



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

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MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION AND PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Contracting and Contractor Related Guidance for Afghanistan

During recent DPAP discussions with contractors supporting DoD in Afghanistan, a request was made to provide more frequent updates on key issues, such as security, taxes, and the drawdown. Guidance on where to find the latest subject information for Afghanistan is attached. This information will also be posted on the DPAP/Contingency Contracting webpage at <http://www.acq.osd.mil/dpap/pacc/cc/index.html>. Please forward to your contracting offices and request it be disseminated to affected contractors.

The information provided in the Hot Topics section of the DPAP Contingency Contracting webpage for Afghanistan will fill an immediate need to quickly disseminate new information supporting DoD's drawdown efforts. For the long-term, contracting activities and contractors should continue to search the DFARS and the USCENCOM Operational Contract Support webpage, at http://www.acq.osd.mil/dpap/pacc/cc/areas_of_responsibility.html, for specific guidance and changes affecting support in Afghanistan. Contracting Officers should also frequently check the links provided in the attached guidance for updates on related policies that affect contractors working in Afghanistan. My POC is Mr. Bill Reich, william.f.reich2.civ@mail.mil or 703-256-7009.


Richard Ginman
Director, Defense Procurement
and Acquisition Policy

Attachment:
As stated

Key Links for DoD Contractors in Afghanistan

US Embassy Kabul webpage – <http://kabul.usembassy.gov/>. Provides passport/visa information, Afghanistan Commercial Guide, Key Government of Afghanistan Business Links, Business Opportunities with U.S. Mission Afghanistan.

DOD Foreign Clearance Guide (FCG) – see <https://www.fcg.pentagon.mil/>. This guide contains information on Afghanistan General Entry Requirements, Aircraft Entry Requirements, Personnel Entry Requirements for Official Travel, Personnel Entry Requirements for Leave Travel, Maritime Entry Requirements and Travel Information. DoD Directive 4500.43E, DoD Foreign Clearance Program (FCP) requires DoD-sponsored contractors to comply with guidance provided therein. While this site is .mil/.gov domain restricted and for official use only, DoD contractors supporting DoD contracts may request a user name and password at the webpage above. The FCG also contains key POC information.

General Theater Policies and Information and Contracting Guidance

ISAF Webpage – <http://www.isaf.nato.int/> – Contains information on NATO command structure, Afghanistan transition, information, and key links.

Joint Contracting and Contingency Services Webpage – <https://www.jccs.gov/olvr/> – provides single sign-in capability to access the Joint Contingency Contracting System, ACSA Global Automated Tracking and Reporting System (AGATRS), 3-in-1 Tool, and Theater Business Clearance (TBC).

USCENTCOM Operational Contract Support Webpage – http://www.acq.osd.mil/dpap/pacc/cc/areas_of_responsibility.html – Click on the CENTCOM link on the map and then on the “Contracts” link; next click on the map of Afghanistan. Contains specific information on contracting in Afghanistan, to include information and guidance for contractors, regulations and policies, travel information, and Joint Theater Support Contracting Command information.

DPAP Contingency Contracting Webpage – <http://www.acq.osd.mil/dpap/pacc/cc/index.html>. Contains information on contracting policies, resources, electronic versions of the Defense Contingency Contracting Officer’s Handbook and Contracting Officer’s Representative Handbook, domestic emergencies and international operations, including links to the Combatant Commander Operational Contract Support webpages. For questions, please email osd.pentagon.ousd-atl.mbx.contingency-contracting@mail.mil.

Specific Topics of Interest

Afghan Tax Information

- 1) Director, DPAP Memo (July 17, 2013), “Class Deviation 2013-O0016, Taxes—Foreign Contracts in Afghanistan” – Contains two clauses, one for solicitations and contracts awarded on behalf of NATO and the other for non-NATO contracts with performance in Afghanistan.

<http://www.acq.osd.mil/dpap/policy/policyvault/USA003727-13-DPAP.pdf>

- 2) Director, DPAP Memo (April 22, 2013), “Amplifying Guidance on Contractor Taxation—Performance in Afghanistan” – Provides amplifying guidance on taxation to DoD Contracting Activities that currently have contracts, or will award contracts, with performance in Afghanistan.

<http://www.acq.osd.mil/dpap/policy/policyvault/USA002275-13-DPAP.pdf>

Temporary Import/Export of Government-Issued Personal Protective Equipment (PPE).

U.S. chartered mobilization/demobilization flights are being delayed and contractors are being assessed fines as well as the Government-furnished PPE being detained due to contractors failing to file in the Department of State’s (DOS) Automated Export System Direct (AES/Direct) under license exception “GOV” to obtain an export/import Internal Transaction Number (ITN). This filing is necessary for contractor personnel to temporarily export (deploy) and import (redeploy) with Government-furnished PPE. Contractors must provide Government mobilization/demobilization logistics personnel with the ITN for each contractor employee exporting/importing PPE (authorizes contractor employees to travel on Government-chartered flights) under a license exemption; and mark items/shipment documents with:

“Property of [insert U.S. Government department, agency, or service]. Property may not enter the trade of the country to which it is shipped. Authorized under License Exception GOV. U.S. Government point of contact [insert name and telephone number].
ITN _____.”

References: DFARS 252.225-7048, “Export-Controlled Items” requires compliance with:

- 1) The Export Administration Act of 1979, as amended,
- 2) The Arms Export Control Act,
- 3) The International Emergency Economic Powers Act,
- 4) The Export Administration Regulations (EAR),
- 5) The International Traffic in Arms Regulations (ITAR), and
- 6) Executive Order 13222, as extended.

The DoS Office of Defense Trade Controls Policy has worked out an interim agreement with U.S. Customs and Border Protection (C&BP) to reduce/eliminate delays arising from contractors not filing the correct export/import documentation. The arrangement is limited only to PPE (body armor, helmet, protective mask, and canister), as there is an exemption for importing and exporting PPE that is available to contractors who have complied with DFARS 252.225-7048, "Export-Controlled Items." The exemption does not apply to firearms, electronics, or other defense articles. All Ports of Entry have been notified by the Director, U.S. C&BP, not to fine or detain equipment.