



ACQUISITION AND
TECHNOLOGY

DEPUTY UNDER SECRETARY OF DEFENSE

3015 DEFENSE PENTAGON
WASHINGTON, DC 20301-3015

NOV - 5 2009

MEMORANDUM FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF
COMMANDERS OF THE COMBATANT COMMANDS
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT), ASA (ALT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION AND LOGISTICS MANAGEMENT),
ASN (RDA)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTORS, DEFENSE AGENCIES
DIRECTORS, DOD FIELD ACTIVITIES

SUBJECT: Standardized Operational Contract Support (OCS) Webpage

Reference Procedures, Guidance and Information (PGI) No. 225-74, entitled
"Solicitation and Award of Contracts for Performance in a Foreign Country
or Delivery to any Unified Combatant Command Theater of Operation,"
November 9, 2006.

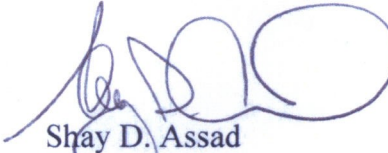
This memorandum is a follow-up to my letter dated November 9, 2006 (attached).

To ensure implementation of this policy, Defense Procurement and Acquisition Policy (DPAP) stood up a joint team including representatives from OSD, Joint Staff and the Geographic Combatant Commands to build a standardized site map. This memorandum requires Geographic Combatant Commands to establish a standardized Operational Contracting Support (OCS) webpage, using the format established in the attachment. The joint team derived this site map from lessons learned, new joint doctrine (JP 4-10) and inputs of key contracting players from the OCS Community of Interest (COI).

The intent of this webpage is to provide area of responsibility unique information needed by key players involved in providing contracted support to the Joint Force, including requiring activities, contracting offices and contractors. Required information includes key points of contact, prevailing regulations, policies, requirements, host nation laws, Orders/FRAGOs, GCC Directives, unique clauses and other considerations

necessary for soliciting or awarding a contract for performance in or delivery to that Combatant Commander's AOR. The implementation of this format should better enable key players (contracting officers, contracting officer's representatives, requiring activities, etc.) to find the information they need and reduce the burden on the combatant commander's staff to provide such information.

Within 30 days from the date of the memorandum, Commanders of Combatant Commands will ensure their respective Contracting Offices provides updated weblink information to DPAP. Within 90 days from the date of the memorandum, Commanders of the Combatant Commands will ensure their Contracting Offices implement the standardized webpage format. OSD Defense Procurement and Acquisition Policy will provide technical assistance through contractor support to help with the implementation process. DPAP point of contact (POC) for technical assistance is Mr. Roy Capozzi, rcapozzi@lmi.org and our overall project POC is Mr. Bill Reich, 703-699-3727, William.reich@osd.mil.



Shay D. Assad
Acting

Attachments:
As stated



ACQUISITION
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

November 9, 2006

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
(ATTN: ACQUISITION EXECUTIVES)
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
COMMANDERS OF THE COMBATANT COMMANDS
DIRECTORS OF DEFENSE AGENCIES

SUBJECT: Implementation for Procedures, Guidance and Information (PGI) No. 225-74, entitled "Solicitation and Award of Contracts for Performance in a Foreign Country or Delivery to any Unified Combatant Command Theater of Operation"

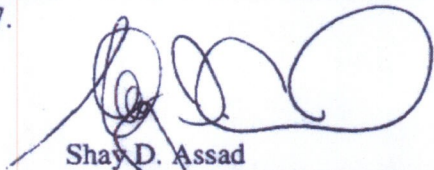
This memorandum provides information required in order to implement subject DRAFT PGI. This DRAFT PGI will be published as soon as the below requested information is requested.

The Defense Procurement and Acquisition Policy (DPAP) Office has established the initial webpage at <http://www.acq.osd.mil/dpap/contingency/>. Links from this DPAP website to the Contracting Office(s) of the respective COCOMs are required.

Commanders of the Combatant Commands will ensure that their respective COCOM Contracting Office(s) establish *and maintain* a webpage listing all prevailing regulations, policies, requirements, host nation laws, Orders/FRAGOS, COCOM Commander's directives, unique clauses and other considerations necessary for soliciting and awarding a contract for performance in or delivery to that COCOM's AOR.

Within 30 days from the date of the memorandum, Commanders of the Combatant Commands will ensure their respective COCOM Contracting Office provides its weblink information to DPAP. DPAP point of contact (POC) for coordination of weblink information is Ms. Wendy Pulliam, Wendy.Pulliam.ctr@osd.mil

DPAP POC for implementation of PGI No. 225-74 is Lt Col Jill Stiglich, Jill.Stiglich@osd.mil, 703-695-8567.



Shay D. Assad
Director, Defense Procurement
and Acquisition Policy

Attachment:
As stated

(Revised July 15, 2009)

PGI 225.74—DEFENSE CONTRACTORS OUTSIDE THE UNITED STATES

(See DFARS 225.74 - [Pop-up window](#), [PGI Viewer mode](#))

PGI 225.7401 Contracts requiring performance or delivery in a foreign country.

(a) If the acquisition requires performance of work in a foreign country by contractor personnel other than host country personnel (i.e., host country nationals or personnel ordinarily resident in the host country), or delivery of items to a Unified Combatant Command designated operational area, the contracting officer shall—

(i) Ensure that the solicitation and contract include any applicable host country and designated operational area performance considerations. Failure to provide such information—

(A) May result in contractor personnel conflicting with theater operations or performing in violation of a theater commander's directives or host country laws; or

(B) May cause contractor personnel to be wrongly subjected to host country laws;

(ii) Refer to the website at <http://www.acq.osd.mil/dpap/pacc/cc/index.html>, which contains required procedures and applicable guidance and information;

(iii) Follow the procedures at http://www.acq.osd.mil/dpap/pacc/cc/areas_of_responsibility.html, at the weblink for the Combatant Command for the area in which the contractor will be performing or delivering items;

(iv) To contact the overseas contracting office, access the link for the Combatant Command for the area in which the contractor will be performing or delivering items. From the Combatant Command website, link to the contracting office supporting the Combatant Command to identify the appropriate point of contact; and

(v) Use the following checklist as a guide to document consideration of each listed issue, as applicable, and retain a copy of the completed checklist in the contract file.

CHECKLIST

The contracting officer shall verify that the requiring activity has considered the following, as applicable:

____ (1) Whether the contemplated acquisition will duplicate or otherwise conflict with existing work being performed or items already provided in the area, and

whether economies of scope/schedule can be leveraged if there are already existing contracts in place for similar work or items.

____ (2) The applicability of any international agreements to the acquisition. (Some agreements may be classified and must be handled appropriately.)

____ (3) Whether there are any security requirements applicable to the area.

____ (4) Whether there are any requirements for use of foreign currencies, including applicability of U.S. holdings of excess foreign currencies.

____ (5) Information on taxes and duties from which the Government may be exempt.

____ (6) If the acquisition requires performance of work in the foreign country, whether there are standards of conduct for the prospective contractor and, if so, the consequences for violation of such standards of conduct.

____ (7) If applicable, the availability of logistical support for contractor employees.

____ (8) If the contractor will employ foreign workers, whether a waiver of the Defense Base Act will be required (see FAR 28.305).

____ (9) Whether contractor personnel will need authorization to carry weapons for the performance of the contract.

____ (10) If the contract will include the clause at DFARS 252.225-7040, Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States, the Government official authorized to receive DD Form 93, Record of Emergency Data Card, to enable the contracting officer to provide that information to the contractor, as required by paragraph (g) of the clause.

____ (11) Any other requirements of the website for the country in which the contract will be performed or the designated operational area to which deliveries will be made.

The contracting officer shall provide the following information to the applicable overseas contracting office (see PGI 225.7401(a)(iv)):

____ (1) The solicitation number, the estimated dollar value of the acquisition, and a brief description of the work to be performed or the items to be delivered.

____ (2) Notice of contract award, including contract number, dollar value, and a brief description of the work to be performed or the items to be delivered.

_____(3) Any additional information requested by the applicable contracting office to ensure full compliance with policies, procedures, and objectives of the applicable country or designated operational area.

(c) For work performed in Japan or Korea, U.S.-Japan or U.S.-Korea bilateral agreements govern the status of contractors and employees, criminal jurisdiction, and taxation. U.S. Forces Japan (USFJ) and U.S. Forces Korea (USFK) are sub-unified commands of Pacific Command (PACOM). The PACOM Staff Judge Advocate contact information is available at <http://www.pacom.mil/staff/staff-spec.shtml>. Links to USFJ and USFK websites can be found at the PACOM website at <http://www.pacom.mil> by clicking on "Site Index" and then clicking on "Subordinate Commands".

(i) For work performed in Japan—

(A) U.S.-Japan bilateral agreements govern the status of contractors and employees, criminal jurisdiction, and taxation;

(B) USFJ and component policy, as well as U.S.-Japan bilateral agreements, govern logistic support and base privileges of contractor employees;

(C) The Commander, USFJ, is primarily responsible for interpreting the Status of Forces Agreement (SOFA) and local laws applicable to U.S. Forces in Japan and for requirements in support of USFJ; and

(D) To ensure that the solicitation and resultant contract reflect an accurate description of available logistic support and application of the U.S.-Japan SOFA—

(1) Review the information on Contract Performance in Japan at the USFJ website, <http://www.usfj.mil>; or

(2) Contact the Staff Judge Advocate at (commercial) 011-81-3117-55-7717, or DSN 315-225-7717.

(ii) For work performed in Korea—

(A) U.S.-Korea bilateral agreements govern the status of contractors and employees, criminal jurisdiction, and taxation;

(B) USFK and component policy, as well as U.S.-Korea bilateral agreements, govern logistic support and base privileges of contractor employees;

(C) The Commander, USFK, is primarily responsible for interpreting the SOFA and local laws applicable to U.S. Forces in Korea and for requirements in support of USFK; and

(D) To ensure that the solicitation and resultant contract reflect an accurate description of available logistic support and application of the U.S.-Korea SOFA, review the SOFA information at the USFK website at <http://www.usfk.mil/org/fkdc-sa/index.html>. Contact information for the Commander is also available at <http://www.usfk.mil/org/leadership/index.html?org/leadership/Contents/cmd.html>.

(E) Additional applicable directives and regulations are available at http://www-hr.korea.army.mil/Programs_Policy.

GCC Operational Contract Support Site (Main Page)

ABOUT

Operational Contract Support (OCS) is the process of planning for and obtaining supplies, services and construction for commercial sources in support of joint operations along with associated contractor [personnel] management functions (JP4-10). OCS is composed of two key sub-capabilities: Contract Support Integration (CSI) and Contractor [personnel] Management (CM). The intent of this site is provide geographic combatant command specific guidance and information that must be considered¹ when soliciting or awarding a contract for performance in or delivery to this Combatant Command theater of operations. Higher level OCS guidance can be found on the DPAP OCS page at [\[insert link\]](#).

- Points of Contact
- Guidance for Contracting Officers
- Guidance for Contracting Officer's Representatives (CORs)
- Guidance for Requiring Activities
- Contractor Personnel Guidance
- Contractor Training/Processing/Travel
- Theater Entrance Requirements
- Contractor Living Considerations

¹ Required by DFARS 225.7401 (a) and the associated Procedures, Guidance and Information (PGI).

GCC Operational Contract Support Site (Details)—Blue means links to info on DPAP site

- Points of Contact
- Guidance for Contracting Officers
 - [Contractor Support Integration \(CSI\) Planning Considerations and Checklist](#)
 - [Contractor Management Planning Considerations and Checklist Checklist](#)
 - GCC Acquisition Policies and Guidance
 - Multinational Agreements
 - International Agreements
 - Host Nation Support Agreements
 - Acquisition and Cross Servicing Agreements (ACSAs)/Mutual Logistics Support Agreements (MLSAs)
 - Interagency Support Agreements
 - FRAGOs
 - Sample AOR IDIQ Contracts
 - AOR Lessons Learned
- Guidance for Requiring Activities
 - [Requiring Activity Checklist](#)
 - AOR Requirements Process
 - Sample AOR Requirements Packages
- Guidance for Contracting Officer's Representatives (CORs)
 - [COR Checklist](#)
- Contractor Personnel Guidance (Laws, policies, orders)
 - Combatant Command Specific Guidance
- Contractor Training/Processing/Travel
 - Deployment Checklists
 - Deployment Center Information
 - Required Training
 - Reception Center Information
 - Redeployment Information
 - Transportation Information
- Theater Entrance Requirements
 - Visa/Country Clearance Requirements for Contractor Personnel
 - Customs Information
 - Other Theater Entrance Requirements
- Contractor Living Considerations (AOR/Country)
 - Cultural Considerations
 - Government Furnished Support Information (billeting, dining facility, medical, MWR, postal, exchange services, religious services, government furnished equipment/clothing, intra-theater transportation support etc)
 - Force Protection and Security