



UNITED STATES FORCES KOREA INSTRUCTION

FKAQ

USFKI 4901.01

DISTRIBUTION: A, B, C, D

20 April 2023

INVITED CONTRACTOR AND TECHNICAL REPRESENTATIVE PROGRAM

Reference(s): See Enclosure F

1. Purpose. This instruction establishes procedures and responsibilities for the designation, suspension, and revocation of corporations and individuals as Invited Contractors (ICs) and Technical Representatives (TRs) performing work in support of United States (U.S.) Armed Forces or other armed forces in the Republic of Korea (ROK) under the Unified Command receiving logistics support from the U.S. Armed Forces in accordance with (IAW) applicable U.S. regulations and the U.S.-ROK Status of Forces Agreement (SOFA). This instruction applies in armistice, contingency and war.

2. Superseded/Canceled. This instruction supersedes USFK Regulation 700-19, dated 28 August 2012.

3. Applicability.

a. This instruction applies to:

(1) Contracting offices that solicit, award, or administer contracts involving work to be performed in the ROK by U.S. contractors or third-country nationals (TCN) in support of U.S. Armed Forces. This instruction is applicable during all phases of the procurement process.

(2) U.S. Government Sponsoring Agencies (SA) and Responsible Officers (RO).

(3) Contractors, its employees, and dependents that meet IC or TR criteria IAW the SOFA and this instruction. Hereinafter in this instruction, the corporation is referred to as "contractor" and the individual employee as "IC" or "TR".

b. This instruction does not apply to Defense Security Cooperation Agency, Department of State, Foreign Military Sales contractors, or their SAs. Such contractors are not in the ROK solely for the benefit of the U.S. Armed Forces and are thus not eligible for IC/TR status under the SOFA.

4. Policy.

a. USFK policy is to comply with applicable international agreements and all U.S. laws, directives, policies, and procedures regarding the designation, suspension, and revocation of IC/TR status. USFK may provide SOFA status and support only to contractors, employees, and dependents meeting the criteria in the SOFA and this instruction.

b. The SOFA mandates the use of Korean contractors in the ROK whenever possible. A U.S. Government Contracting Officer (KO) shall request approval to use U.S. contractors when at least one of the four exceptions listed below are applicable. (Note: If no Korean or U.S. contractors are available, ROK consent may be sought to use a third-country contractor IAW the SOFA and this instruction.)

- (1) Security considerations,
- (2) The technical qualifications of the contractor involved,
- (3) The unavailability of materials or services required by U.S. standards, or
- (4) Limitations of U.S. law.

c. U.S. contractors selected to execute contracts in support of U.S. Armed Forces in the ROK shall only enter the ROK to perform contractual obligations IAW the terms and conditions of their respective contract(s). U.S. contractor employees working in the ROK without proper SOFA designation, or in the case of TCN contractor employees without proper immigration status, are in direct violation of the SOFA and ROK law and are subject to prosecution by ROK authorities.

d. The U.S. Government KOs shall ensure compliance with international agreements when placing contracts with performance of contractors outside the U.S. and include required instructions and clauses in the contract.

(1) The U.S. Government (including USFK) is obligated to comply with the provisions of the SOFA, an international agreement as described in Federal Acquisition Regulation (FAR) Subpart 25.8 – *Other International Agreements and Coordination* and Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 225.8 – *Other International Agreements and Coordination*.

(2) Additionally, U.S. Government KOs shall ensure compliance with DFARS Section 225.370 – *Contracts requiring performance or delivery in a foreign country*. Refer to DFARS Procedures, Guidance, and Information (PGI) 225.370 for more information.

(3) Failure to properly plan and coordinate IAW FAR Subpart 25.8, DFARS Subpart 25.8, DFARS Section 225.370, and DFARS PGI 225.370 may result in denial of SOFA designation or delays in contract performance.

e. The following hierarchy of source documents governs the requirements for the designation of IC/TR status. Any conflict will be resolved by referencing these source documents in the order of precedence listed below:

- (1) First: The U.S.-ROK SOFA.
- (2) Second: U.S. Law and Federal Acquisition Regulation and Supplements.
- (3) Third: Department of Defense and USFK Instructions.

5. Definitions. See Glossary

6. IC/TR Program Overview.

a. The U.S. Representative to the SOFA Joint Committee designates ICs and TRs IAW the provisions of SOFA Articles XV and I, respectively. The Office of Acquisition Management, USFK (FKAQ) is charged with the management and oversight of the USFK IC/TR program.

b. In order for a U.S. contractor (defined as a corporation organized under U.S. law), to legally perform contracts for the U.S. Armed Forces in Korea, it must either:

(1) Obtain formal approval from the U.S. Representative to the SOFA Joint Committee as set out in this instruction (i.e., obtain designation as an IC or TR), or

(2) Obtain requisite business licenses directly from the ROK government and conduct business IAW all applicable ROK laws, including those regarding labor and taxation.

c. A non-Korean business entity performing under a U.S. contract for the benefit of U.S. Armed Forces that fails to obtain IC/TR designation or applicable ROK business licenses thereby violates the SOFA and Korean Law. Additionally, only a designated IC/TR can qualify for USFK logistical support.

d. Invited Contractor. IC designations shall be made upon consultation with the ROK Government. SOFA Article XV – *Invited Contractors* defines an IC as “persons, including (a) corporations organized under the laws of the United States, (b) their employees who are ordinarily resident in the United States, and (c) the dependents of the foregoing, present in the Republic of Korea solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces or other armed forces in the Republic of Korea.”

e. Technical Representative. The U.S. Representative to the SOFA Joint Committee determines TR status IAW the provisions of the Commerce Subcommittee recommendation concerning TRs approved at the 14th SOFA Joint Committee meeting on September 14, 1967, as amended at the 171st and 180th Joint Committee meetings

on June 26, 1992 and April 2, 2001, respectively. Designation as a TR qualifies an employee as a member of the civilian component as defined in SOFA Article I – *Definitions* as “civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in the Republic of Korea”.

7. Responsibilities.

a. The Office of the SOFA Secretariat, USFK:

(1) Provides SOFA implementation guidance, policy advice, analysis, and critical international relations assessments.

(2) Plans, organizes, executes Joint Committee and Special Joint Committee meetings while also directly supporting subcommittee/working group meetings in the understanding and implementation of SOFA provisions.

b. The Office of Acquisition Management, USFK (FKAQ):

(1) Manages the USFK Invited Contractor and Technical Representative Program.

(a) Provides information and assistance on the implementation of the policies and procedures described in this instruction to all USFK commands, contracting officers, and requiring/sponsoring activities.

(b) Coordinates with the Office of the SOFA Secretariat, USFK and Office of the Judge Advocate, USFK (FKJA) to establish policy and guidance which implements the provision of the SOFA as it pertains to ICs and TRs.

(2) Maintains a central database of all active ICs/TRs and their qualified dependents.

(3) Advises on policy and procedure applicable to the designation, suspension, and revocation of IC/TR status.

(4) Serves as co-chair of the Commerce Subcommittee of the SOFA Joint Committee with Director of America Trade Division, Ministry of Trade, Industry and Energy.

(a) Represents USFK with respect to Invited Contractor and Technical representative notifications and coordination with ROK Government, via the Ministry of Trade Industry and Energy.

(b) Consults, give advice and recommendations on matters referred by the Joint Committee concerning Article XV (except Criminal Jurisdiction and Vehicle

Licensing Provisions) and Article XVI of the SOFA and other matters as deemed expedient and proper by the Joint Committee (2nd PWG, 19 Jan 67, p. 22 & 30).

c. U.S. Government Contracting Offices and KOs:

(1) Determines the existence of and ensure compliance with international agreements when awarding contracts with performance of contractors outside the U.S., to include conducting acquisition planning and coordination with appropriate agencies.

(2) Complies with the procedures in Enclosure B.

d. Sponsoring Agency (SA) and Responsible Officer (RO):

(1) Coordinates any special contract requirements with the contracting office, particularly SOFA and contingency requirements, and provides information concerning security, access, and training requirements pertaining to contract performance.

(2) Manages assigned IC/TRs and validates the availability of logistics support (corporation and individual) stipulated in the contract.

(3) Complies with the procedures in Enclosure B.


8. Procedures. See Enclosure B.

9. Vision. To establish requirements and responsibilities for protecting military resources from adverse weather conditions. This instruction outlines the roles and responsibilities of weather units to provide METOC support to United States Forces

10. Records Management. In accordance with the CJCSM 5760.01A Volume II, Joint Staff and Combatant Commands Records Management Manual-Disposition Schedule.

11. Releasability. This instruction is approved for public release, distribution is unlimited. DOD components other federal agencies, Copies of this instruction may be obtained through the internet from the USFK home page <https://www.usfk.mil/Resources/Publications/> or at https://armyeitaas.sharepoint-mil.us/sites/USFK-RM/document_library/Forms/Default.aspx.

12. Effective Date. This instruction is effective upon receipt.


MICHAEL D. OWENS
Colonel, U.S. Army
Acting Chief of Staff

Enclosures:

- A – IC/TR SOFA Designation Overview
- B – Procedures
- C – SOFA Benefits and Logistics Support
- D – Required Contract Notices
- E – Sample and Templates
- F – References
- GL – Glossary

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ENCLOSURE A
INVITED CONTRACTOR AND TECHNICAL REPRESENTATIVE SOFA
DESIGNATION OVERVIEW

1. SOFA Designation General Overview

a. FKAQ is charged with the management and oversight of the overall IC/TR program for the U.S. Representative to the SOFA Joint Committee.

(1) IC designations of contractors (corporation) shall be made upon consultation with the ROK Government.

(2) FKAQ is delegated authority to designate, suspend, and revoke IC or TR status of individual employees and their qualified dependents.

(3) Both IC and TR designations shall be restricted to cases when performance by a Korean contractor is not practical.

b. SOFA benefits and logistics support. See [Enclosure C](#).

(1) ICs/TRs shall only enter the ROK to perform contractual obligations in support of the U.S. Armed Forces in Korea IAW the terms and conditions of their respective contract(s). SOFA designation affords the contractor and its employees potential benefits under the SOFA. SOFA status is a precondition for providing USFK logistics support for the contractor, its employees, and dependents.

(2) Logistics support is provided on a **space available basis**. Granting logistics support is a unilateral right of USFK and not a contractual benefit. A contract or subcontract shall not require logistics support privileges to be extended as a condition for performance in the ROK.

c. SOFA designation is a two-step process.

(1) Step 1: Obtain SOFA designation of the contract or task order.

(2) Step 2: Obtain SOFA designation for individual contractor employees.

2. Invited Contractor (IC) Designation

a. U.S. contractors may be designated in Step 1 as ICs under Article XV of the SOFA only if:

(1) The Contracting Officer (KO) justifies in writing to FKAQ that Korean contractors cannot satisfy the requirement due to one of the four exceptions listed in paragraph 4, Policy, of the USFK IC/TR Program (USFK 4901.01).

(2) The contractor is organized under U.S. laws.

(3) The contractor is in the ROK solely for the purpose of executing contracts with the U.S. for the benefit of the U.S. Armed Forces or other armed forces in the ROK under the Unified Command.

(4) The contractor is not engaged in business activities in the ROK other than those pertaining to the U.S. Armed Forces or other armed forces in the ROK under the Unified Command.

b. The contractor employees may be designated in Step 2 as ICs if:

(1) The employees' company and relevant contract have been properly designated IAW the SOFA and this instruction.

(2) The employees are ordinarily resident in the U.S.

(3) The employees are present in the ROK solely to perform under the terms and conditions of their SOFA-designated contract and are not engaged in other business activities in the ROK.

c. Article XV of the SOFA prohibits ICs and their dependents from engaging in business activities in the ROK. This provision is not applicable to TRs who obtain their SOFA status under Article I of the SOFA, vice Article XV. Ordinary employment by IC and IC dependents on SOFA designated contracts with USFK are not considered a business activity; ordinary employment by IC or IC dependents on the ROK economy are considered a business activity. The use of SOFA benefits for conducting business in the ROK is strictly prohibited. Any violation determined by FKAQ may result in immediate SOFA status revocation of the individual and forfeiture of ID cards and all rights and privileges previously granted.

3. Technical Representative (TR) Designation.

a. TR status is very limited under the definitions agreed to by the SOFA Joint Committee. The KO or SA will consult with FKAQ prior to requesting this determination. The U.S. Representative to the SOFA Joint Committee determines the eligibility of TRs to be designated as members of the civilian component as defined under Article I of the SOFA to individuals who serve in the following three basic capacities:

(1) Special individual instructors or technical advisors dispatched to USFK to provide technical training, evaluation, installation, or maintenance and inspection of complex military equipment or systems. Such training is often involved during the initial fielding of new equipment and systems by the manufacturer. Individual trainers typically do not fall under any direct contractual obligation with the U.S. Government.

(2) Individual medical and dental service personnel hired by USFK under a

personal services contract in lieu of direct government employment. The express terms or administration of the contract makes the contractor appear to be an employee of the U.S. Government. Personal services contractors fill voids in military and civilian component manning by providing medical and dental services to USFK personnel.

(3) Special individual vendor representatives provided by major U.S. manufacturers to ensure commissaries and exchanges in the ROK are properly stocked with American-style products and acting as the interface between commissaries and exchanges and U.S. suppliers of U.S. products. Such individuals are not under any contractual obligation to the U.S. Defense Commissary Agency or USFK.

b. SOFA designation as a member of the civilian component affords the TR legal benefits under the SOFA that are more expansive than those for ICs.

c. If the U.S. Government does not have privity of contract with potential TR designated personnel, the subject personnel must execute a memorandum of agreement to abide by the terms of the SOFA before TR designation can be extended.

d. TRs shall not be ordinary resident of the ROK. TRs transitioning to IC status are required to establish ordinary U.S. residency at the time of submission of a Certification of Ordinary U.S. Residence memorandum.

4. Termination and Withdrawal of SOFA Status

a. IC or TR statuses shall be withdrawn by USFK upon termination of the contract or employment. Otherwise, IC or TR statuses expire upon the contract completion date or employee estimated departure date (as noted on USFK Form 700-19A-R-E).

b. IC or TR statuses may be withdrawn, for cause, by USFK:

(1) Upon a determination that the designated IC or dependents engaged in business activities in the ROK other than those designated by the U.S. Representative to the SOFA Joint Committee; or

(2) Upon a determination that the designated IC/TR or dependents engaged in practices in violation of ROK or U.S. laws, or USFK instructions and policies.

(3) If the sponsor (IC or TR) loses the SOFA status, the status of any dependents shall also be terminated.

(4) Once withdrawn for cause, FKAQ will not consider another period of SOFA approval for the contractor employee for a minimum of two years.

c. USFK/FKAQ is responsible for processing all IC/TR terminations and maintains the unilateral right to terminate IC/TR SOFA status.

Enclosure A

5. Requests for SOFA Designation for Non-U.S. Citizen Employees of U.S. Contractors.

a. ICs: Non-U.S. citizen employees (i.e., U.S. green card holders) of SOFA designated contracts, who ordinarily reside in the U.S., may qualify for SOFA status. Qualified employees may receive SOFA status and logistics support.

b. TRs: Non-U.S. citizen TRs who are not ordinarily resident of Korea and possess skills not available from U.S. or Korean sources may be designated as TRs solely for the purpose of employment by the U.S. Armed Forces in Korea. In addition to explaining the employee's qualification as a TR, the KO or SA shall demonstrate that the skills required for contract performance are not available from ROK or U.S. sources. Approved non-U.S. citizen TRs receive the same SOFA benefits and logistics support as U.S. TRs.

c. TCNs: IAW Article XV of the SOFA, the U.S. Armed Forces may bring into the ROK, with SOFA status but without SOFA benefits, TCN contractor employees possessing special skills not available from the U.S. or Korean labor force. Request to FKAQ shall demonstrate the special skills required for contract performance are not available in the U.S. or ROK labor force.

6. Requests for SOFA Designation for Third- Country Contractors.

a. Third-country contractors may be designated SOFA status. IAW Article XV of the SOFA, the KO's request shall demonstrate a significant advantage for U.S.-ROK mutual defense by utilizing a third-country contractor in lieu of a U.S. or Korean contractor. SOFA designation requests for third-country contractor approvals must be submitted to the ROK government for consideration prior to designation.

b. Individual logistics support from U.S. Armed Forces is not available for TCN employees of third-country contractors. Such employees are eligible only for a USFK facilities/post pass with no logistics support privileges.

7. Requests for SOFA Designation for Subcontractors. Subcontractors, its employees and dependents fall under the prime contractor for purposes of SOFA status related to work performed in the ROK supporting the prime contractor's contractual obligation and must be identified in the prime contractor's request for SOFA designation. ROs shall ensure USFK Form 700-19A-R-E identifies the company for which the contractor employee is working. Subcontractors must meet the same criteria as prime contractors as set forth in this instruction to receive SOFA benefits and USFK logistics support. KOs will coordinate changes in subcontractors with FKAQ.

8. Requests for SOFA Designation for U.S.-Korean Joint Ventures. U.S.-Korean Joint Ventures established for the sole purpose of performing work for the U.S. Armed Forces in Korea may qualify for SOFA status. Only the U.S. partner and its qualifying employees in the Joint Venture may be IC designated and eligible for SOFA benefits and USFK logistics support.

Enclosure A

ENCLOSURE B
PROCEDURES

General Considerations. The IC/TR SOFA designation is a two-step process. Failure to follow the procedures within this instruction or failure to provide complete and accurate information is a basis to deny contract or contractor employee SOFA designation.

Refer to [Enclosure E](#) for sample documents and templates.

1. Step 1 – SOFA designation of the contract.

a. **Contracting Officer (KO)** shall:

(1) Evaluate all U.S. Armed Forces in Korea requirements for feasible performance by Korean contractors before soliciting contractors in the U.S.

(2) Coordinate solicitation and subsequent contract award requirements to ensure compliance with the SOFA when awarding and administering contracts with performance of U.S. contractors in the ROK in support of U.S. Armed Forces. The provisions of the U.S.-ROK SOFA supersede domestic law for both the ROK and the U.S. (See 17 UST 1677, TIAS 6127, or 674 UNTS 163.). U.S. or third-country contractors working in the ROK without proper SOFA designation; or in the case of TCN contractor employees without proper immigration status, are in direct violation of the SOFA and ROK law and are subject to prosecution by ROK authorities.

(3) Include appropriate instructions and clauses in the contract. Failure to do so is a basis for denying SOFA designation of the contract.

(a) Contracts that include a requirement for performance in the ROK shall contain specific instructions addressing requirements and obligations of the IC/TR under the SOFA, hereinafter referred to as the “SOFA instruction.” Refer to Enclosure D for SOFA instruction language.

(b) Contracts that include a requirement for performance in the ROK in other than peacetime or armistice (e.g., contingency or wartime) shall contain DFARS 252.225-7040, Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States (Oct 2015), hereinafter referred to as the “Contingency clause”.

(4) Appoint an USFK Sponsoring Agency (SA) in the ROK to coordinate the applicability and availability of USFK provided logistics support to the contractor, its employees, and dependents. The KO shall make every effort to designate the SA during the pre-solicitation phase of the contracting cycle. Failure to appoint the SA in a timely manner may delay Step 2 (SOFA designation of the individual contractor employee) processing times. The USFK SA must coordinate USFK provided logistics support with all cognizant installation administration officials, offices, and agencies.

Enclosure B

Logistics support is provided on a “subject to availability/space available” basis. USFK shall not be contractually bound to provide logistics support to contractors or contractor personnel. Contingency and/or wartime requirements shall include logistics support coordination for applicable contract requirements.

(5) Sign a written SOFA Request Memo justifying the performance of non-Korean contractors in the ROK based on the applicable exceptions below:

- (a) Security considerations,
- (b) The technical qualifications of the contractor involved,
- (c) The unavailability of materials or services required by U.S. standards, or
- (d) Limitations of U.S. law.

(6) Submit a Step 1 request for SOFA designation of the contract with supporting documents, such as:

- (a) Request for SOFA Designation memorandum signed by the KO.
- (b) A copy of the contract or task order identifying the period of performance, SOFA instruction, and Contingency clause (as applicable). Indefinite-delivery (D-type) contract SOFA designation is requested and approved for individual Task Orders (TOs) or Delivery Orders (DOs). Exceptions will be coordinated with and determined by FKAQ.
- (c) A copy of documents that describes the work, performance objectives, and standards that are expected of the contractor (e.g., Performance Work Statement (PWS), Statement of Work (SOW), Statement of Objectives (SOO), etc.).
- (d) DD Form 254 – Department of Defense Contract Security Classification Specification (or a confirmation the contract does not require DD Form 254).
- (e) Only wet or digital signature is acceptable on all documents. The KO’s name and official title shall be typed, stamped, or printed on the contract.
- (f) Requests for contract SOFA designation should be submitted no later than 45 days prior to the date work is scheduled to commence in the ROK or may result in delays in contract performance.

(7) If a request for SOFA designation is submitted in the contract pre-award stage, the KO shall sign and submit a memorandum for record with the anticipated award information, such as solicitation and contract number, contractor name and address, period of performance, contract effective date, confirmation of the inclusion of SOFA clause and/or contingency clauses. However, SOFA designation cannot be completed until FKAQ receive the signed contract award.

Enclosure B

(8) SOFA designation on the contract may be granted for the duration of the performance period (base plus all option periods). The KO shall provide a copy of a contract modification exercising each option period.

(9) Each U.S. contract shall have a separate SOFA designation. KO shall submit a new Step 1 request for any action that results in a new basic contract number or change in company name (e.g., novation).

(10) Extensions of performance period. KO shall submit a new Step 1 request for all contract extensions, along with the contract modification and supporting documentation at least 30 calendar days prior to expiration of the current contract or immediately upon execution of the modification.

(11) Changes to subcontractors. KO shall submit a new Step 1 request to add, change, or remove subcontractors.

b. **Sponsoring Agency (SA)** will:

(1) Communicate directly with the contracting office and validate the availability of logistics support (corporation and individual) stipulated in the solicitation or contract. The SA will provide the contracting office with information on security, access and training requirements pertaining to the area of contract performance.

(2) Coordinate special contract requirements, such as contingency requirements, if included in the contract.

(3) Notify the KO if a contractor employee fails to comply with any contractual requirements.

(4) Coordinate authorized logistics support, monitors the conduct of contractor personnel, and notifies FKAQ of all changes in status. When necessary, the SA terminates authorized logistics support to the IC/TRs in consultation with FKAQ.

(5) Appoint a Responsible Officer (RO) to act on behalf of the SA. Alternate RO appointments are recommended to ensure seamless coverage and rapid crisis response capabilities. The SA must be in the supervisory chain of an appointed RO. An RO shall be an E5 or above, if military, GS-07/KGS-07 or above if civilian.

(6) Include non-emergency essential contractor employees and dependents and emergency essential contractor employees' dependents in USFK's Noncombatant Evacuation Operation (NEO) planning.

(7) Include contractor operations in agency contingency planning including life support and force protection IAW USFK policy.

c. **FKAQ** will review the request package to determine if the request meets the

conditions of SOFA Article XV/I and USFK policy before processing the request IAW the Joint Committee's established procedures for consultation and designation.

2. Step 2 – SOFA designation of individual contractor employee.

a. The maximum approval period that can be granted for contractor employee is either three years, the available period of performance on the contract, the required end date of contractor performance on the contract in the ROK, or the sponsor's DEROS (if applicable), whichever is less.

b. **The Contractor Employee** shall assist the RO to complete USFK Form 700-19A-R-E and provide required documentation. U.S. or third country contractors working in the ROK without proper SOFA designation (or, in the case of TCN contractor employee, without proper immigration status) are in direct violation of the SOFA and ROK law and are subject to prosecution by ROK authorities.

c. **Responsible Officer (RO)** shall:

(1) Attend training conducted by FKAQ within 90 days of appointment. The RO must be appointed by the SA. FKAQ reserves the right to vacate RO appointments when circumstances dictate (e.g., RO misconduct, unprofessional behavior, abuse, or non-cooperation).

(2) Coordinate closely with the KO or Contracting Officer's Representative (COR) to ensure proper and timely processing of contractor employee SOFA designation **prior to** arrival in the ROK.

(3) Submit a Step 2 request for SOFA designation of individual contractor employee with supporting documents, such as:

(a) USFK Form 700-19A-R-E with Part I and II completed and signed.

(b) USFK Form 237-E, Request for Provost Marshall Record Check.

1. The RO shall request a record check from the Provost Marshall Office (PMO) within 90 days of a contractor's New Arrival or Change of Data start date.

2. The RO is responsible to counsel contractors with PMO violations and to provide a copy of the counseling memo to FKAQ. Prior violations may result in the denial of SOFA approval or logistics support.

(c) Certification of Ordinary Residence memorandum. FKAQ reserves the right to request additional documentation as dictated by unique circumstances. Refer to Enclosure GL - Glossary and paragraph 3 of the Certification of Ordinary Residence memorandum for the definition of the term "ordinarily resident".

Enclosure B

(d) Copy of passport data page

(e) RO Appointment memorandum.

(f) Dependents documentation: lawful spouse (passport and marriage certificate) and/or unmarried child under 21 years of age (passport and birth certificate).

(g) Unique dependents documentation: USFK Form 700-19B-R-E, Application for Dependency Determination and supporting documentation are required when claiming individuals other than lawful spouse and unmarried child under 21 years of age (See [Glossary](#) for authorized categories of dependents).

(h) Only wet or digital signature is acceptable on all documents. All signatures shall be dated within 90 days of the SOFA start date.

(4) The RO is the primary liaison between a contractor employee and FKAQ during Step 2 of the SOFA designation. FKAQ will only accept Step 2 requests and supporting documentation from trained and appointed ROs.

(5) The RO and the SA are responsible for all contractor logistics support documents and must ensure issued items, such as Government Furnished Property (GFP) are returned to the appropriate offices when no longer authorized. The RO is directly responsible for coordinating appropriate logistics support for SOFA contractors during contract performance in the ROK. The RO determines available logistics support and assists ICs/TRs and authorized dependents in obtaining support.

(6) USFK Form 700-19A-R-E serves as both the request and proof of approval, once processed, and is necessary to receive available logistics support as identified in Tables C-1 and C-2.

d. **FKAQ** will review the request package and determine if the request meets the conditions of SOFA Article XV/I and USFK policy before processing for individual employee designation. USFK Form 700-19A-R-E is valid from the SOFA start date indicated therein or the date of FKAQ signature, whichever is latest.

e. Upon approval, FKAQ stamps and signs USFK Form 700-19A-R-E. The RO shall:

(1) Retain the original and provide a copy to the contractor employee.

(2) Assist the contractor employee to obtain authorized and available logistics support as identified in Tables C-1 and C-2.

(3) Ensure all incoming contractor employee and dependents obtain the required ROK entry approval prior to travel. For example, starting 1 September 2021, the Korea Electronic Travel Authorization (K-ETA) is mandatory for all foreigners without

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a valid Visa to enter the ROK. Foreigners without either a K-ETA or a valid Visa will not be permitted to board a plane to the ROK. Check the U.S. Department of State – Bureau of Consular Affairs (<https://travel.state.gov/content/travel/en/international-travel.html>) for changes or updates to the ROK travel requirements.

(4) Ensure the contractor employee and dependents obtain the SOFA Stamp on their passport within 30 days upon arrival. Failure to timely obtain the proper Visa can result in monetary penalty from the ROK immigration office. Failure to obtain the proper Visa can result in loss of status.

(5) Ensure non-emergency essential contractor employee and/or authorized dependents are included in the unit's Non-Combatant Evacuation Operation (NEO).

(6) Ensure assigned ICs/TRs comply with the SOFA and applicable USFK instructions, and policies during contract performance in the ROK.

(7) Immediately notify FKAQ in the event of an incident involving contractor misconduct, SOFA violations, legal issues, injury or death.

f. **SOFA-Designated Contractor and Contractor Employee** shall:

(1) Assist the RO in completing USFK Form 700-19A-R-E and providing required supporting documentation.

(2) Assist the RO in processing and requesting logistics support for contractor employees and dependents as listed in Tables C-1 and C-2.

(3) Ensure all incoming contractor employee and dependents obtain the required ROK entry approval prior to travel and the SOFA Stamp using the approved USFK 700-19A-R-E within 30 days upon arrival.

(4) Comply with all USFK directives, instructions, policies, and procedures, to include when operating company and privately owned vehicles (POVs) on all U.S. military installations in the ROK IAW USFK Regulation 190-1.

(5) Except for contractor air crews flying Air Mobility Command missions, all U.S. contractor employees performing work on U.S. Air Force classified contracts will report to the nearest Security Forces Information Security Section for the geographical area where the contract is to be performed in order to receive information on local security requirements.

(6) Notify the RO of changes to the employment condition or to information on the approved USFK Form 700-19A-R-E.

(7) Out-process from all support privileges listed in Table C-1 and C-2 and depart the ROK IAW the ROK immigration law.

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(8) Assist the RO in the annual verification of IC/TR employment status.

(9) Notify the RO immediately of any incidents involving injury or death of an IC/TR or caused by and IC/TR.

3. Changes to SOFA designation for individual contractor employee.

a. The RO is responsible for submitting changes of data for ICs/TRs.

b. Change in administrative data. The RO shall submit a new Step 2 request and supporting documents (using wet or digital signatures dated within 90 days of the start date), such as:

(1) USFK Form 700-19A-R-E.

(2) USFK Form 237-E.

(3) RO Appointment memorandum.

(4) Previously approved USFK Form 700-19A-R-E.

(5) Other documents as applicable to support the request for change of data.

c. Transfer of employment within the ROK. If a contractor employee changes employment from one contract to another or from one contractor to another, the RO shall:

(1) Close out the approved USFK Form 700-19A-R-E by completing Part IV and submitting to FKAQ immediately.

(2) Submit a new Step 2 request to FKAQ with the new employment information for the contractor employees remaining in the ROK.

(3) FKAQ is not able to process changes in employment status until the RO completes Part IV of the original USFK Form 700-19A-R-E.

d. Early departure or termination of employment. In the event that a contractor employee's association with a listed contract ends prior to their estimated date of departure from the ROK:

(1) The RO shall ensure the contractor employee and dependents out-process immediately and properly, to include:

(a) Return GFP to the appropriate offices.

(b) Turn in all USFK ID cards to the proper issuing authorities.

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(c) Close out motor vehicle registration by turning in decals, plates, related paperwork; and ensure proper disposition of such vehicles (the contractor is liable, on a non-reimbursable basis, for the disposal of any abandoned vehicles.)

(d) Out-process from all support privileges listed in Table C-1 and C-2.

(2) FKAQ will inform USFK Assistant Chief of Staff, J1 (FKJ1) when ICs/TRs and dependents change their status, rendering them ineligible for SOFA status and associated benefits IAW USFK Regulation 1-38.

4. Reporting of SOFA violations or contractor misconducts.

a. The RO shall immediately report to FKAQ all violations or misconduct concerning a contractor, contractor employee, or dependent. As necessary, the RO will consult with USFK law enforcement, judge advocates, base or garrison/Area commanders and KOs for advice and counsel to determine appropriate disposition, in coordination with the SA and FKAQ. Contractor misconduct can result in revocation of SOFA approval by FKAQ.

(1) Upon a determination that the designated IC or dependents engaged in business activities in the ROK other than those designated by the U.S. Representative to the SOFA Joint Committee, or

(2) Upon a determination that the designated IC/TR or dependents engaged in practices in violation of ROK or U.S. laws, or USFK instructions and policies.

(3) For severe violations, the RO may recommend the withdrawal of SOFA status or logistics support for a contractor or specific employee/dependent. If SOFA status is withdrawn, all logistics support privileges for the contractor employee and their dependents are automatically terminated. Once withdrawn for cause, FKAQ will not consider another period of SOFA approval for a minimum of two years.

(4) FKAQ maintains the unilateral right to terminate IC/TR SOFA status.

b. If FKAQ receives a law enforcement or other report of derogatory information, FKAQ will send a copy to the RO with a request for action and/or explanation.

c. The RO will assist with administrative action for reported violations or misconduct IAW the procedures listed below. The RO will consult with FKAQ about appropriate responses to violations and report actions taken against IC/TR personnel and/or their dependents. Upon receiving a report of derogatory information, the RO will:

(1) Investigate the circumstances surrounding the report.

(2) Take immediate appropriate corrective action.

(3) Confiscate all ID cards and SOFA vehicle license plates if the corrective action includes an RO-initiated suspension or revocation of privileges. The RO may request law enforcement assistance in confiscating such items. The RO may authorize a post pass in lieu of a confiscated ID card unless installation access is also denied

(4) Notify FKAQ, in writing, of all administrative actions taken.

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APPENDIX A TO ENCLOSURE B
SOFA DESIGNATION REQUEST PROCESS

All non-Korean contractors and its employees supporting U.S. Forces Korea are required to be SOFA designated to legally enter and work in the ROK. Failure to obtain SOFA designation is a direct violation of the SOFA and ROK law and is subject to prosecution by ROK authorities.

SOFA designation is a two-step process: 1) contract and 2) individual contractor employee.

Step 1: SOFA designation of the contract.

Responsible Party	Request Packet Required Documentation
Contracting Officer	1. Request for SOFA designation memorandum
	2. Official Copy* of Contract/Task Order
	3. PWS, SOW, or SOO
	4. SOFA instruction language is included in the contract
	5. DFARS 252.225-7040 is included in the contract for contingency requirement (or confirmation if not needed)
	6. DD Form 254 (or confirmation if not needed)
	7. NLT 45 days from contract performance start date, submit complete request packet** to Step 1 Mailbox at: usarmy.humphreys.acc.mbx.411th-csb-fkaq-workflow@army.mil

* Official copy: Only wet or digital signature is acceptable. The KO's name and official title shall be typed, stamped, or printed on the contract.

** Incomplete or inaccurate request will be returned without action. After the necessary re-work, KO will submit a new request packet. No partial or supplemental submission is accepted. Late submission with less than 45 days may result in delays of contract performance.

Step 2: SOFA designation of the individual contractor employee.

Responsible Party	New Arrival	Change of Data	Request Packet Required Documents
Responsible Officer	X	X	1. USFK Form 700-19A-R-E, dated 31 January 2019
	X	X	2. USFK Form 237-E
	X	N/A	3. Certification of Ordinary Residence Memorandum
	X	+	4. Passport Data Page
	X	X	5. RO Appointment Memorandum
	X	+	6. Dependent(s): Spouse (passport and marriage certificate) and/or Child (passport and birth certificate)
	X	+	7. Unique dependent(s): USFK Form 700-19B-R-E
	N/A	X	8. Previously approved USFK Form 700-19A-R-E
	X	X	9. Submit complete request packet** to Step 2 Mailbox at: usarmy.humphreys.acc.mbx.411th-csb-fkaq@army.mil

+ RO will submit supporting documentation as applicable to the change of data.

++ Incomplete or inaccurate request will be returned without action. After the necessary re-work, RO will submit a new request packet. No partial or supplemental submission is accepted.

Reminder: All signatures on all documents shall be within 90 days of the SOFA start date.

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ENCLOSURE C

SOFA BENEFITS AND LOGISTICS SUPPORT

1. SOFA Benefits. SOFA status provides potential legal benefits for designated IC/TR and dependents and establishes an obligation for them to comply with the terms of the SOFA. SOFA benefits comprise the following:

- a. Entry into the ROK IAW the provisions of SOFA Article VIII.
- b. Access and movement, as provided for in SOFA Article X, paragraph 2.
- c. Exemption from customs duties and other such charges, as provided for in SOFA Article IX, paragraph 3.
- d. The use of U.S. military postal facilities, as provided for in SOFA Article XX.
- e. The use of utilities and services IAW those priorities, conditions, rates or tariffs accorded the U.S. Armed Forces by SOFA Article VI.
- f. Exemption from ROK laws and regulations respecting terms and conditions of employment and licensing or registration of businesses or corporations. U.S. contractors directly hiring Korean national employees must comply with USFK Instruction 1400.01, Qualification Standards for Korean Employees and applicable USFK instructions concerning the employment of local nationals.
- g. Exemption from ROK taxation on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under the SOFA, of movable property, tangible or intangible, the presence of which in the ROK is due solely to the temporary presence of these persons in the ROK, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in the ROK or to any intangible property registered in the ROK.
- h. Exemption from ROK income and corporate taxes on any income derived under a contract with the U.S. for the benefit of USFK in connection with the construction, maintenance or operation of any of the facilities or areas covered by the SOFA.
- i. Protections of SOFA Article XXII, Criminal Jurisdiction, paragraphs 5, 7(b), and 9, and related Agreed Minutes and Understandings on Implementation, although ROK authorities have the right to exercise jurisdiction over U.S. contractors, their employees and their dependents for offenses committed in the ROK and punishable by ROK law.

2-1. Logistics Support. SOFA status is a precondition for USFK logistics support and is **on a space available basis**.

- a. Corporate and individual logistics support may be provided to USFK ICs and TRs only IAW the SOFA, USFK instructions, and subject to availability. However, under

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no circumstances can a contractor or its employees/dependents be granted access privileges that are broader than USFK instructions or the SOFA.

b. USFK will not provide logistics support to contractors in the ROK unless such contractors are eligible for SOFA status.

c. The USFK SAs and ROs are responsible for coordinating logistics support for ICs/TRs.

d. Logistics support is a privilege provided by USFK and is not a contractual right. Purchases in the Post Exchange or Base Exchange, commissary, and class VI store are subject to quantity limitations under a ration control system. Over-purchases or other violations of USFK instructions by contractor employees or dependents may result in the loss of logistics support and SOFA status.

2-2. Government Provided Logistics Support, Corporate. Specific logistics support provided to a contractor must be coordinated with the KO and USFK SA. The SA must coordinate available logistics support with appropriate agencies prior to the contractor's performance in the ROK.

2-3. Government Provided Logistics Support, Employee.

a. ICs/TRs and their dependents may be provided logistics support IAW the SOFA, USFK instructions, **on a space available basis**. To be authorized logistics support from USFK, a lawful IC (but not TR) dependent (see Enclosure GL for definitions) must live in the ROK with the employee. See Tables C-1 and C-2 for examples of available logistics support.

b. Some specific logistics support will be provided on a reimbursable basis. If so, ICs/TRs and their dependents will pay prevailing rates or fees for the logistics support received.

c. Eligibility for support for SOFA designated ICs/TRs and their dependents will be classified in one of the following three categories:

(1) **Full Logistics Support:** An IC, who is a U.S. citizen or a non-U.S. citizen with a U.S. green card, ordinarily resident in the U.S., and is employed in a full-time paid status with a period of performance greater than 179 days qualifies for full logistics support. Dependents of such ICs may also receive full logistics support. (See Table C-1). All ICs/TRs and their dependents authorized full logistics support will receive ID cards. Local hires meeting the criteria above are eligible for full logistics support. A TR with dependent(s) receives full logistics support.

(2) **Individual Logistics Support:** An IC, who is a U.S. citizen or a non-U.S. citizen with a U.S. green card, ordinarily resident in the U.S., and is employed in a full-time paid status with a period of performance of 179 days or less qualifies for individual

logistics support. Additionally, ICs/TRs meeting the criteria for full logistics support but whose dependents do not meet the requirements for dependents of civilian local hires set out in USFK Instruction (USFKI) 1501.01 may be eligible for individual logistics support. A TR without dependent(s) receives individual logistics support.

(3) **No Support:** While SOFA status may be granted to TCN employees and to part-time U.S. contractor employees, neither is authorized for logistics support nor their dependents. Part-time is paid status of less than 40 hours per week.

3. Government Identification (ID) Cards.

a. ICs/TRs residing in the ROK for more than 10 days will be issued a U.S. ID card. ICs/TRs with wartime or contingency performance specified in the contract will be issued ID cards identifying the employee as being subject to the Geneva Convention.

b. The ROs will submit the necessary paperwork to their respective organization's point of contact for the Trusted Associate Sponsorship System (TASS).

c. ID card requirements for IC/TR personnel discussed in this section are separate and distinct from any other contract-specific or work-site specific identification requirements for contractor personnel (IC/TR or otherwise) performing contracts in support of USFK.

4. Access Privileges.

a. The SA and RO will ensure all personnel sponsored have sufficient requirement to enter the installation IAW USFK Regulation 190-7.

(1) For ICs/TRs with consecutive presence in the ROK greater than 10 calendar days, the ICs/TRs shall register and enroll in the Defense Biometric Identification System (DBIDS). Unescorted installation access without DBIDS enrollment is only permitted for U.S. citizen personnel for the first 10 days of consecutive presence in the ROK.

(2) For ICs/TRs with consecutive presence in the ROK 10 calendar days or less, the ICs/TRs can gain access to USFK installations by presenting authorized forms of ID along with the approved USFK Form 700-19A-R-E.

b. ICs/TRs and dependents issued an ID card will have authorized logistics support (subject to Paragraph 2-3 above), such as access to military exchanges, commissaries, MWR facilities, etc., annotated on the ID card. Grade or rank equivalents will not be specified on the ID card for IC employees or dependents. An ID card without any annotated privileges may be issued to SOFA-designated contractor employees and dependents provided status under the SOFA but not authorized logistics support.

c. ICs/TRs not issued an ID card may use their U.S. Driver's License or passport

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and approved USFK Form 700-19A-R-E to request access to duty free-goods and MWR facilities IAW USFKI 1501.01.

5. Vehicles and Driver's Licenses. The SA and RO will ensure sponsored contractors, its employees and dependents comply with USFK Regulation 190-1 when importing or purchasing vehicles, registering vehicles, and operating vehicles on U.S. installations and in the ROK.

a. **Company Vehicles**. The RO shall review and use USFK criteria for approvals on all company requests to import or register company vehicles required for the execution of contract obligations. The RO shall consider the quantity and types of vehicles requested. Approval must be obtained before importation or local purchase and registration. The RO will ensure that ownership documents, importation, exportation, registration, and disposition of company-owned vehicles conform to USFK policy and instruction.

b. **Privately Owned Vehicles (POVs)**. USFK registration of POVs is a privilege subject to USFK approval. The RO should use USFK criteria for approvals. The RO will ensure that POV ownership documents, importation, exportation, registration, and disposition, as well as individual licensing, conform to USFK policy and instruction.

c. **ICs/TRs and dependents** must meet licensing requirements to legally drive in the ROK IAW USFK policy and instruction.

d. The RO may provide USFK FL 1EK (HQ USFK SOFA card) to ICs/TRs and dependents in an event they are involved in a traffic accident in the ROK and may encounter language problems.

6. Dependent Education.

a. The RO shall assist ICs/TRs and dependents with Department of Defense Education Activity (DoDEA) enrollment. Enrollment on a tuition-paying basis is a privilege subject to availability, eligibility, and approval. The contractor will prepare memorandums, as necessary, to the Director of DoDEA in the ROK to validate the enrollment status of contractor employee dependents.

b. The RO shall verify on an annual basis on IC dependents over 21 years of age that are full time college students and must notify FKAQ of any changes of enrollment.

7. Academic Institution/Transition Services Personnel.

a. This section applies only to academic institution instructors, training center managers, test examiners, military occupational specialty/vocational instructors and transition program providers. All other employees of contracted academic institutions use the criteria in paragraph 2-3 in order to determine logistics support.

b. Full-time instructors (as defined in the contract with the academic institution) may receive full logistics support. Part-time instructors may receive logistics support on a case-by-case basis as determined by FKAQ in coordination with the KO and SA

c. Learning center managers, test examiners, military occupational specialty, vocational instructors, and transition program providers locally hired are considered full-time employees if working 20 hours or more per week for purposes of determining logistics support as set out in paragraph 2-3.

Table C-1
Full Logistics Support Privileges

Contractor employees and authorized dependents, meeting the criteria set out in this instruction may be provided all of the logistics support listed below if properly authorized, on a **space available basis** unless specifically excluded by the terms of their contract.

1. SOFA immigration status and SOFA visa for contractor employees and lawful dependents.
 2. Duty-free importation privileges IAW the SOFA and USFK instructions.
 3. ID Card.
 4. Full Post Exchange (PX) or Base Exchange (BX) privileges.
 5. Full commissary privileges.
 6. Full Class VI store privileges.
 7. Purchase of gasoline and petroleum, oil, and lubricant products at PX or BX facilities.
 8. Military postal service privileges (APO and FPO).
 9. Military banking and credit union privileges.
 10. Motor vehicle operator's permit.
 11. Registration of POV(s).
 12. Registration of pets.
 13. Medical services on a reimbursable basis.
 14. Dental services for emergency care only on a reimbursable basis.
 15. Mortuary services on a reimbursable basis.
 16. Access to Department of Defense Education Activity.
 17. Continuing education programs.
 18. Officers, noncommissioned officers, and enlisted members clubs subject to local policies.
 19. Morale, welfare, and recreation facilities.
 20. Armed Forces Recreation Center facilities.
 21. Billeting and messing facilities (remote sites only).
 22. Housing referral services (limited to translation assistance and explanation of host country rental laws and utility and telephone services).
 23. NEO registration of employees and dependents are authorized.
-

Enclosure C

Table C-2
Individual Logistics Support Privileges

Contractor employees meeting the criteria set out in this regulation may be provided all of the logistics support listed below if properly authorized, on a **space available basis** unless specifically excluded by the terms of their contract.

1. SOFA immigration status and SOFA visa for contractor employee and lawful dependents.
 2. Duty free importation privileges IAW SOFA and USFK instructions.
 3. ID Card.
 4. Post or Base Exchange privileges (family size--1).
 5. Commissary privileges (family size--1).
 6. Class VI store privileges (family size--1).
 7. Purchase of gasoline and POL products at PX or BX facilities (employee only).
 8. Military postal service privileges (APO and FPO) (includes dependents).
 9. Military banking and credit union privileges (includes dependents).
 10. Motor vehicle operator's permit (employee only).
 11. Registration of POV (employee only).
 12. Registration of pets (employee only).
 13. Routine medical services on a reimbursable basis (employee only).
 14. Emergency medical and dental services on a reimbursable basis (includes dependents).
 15. Mortuary services on a reimbursable basis (includes dependents).
 16. Continuing education programs (employee only).
 17. Officer, NCO, enlisted member clubs subject to local policies (employee only).
 18. Morale, welfare, and recreation facilities (employee only).
 19. Armed Forces Recreation Center Facilities (employee only).
 20. Billeting and messing facilities (remote sites only) (employee only).
 21. Housing referral services (limited to translation assistance and explanation of host country rental laws and utility and telephone services) (employee only).
 22. NEO registration of employees and dependents are authorized.
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ENCLOSURE D
REQUIRED CONTRACT NOTICES

Failure to include language suitable to instruct the contractor on SOFA requirement when performing contract requirements in the ROK for the sole purpose of supporting U.S Armed Forces is a basis for denying SOFA status by FKAQ.

D-1. SOFA Instruction

The instruction shown in table D-1 shall be placed in the solicitation and subsequent contract award that requires IC or TR status under the U.S.-ROK SOFA.

Table D-1
SOFA Instruction – Continued

**INVITED CONTRACTOR OR TECHNICAL REPRESENTATIVE STATUS UNDER
U.S. – REPUBLIC OF KOREA (ROK) STATUS OF FORCES AGREEMENT (SOFA)**

Invited Contractor (IC) and Technical Representative (TR) status shall be governed by the U.S.-ROK Status of Forces Agreement (SOFA) as implemented by United States Forces Korea (USFK) USFKI 4901.01, which can be found under the “publications” tab on the U.S. Forces Korea homepage at <http://www.usfk.mil>.

(a) Definitions. As used in this clause—

“U.S. – ROK Status of Forces Agreement” (SOFA) means the Mutual Defense Treaty between the Republic of Korea and the U.S. of America, Regarding Facilities and Areas and the Status of U.S. Armed Forces in the Republic of Korea, as amended

“Combatant Commander” means the commander of a unified or specified combatant command established in accordance with 10 U.S.C. 161. In Korea, the Combatant Commander is the Commander, United States Pacific Command.

“United States Forces Korea” (USFK) means the subordinate unified command through which U.S. forces would be sent to the Combined Forces Command fighting components.

“Commander, United States Forces Korea” (COMUSK) means the commander of all U.S. forces present in Korea. In the Republic of Korea, COMUSK also serves as Commander, Combined Forces Command (CDR CFC) and Commander, United Nations Command (CDR UNC).

“USFK, Office of Acquisition Management” (USFK/FKAQ) means the principal staff office to USFK for all acquisition matters and administrator of the U.S.-ROK SOFA as applied to US and Third-Country contractors under the (IC) and (TR) Program (USFKI 4901.01).

“Responsible Officer (RO)” means a DoD employee (such as a military E5 and above or civilian GS-7/KGS-07 and above), appointed by the USFK Sponsoring Agency (SA), who is directly responsible for determining and administering appropriate logistics support for IC/TRs during contract performance in the ROK.

(b) IC or TR status under the SOFA is subject to the written approval from the Office of Acquisition Management, USFK (FKAQ), Unit #15289, APO AP 96271-5289.

(Continued)

Enclosure D

Table D-1
SOFA Instruction - Continued

(c) The contracting officer will coordinate with HQ USFK/FKAQ, IAW FAR 25.8, and USFKI 4901.01. FKAQ will determine the appropriate contractor status under the SOFA and notify the contracting officer of that determination.

(d) Subject to the above determination, the contractor, including its employees and lawful dependents, may be accorded such privileges and exemptions under conditions and limitations as specified in the SOFA and USFKI 4901.01. These privileges and exemptions may be furnished during the performance period of the contract, subject to their availability and continued SOFA status. Logistics support privileges are provided on an as-available basis to properly authorized individuals. Some logistics support may be issued as Government Furnished Property (GFP) or transferred on a reimbursable basis.

(e) The contractor warrants and shall ensure that collectively, and individually, its officials and employees performing under this contract will not perform any contract, service, or other business activity in the ROK, except under U.S. Government contracts IAW the SOFA.

(f) The contractor's direct employment of any Korean-National labor for performance of this contract shall be governed by ROK labor law and USFK instruction(s) pertaining to the direct employment and personnel administration of Korean National personnel.

(g) The authorities of the ROK have the right to exercise jurisdiction over invited contractors and technical representatives, including contractor officials, employees and their dependents, for offenses committed in the ROK and punishable by the laws of the ROK. In recognition of the role of such persons in the defense of the ROK, they will be subject to the provisions of Article XXII, SOFA, related Agreed Minutes and Understandings. In those cases, in which the authorities of the ROK decide not to exercise jurisdiction, they shall notify the U.S. military authorities as soon as possible. Upon such notification, the military authorities will have the right to exercise jurisdiction as is conferred by the laws of the U.S.

(h) Invited contractors and technical representatives agree to cooperate fully with the USFK SA and RO on all matters pertaining to logistics support and theater training requirements. Contractors will provide the assigned SA prompt and accurate reports of changes in employee status as required by USFKI 4901.01.

(Continued)

Enclosure D

Table D-1
SOFA Instruction - Continued

(i) Theater Specific Training. Training Requirements for IC/TR personnel shall be conducted in accordance with USFK Reg 350-2 Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK. IC/TR personnel shall comply with requirements of USFK Reg 350-2.

(j) Except for contractor air crews flying Air Mobility Command missions, all U.S. contractors performing work on USAF classified contracts will report to the nearest Security Forces Information Security Section for the geographical area where the contract is to be performed to receive information concerning local security requirements.

(k) IC/TR status may be withdrawn by USFK/FKAQ upon:

(1) Completion or termination of the contract.

(2) Determination that the contractor or its employees are engaged in business activities in the ROK other than those pertaining to U.S. armed forces.

(3) Determination that the contractor or its employees are engaged in practices in contravention to Korean law or USFK instructions.

(l) It is agreed that the withdrawal of IC or TR status, or the withdrawal of, or failure to provide any of the privileges associated therewith by the U.S. and USFK, shall not constitute grounds for excusable delay by the contractor in the performance of the contract and will not justify or excuse the contractor defaulting in the performance of this contract. Furthermore, it is agreed that withdrawal of SOFA status for reasons outlined in USFKI 4901.01, Enclosure A, paragraph 4 shall not serve as a basis for the contractor filing any claims against the U.S. or USFK. Under no circumstance shall the withdrawal of SOFA Status or privileges be considered or construed as a breach of contract by the U.S. Government.

(m) Support.

(1) Unless the terms and conditions of this contract place the responsibility with another party, the COMUSK will develop a security plan to provide protection, through military means, of Contractor personnel engaged in the theater of operations when sufficient or legitimate civilian authority does not exist.

(Continued)

Table D-1
SOFA Instruction - Continued

(2)(i) All Contractor personnel engaged in the theater of operations are authorized resuscitative care, stabilization, hospitalization at level III military treatment facilities, and assistance with patient movement in emergencies where loss of life, limb, or eyesight could occur. Hospitalization will be limited to stabilization and short-term medical treatment with an emphasis on return to duty or placement in the patient movement system.

(ii) When the Government provides medical or emergency dental treatment or transportation of Contractor personnel to a selected civilian facility, the Contractor shall ensure that the Government is reimbursed for any costs associated with such treatment or transportation.

(iii) Medical or dental care beyond this standard is not authorized unless specified elsewhere in this contract.

(3) Unless specified elsewhere in this contract, the Contractor is responsible for all other support required for its personnel engaged in the theater of operations under this contract.

(n) Compliance with laws and directives. The Contractor shall comply with, and shall ensure that its personnel supporting U.S Armed Forces in the Republic of Korea as specified in paragraph (b)(1) of this clause are familiar with and comply with, all applicable -

(1) United States, host country, and third-country national laws;

(2) Treaties and international agreements;

(3) United States regulations, directives, instructions, policies, and procedures;
and

(4) Orders, directives, and instructions issued by the COMUSK relating to force protection, security, health, safety, or relations and interaction with local nationals. Included in this list are force protection advisories, health advisories, area (i.e., "off-limits"), prostitution and human trafficking and curfew restrictions.

(Continued)

Enclosure D

Table D-1
SOFA Instruction - Continued

(o) Vehicle or equipment licenses. IAW USFK Regulation 190-1, Contractor personnel shall possess the required licenses to operate all vehicles or equipment necessary to perform the contract in the theater of operations. All contractor employees/dependents must have either a Korean driver's license or a valid international driver's license to legally drive on Korean roads, and must have a USFK driver's license to legally drive on USFK installations. Contractor employees/dependents will first obtain a Korean driver's license or a valid international driver's license then obtain a USFK driver's license.

(p) Evacuation.

(1) If the COMUSK orders a non-mandatory or mandatory evacuation of some or all personnel, the Government will provide assistance, to the extent available, to United States and third-country national contractor personnel.

(2) Non-combatant Evacuation Operations (NEO).

(i) The contractor shall designate a representative to provide contractor personnel and dependents information to the servicing NEO warden as required by direction of the Responsible Officer.

(ii) If contract period of performance in the Republic of Korea is greater than six months, non-emergency essential contractor personnel and all IC/TR dependents shall participate in at least one USFK sponsored NEO exercise per year.

(q) Next of kin notification and personnel recovery.

(1) The Contractor shall be responsible for notification of the employee-designated next of kin in the event an employee dies, requires evacuation due to an injury, or is missing, captured, or abducted.

(2) In the case of missing, captured, or abducted contractor personnel, the Government will assist in personnel recovery actions in accordance with DoD Directive 2310.2, Personnel Recovery.

(3) IC/TR personnel shall accomplish Personnel Recovery/Survival, Evasion, Resistance and Escape (PR/SERE) training in accordance with USFK Reg 525-40, Personnel Recovery Procedures and USFK Reg 350-2 Theater Specific Required Training for all Arriving Personnel and Units Assigned to, Rotating to, or in Temporary Duty Status to USFK.

(Continued)

Enclosure D

Table D-1
SOFA Instruction - Continued

(r) Mortuary affairs. Mortuary affairs for contractor personnel who die while providing support in the theater of operations to U.S. Armed Forces will be handled in accordance with DoD Directive 1300.22, Mortuary Affairs Policy and Army Regulation 638-2, Care and Disposition of Remains and Disposition of Personal Effects.

(s) USFK Responsible Officer (RO). The USFK appointed RO will ensure all IC/TR personnel complete all applicable training as outlined in this clause.

(End of Notice)

(INTENTIONALLY BLANK)

ENCLOSURE E
SAMPLE AND TEMPLATES

The following figures show sample memorandums to be used by KO, SA, or RO. For clarity, a separate page is used for each sample.

E-1. Request for SOFA Designation Memorandum.

E-2. Appointment Memorandum for RO and Alternate RO.

E-3. USFK Form 700-19A-R-E, Invited Contractor and Technical Representative Personnel Data Report.

E-4. USFK Form 700-19B-R-E, Application for Dependency Determination, US Invited Contractor/Technical Representative.

E-5. USFK Form 237-E, Request for Provost Marshal Record Check.

E-6. Invited Contractor - Certification of Ordinary U.S. Residence Memorandum.

E-7. Technical Representative - Certification of Ordinary Residence Memorandum.

E-8. SOFA Change of Status Report Memorandum (applicable when the IC or TR departs from the ROK earlier than the approved "estimated departure date").

NOTE:

1. Current version of USFK Forms above maybe superseded by new forms before the next USFK Instruction update.
2. Sample memos are provided to ensure KO, SA, or RO provides all pertinent information for the request. Failure to provide complete and accurate information may cause significant delay or denial of SOFA designation.
3. The forms, sample memos and templates can be found at the USFK FKAQ website (<https://www.usfk.mil/About/USFK/Organization/Special-Staff/Acquisition-Management/>).

Figure E-1
Request for SOFA Designation Memorandum

NOTE: Do not change this template or delete any section/paragraph. If a paragraph prescribed in the format does not apply, indicate "Not applicable" (instead of deletion).

(CONTRACTING OFFICE LETTERHEAD)

(Office Symbol)

(Date)

MEMORANDUM FOR Office of Acquisition Management, USFK (FKAQ)

SUBJECT: Request for Contractor Designation under U.S.-Republic of Korea (ROK)
Status of Forces Agreement (SOFA) (Contract Number)

1. Reference: USFK Instruction 4901.01.
2. Request the referenced contract award be approved for SOFA designation. The contract's terms and conditions are in compliance with the U.S.-ROK SOFA.
3. The following information is provided:
 - a. Contracting office name, mailing address, and e-mail address.
 - b. Contracting officer name, e-mail address, DSN, commercial, and FAX number.
 - c. Contract number/Task Order number/Delivery Order number. Confirmation: "This contract does not use Foreign Military Sales (FMS)-allocated funding in the ROK."
 - d. Justification for use of non-Korean contractor based on one of the exceptions below and provide supporting information/documentation.
 - (1) Security considerations: supporting by a DD Form 254, Department of Defense Contract Security Classification Specification.
 - (2) The technical qualifications of the contractor involved: the KO must verify no Korean contractor can perform the work and use this verbiage: "Market research was conducted and no one in Korea is technically qualified to perform this requirement."
 - (3) The unavailability of materials or services required by U.S. standards: the KO must verify no Korean contractor can perform the work and use this verbiage: "Market research was conducted and no one in Korea is able to perform this requirement."
 - (4) Limitations of U.S. law: the KO must provide supporting information.

* If citing (2) or (3) above and the KO has not verified that no Korean contractor can perform the work, the contract SOFA request will not be approved.

Enclosure E

e. Name(s) of contractor(s) being solicited OR name(s) of contractor(s) awarded the contract and country in which they are incorporated. (List all sub-contractors here).

f. Contract period of performance dates to include all option years. List base and each option start and end date. What option period is currently exercised? Each new TO/DO period of performance needs to be identified.

g. Dates for current funded contract performance in the ROK, if different from overall period of performance.

h. Identify services to be performed (Detailed description or Performance of Work Statement or Statement of Work supporting justification in 3d).

i. Number of contractor employees (briefly document requirement for each employee).

(1) Number of U.S. citizen employees.

(2) Number of third-country national employees (requires addition justification).

(3) Number of ROK employees.

j. Location(s) of performance in the ROK (include military installation(s)).

k. Is there a requirement for contractor performance in a contingency in wartime? If yes, indicate the following actions were accomplished by including the answers, below (FKAQ will not process contract SOFA designation request without completion):

(1) Contract contains appropriate wartime/contingency clause and statement of work requirements (attach copy of clause/contract requirements).

(2) Wartime/contingency logistics support has been coordinated with sponsoring agency.

(3) The number of emergency essential contractors performing in Korea is_____.

(4) Contractors' Major Command during wartime is_____.

4. Name of the USFK Sponsoring Agency/Responsible Officer/Name of Point of Contact/Telephone Number.

SIGNATURE BLOCK
(CONTRACTING OFFICER)

Enclosure E

Figure E-2
Appointment Memorandum for RO and Alternate RO

NOTE: Do not change this template or delete any section/paragraph. If a paragraph prescribed in the format does not apply, indicate "Not applicable" (instead of deletion).

[REQUIRING ACTIVITY LETTERHEAD]

(Office Symbol)

(Date)

MEMORANDUM FOR Office of Acquisition Management, USFK (FKAQ)

SUBJECT: Appointment of Responsible Officers on Behalf of [Unit Name] for SOFA-Designated Contracts

1. The scope of this appointment is for the following contracts, which have been, or are being, designated under the U.S.-ROK Status of Forces Agreement (SOFA) in accordance with USFKI 4901.01:

Full Contract Number	Prime (Sub) Contracting Company

2. The following U.S. Government Personnel are appointed as RO for the above contract(s)/task order(s):

	RO 1	RO 2	RO 3
Name			
Rank			
DSN Phone			
Cell Phone			
Email			
Primary Duty Installation			
EE?			
DEROS			
*RO Training Date			

**RO training date is either the actual or scheduled training date. Do not use "TBD". All RO must attend a RO training within 90 days of appointment.*

Enclosure E

3. The following Personnel serve in an administrative capacity and are authorized to submit Contractor SOFA Designation Request packets on behalf of the appointed ROs (if applicable):

	Admin 1	Admin 2	Admin 3
Name			
DSN Phone			
Email			

4. This Unit's Highest Headquarters/office in Korea: (e.g., 2ID, 81FW, USFK J2, 8A G3, SOCKOR, 403d AFSB, IMCOM, USACE FED)

5. I understand and will ensure that an appointed RO will always be available and trained to perform the required duties for the entire contract period of performance in Korea, including in the event of NEO or serving in an Emergency Essential position if the contract calls for EE Contractors. I understand and will comply with the Sponsoring Unit / Requiring Activity responsibilities; the appointed ROs have been briefed and will be in compliance with the RO responsibilities, as articulated in USFKI 4901.01 and FKAQ Guidance.

6. POC is [POC name and phone number for the Sponsoring Unit].

SIGNATURE BLOCK
[CHAIN OF COMMAND OF APPT. ROs]

Enclosure E

Figure E-3
USFK Form 700-19A-R-E, IC and TR Personnel Data Report

1. USFK Form 700-19A-R-E will serve as the basis for request by the RO and approval by FKAQ of SOFA designation on contractor employee.
2. Refer to the instructions on the second page to properly complete this form.

INVITED CONTRACTOR AND TECHNICAL REPRESENTATIVE PERSONNEL DATA REPORT				
<small>(USFK REG 700-19)</small>				
<small>(SEE PRIVACY ACT STATEMENT AND INSTRUCTIONS ON THE SECOND PAGE)</small>				
PART I - INFORMATION (TO BE COMPLETED/TYPED BY THE CONTRACTOR EMPLOYEE)				
TYPE OF REPORT <input type="radio"/> NEW ARRIVAL <input type="radio"/> CHANGE OF DATA		NEW SOFA START DATE	ESTIMATED DATE OF DEPARTURE	
CONTRACTOR EMPLOYEE NAME (LAST, FIRST, MIDDLE)		CONTRACT COMPANY NAME	FULL CONTRACT NUMBER / ORDER	
SSN (LAST 4)	PASSPORT NUMBER	CITIZENSHIP	GENDER <input type="radio"/> M <input type="radio"/> F	<input type="radio"/> INVITED CONTRACTOR <input type="radio"/> TECHNICAL REPRESENTATIVE
PRIMARY DUTY INSTALLATION	MOBILE PHONE NUMBER	EMERGENCY-ESSENTIAL <input type="radio"/> YES <input type="radio"/> NO	<input type="radio"/> FULL-TIME <input type="radio"/> PART-TIME	<input type="radio"/> TDY (1-179 days) <input type="radio"/> PCS (180+ days)
EMAIL ADDRESS		IS THE PURPOSE OF THIS WORK TO SUPPORT AN EXERCISE? <input type="radio"/> YES - Name of Exercise: _____ <input type="radio"/> NO		
LOGISTICAL SUPPORT				
<input type="radio"/> NO SUPPORT - SPONSOR'S DEROS:		<input type="radio"/> INDIVIDUAL SUPPORT - TDY/NO DEPENDENT		
<input type="radio"/> FULL SUPPORT - NUMBER OF DEPENDENTS IN KOREA:				
DEPENDENT NAME (LAST, FIRST MI)	RELATIONSHIP	PASSPORT NUMBER	CITIZENSHIP	DOB (CHILDREN ONLY)
NOTICE: By signing this form, the contractor employee acknowledges and agrees to abide by all laws in the Republic of Korea and applicable USFK regulations and policies.		CONTRACTOR EMPLOYEE SIGNATURE AND DATE		
PART II - CERTIFICATION (TO BE COMPLETED BY THE USFK RESPONSIBLE OFFICER)				
<small>The undersigned hereby certifies that the above information is true and correct to the best of my knowledge and belief.</small>				
SPECIFIC NOTES FOR THIS CONTRACTOR				
RO NAME	SPONSORING UNIT	RO SIGNATURE AND DATE		
PART III - AUTHORIZATION (TO BE COMPLETED BY FKAQ, THE OFFICE OF USFK AC&S, ACQUISITION MANAGEMENT)				
PART IV - REPORT OF EARLY CONTRACTOR EMPLOYEE DEPARTURE (TO BE COMPLETED BY THE USFK RESPONSIBLE OFFICER)				
REASON FOR EARLY DEPARTURE FROM CONTRACT <input type="radio"/> RESIGNED <input type="radio"/> TRANSFER TO NEW CONTRACT <input type="radio"/> WORK CANCELLED OR COMPLETED EARLY <input type="radio"/> REVOKED BY FKAQ FOR: <input type="radio"/> OTHER:		LAST DAY UNDER CONTRACT	DESTINATION	
		RO SIGNATURE AND DATE		

USFK FORM 700-19A-R-E 30 Jan 2019

Replaces USFK Form 700-19A-R-E, 01 FEB 2007, which is obsolete

Figure E-4
USFK Form 700-19B-R-E, Application for Dependency Determination (1 of 3)

SA/RO will consult with FKAQ and other source documentation may be requested. Refer to the instructions on the fourth page to properly complete this form.

APPLICATION FOR DEPENDENCY DETERMINATION US Invited Contractor/Technical Representative <i>(Spouses, Former Spouses, Adopted Children, Wards, Parents and Parents-in-Law)</i> <small>USFK Regulation 700-19</small>																														
AUTHORITY:	E.O. 9397																													
PRINCIPAL PURPOSE:	Verification of relationship and dependent eligibility under USFK Regulation 700-19.																													
DISCLOSURE:	Disclosure of the requested information in this application is voluntary. However, failure to provide complete and accurate information may result in denial of privileges.																													
PENALTY PROVISION	Falsification, fictitious or fraudulent information submitted by the applicant on this form is subject to prosecution by the United States government and immediate withdrawal of SOFA Status and authorized logistical support.																													
<i>Required documentation and instructions on how to complete this form are provided in Parts VI and Parts VII of this document.</i>																														
Part I - Employee/Sponsor Information:																														
1. SSN:	2. Name (Last, First, MI)	3. Organization/Address:	4. DSN Telephone																											
5. Your status in Korea:		6. Your E-mail address:																												
		<input type="radio"/> Local Hire from within Korea <input type="radio"/> Recruited from another overseas area <input type="radio"/> Recruited from the United States																												
Part II - Dependent Information:																														
1. Who do you wish to claim as your dependent? <i>(Please See Part VI - Required Documentation and Part VII - Instructions)</i>																														
<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 33%;"><u>Spouse</u></td> <td style="text-align: center; width: 33%;"><u>Unmarried Children</u></td> <td style="text-align: center; width: 33%;"><u>Parents/Parents-in-Law</u></td> </tr> <tr> <td><input type="checkbox"/> Legal Spouse</td> <td><input type="checkbox"/> Child</td> <td><input type="checkbox"/> Sponsor's Mother ***</td> </tr> <tr> <td><input type="checkbox"/> Common Law Spouse</td> <td><input type="checkbox"/> Child, from a former marriage</td> <td><input type="checkbox"/> Sponsor's Father ***</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Child, Adopted</td> <td><input type="checkbox"/> Sponsor's Mother-in-Law ***</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Child, Stepchild</td> <td><input type="checkbox"/> Sponsor's Father-in-Law ***</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Child, Ward ***</td> <td></td> </tr> <tr> <td></td> <td><input type="checkbox"/> Child, Student (age 21 to 23)</td> <td></td> </tr> <tr> <td></td> <td><input type="checkbox"/> Child, (age 21-23), incapable of self-support (handicap/disability reasons only)</td> <td></td> </tr> <tr> <td></td> <td><input type="checkbox"/> Child, temporary custody ***</td> <td></td> </tr> </table>				<u>Spouse</u>	<u>Unmarried Children</u>	<u>Parents/Parents-in-Law</u>	<input type="checkbox"/> Legal Spouse	<input type="checkbox"/> Child	<input type="checkbox"/> Sponsor's Mother ***	<input type="checkbox"/> Common Law Spouse	<input type="checkbox"/> Child, from a former marriage	<input type="checkbox"/> Sponsor's Father ***		<input type="checkbox"/> Child, Adopted	<input type="checkbox"/> Sponsor's Mother-in-Law ***		<input type="checkbox"/> Child, Stepchild	<input type="checkbox"/> Sponsor's Father-in-Law ***		<input type="checkbox"/> Child, Ward ***			<input type="checkbox"/> Child, Student (age 21 to 23)			<input type="checkbox"/> Child, (age 21-23), incapable of self-support (handicap/disability reasons only)			<input type="checkbox"/> Child, temporary custody ***	
<u>Spouse</u>	<u>Unmarried Children</u>	<u>Parents/Parents-in-Law</u>																												
<input type="checkbox"/> Legal Spouse	<input type="checkbox"/> Child	<input type="checkbox"/> Sponsor's Mother ***																												
<input type="checkbox"/> Common Law Spouse	<input type="checkbox"/> Child, from a former marriage	<input type="checkbox"/> Sponsor's Father ***																												
	<input type="checkbox"/> Child, Adopted	<input type="checkbox"/> Sponsor's Mother-in-Law ***																												
	<input type="checkbox"/> Child, Stepchild	<input type="checkbox"/> Sponsor's Father-in-Law ***																												
	<input type="checkbox"/> Child, Ward ***																													
	<input type="checkbox"/> Child, Student (age 21 to 23)																													
	<input type="checkbox"/> Child, (age 21-23), incapable of self-support (handicap/disability reasons only)																													
	<input type="checkbox"/> Child, temporary custody ***																													
<small>Special Note: Items marked with asterisks (***) above require completion of Part III - Dependency Affidavit. See Part VI - Required Documentation and Part VII - Instructions, for additional information. All documentation requires certification from either a U.S. State or County Court or U.S. Embassy or U.S. Consulate. Foreign court orders and documentation from a foreign court or foreign government must be translated into English and the local legal office must provide a statement attesting to the validity of the court order. Military Retirees will NOT use this form for dependent determination, instead provide a copy of your current (within the last 60 days) retired military DD Form 1172 certified by the Military Personnel Office or ID Card Section</small>																														
2. Name(s) of dependent(s) you wish to claim as a dependent <i>(see Part VII - Instructions)</i> :																														
Part III - Dependency Affidavit (See Items 1-10 for Children and Items 11-23 for parent support):																														
<u>Unmarried Children.</u> Complete this section (items 1-10) for a child that you wish to claim as a Ward or for temporary custody. <i>(See Part VI - Required Documentation and Part VII - Instructions)</i>																														
1. Does this dependent child live with you? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(See Part VII - Instructions)</i>																														
2. Do you have a court order from a U.S. State, County, or foreign court which authorizes the temporary custody of the child or which grants custody as a Ward? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(See Part VI - Required Documentation)</i>																														
3. Name of the parents granting the authorization for temporary custody <i>See Part VII - Instructions</i> :																														
3a. Parents Name:		3b. Name of Orphanage/State Agency:																												
Address of Parents:		Address:																												
Telephone:		Point of Contact:																												
Emergency Point of Contact:		Telephone:																												
4. Does this child's parents have any other relatives who are capable of taking temporary custody? <input type="checkbox"/> Yes <input type="checkbox"/> No																														
5. If you answered "Yes" to Item 4, please explain in detail why these relatives are not financially or for health reasons not capable of taking temporary custody of the child. You may use a separate sheet of paper or you may attach evidence which shows that the relatives cannot take temporary custody.																														
6. Is there anyone else providing support to this child? <input type="checkbox"/> Yes <input type="checkbox"/> No		6a. If YES, who?																												

USFK Form 700-19B-R-E, 01 Feb 07

Enclosure E

Figure E-4
USFK Form 700-19B-R-E, Application for Dependency Determination (2 of 3)

7. List the goods and services that you provide to the child. If there is anyone else providing support, list their contributions. Amounts shown should be annual contributions.			
Item	Your Annual Contribution	Third Party Contributions (List Who is Providing Additional Support)	
Person's Name Providing Support			
Income/Allowance Payments			
Food			
Clothing			
Shelter			
Medical			
8. List personal income and amounts from outside sources (other than what you provide) the child receives (Please see Part VII – Instructions):			
9. List any property or capital assets and their value the child owns in any part of the world (Please see Part VII – Instructions):			
10. List bank accounts the child has and the amount in each account (Please see Part VII – Instructions):			
11. Parents and Parents-in-Law (Complete Items 12-23. See Part VI - Required Documentation and Part VII – Instructions):			
12. Do the parents and/or parents-in-law live with you? <input type="checkbox"/> Yes <input type="checkbox"/> No (See Part VII – Instructions)			
13. Do your parents or parents-in-law have any children that are living? <input type="checkbox"/> Yes (see below) <input type="checkbox"/> No			
14. If you answered "Yes" to Item 13, please indicate who they are and where do they live:			
15. Do your parents or parents-in-law own a house, apartment or any living accommodation: <input type="checkbox"/> Yes <input type="checkbox"/> No			
16. If you answered "Yes" to item 15, please indicate the value: \$ _____ (Please see Part VII – Instructions).			
17. If you answered "Yes" to Item 15, please explain on a separate sheet of paper why your parents/parents-in-law are not living in this residence.			
18. If you answered "Yes" to Item 15, is someone else living in the dwelling? <input type="checkbox"/> Yes <input type="checkbox"/> No			
19. If someone else is living in the dwelling, please describe the relationship of the person(s) living in the apartment and the amount of rent, if any, that is being charged.			
20. List the goods and services that you provide to the parents/parents-in-law. If there is anyone else providing support, list their contributions. Amounts shown should be annual contributions. A separate sheet of paper may be used.			
Item	Your Annual Contribution	Third Party Contributions (List Who is Providing Additional Support)	
Person's Name Providing Support			
Income/Allowance Payments			
Food			
Clothing			
Shelter			
Medical			
21. List personal income and amounts from outside sources (other than what you provide) received (Please see Part VII – Instructions):			
22. List any property or capital assets owned and their value in any part of the world (Please see Part VII – Instructions):			
23. List bank accounts and the amount in each account (Please see Part VII – Instructions):			
PART IV – Certification:			
<ul style="list-style-type: none"> • I will immediately notify my Responsible Officer of any change in my dependent's status, financial circumstances, or should the dependent no longer reside with the sponsor to which dependency was granted. • I swear (or affirm) that all of the foregoing statements are true and correct. I further swear (or affirm) that I have read the penalty provisions on page 1 for submitting false, fraudulent or misleading information. 			
1. Date		2. Signature of Sponsor	
PART V – Notary Public:			
Subscribed and duly sworn (or affirmed) to before me according to law by the above-named affiant(s).			
This ____ day of _____, 2____, at city/town of _____.			OFFICIAL SEAL
Notary: _____ Official Title: _____ Commission Expiration: _____			
FKAQ Determination:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	FKAQ Signature:	Date:
FKAQ Remarks:			

Figure E-4
USFK Form 700-19B-R-E, Application for Dependency Determination (3 of 3)

PART VI – Required Documentation:	
Dependent	Required Documentation
Spouse	
(1) Lawful Spouse (Common Law & Legal Marriage)	<p>a. Marriage certificate, translated if not in English.</p> <p>b. Divorce Decree if spouse was previously married.</p> <p>c. If a Common Law marriage, a statement from USFK Legal Office which certifies that the state from which the Common Law marriage was declared is recognized by that state. If the Common Law marriage is not recognized in the state where it was declared, then dependency can not be approved.</p> <p>d. A Common Law marriage from a foreign country, including the Republic of Korea, is not acceptable.</p> <p>e. If you were legally married in a foreign country, your marriage certificate must be translated, if not in English, and registered/certified by a U.S. Embassy or U.S. Consulate or a U.S. State or County Court who has jurisdiction over the event.</p> <p>f. If member's former spouse died, a copy of the death certificate is required.</p>
Unmarried Children	
(2) Child	<p>a. Birth Certificate, translated if not in English.</p> <p>b. If birth certificate is from a foreign country, it must be registered/certified by U.S. Embassy or U.S. Consulate or U.S. State Court/County Court with jurisdiction over the case.</p> <p>c. A male sponsor presents a court order that establishes his paternity</p> <p>d. The male sponsor presents an approved dependency determination.</p>
(3) Child, from a former marriage	<p>a. Birth Certificate, translated if not in English.</p> <p>b. Divorce Decree. The Divorce Decree must clearly state who has custody of the child. If there is joint custody, the Divorce Decree must clearly state that the child may leave the state or country that has jurisdiction over the case.</p>
(4) Child, Adopted	<p>a. Birth Certificate</p> <p>b. Approval by a U.S. State Court or County Court which has jurisdiction over the adoption proceedings.</p> <p>c. If there is a temporary custody or trial period as a condition to the final adoption, the court documents must clearly dictate that the child can leave the state that has jurisdiction over the case and the United States. The court documents must also clearly award temporary custody, pending final adoption approval.</p> <p>d. If the adoption is in the Republic of Korea, you must provide a certified statement from an approved Korean Adoption Agency which authorizes you temporary custody, pending final adoption approval, of the child. Additionally, you must also provide proof that the parents have contacted the Consular Officer, at the U. S. Embassy and that the adopted child is eligible for issuance of either an IR-3 or IR-4 Visas and that all pre-adoption requirements of the child's future state of residence have been met. Without statement from approved Korean Adoption Agency the child can not be considered a legal dependent.</p> <p>e. If the adoption is from another foreign country, the same procedures outlined above apply.</p>
(5) Child, Stepchild	<p>a. Birth Certificate</p> <p>b. Divorce Decree from previous marriage or marriages, if applicable, which awards custody of the child to the parent. If there is a joint custody from the previous marriage, court documentation must be amended to authorize full custody of the child and that the child may leave the state which has jurisdiction over the case.</p>
(6) Child, Ward	<p>a. Birth Certificate which shows both parents.</p> <p>b. Divorce decree if applicable. Divorce decree must specifically state which parent has custody of the child. If the divorce decree awards temporary custody to the child's original parents, the divorce decree must be amended by the State/County Court to show that the child can be awarded temporary custody to a third party.</p> <p>c. Documentation which authorizes temporary custody of the child as a Ward must be from a U.S. State Court or County Court, as described by the laws of that state. If the child is a Korean National, documentation must be certified by Korean Family Court. The approved temporary custody document must be translated and certified as a valid court order by the local Legal Office.</p> <p>d. The Court document which authorizes temporary custody <u>must</u> specifically state that the child is authorized to leave the state which has jurisdiction of the case; and the United States.</p> <p>e. Court documents from a foreign country must be translated into English and the local legal office must provide a statement attesting to the validity of the court order.</p>
(7) Child, Student (age 21 to 23)	<p>a. Birth Certificate</p> <p>b. Letter from the school's registrar which states the child is a full-time student.</p>
(8) Child, (age 21-23), incapable of self-support (handicap/disability reasons only)	<p>a. Birth Certificate</p> <p>b. Letter from current physician (dated within 90 days) certifying and indicating when incapacitation occurred. The letter must indicate whether there is an expectancy that the child will recover.</p> <p>c. Letter from the Social Security Administration stating that the child is not eligible for Medicare.</p> <p>d. Statement from the Sponsor that the child is not married.</p> <p>e. The sponsor must be providing over 50 percent support</p>
Parents/Parents-in-Law	
(9) Sponsor's Mother	a. Birth Certificate and documentation that shows sponsor is providing over 50 percent support.
(10) Sponsor's Father	a. Birth Certificate and documentation that shows sponsor is providing over 50 percent support.
(11) Sponsor's Mother-in-Law	a. Marriage Certificate and documentation that shows sponsor is providing over 50 percent support.
(12) Sponsor's Father-in-Law	a. Marriage Certificate and documentation that shows sponsor is providing over 50 percent support.

USFK Form 700-19B-R-E, 01 Feb 07

Enclosure E

Figure E-5
USFK Form 237-E, Request for Provost Marshal Record Check

REQUEST FOR PROVOST MARSHAL RECORD CHECK <small>(AR 190-45)</small>		
SECTION I - TO BE COMPLETED BY REQUESTER		
TO: 	FROM: 	DATE
1. REQUEST A RECORDS CHECK BE CONDUCTED FOR THE FOLLOWING INDIVIDUAL(S) <i>(FOR MULTIPLE REQUESTS USE REMARKS SECTION)</i> NAME: _____ SSN: _____ GRADE: _____ DATE ARRIVED REPUBLIC OF KOREA (ROK): _____ DEROS: _____		
2. PURPOSE OF THIS REQUEST IS: <input type="checkbox"/> Extension/curtailment of foreign service tour. <input type="checkbox"/> Pre-employment <input type="checkbox"/> Recommendation for award. <input type="checkbox"/> Security Clearance <input type="checkbox"/> Reenlistment <input type="checkbox"/> Other: _____		
NAME, GRADE, AND TITLE 	SIGNATURE 	PHONE NUMBER
SECTION II - TO BE COMPLETED BY PMO		
TO: 	FROM: 	DATE
1. A RECORDS CHECK WAS CONDUCTED FOR THE ABOVE INDIVIDUAL, AND DISCLOSED THE FOLLOWING: <input type="checkbox"/> No record of derogatory information as of _____ <input type="checkbox"/> See attached sheet for record information <input type="checkbox"/> Information listed as of _____ <input type="checkbox"/> No records available on this person <input type="checkbox"/> No record found		
2. REMARKS: <i>(Use reverse side, if necessary)</i>		
NAME, GRADE, AND TITLE 	SIGNATURE 	PHONE NUMBER

USFK FORM 237-E, 1 JAN 01

Enclosure E

Figure E-6
Invited Contractor – Certification of Ordinary U.S. Residence Memorandum

NOTE: Do not change this template or delete any section/paragraph. If a paragraph prescribed in the format does not apply, indicate "Not applicable" (instead of deletion).

MEMORANDUM FOR Office of Acquisition Management, USFK (FKAQ)

SUBJECT: Invited Contractor Certification of Ordinary Residence in accordance with U.S.- ROK Status of Forces Agreement (SOFA)

1. I affirm that I am ordinarily resident in the U.S., as defined in Paragraph 4, in order to support a request for SOFA designation in Korea as an Invited Contractor.
2. Sponsorship in Korea. I affirm that (select one):
 - I am my own sponsor and am in Korea due to my employment as an Invited Contractor.
 - I am a dependent of my sponsor and am NOT in Korea due to my employment as an Invited Contractor. My sponsor's DEROS is: _____
3. Exercise Support.
 - I am coming TDY to Korea to support the following exercise(s): _____
 - N/A
4. The U.S.-ROK SOFA, implemented by USFKI 4901.01, extends privileges to Invited Contractors who are ordinarily resident in the U.S. A person is ordinarily resident in the U.S. if they normally live in the U.S. or work in Korea in direct support of USFK (or are a dependent of an active duty, civil service or IC sponsor working in direct support of USFK) but would otherwise reside in the U.S. Ordinary residence is primarily determined by a person's physical, legal and permanent (as opposed to transient or temporary) place of domicile at the time of hiring. Other factors in determining ordinary residence include nationality, alien resident status, duties while residing at a location, payment of taxes, maintenance of a residence (mortgage or lease), location of household goods, usual receipt of mail, etc.
5. I understand that wrongfully alleging ordinary resident status may have significant financial, employment and legal consequences, and may result in the withdrawal of SOFA status and authorized logistical support.

Typed/Printed Name of Contractor

Name of Contracting Company

Signature

Date

Enclosure E

Figure E-7
Technical Representative – Certification of Ordinary Residence Memorandum

NOTE: Do not change this template or delete any section/paragraph. If a paragraph prescribed in the format does not apply, indicate "Not applicable" (instead of deletion).

MEMORANDUM FOR Office of Acquisition Management, USFK (FKAQ)

SUBJECT: Technical Representative Certification of Ordinary Residence in accordance with the U.S.-ROK Status of Forces Agreement (SOFA)

1. I affirm that I am not an ordinary resident of the Republic of Korea, as defined in Paragraph 4, in order to support a request for SOFA designation in Korea as a Technical Representative.

2. Sponsorship in Korea. I affirm that (select one):

- I am my own sponsor and am in Korea due to my employment as a Technical Representative.
- I am a dependent of my sponsor and am NOT in Korea due to my employment as a Technical Representative. My sponsor's DEROS is: _____

3. The U.S.-ROK SOFA, implemented by USFKI 4901.01, extends privileges to Technical Representatives who are not ordinary residents of the Republic of Korea. In other words, if I were not in Korea in support of USFK, I would not be living in Korea at all. Ordinary residence is primarily determined by a person's physical, legal and permanent (as opposed to transient or temporary) place of domicile at the time of hiring. Other factors in determining ordinary residence include nationality, alien resident status, duties while residing at a location, payment of taxes, maintenance of a residence (mortgage or lease), location of household goods, usual receipt of mail, etc.

4. I understand that wrongfully alleging ordinary resident status may have significant financial, employment and legal consequences, and may result in the withdrawal of SOFA status and authorized logistical support.

Typed/Printed Name of Contractor

Name of Contracting Company

Signature

Date

Enclosure E

Figure E-8
SOFA Change of Status Report Memorandum

MEMORANDUM FOR USFK Assistant Chief of Staff, J1 (FKJ1)

SUBJECT: Invited Contractor or Technical Representative Change of Status Report

1. Reference: USFK Regulation 1-38, Reporting Change of Status of SOFA Personnel, dated 12 June 2013.

2. The purpose of this memorandum is to report the change of status to the following contractor employee(s) and/or their dependent(s).

- a. Name(s):
- b. Civilian address while in the ROK:
- c. Organization of assignment or employing company, as appropriate.
- d. Status before change.
- e. Reason for change.
- f. Passport number.
- g. Expected date of departure from the ROK.

3. The point of contact for this memorandum is _____, USFK Office of Acquisition Management (FKAQ), DSN: _____, email: _____.

SIGNATURE BLOCK
FKAQ, Invited Contractor Program

Enclosure E

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ENCLOSURE F
REFERENCES

Note: Refer to the source documents referenced in this instruction as the source documents may update prior to the update of this instruction.

1. U.S. – ROK Status of Forces Agreement (SOFA). *a.k.a. The Mutual Defense Treaty between the United States of America and the Republic of Korea, Regarding Facilities and Areas and the Status of United States Armed Forces in Korea* (as amended), entered into force on 5 February 1967.
2. 48 C.F.R § 25.801 – 25.802, Federal Acquisition Regulation (FAR) Subpart 25.8, *Other International Agreements and Coordination*, revised as of 28 October 2022.
3. 48 C.F.R § 225.802, Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 225.802, *Other International Agreements and Coordination*, revised as of 29 September 2022.
4. 48 C.F.R § 225.370, DFARS Subpart 225.370, *Contracts requiring performance or delivery in a foreign country*, revised as of 29 September 2022.
5. DFARS Procedures, Guidance, and Information (PGI) 225.370, *Contracts requiring performance or delivery in a foreign country*, revised as of 26 August 2022.
6. USFK Instruction 1501.01, Exchange and Commissary Privileges Access to Duty-free Goods, 30 June 2022.
7. USFK Regulation 1-38, Reporting Change of Status of SOFA Personnel, 12 June 2013.
8. USFK Regulation 190-1, Motor Vehicle Traffic Supervision 27 September 2021.
9. USFK Regulation 190-7, Installation Access Control, 6 August 2021.
10. USFK Instruction 1400.01, Civilian Personnel Policies and Procedures - Korean Nationals, 9 December 2022.

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GLOSSARY

Section I. Abbreviations

BX	Base Exchange
CAC	Common Access Card
COR	Contracting Officer Representative
COMUSK	Commander, United States Forces Korea
DoD	Department of Defense
DoDEA	Department of Defense Education Activity
FKAQ	Office of Acquisition Management, USFK
FMS	Foreign Military Sales
IAW	In accordance with
IC	Invited Contractor
ID	Identification Card
KO	Contracting Officer
MWR	Morale, Welfare, and Recreation
NEO	Noncombatant Evacuation Operations
POC	Point of Contact
POV	Privately Owned Vehicle
PWS	Performance Work Statement
PX	Post Exchange
ROK	Republic of Korea
RO	USFK Responsible Officer
SA	USFK Sponsoring Agency

SOFA	Status of Forces Agreement
SOO	Statement of Objectives
SOW	Statement of Work
TASS	Trusted Associate Sponsorship System
TCN	Third-Country National
TR	Technical Representative
U.S.	United States (of America)
USFK	United States Forces Korea

Section II. Terms

Academic Institution Instructor. Instructor for a major college or university such as Central Texas College or University of Maryland. Academic institution instructors normally teach subjects that receive college credit.

Contingency Operation. Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301 (a), 12302, 12304, 12305, or 12406 of 10 U.S.C, chapter 15, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Contracting Office. The U.S. Government office responsible for soliciting bids or proposals from bidders or offerors; awarding contracts; administering contracts; and/or terminating contracts.

Contracting Officer. A person with the authority to enter into, administer, or terminate contracts and make related determinations and findings. Contracting officers may bind the Government only to the extent of the authority delegated to them. A contracting officer is appointed in writing through a warrant (SF 1402) by the Head of the Contracting Activity (HCA) or through a person delegated authority by the HCA

Contractor. An individual, company, corporation, or other business entity that enters into a contractual relationship with the U.S. Government to provide supplies, services or construction at agreed-upon prices or rates. Sometimes referred to as a vendor.

Dependents. Persons including--

- a. Lawful spouse.
- b. Unmarried children who are under 21 years of age, including legally adopted children and stepchildren.
- c. Children 21 years of age and older who are in fact dependent on the principal for over half of their support provided they
 - (1) Are incapable of self-support because of a mental or physical incapacity that existed before age 21 or
 - (2) Have not passed their 24th birthday and are enrolled full-time in an approved institute of higher learning. If a child is attending college outside of Korea, the child may not be added to the USFK Form 700-19A-R-E.
- d. Parents (legal supporting documents is required, to include copy of taxes, residency, financial, etc.), including father, mother, stepparents, and parents by adoption who are in fact dependent for over half of their support and reside in the employee's household.

Full-Time Employee. To be considered full-time, a contractor employee must be in a full-time paid status working 40 hours or more each week. Employees of education institutions, which fall in the Special Category for Education Contracts, will only be considered full-time if official employment records filed at the home office of the university, college, or institution clearly show that said employees are in fact in a full-time paid status. (Note: Certification of full-time paid status must be provided by the Human Resources Manager of the university, college or educational institution and will not be accepted from local extension offices.)

Joint Committee under the U.S.-ROK SOFA. The bilateral committee established in compliance with SOFA Article XXVIII as a means for consultation between the U.S. and ROK governments on all matters requiring mutual consultation regarding implementation of the SOFA.

Joint Venture. The term used when a U.S. company teams with a Korean firm. Only the U.S. partner in the joint venture may be eligible for SOFA status.

Local Hire. An employee hired from the local, in-country pool of U.S. citizens and non-U.S. citizens with a U.S. green card who can meet the prerequisites for IC status in that they can prove that they are: 1) a U.S. citizen or a non-U.S. citizen with a U.S. green card; and, 2) ordinarily resident in the U.S.

Local National (LN) Hire. A Korean national (KN) employee. A LN hired in support of an IC obligation to USFK does not qualify for any status, rights or privileges under SOFA.

Logistics Support. Benefits provided to authorized employees and dependents for their sustained logistics needs while in Korea. Items provided include ID cards, which allows use of military exchanges, commissaries, social clubs, and MWR activities etc. (see Tables C-1 and C-2 for detailed listings of benefits and privileges).

Ordinary Resident of U.S. A person is ordinarily resident in the US if they normally live in the US or work in Korea in direct support of USFK (or are a dependent of an active duty, civil service or IC sponsor working in direct support of USFK) but would otherwise reside in the US. Ordinary residence is primarily determined by a person's physical, legal and permanent (as opposed to transient or temporary) place of domicile at the time of hiring. Other factors in determining ordinary residence include nationality, alien resident status, duties while residing at a location, payment of taxes, maintenance of a residence (mortgage or lease), location of household goods, usual receipt of mail, etc.

Ordinarily Resident in ROK. A person who normally lives in the Republic of Korea. A person who has obtained a work or family visa with intent on working in Korea or living with family members in Korea.

Part-Time Employee. An IC employee is considered to be a part-time employee if that employee is in a part-time paid status working less than 40 hours each week. Employees of education institutions, which fall in the Special Category for Education Contracts, who do not have a certification of full-time employment from the Human Resources Manager of the university, college, or institution, will be considered as part-time employees.

Responsible Officer (RO). A DOD personnel located in the ROK (such as a military E-5 and above, KGS-07 or above, civilian GS-7 and above), appointed by the SA, who is directly responsible for determining and administering appropriate logistics support for IC/TRs during contract performance in the ROK. The RO will assist IC/TR employees and dependents in processing forms to obtain authorized logistics support. They will monitor and control contractor logistics support. In many instances, the RO can be the same person as the Contracting Officer's Representative (COR). RO's cannot be self-appointed. The RO should be geographically and functionally situated to enable direct personal contact with contractor employees.

Status of Forces Agreement (SOFA). The international agreement between the U.S. of America and the Republic of Korea envisaged by Article IV of the U.S.-ROK Mutual Defense Treaty. The SOFA was signed on 9 July 1966 and became effective on 9 February 1967. The term "U.S.-ROK SOFA" includes the original Agreement, and its Agreed Minutes and Understandings, as amended. Numerous implementing agreements may be found in the Official Minutes of the SOFA Joint Committee

established by Article XXVIII, SOFA. (“SOFA” is the abbreviated term for the “Agreement Under Article IV of the Mutual Defense Treaty Between the United States of America and the Republic of Korea Regarding Facilities and Areas and the Status of U.S. Armed Forces in the Republic of Korea”.)

SOFA Status. The categories of those persons, defined in Articles I and XV of the SOFA, provided status and protection under the SOFA. For purposes of this instruction, properly designated ICs and their approved employees and dependents whose presence in Korea (and by default whose travel to Korea) is solely attributed to the performance of contracts with or for the U.S. armed forces in Korea may qualify for status and protection under the SOFA. SOFA status for purposes of complying with ROK government laws regarding immigration and the control of aliens may be extended to full-time and part-time, properly and legally designated IC employees and designated and approved dependents. SOFA status for immigration purposes does not automatically provide or authorize the extension of privileges and logistics support.

Sponsoring Agency (SA). A DOD organization located in the ROK that has been designated by a contracting officer to be responsible for an IC or TR while they perform work in the ROK. The SA is usually the Unit Commander and/or equivalent of the contract requiring activity and appoints the RO's. The SA is ultimately responsible for determining and authorizing available logistics support for IC/TR contractor employees and their dependents.

Subcontractor. A company or individual that enters into a legal contract to perform work for another contractor. If the U.S. government awards a contract to a company or individual, then that contractor is called a Prime Contractor. If the Prime Contractor then awards a contract to another company or individual to perform part of their work on the U.S. government contract, the resultant contract is called a subcontract. Normally, the U.S. government does not have any legal relationship (privity) with subcontractors. However, the U.S. Government may have oversight through the Prime Contractor and may monitor the subcontractor's performance.

Supporting Documentation. Documentation that will be used to support the determination of dependency, IC eligibility, and ordinary residence.

Technical Representative. TRs are considered contractors by the US, but are afforded status as a member of the civilian component under the SOFA. The TR designation is limited by agreement of the U.S.-ROK SOFA Joint Committee to individuals who serve in three basic capacities:

- a. Special individual instructors or technical advisors.
- b. Individual medical and dental service personnel hired by USFK directly under a “personal services contract”.

- c. Special individual vendor representatives provided by major U.S. manufacturers.

Third-Country Nationals. Citizens of countries other than the United States of America or the Republic of Korea.

U.S. Representative to the SOFA Joint Committee. The Deputy Commander, USFK, appointed in accordance with SOFA Article XXVIII by the U.S. Ambassador to Korea.