**INVITED CONTRACTOR PROGRAM INSTRUCTIONS**

**“STEP 1” PROCEDURE -- REQUESTING SOFA-DESIGNATION FOR THE CONTRACT**

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| Designation as a US Invited Contractor (IC) or Technical Representative (TR) under the US-ROK SOFA (“SOFA Status”) is a legal requirement for US contractors to work in the Republic of Korea (ROK) in support of the United States Forces Korea (USFK). In Korea, SOFA Designation is a two (2) step process as outlined below.  SOFA designation is a unilateral right of USFK. Contracting Officers (KOs) should not make SOFA status a condition of the contract without first coordinating with this office (USFK/FKAQ). You must coordinate contract performance in the ROK with this USFK/FKAQ before contract performance begins in the ROK. You may access a copy of the US-ROK SOFA at: <http://www.usfk.mil/Portals/105/Documents/Contracting/Contractor%20Links%20Sept%2015/US-ROK%20SOFA_1966-67.pdf>.  USFK Regulation 700-19 implements the US-ROK SOFA and may be accessed on-line at: [https://www.usfk.mil/Portals/105/Documents/411 CSB/2 USFK Regulation 700-19.pdf](https://www.usfk.mil/Portals/105/Documents/411%20CSB/2%20USFK%20Regulation%20700-19.pdf) |

Per USFK R 700-19, SOFA Designation is a two-step process as defined below:

**STEP 1 (“Contract” SOFA Designated)**: The first step in the SOFA designation process is processing the contract for SOFA designation. The contracting organization (or KO) is required to submit a SOFA designation package for approval, and the KO may submit the request to cover the total contractual period, including all options. IDIQ contracts are approved by exception only, and any contract referencing foreign military sales (FMS) must provide a contractual document stating “no FMS will be performed in ROK against this contract. The KO may submit step 1 SOFA packages to the email address below:

TO: [usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-workflow@army.mil](mailto:usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-workflow@army.mil).

A complete SOFA designation package includes the following:

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| STEP 1  Required Documents  (details below) | 1 | SOFA Designation Request Memo (signed by (KO) |
| 2 | Signed Contract or Task Order showing total contract period (including options). Note: if the task order is against an IDIQ contract, please submit a copy of the IDIQ contract. |
| 3 | PWS (if not incorporated into Contract) |
| 4 | Modification for SOFA Clause in full text (if not incorporated into contract) |
| 5 | Modification for Wartime Clause in full text (if applicable) |
| 6 | DD254 (signed) |

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| **1. SOFA Designation Request Memo:** Before non-Korean DoD contracts supporting USFK can receive SOFA designation, one of following four exception criteria must be met:    (1) Security considerations  (2) Technical qualifications  (3) Unavailability of materials or services in the ROK  (4) Limitation of US law  The KO must provide sufficient justification in paragraph 3d of the SOFA Designation Request Memo to validate use of the exception requested. If citing exception (1), the KO must provide a copy of the DD Form 254 indicating the security requirement for the contract.  If citing exception (2) or (3), the KO must adequately describe **how market research was conducted, and what qualifications and/or requirements determined that no Korean firm can perform the work**.  SOFA Request Memo template: |

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| **2. Contract/Task Order copy (signed by KO):** Contract/task order must be **digitally signed or wet signed with hand-written signature**. Please highlight (1) performance period (total contract period including all options), (2) description of services performed in PWS, (3) security clearance in PWS, (4) SOFA clause, and (5) Contingency in War clause.  For contracts SOFA designated across multiple years, KOs must provide copies of TOs funding option years. | **3.** **PWS**  Provide a copy of the PWS if not incorporated into the contract or task order. PWS must be identifiable as a standalone document and linked back to the contractual document. The PWS must include the contract number on the document to clearly tie it back to the contract/task order. |

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| **4. SOFA Clause in full text.**  The complete SOFA clause must be incorporated into the contract or task order; if the SOFA clause is not incorporated into the contract or task order, please process a modification to add it. | **5.** **Continuance of Performance in Wartime Clause in full text (if applicable)**:  If applicable, the complete wartime clause must be incorporated into the contract or task order for emergency essential performance; if the clause is not incorporated into the contract or task order, please process a modification to add it. |

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| **6.** **DD Form 254 (signed**) (if applicable) If security requirement is used as the exception, please provide a copy of the DD Form 254. |

**REQUESTING EXTENSION OF A CONTRACT’S SOFA STATUS**

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| Extension of STEP 1 Required Documents | 1 | SOFA Designation Request Memo (signed by contracting officer (KO)) |
| 2 | Signed Contract or Task Order showing period of performance extension |
| 3 | Updated PWS, DD Form 254, etc. (if applicable) – any documents that changed |