

STEP 1 INSTRUCTION

Procedure for Getting the “Contract” SOFA-Designated

Designation as a US Invited Contractor (IC) or Technical Representative (TR) under the ROK-US SOFA (“SOFA Status”) is a legal requirement for US contractors to perform in support of the US Armed Forces in the ROK. In Korea SOFA Designation is a two (2) step process. SOFA designation is a unilateral right of USFK. Contracting Officers should not make SOFA status a condition of the contract without first coordinating with this office (USFK/FKAQ). A copy of SOFA may be access on-line at:
http://www.usfk.mil/Portals/105/Documents/Contracting/Contractor%20Links%20Sept%2015/US-ROK%20SOFA_1966-67.pdf. Coordinate contract performance in the ROK with this office before performance begins in the ROK. The US-ROK SOFA is an international agreement as defined in FAR 25.8 (https://www.acquisition.gov/sites/default/files/current/far/html/Subpart%2025_8.html). USFK Regulation 700-19 implements the US-ROK SOFA and may be accessed on-line at:
http://8tharmy.korea.army.mil/q1_AG/Programs_Policy/UploadedFile/USFK/USFK%20Reg%20700-19%20The%20Invited%20Contractor%20and%20Technical%20Representative%20Program.pdf.

Note: Please fill in the subject line in your EMAIL by the following order: Contract Number, Contractor Name, Total Contract Period

There are two (2) steps to get complete SOFA Designation:

STEP 1 (“Contract” SOFA): Designation of the specific contract to be performed in Korea is the first step in the SOFA designation process for ICs and it covers the *total contract period* including all options. Once approved, it is valid until the end of the contract period. No need to submit package again unless extending by FAR 52.217-8 (This extends the period beyond the original total contract period; six (6) months is the max) or Bridge contract which should have a new contract number.

STEP 2 (“Contractor” SOFA) is to designate SOFA status for each individual contractor employee and dependents during the contract period that funding covers only once the contract is designated. 700-19 applications/inquiries must be submitted to STEP 2 email address. Please don’t forward 700-19 application to STEP 1 email since they contain privately identifiable information.

Option mod / funding mod / 700-19 applications shall be submitted to STEP 2 Email.

STEP 1 Email: usarmy.humphreys.acc.mbx.411th-csb-fkaq-workflow@mail.mil

STEP 2 Email: usarmy.humphreys.acc.mbx.411th-csb-fkaq@mail.mil

STEP 1 Required Documents	1	SOFA Designation Request Memo (signed by KO)
	2	Contract or Task Order copy (signed by KO) that shows the total contract period (including all options)
	3	PWS (if not incorporated into Contract)
	4	Mod for SOFA Clause in full text (if not incorporated into contract) - MUST
	5	Mod for Continuance of Performance in Wartime Clause in full text (if applicable) - Optional
	6	DD254 (signed by Security Officer)

- See below for more detailed information and template.

1. SOFA Designation Request Memo: Before non-Korean contracts can receive SOFA designation (and be legally permitted to perform in the ROK) at least one of four criteria must be met (if DD254 is required, please add "Security considerations" along with other reason:



"Request SOFA Designation.doc"

- (1) Security considerations
- (2) Technical qualifications *
- (3) Unavailability of materials or services in the ROK*
- (4) Limitation of US law (rarely used)

If citing exception (2) or (3), the contracting officer must insert in the "Justification section" of the SOFA request memo the statement below verifying no Korean firm can perform the work.

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

(3) 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 you are citing (2) or (3) and the verbiage above is not stated, your contract SOFA request may not be approved.

2. Contract/Task Order copy (signed by KO): Please highlight performance period (total contract period including all options), Security clearance level in PWS (Secret or TS), SOFA clause, Contingency in War clause.

3. PWS (not necessary if already incorporated into the contract)

4. SOFA Clause in full text. MUST be incorporated into the Contract or Task Order; if not incorporated, a modification is required



USFK SOFA Clause

5. Continuance of Performance in Wartime Clause in full text: MUST be incorporated into the Contract or Task Order. The individual contractors cannot have the "emergency essential" status if the contract does not have the USFK Wartime Clause included.



USFK Wartime Clause

6. DD254 signed by security officer (if applicable): If security requirement (Secret or Top Secret) is mentioned in PWS, please add security reason to justification in the SOFA request memo and **provide a copy of DD254.**

STEP 1 POC is Ms. Yim, Un Song at usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-workflow@mail.mil or DSN 315-724-6162.

<<< EXTENSION OF SOFA STATUS >>>

Modification to Extend performance period (not options) shall be submitted to STEP 1 email address since this is to extend the contract period beyond the total contract period previously approved. Submit new SOFA Request Memo, modification for extension, PWS and DD254 (if applicable) to STEP 1 email.

* Option mod / funding mod / 700-19 applications shall be submitted to **STEP 2** Email.