



Invited Contractor / Technical Representative Program



Overview

- FKAQ organization & Policy Directors
- Invited Contractor/Technical Rep (IC/TR) Program
 - Responsibilities
 - 2 Step SOFA Process
 - STEP 1 - SOFA designation of contracts & POC
 - Legal Brief
 - STEP 2 - SOFA designation of IC/TR's & POC
- Questions



FKAQ Organization

USFK

Special Staff



Deputy, ACoS Acquisition Management
(FKAQ)

SOFA Commerce Subcommittee Chairman



Deputy, International Operations
(FKAQ) IC/TR Program Manager



FKAQ Responsibilities

- IC/TR Program - Proponent for the USFK Regulation 700-19
- SOFA Commerce Subcommittee - Article XV - Invited Contractor Program



IC/TR Program

- **STEP 1:** SOFA Designation on contracts – Ms. Yim, A Chong @ usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-workflow@mail.mil
- **STEP 2:** SOFA Designation on individual contractors. - Mihaela Smith @ usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq@mail.mil
- Cannot process STEP 2 without all documents submitted for STEP 1.



STEP 1

- Article XV, US-ROK SOFA, Invited Contractors are:
 - Persons, including U.S. corporations, employees of those U.S. corporations **who are ordinarily resident of the U.S.** , and their dependents.
(합중국의 법률에 따라 조직된 법인, 통상적으로 합중국에 거주하는 그의 고용원 및 가족)
 - Present in Korea “**solely for the purpose of executing contracts with the U.S. for the benefit of the U.S. armed forces.....**”
(합중국과의 계약 이행만을 위하여 대한민국에 체류함)



STEP 1

- Article XV, US-ROK SOFA, Invited Contractors
 - One of the (4) qualifications must be met in order for the contract to be SOFA designated:
 1. Security considerations (안정상의 고려)
 2. Technical qualifications (기술상의 적격요건)
 3. Unavailability of materials/service required by U.S. Standards (합중국의 표준에 합치하는 자재 또는 용역의 결여)
 4. Limitations of U.S. law (법령상의 제한)



FKAQ Responsibilities

– IC/TR Program

- USFK Reg 700-19
- SOFA Designation of Contracts and IC/TR's

– SOFA Article XV - Invited Contractor Program (SOFA Commerce Subcommittee)



IC/TR Program

- Based on SOFA Agreement
 - Article XV, Invited Contractors
 - Types of U.S. contracts that can be SOFA designated:
 - Security considerations
 - Technical qualifications
 - Unavailability of materials/service
 - Limitations of U.S. law



IC/TR Program

- Based on SOFA Agreement
 - Article XV, Invited Contractors
 - Persons, including U.S. corporations, employees of those U.S. corporations **who are ordinarily resident in the U.S.** , and their dependents.
 - Present in Korea **“solely for the purpose of executing contracts with the U.S. for the benefit of the U.S. armed forces....”**



IC/TR Program

STEP 1 PROCESS: SOFA Designation on contracts

Contracting Officer (KO) submit SOFA package (1 day - 9 m+)



ACoS Acquisition Management (FKAQ) (3 - 5 day)



RoK Government (MKE) (2 - 4+ weeks)



USFK SOFA Committee Representative (Deputy Commander, USFK) (1 - 2 weeks)



ACoS Acquisition Management (FKAQ)



Contracting Officer (KO)



IC/TR Program

Requirements for STEP 1 PROCESS:

- SOFA package consists:
 - SOFA request letter signed by the Contracting Officer
 - Post Award Coordination letter
 - A copy of the contract: including signed front page, PWS/SOW, Section F Delivery Schedule or Period of Performance information, USFK SOFA IC/TR clause, and USFK SOFA Contingency clause, if applicable
 - If started during Solicitation - submit Post Award Coordination letter and copy of signed contract



IC/TR Program

STEP 1 PROCESS Samples:

- SOFA package


"Request SOFA
Designation.doc"


USFK SOFA Clause


USFK Wartime
Clause


Sample Post-Award
Coordination Letter

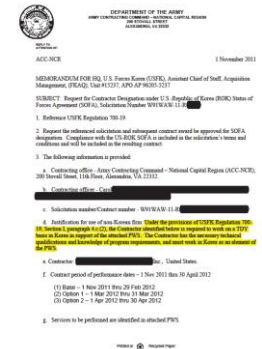
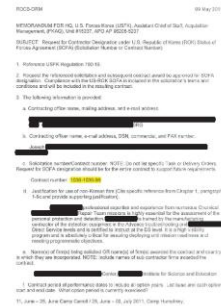
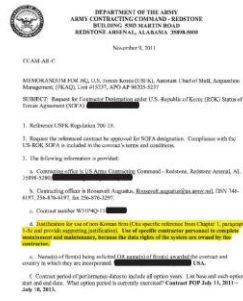
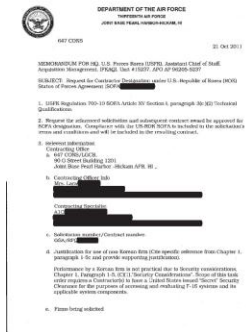
Reference: "SOFA Procedure with Sample
attachments"



IC/TR Program

STEP 1 PROCESS Samples:

- SOFA package. Examples of “*what not to do*”:





IC/TR Program

STEP 1 PROCESS POC:

Ms A Chong Yim

usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-workflow@mail.mil

DSN 724-6162



IC/TR Program

STEP 2 PROCESS: SOFA Designation on individual contractors

- RO submit 700-19 package:
 - Change of Data or New Arrival
 - Same documents for both:
 1. signed/completed 700-19
 2. signed letter of accreditation
 3. PMO/Ration checks for ALL types of submissions
 4. Active/Up to date RO/Alt Appt letter
 5. Current funded contract



IC/TR Program

Continued STEP 2 PROCESS:

- Change of Data
 - In addition to previous slide documents:
 1. Previous stamped 700-19
 2. If adding dependents -
Birth/marriage cert, passport, adoption doc, etc...



IC/TR Program

Continued STEP 2 PROCESS:

- New Arrival
 - In addition to slide 14 documents:
 1. USFK Reg. 350-2 In Theater Training Certificate
 2. Face page and only stamped pages of passport
 3. Proof of U.S Ordinary Residence documents
 4. Additional Documents may be required



IC/TR Program - STEP 2

Proof of ordinary residence

- Has nothing to do with citizenship
- Confirms individuals ordinary residency at time of hire
- Three different bills from three different months
- Must be within the last six months
- Bills must indicate the IC's name, address, date, and **usage**



IC/TR Program - STEP 2

What type of documents can be used to prove ordinarily residence in the U.S.?

- Examples of documents include, but are not limited to mortgage statements, rental agreements, utility bills, cable bills, bank/credit card statement showing usage in the local area, updated voter registration, etc.
- Documents that cannot be used include cell phone bills, insurance bills (other than home), letter from the IC's company



IC/TR Program - STEP 2

USFK Form 700-19

- Must be clear & legible
- Document must be completely filled out and timely
- “Estimated date of departure” must not exceed the “contract expiration date”
- Complete local address in Korea
- Verify that it is signed by both the IC and the RO
- List all dependents with their passport number and date of entry



IC/TR Program - STEP 2

Continued USFK Form 700-19

- Individual Logistics Support
 - No dependents authorized
 - Contract performance is less than 180 days
- Full Logistics Support
 - Sponsoring dependents
 - Contract performance exceeds 180 days



IC/TR Program - STEP 2

Letter of Accreditation

- All logistical support items being requested must be listed. Refer to USFK 700-19 Regulation Table for reference
- Must be signed by the SA or RO



IC/TR Program - STEP 2

Provost check & Ration control checks

- Good for up to 90 days.
- Must be included in all packages
 - Checks encompass all visits to RoK
- For Violations, include counseling memo and actions taken by the company, SA or RO



IC/TR Program - STEP 2

Passports

- Must be clear and legible
- For the IC/TR all stamped pages are required (do not send the blank pages)
- If a new passport is obtain submit a copy to FKAQ in a change of data package
- If the IC has any visa's in Korea other than an A-3 indicate reason



IC/TR Program - STEP 2

Other documents that maybe needed

- If IC's child is 21-23 submit full-time college registration and passport stamps proving the dependent is living with the sponsor.
- Document from a medical doctor is required if child is between the ages of age 21-23 and incapable of self-support (handicapping/disability reasons only)
- If an IC is coming over as a single parent documentation (court or other legal documents) giving the sponsor full parental rights.
- If an individual is leaving the military they may submit their DD214 as proof of ordinary residence within 30 days from separation.



IC/TR Program - STEP 2

USFK Regulation 350-2 Training Certificate

- Copy of training certificate
- This is USFK requirement not FKAQ
- For assistance contact the help desk listed on the training website (FK Required Training certificate).

<https://ecc.aep.army.mil/411th/FKAQ/Documents/Forms/AllItems.aspx>



IC/TR Program - STEP 2

Responsible Officer (RO) responsibilities

- Update RO appt letter/ include Alternate RO
- Cannot be self appointed, must be on peninsula, Government
- Assist IC's in obtaining authorized logistics support
- Ensure IC's have proper RoK Visa
- RO must immediately notify USFK agencies (PMO, SJA, FKAQ, etc) when IC/TR is involved in accidents resulting in injury or death of a ROK LN
- **Must verify 700-19 packet completeness/accuracy before forwarding to FKAQ**



IC/TR Program - STEP 2

Responsible Officer (RO) responsibilities

- Turn in 700-19 to FKAQ (part IV must be filled out by the RO) once IC outprocesses or is removed/terminated
- Turn in ID card, Ration Control card, vehicle, etc...to the proper office(s), not to FKAQ.
- Investigate/take corrective actions of IC violations and notify FKAQ
- Be appointed as Trusted Agent's, when practical
- Submit complete 700-19 SOFA request package not the IC/Company
- RO's should be geographically located with IC.
Multiple/alternate RO's may have to be appointed



IC/TR Program - STEP 2

- When to submit IC SOFA request?
 - 30-45 days in advance
- What is the IC SOFA request processing time?
 - 10 Business days but may be longer on incomplete packages or high volume periods
- No need to call for status update until after 5 business days; we are working on your packet.



IC/TR Program

Continued STEP 2 PROCESS

- IC/TRs - Should not perform work prior to 700-19 being approved
- Request for expedites on emergencies:
 - must be from Unit O-6/civ equivalent or higher to FKAQ (411CSB/CO)
- There is no 30 day grace period after:
 - Contract ends
 - IC employment ends
 - SOFA designation ends



IC/TR Program - STEP 2

Closeouts

- It is the responsibility of the RO to complete part IV of the USFK Form 700-19 to closeout the IC/TR's SOFA designation
- ID cards, ration cards, and vehicle plates must be turned in to the appropriate office
- Provide a copy of the closeout to FKAQ



IC/TR Program - STEP 2

FAQ/answers

- Submit SOFA requests up to 30 days
- There is no automatic 30 day SOFA grace period
- An IC's SOFA status can not be extended past the funded period of performance of the contract
- We cannot stop individuals from coming to Korea, however they cannot obtain their SOFA stamp without an approved/stamped USFK Form 700-19
- Only FKAQ can approve/stamp USFK Form 700-19's in Korea
- SA and RO must be located in Korea, SA's must appoint RO's



IC/TR Program - STEP 2

FAQ/answers

- Ration cards must be turned in when IC:
 - Employment is terminated
 - Contract period of performance ends
 - Leaving contract voluntarily
 - Falling under a different sponsoring agency
- IC/TRs cannot use retired benefits to obtain ration control cards
- IC/TRs must list their RO's as POC on Ration Notification website

STEP 1 PROCESS POC- **Contract** SOFA
designation:

Ms. Chong A Yim

- usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-workflow@mail.mil

DSN 724-6162



IC/TR Program

STEP 2 PROCESS POC – **IC/TR 700-19**:

Mihaela Smith

usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq@mail.mil

DSN 724-6211



RO Training Slide location:

- USFK/FKAQ portal

– <http://www.usfk.mil/usfk/organization.fkaq.607>



IC/TR Program

QUESTIONS?

usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq@mail.mil