)                      Alt RO E-mail Address: (e-mail address)

2. The RO has been briefed on their responsibilities and is aware of the administrative requirements in USFK Reg 700-19 on \_\_\_\_\_.

3. POC is (POC name and phone number for the sponsoring agency)

SIGNATURE BLOCK  
(HEAD OF SPONSORING AGENCY)

CF:  
RO

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**Figure D-3. Sample RO Appointment Memorandum**

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(SPONSORING AGENCY LETTERHEAD)

(Office Symbol)

(Date)

MEMORANDUM FOR HQ USFK (FKAQ), Unit #15237, APO AP 96205-5237

SUBJECT: Accreditation Letter for Contract (*Enter Contract Number*)

1. References:

- a. U.S.-ROK Status of Forces Agreement (SOFA).
- b. USFK Reg 700-19, USFK Invited Contractors and Technical Representatives.

2. The following individual is an employee of (Company Name), and is serving in USFK as an (invited contractor or technical representative) under contract number (Contract Number): Indicate Emergency Essential contractor employees by placing an (EE) before their name. The below referenced individual(s) (1) completed all training requirements as listed in USFK Reg 350-2 on (date) OR (2) will complete all training requirements as listed in USFK Reg 350-2 on (date).

NAME	SSN	PASSPORT NO.	PERIOD OF ACCREDITATION IN USFK
SMITH, William G.	XXXXXXXX	XXXXXXXXXX	1 Oct 94- 30 Sep 97

(List same information for authorized dependents accompanying the contractor employee).

3. IC Employee Name (and dependents) is authorized the following logistics support during the above stated period of accreditation:

- a. SOFA status as a USFK (invited contractor or technical representative).
- b. (List all authorized logistics support items. See Chapter 4 to determine authorized support.)

4. POC is (action officer's name and telephone number).

SIGNATURE BLOCK  
(Head of Sponsoring Agency or Responsible Officer)

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**Figure D-4. Sample SOFA Letter of Accreditation**

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REQUEST FOR PROVOST MARSHAL RECORD CHECK (AR 190-45)		
SECTION I - TO BE COMPLETED BY REQUESTER		
TO:	FROM:	DATE
1. REQUEST A RECORDS CHECK BE CONDUCTED FOR THE FOLLOWING INDIVIDUAL(S) <i>(FOR MULTIPLE REQUESTS USE REMARKS SECTION)</i> NAME: _____ SSN: _____ GRADE: _____ DATE ARRIVED REPUBLIC OF KOREA (ROK): _____ DEROS: _____		
2. PURPOSE OF THIS REQUEST IS: <input type="checkbox"/> Extension/curtailment of foreign service tour. <input type="checkbox"/> Pre-employment <input type="checkbox"/> Recommendation for award. <input type="checkbox"/> Security Clearance <input type="checkbox"/> Reenlistment <input type="checkbox"/> Other: _____		
NAME, GRADE, AND TITLE	SIGNATURE	PHONE NUMBER
SECTION II - TO BE COMPLETED BY PMO		
TO:	FROM:	DATE
1. A RECORDS CHECK WAS CONDUCTED FOR THE ABOVE INDIVIDUAL, AND DISCLOSED THE FOLLOWING: <input type="checkbox"/> No record of derogatory information as of _____ <input type="checkbox"/> See attached sheet for record information <input type="checkbox"/> Information listed as of _____ <input type="checkbox"/> No records available on this person <input type="checkbox"/> No record found		
2. REMARKS: <i>(Use reverse side, if necessary)</i>		
NAME, GRADE, AND TITLE	SIGNATURE	PHONE NUMBER

USFK FORM 237-E, 1 JAN 01

**Figure D-5. Sample Form to Request Provost Marshal Background Check**



<b>REQUEST FOR RATION CONTROL CHECK</b> (USFK REG 60-1)							
SECTION I - TO BE COMPLETED BY REQUESTER							
<b>TO:</b> CDR, USFK ATTN: FKJ1-DM UNIT #15237 APO AP 96205-0010			<b>FROM:</b>			<b>DATE</b>	
1. REQUEST A RECORDS CHECK BE CONDUCTED FOR THE FOLLOWING INDIVIDUAL: NAME: _____ SSN: _____ GRADE: _____							
2. PURPOSE OF THIS REQUEST IS: (      Extension/curtailment of foreign service tour. (      Recommendation for award/reenlistment/preemployment check. (							
NAME, GRADE, AND TITLE			SIGNATURE			PHONE NUMBER	
SECTION II - TO BE COMPLETED BY DATA MGT DIV							
<b>TO:</b>			<b>FROM:</b> CDR, USFK ATTN: FKJ1-DM UNIT #15237 APO AP 96250-0010			<b>DATE</b>	
1. A RECORDS CHECK WAS CONDUCTED FOR THE ABOVE INDIVIDUAL, AND DISCLOSED THE FOLLOWING: (      No record of derogatory information as of _____							
DATE	TYPE	AUTH	SPENT	DATE	TYPE	AUTH	SPENT
2. REMARKS: <i>(Use reverse side, if necessary)</i>							
NAME, GRADE, AND TITLE			SIGNATURE			PHONE NUMBER	

USFK FORM 217-E, 1 NOV 93

EDITIONS OF 1 MAY 91 IS OBSOLETE.

**Figure D-6. Sample Form to Request Ration Control Check**

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(SPONSORING AGENCY LETTERHEAD)

(Office Symbol)

(Date)

SUBJECT: Eligibility of Contractor Personnel for Education of Minor Dependents

Principal  
(Name of School)  
Unit #XXXXX  
APO AP 96XXX-XXXX

1. References:

- a. DODEA Reg 1342.13, Eligibility Requirements for Education of Elementary and Secondary School-age Dependents in Overseas Areas.
- b. USFK Reg 700-19, USFK Invited Contractor and Technical Representative Program.
- c. Contract number (Contract Number), (Company Name).

2. The following individual and dependents are serving with the United States armed forces in Korea in accordance with para 1 above:

NAME	SSN	NATIONALITY	SPONSOR/ DEPENDENT	CHILDREN'S BIRTHDATES
SMITH, James G.	123-45-6789	USA	Sponsor	
SMITH, Myung H.	987-65-4321	ROK	Dependent	(Spouse)
SMITH, Jason Y.	345-12-9876	USA	Dependent	1 Oct 78

3. Mr. Smith is a full-time employee of (Company Name), under contract number (Contract Number), is authorized full logistics support in accordance with paragraph 1 above and is therefore eligible for education of minor dependents on a SPACE-REQUIRED, TUITION PAYING (FEDERALLY CONNECTED) basis.

4. A copy of the (contract, contract extract stating DODDS school eligibility, or travel orders listing authorized dependents) is enclosed.

5. POC is (action officer's name and telephone number).

Encl

SIGNATURE BLOCK  
(Head of Sponsoring Agency)

CF: DODDS-P/K, ATTN: Registrar

**Figure D-7. Sample Memorandum to DODDS Verifying Invited Contractor/Technical Representative Status**

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(SPONSORING AGENCY LETTERHEAD)

(Office Symbol)

(Date)

MEMORANDUM FOR HQ USFK (FKPM-S), Unit #15306, APO AP 96205-5306

SUBJECT: Installation Access Control System

1. References:

- a. U.S.-ROK Status of Forces Agreement (SOFA).
- b. USFK Reg 190-7, Installation Access Control System.
- c. USFK Reg 700-19, USFK Invited Contractors and Technical Representatives.

2. Request the following individual, a U.S. citizen and former employee of XYZ Company, Inc., under contract number XXXXXX-XX-X-XXXX, a USFK (invited contractor or technical representative), be denied access to installations within USFK:

- a. Name of employee and telephone number, if available.
- b. Social security number.
- c. Sex.
- d. Date of birth.
- e. Names of dependents in Korea, if applicable.
- f. Present address in Korea.
- g. Permanent address in U.S.
- h. Reason for denial of access to USFK installations.

3. POC is (action officer's name and telephone number).

SIGNATURE BLOCK  
(Head of Sponsoring Agency)

CF:  
HQ USFK, ATTN: FKJI-DM  
HQ USFK, ATTN: FKAQ

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**Figure D-8. Sample Memorandum of Request to Deny Installation Access to U.S. Citizen Invited Contractor/Technical Representative Employee**

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(SPONSORING AGENCY LETTERHEAD)

(Office Symbol)

(Date)

MEMORANDUM FOR HQ USFK (FKPM-S), Unit #15306, APO AP 96205-5306

SUBJECT: Installation Access Control System

1. References:

- a. USFK Reg 190-7, Installation Access Control System.
- b. USFK Reg 700-19, USFK Invited Contractors and Technical Representatives.

2. Request the following individual, a citizen of \_\_\_\_\_ and a former employee of (Company Name), Inc., under contract number (Contract Number), a USFK (invited contractor of technical representative), be denied access to installations within USFK:

- a. Name of employee and telephone number, if available.
- b. Sex.
- c. Date of birth.
- d. Present address in ROK.
- e. Permanent address in home country.
- f. Passport number and country of issue.
- g. Job title and grade.
- h. Reason for denial of access to USFK installations.

3. POC is (action officer's name and telephone)

SIGNATURE BLOCK  
(Head of Sponsoring Agency)

CF:  
HQ USFK, ATTN: FKAQ

**Figure D-9. Sample Memorandum of Request to Deny Third-Country National Invited Contractor/Technical Representative Employee Installation Access**

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(SPONSORING AGENCY LETTERHEAD)

(Office Symbol)

(Date)

MEMORANDUM FOR HQ USFK (FKAQ), Unit #15237, APO AP 96205-5237

SUBJECT: Responsible Officer (RO) Annual Employment Verification Report for Contract  
(contract number) as of (Day/Month/Year)

1. The following report is submitted IAW USFK Reg 700-19:

a. CURRENT SOFA EMPLOYEES/DEPENDENTS:

CURRENT EMPLOYEES/ DEPENDENTS	STATUS	SSN	ESTIMATED DEPARTURE DATE	PASSPORT #
Smith, Michael M.	Emp	123-45-6789	(Day/Month/Year)	xxxxxxx
Smith, Angelita R..	Dep	123-45-6789	(Day/Month/Year)	xxxxxxx
Kim, Keli K.	Emp	123-45-6789	(Day/Month/Year)	xxxxxxx
Jones, John J.	Emp	123-45-6789	(Day/Month/Year)	xxxxxxx
Jones, Angela M.	Dep	123-45-6789	(Day/Month/Year)	xxxxxxx

b. SOFA EMPLOYEES/DEPENDENTS STILL EMPLOYED BY CONTRACTOR BUT  
REASSIGNED TO US OR HOME COUNTRY

EMPLOYEES/ DEPENDENTS	STATUS	SSN	DEPARTURE DATE	LOGISTICS CATEGORY
Smith, R. D.	Emp	123-45-6789	(Day/Month/Year)	ICS

2. POC is (name and phone number).

SIGNATURE BLOCK  
(HEAD OF SPONSORING AGENCY)

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**Figure D-10. Sample RO Annual Employment Verification Report**

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**APPLICATION FOR DEPENDENCY DETERMINATION**  
**US Invited Contractor/Technical Representative**  
*(Spouses, Former Spouses, Adopted Children, Wards, Parents and Parents-in-Law)*  
 (USFK Reg 700-19)

AUTHORITY: E.O. 9397, USFK Regulation 700-19.

PRINCIPAL PURPOSE: Verification of relationship and dependent eligibility under USFK Regulation 700-19.

DISCLOSURE: Disclosure of the requested information in this application is voluntary. However, failure to provide complete and accurate information may result in denial of privileges.

Falsification, fictitious or fraudulent information submitted by the applicant on this form is subject to prosecution by the United States government and immediate withdrawal of SOFA Status and authorized logistical support.

**Required documentation and instructions on how to complete this form are provided in Parts VI and Parts VII of this document.**

**Part I - Employee/Sponsor Information:**

1. SSN:	2. Name (Last, First, MI)	3. Organization/Address:	4. DSN Telephone
5. Your status in Korea: <input type="checkbox"/> Local Hire from within Korea <input type="checkbox"/> Recruited from another overseas area <input type="checkbox"/> Recruited from the United States		6. Your E-mail address:	

**Part II - Dependent Information:**

1. Who do you wish to claim as your dependent? *(Please See Part VI - Required Documentation and Part VII - Instructions)*

**Spouse**

- Legal Spouse
- Common Law Spouse

**Unmarried Children**

- Child
- Child, from a former marriage
- Child, Adopted
- Child, Stepchild
- Child, Ward \*\*\*
- Child, Student (age 21 to 23)
- Child, (age 21-23), incapable of self-support (handicapping/disability reasons only)
- Child, temporary custody \*\*\*

**Parents/Parents-in-Law**

- Sponsor's Mother \*\*\*
- Sponsor's Father \*\*\*
- Sponsor's Mother-in-Law \*\*\*
- Sponsor's Father-in-Law \*\*\*

*Special Note: Items marked with asterisks (\*\*\*) above require completion of Part III - Dependency Affidavit. See Part VI - Required Documentation and Part VII - Instructions, for additional information. All documentation requires certification from either a U.S. State or County Court or U.S. Embassy or U.S. Consulate. Foreign court orders and documentation from a foreign court or foreign government must be translated into English and the local legal office must provide a statement attesting to the validity of the court order.*  
**Military Retirees will NOT use this form for dependent determination, instead provide a copy of your current (within the last 60 days) retired military DD Form 1172 certified by the Military Personnel Office or ID Card Section**

**Figure D-11. Application for Dependency Determination US Invited Contractor/Technical Representative**

2. Name(s) of dependent(s) you wish to claim as a dependent (see Part VII – Instructions):

**Part III – Dependency Affidavit (See Items 1-10 for Children and Items 11-23 for parent support):**

**Unmarried Children.** Complete this section (items 1-10) for a child that you wish to claim as a Ward or for temporary custody. (See Part VI - Required Documentation and Part VII – Instructions)

1 Does this dependent child live with you?  Yes  No (See Part VII – Instructions)

2. Do you have a court order from a U.S. State, County, or foreign court which authorizes the temporary custody of the child or which grants custody as a Ward?  
 Yes  No (See Part VI – Required Documentation)

3. Name of the parents granting the authorization for temporary custody See Part VII – Instructions):

3a. Parents Name: Address of Parents: Telephone: Emergency Point of Contact:	3b. Name of Orphanage/State Agency: Address: Point of Contact: Telephone:
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4. Does this child's parents have any other relatives who are capable of taking temporary custody?  Yes  No

5. If you answered "Yes" to Item 4, please explain in detail why these relatives are not financially or for health reasons not capable of taking temporary custody of the child. You may use a separate sheet of paper or you may attach evidence which shows that the relatives cannot take temporary custody.

6. Is there anyone else providing support to this child?  Yes  No  
 6a. If YES, who?

7. List the goods and services that you provide to the child. If there is anyone else providing support, list their contributions. Amounts shown should be annual contributions.

Item	Your Annual Contribution	Third Party Contributions (List Who is Providing Additional Support)
Person's Name Providing Support		
Income/Allowance Payments		
Food		
Clothing		
Shelter		
Medical		

8. List personal income and amounts from outside sources (other than what you provide) the child receives (Please see Part VII – Instructions):

9. List any property or capital assets and their value the child owns in any part of the world (Please see Part VII – Instructions):

10. List bank accounts the child has and the amount in each account (Please see Part VII – Instructions):

11. Parents and Parents-in-Law (Complete Items 12-23. See Part VI - Required Documentation and Part VII – Instructions):

12. Do the parents and/or parents-in-law live with you?  Yes  No (See Part VII – Instructions)

13. Do your parents or parents-in-law have any children that are living?  Yes (see below)  No

14. If you answered "Yes" to Item 13, please indicate who they are and where do they live:

15. Do your parents or parents-in-law own a house, apartment or any living accommodation:  Yes  No

16. If you answered "Yes" to item 15, please indicate the value: \$ (Please see Part VII – Instructions).

17. If you answered "Yes" to Item 15, please explain on a separate sheet of paper why your parents/parents-in-law are not living in this residence.

18. If you answered "Yes" to Item 15, is someone else living in the dwelling?  Yes  No

**Figure D-11. Application for Dependency Determination US Invited Contractor/Technical Representative - Continued**

19. If someone else is living in the dwelling, please describe the relationship of the person(s) living in the apartment and the amount of rent, if any, that is being charged.

20. List the goods and services that you provide to the parents/parents-in-law. If there is anyone else providing support, list their contributions. Amounts shown should be annual contributions. A separate sheet of paper may be used.

Item	Your Annual Contribution	Third Party Contributions (List Who is Providing Additional Support)	
Person's Name Providing Support			
Income/Allowance Payments			
Food			
Clothing			
Shelter			
Medical			

21. List personal income and amounts from outside sources (other what you provide) received (Please see Part VII – Instructions):

22. List any property or capital assets owned and their value in any part of the world (Please see Part VII – Instructions):

23. List bank accounts and the amount in each account (Please see Part VII – Instructions):

**PART IV – Certification:**

- I will immediately notify my Responsible Officer of any change in my dependent's status, financial circumstances, or should the dependent no longer reside with the sponsor to which dependency was granted.
- I swear (or affirm) that all of the foregoing statements are true and correct. I further swear (or affirm) that I have read the penalty provisions on page 1 for submitting false, fraudulent or misleading information.

1. Date \_\_\_\_\_ 2. Signature of Sponsor \_\_\_\_\_

**PART V – Notary Public:**

Subscribed and duly sworn (or affirmed) to before me according to law by the above-named affiant(s).

This \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at city/town of \_\_\_\_\_.

OFFICIAL SEAL

Notary: \_\_\_\_\_ Official Title: \_\_\_\_\_ Commission Expiration: \_\_\_\_\_

FKAQ Determination:  APPROVED  DISAPPROVED

FKAQ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

FKAQ Remarks: \_\_\_\_\_

USFK FORM 700-19B-R-E, 01 Feb 07

**Figure D-11. Application for Dependency Determination US Invited Contractor/Technical Representative - Continued**



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**INVITED CONTRACTOR EMPLOYEE  
APPLICANT QUESTIONNAIRE**

**NAME:** \_\_\_\_\_ **SSN:** \_\_\_\_\_  
(Last, First, MI) (Last four only)

**PLACE OF BIRTH:** \_\_\_\_\_ **DOB:** \_\_\_\_\_  
(City and State or Country) (Day/Month/Year)

**COMPANY:** \_\_\_\_\_

**SPONSORING AGENCY:** \_\_\_\_\_

**1. CURRENT RESIDENCE:**

\_\_\_\_\_  
\_\_\_\_\_

OWNED HOUSE/APT/ETC: PURCHASE DATE \_\_\_\_\_

RENTED HOUSE/APT/ETC. SINCE \_\_\_\_\_ LEASE EXPIRATION: \_\_\_\_\_

**2. RESIDENCE WHEN OFFERED EMPLOYMENT BY CURRENT COMPANY OR WHEN  
ASSIGNED TO DUTIES IN KOREA BY YOUR COMPANY:**

\_\_\_\_\_  
\_\_\_\_\_

**3. CITIZENSHIP:**

U.S. \_\_\_\_\_ OTHER: \_\_\_\_\_

PASSPORT NUMBER/ISSUANCE DATE: \_\_\_\_\_

**4. DEPENDENTS.**

LIST ALL DEPENDENTS PROVIDING NAME, AGE, RELATIONSHIP, AND CURRENT  
RESIDENCE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Figure D-12. Applicant Questionnaire Memo**

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**5. IF 1. OR 2. ABOVE IS OUTSIDE THE UNITED STATES:**

A. DO YOU HAVE A RESIDENCE IN THE U.S.? YES NO

IF YES, PROVIDE FULL STREET ADDRESS:

---

B. PROVIDE DATE OF ORIGINAL ARRIVAL AND ALL ENTRANCES/EXITS FOR THE LAST FIVE YEARS INTO COUNTRY/COUNTRIES (other than the U.S.) LISTED IN 1. OR 2. ABOVE:

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**6. IN SUPPORT OF YOUR ANSWERS PLEASE PROVIDE COPIES OF THE FOLOWING:**

- PASSPORT PAGES (showing any visas (past and present) and all entry and exits)
- HOME MORTGAGE/APARTMENT LEASE DOCUMENTS
- PROPERTY TAX DOCUMENTS (if applicable)
- HOUSEHOLD BILLS (three months of utility bills (gas, water, sewage), internet bills, cable bills, credit card statements)
- BANK STATEMENTS

**USFK MAY REQUEST ADDITIONAL DOCUMENTS TO SUPPORT A DETERMINATION THAT AN APPLICANT IS AN ORDINARY RESIDENT OF THE U.S.**

**FAILURE TO PROVIDE REQUESTED INFORMATION, PROVIDING INCOMPLETE INFORMATION, OR PROVIDING INACCURATE INFORMATION IS A BASIS TO DENY AN EMPLOYEE INVITED CONTRACTOR STATUS.**

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**Figure D-12. Applicant Questionnaire Memo - Continued**

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**Appendix E**  
**FKAQ Points of Contact**

**E-1. MAILING ADDRESS:**

411<sup>th</sup> CSB  
ATTN: FKAQ  
Unit #15289  
APO AP 96205-5237

**E-2. MESSAGE ADDRESS:** COMUSK SEOUL//FKAQ//

**E-3. EMAIL:**

- a. STEP 1 SOFA designation on contract question:  
[usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-wor@mail.mil](mailto:usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-wor@mail.mil)
- b. STEP 2 SOFA designations on IC/TR question:  
[usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq@mail.mil](mailto:usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq@mail.mil)

**E-4. PHONE NUMBERS:**

- a. DSN OFFICE: 315-724-6100, 6162, 6211.
- b. DSN FAX: 315-724-6083.
- c. COMM OFFICE: 011-82-2-7914-6100, 6162, 6211.
- d. COMM FAX: 011-82-2-7914-6083, 6298, 6172.

## **Glossary**

### **Section I. Abbreviations**

ACS	Assistant Chief of Staff
BX	Base Exchange
CAC	Common Access Card
COR	Contracting Officer Representative
COMUSK	Commander, United States Forces Korea
CVS	Contractor Verification System
DMDC	Defense Manpower Data Center
DOD	Department of Defense
FKAQ	USFK ACS, Acquisition Management
FMS	Foreign Military Sales
IAW	In accordance with
IC	Invited Contractor
ID	Identification Card
MWR	Morale, Welfare, and Recreation
NEO	Noncombatant Evacuation Operations
OCIE	Organizational Clothing and Individual Equipment
POC	Point of Contact
POL	Petroleum, oils, and lubricants
POV	Privately Owned Vehicle
PX	Post Exchange
RCP	Ration Control Plate
ROK	Republic of Korea
RO	USFK Responsible Officer
SA	USFK Sponsoring Agency

SOFA	Status of Forces Agreement
SOW	Statement of Work
TA	Trusted Agent
TCN	Third-Country National
TR	Technical Representative
U.S.	United States (of America)
USFK	United States Forces Korea

## Section II. Terms

**Academic Institution Instructor.** Instructor for a major college or university such as Central Texas College or University of Maryland. Academic institution instructors normally teach subjects that receive college credit.

**Contingency Operation.** Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301 (a), 12302, 12304, 12305, or 12406 of 10 U.S.C, chapter 15, or any other provision of law during a war or during a national emergency declared by the President or Congress.

**Contracting Office.** The U.S. Government office responsible for soliciting bids or proposals from bidders or offerors; awarding contracts; administering contracts; and/or terminating contracts.

**Contracting Officer.** A person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the contracting officer. A contracting officer is appointed in writing through a warrant (SF 1402) by the Head of the Contracting Activity (HCA) or through a person delegated authority by the HCA (i.e. Principal Assistant Responsible for Contracting (PARC)).

**Contractor.** An individual, company, corporation, or other business entity that enters into a contractual relationship with the U.S. Government to provide supplies, services or construction at agreed-upon prices or rates. Sometimes referred to as a vendor.

**Dependents.** Persons including--

- a. Lawful spouse.
- b. Unmarried children who are under 21 years of age, including legally adopted children and stepchildren.
- c. Children 21 years of age and older who are in fact dependent on the principal for over half of their support provided they

(1) Are incapable of self-support because of a mental or physical incapacity that existed before age 21 or

(2) Have not passed their 23rd birthday and are enrolled full-time in an approved institute of higher learning. If a child is attending college outside of Korea, the child may not be added to the 700-19 or accreditation letter.

d. Parents (legal supporting documents is required, to include copy of taxes, residency, financial, etc.), including father, mother, stepparents, and parents by adoption who are in fact dependent for over half of their support and reside in the employee's household.

**Full Logistics Support.** A full-time contractor employee who is ordinarily resident in the U.S. in a full-time paid status working 40 hours or more each week under a contract with a period of performance greater than 179 days. Dependents of such full-time contractor employees may also receive full logistics support. (See Table 4-1). All contractor employees and their dependents authorized full logistics support will receive ID cards and RCPs. Local hires meeting the criteria, above, and have transportation agreements to return to the U.S. are generally considered ordinarily resident in the U.S. and eligible for full logistics support.

**Full-Time Employee.** To be considered full-time, a contractor employee must be in a full-time paid status working 40 hours or more each week. Employees of education institutions, which fall in the Special Category for Education Contracts, will only be considered full-time if official employment records filed at the home office of the university, college, or institution clearly show that said employees are in fact in a full-time paid status. (Note: Certification of full-time paid status must be provided by the Human Resources Manager of the university, college or educational institution and will not be accepted from local extension offices.)

**Individual Logistics Support.** A full-time contractor employee who is ordinarily resident in the U.S. in a full-time paid status working 40 hours or more each week under a contract with a period of performance of 179 days or less. Additionally, contractor employees meeting the criteria, above, but whose dependents do not meet the requirements for dependents of civilian local hires set out in USFK Reg 60-1, may be eligible for individual sponsorship.

**Invited Contractor (IC).** Persons, including (a) corporations organized under the laws of the U.S., (b) their employees who are **ordinarily resident in the U.S.** and, (c) the dependents of the foregoing who are **present** in the Republic of Korea **solely** for the purpose of executing contracts with the U.S. for the benefit of the U.S. armed forces. Such contractors must be formally designated by the U.S. in accordance with Article XV of the U.S.-ROK Status of Forces Agreement (SOFA) and established procedures and protocols. Designation as an IC will only take place following consultation with the Government of the Republic of Korea and shall be restricted to cases (contracts) where open competitive bidding is not practical due to (1) security considerations; (2) the technical qualifications of the contractor involved; (3) the unavailability of materials or services required by U.S. standards; or (4) limitations of U.S. law.

**Joint Committee under the U.S.-ROK SOFA.** The bilateral committee established in compliance with SOFA Article XXVIII as a means for consultation between the U.S. and ROK governments on all matters requiring mutual consultation regarding implementation of the SOFA.

**Joint Venture.** The term used when a U.S. company teams with a Korean firm. Only the U.S. partner in the joint venture may be eligible for SOFA status.

**Local Hire.** An employee hired from the local, in-country pool of U.S. citizens and non-U.S. citizens with a U.S. green card who can meet the prerequisites for IC status in that they can prove that they are: 1) a U.S. citizen or a non-U.S. citizen with a U.S. green card; and, 2) ordinarily resident in the U.S.

**Local National (LN) Hire.** A Korean national (KN) employee. A LN hired in support of an IC obligation to USFK does not qualify for any status, rights or privileges under SOFA.

**Logistics Support.** Benefits provided to authorized employees and dependents for their sustained logistics needs while in Korea. Items provided include ID cards and RCPs, which allows use of military exchanges, commissaries, social clubs, and NAF MWR activities etc (see Chapter 4 for detailed listings of benefits and privileges).

**Ordinary Resident of U.S.** A person who normally lives in the U.S. To meet this definition, an individual must normally maintain a residence in the U.S., receive their mail there, and have their household goods at their U.S. residence, etc. (Note: "Ordinarily resident" is not identical to "legal residence" even though a person may be "ordinarily resident" at his place of "legal residence". The term "ordinarily resident" refers to the place where a person is actually living in other than a transient or temporary capacity at the time of hire. Where one is ordinarily resident is determined by examining several factors of varying weight, including but not necessarily limited to: one's nationality, alien residency status, physical residence, duties while residing there and payment of taxes. Where one is "ordinarily resident" is a question of fact and law. Normally it is straightforward and can be determined by looking at where one is physically domiciled at the time of hiring.) See "Supporting Documentation" definition for more information.

**Ordinarily Resident in ROK.** A person who normally lives in the Republic of Korea. A person who has obtained a work or family visa with intent on working in Korea or living with family members in Korea.

**Part-Time Employee.** An IC employee is considered to be a part-time employee if that employee is in a part-time paid status working less than 40 hours each week. Employees of education institutions, which fall in the Special Category for Education Contracts, who do not have a certification of full-time employment from the Human Resources Manager of the university, college, or institution, will be considered as part-time employees.

**Responsible Officer (RO).** A DOD personnel located in the ROK (such as a military E-5 and above, civilian GS-7 and above), appointed by the SA, who is directly responsible for determining and administering appropriate logistics support for IC/TRs during contract performance in the ROK. The RO will assist IC/TR employees and dependents in processing forms to obtain authorized logistics support. They will monitor and control contractor logistics support. In many instances, the RO can be the same person as the Contracting Officer's Representative (COR). RO's cannot be self-appointed.

**Status of Forces Agreement (SOFA).** The international agreement between the U.S. of America and the Republic of Korea envisaged by Article IV of the U.S.-ROK Mutual Defense Treaty. The SOFA was signed on 9 July 1966 and became effective on 9 February 1967. The term "U.S.-ROK SOFA" includes the original Agreement, and its Agreed Minutes and Understandings, as amended. Numerous implementing agreements may be found in the Official Minutes of the SOFA Joint Committee established by Article XXVIII, SOFA. ("SOFA" is the abbreviated term for the "Agreement Under Article IV of the Mutual Defense Treaty Between the United States of America and the Republic of Korea Regarding Facilities and Areas and the Status of U.S. Armed Forces in the Republic of Korea".)

**SOFA Status.** The categories of those persons, defined in Articles I and XV of the SOFA, provided status and protection under the SOFA. For purposes of this regulation, properly designated ICs and their approved employees and dependents whose presence in Korea (and by default whose travel to Korea) is solely attributed to the performance of contracts with or for the U.S. armed forces in Korea may qualify for status and protection under the SOFA. SOFA status for purposes of complying with ROK government laws regarding immigration and the control of aliens may be extended to full-time and part-time, properly and legally designated IC employees and designated and approved dependents. SOFA status for immigration purposes does not automatically provide or authorize the extension of privileges and logistics support.

**Sponsoring Agency (SA).** A DOD organization located in the ROK that has been designated by a contracting officer to be responsible for an IC or TR while they perform work in the ROK. The SA is usually the Unit Commander and/or equivalent of the contract requiring activity and appoints the RO's. The SA is ultimately responsible for determining and authorizing available logistics support for IC/TR contractor employees and their dependents.

**Subcontractor.** A company or individual that enters into a legal contract to perform work for another contractor. If the U.S. government awards a contract to a company or individual, then that contractor is called a Prime Contractor. If the Prime Contractor then awards a contract to another company or individual to perform part of their work on the U.S. government contract, the resultant contract is called a subcontract. Normally, the U.S. government does not have any legal relationship (privity) with subcontractors. However, the U.S. Government may have oversight through the Prime Contractor and may monitor the subcontractor's performance.

**Supporting Documentation.** Documentation that will be used to determine dependency, IC eligibility, and ordinary residence status. These documents may include but are not limited to the following and in order of preference: home mortgage/apartment lease agreements, household bills/statements, credit card statements, bank statements, water, sewage, electric, gas, cable, internet bills, tax returns. These documents must be from 3 different source documents from 3 different months all within the last 6 months for review. The documents may be redacted but must show at minimum usage (indicates amount of payment, use, and description of item), IC name, home address, and date of transaction. Other documents include birth certificate for children, DD214, separation orders, marriage certificate, custody and adoption paperwork, copy of passports, and W2's. Failure to provide requested information, providing incomplete information, or providing inaccurate information is a basis to deny an employee IC status.

**Technical Representative. TRs are considered contractors by the US, but are afforded status as a member of the civilian component under the SOFA.** The TR designation is limited by agreement of the U.S.-ROK SOFA Joint Committee to individuals who serve in three basic capacities:

a. Special individual instructors or technical advisors: Such individuals might be dispatched to USFK to provide technical training, evaluation, installation or maintenance and inspection of complex military equipment or systems. Such training is often involved during the initial fielding of new equipment and systems and is provided by the equipment or system manufacturer. These individual trainers are not contractors nor under any direct contractual obligations to the U.S. Department of Defense or USFK.

b. Individual medical and dental service personnel hired by USFK directly under a "personal services contract" in lieu of direct government employment, which by the express terms or administration of the contract, makes the individual contractor appear, in effect, as an employee of



the U.S. government. Such personal services contractors fill voids in military and civilian component manning by providing personal medical and dental services to USFK personnel.

c. Special individual vendor representatives provided by major U.S. manufacturers to insure our commissaries and exchanges in the Pacific Command are properly stocked with the American-style products and to act as the interface between U.S. commissaries and exchanges and U.S. suppliers of U.S. products. Such individuals are not under any contractual obligation to the U.S. Defense Commissary Agency or USFK.

**Third-Country Nationals.** Citizens of countries other than the United States of America or the Republic of Korea.

**U.S. Representative to the SOFA Joint Committee.** The Deputy Commander, USFK, appointed in accordance with SOFA Article XXVIII by the U.S. Ambassador to Korea.