

10 September 2009

Procurement

**Contractor Personnel in Germany—Technical Expert, Troop Care,  
and Analytical Support Personnel**

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**\*This regulation supersedes AE Regulation 715-9, 2 April 2003;  
and rescinds AE Form 715-9A, AE Form 715-9B, AE Form 715-9C, and AE Form 715-9D.**

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**Summary.** This regulation prescribes policy and procedures for contracts intended to employ personnel with analytical support, technical expert, or troop care designations in Germany under Articles 72 and 73 of the Supplementary Agreement of the NATO Status of Forces Agreement.

**Summary of Change.** This revision—

- Describes the new DOD Contractor Personnel Office Contractor Online Processing System (DCOPS) and its role in processing contractor personnel and integrating the previous paper-based process into a web-enabled database (para 5).
- Eliminates information on certain contract types and adds information on multivendor indefinite delivery/indefinite quantity (para 11).
- Clarifies new procedures for processing military-exigency requests (para 20).
- Describes the interaction between the DOD-mandated Contractor Verification System and the functions of the Department of Defense Contractor Personnel Office (DOCPER), Office of the Deputy Chief of Staff, G1, HQ USAREUR (para 25).
- Incorporates numerous other changes resulting from the maturing of the process and increased automation.

**Applicability.** This regulation applies to units and organizations proposing to use contracts intended to employ analytical support, troop care, or technical expert personnel in support of the forces in Germany, regardless of where the contract originated (in- or outside the continental United States).

**Supplementation.** Organizations will not supplement this regulation without USAREUR G1 (AEAGA-CM) approval.

**Forms.** AE and higher level forms are available through the Army in Europe Publishing System (AEPUBS).

**NOTE:** AE Form 715-9A, AE Form 715-9B, AE Form 715-9C, and AE Form 715-9D have been incorporated in the web-enabled DOCPER database and are no longer used independently of the DCOPS.

**Records Management.** Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System website at <https://www.arims.army.mil>.

**Suggested Improvements.** The proponent of this regulation is the USAREUR G1 (AEAGA-CM, DSN 375-3263). Users may suggest improvements to this regulation by sending DA Form 2028 to the USAREUR G1 (AEAGA-CM), Unit 29150, APO AE 09100-9150.

**Distribution.** D (AEPUBS).

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## **SECTION I INTRODUCTION**

### **1. PURPOSE**

This regulation—

- a. Provides guidance on seeking NATO Status of Forces Agreement (SOFA) status accreditation of contractor employees as analytical support (AS), troop care (TC), or technical expert (TE) employees under Articles 72 and 73 of the Supplementary Agreement (SA) to the NATO SOFA.
- b. Establishes procedures for obtaining approval of contracts that employ AS, TC, or TE personnel.
- c. Establishes procedures for approving individual applications for AS, TC, or TE status.
- d. Provides a flowchart for processing actions (fig 1).

## 2. REFERENCES

### a. Publications.

- (1) SA NATO SOFA, Article 72, Treatment of Non-German Commercial Enterprises.
- (2) SA NATO SOFA, Article 73, Treatment of Technical Experts.
- (3) Exchange of Notes Between the Governments of the United States of America and the Federal Republic of Germany, 27 March 1998 (Article 72) (Troop Care) (<http://www.per.hqusaureur.army.mil/cpd/docper/exchange72.aspx>), with updates through August 2008, including the Amendment of 29 June 2001 (Article 72—Information Technology Services).
- (4) Exchange of Notes Between the Governments of the United States of America and the Federal Republic of Germany, 27 March 1998 (Article 73) (Technical Experts) (<http://www.per.hqusaureur.army.mil/cpd/docper/exchange73.aspx>).
- (5) Exchange of Notes Between the Governments of the United States of America and the Federal Republic of Germany, 29 June 2001 (Article 72) (Analytical Support Services) ([http://www.per.hqusaureur.army.mil/cpd/docper/exchange72\\_as.aspx](http://www.per.hqusaureur.army.mil/cpd/docper/exchange72_as.aspx)).
- (6) Homeland Security Presidential Directive 12, Policy for a Common Identification Standard for Federal Employees and Contractors ([http://www.dhs.gov/xabout/laws/editorial\\_0607.shtm](http://www.dhs.gov/xabout/laws/editorial_0607.shtm)).
- (7) Defense Federal Acquisition Regulation Supplement (DFARS), subpart 225.7401(b) ([http://www.acq.osd.mil/dpap/dars/dfars/pdf/r20090115/225\\_74.pdf](http://www.acq.osd.mil/dpap/dars/dfars/pdf/r20090115/225_74.pdf)).
- (8) AR 25-400-2, The Army Records Information Management System (ARIMS).
- (9) AE Regulation 550-175, U.S. Forces Customs Controls in Germany.

### b. Forms.

- (1) DD Form 214, Certificate of Release or Discharge From Active Duty.
- (2) DD Form 1172-2, Application for Department of Defense Common Access Card DEERS Enrollment.
- (3) DA Form 2028, Recommended Changes to Publications and Blank Forms.

## 3. EXPLANATION OF ABBREVIATIONS AND TERMS

The glossary defines abbreviations and terms.

## 4. GENERAL

**a. Status Accreditation.** NATO SOFA status accreditation under Article 72 or 73 of the SA NATO SOFA will be granted to DOD contractor employees who meet the criteria of Articles 72 or 73 and specifically the criteria in the Exchanges of Notes Between the Governments of the United States of America and the Federal Republic of Germany. NATO SOFA status accreditation under Article 72 or 73 allows contractor employees to be considered as and treated as members of the civilian component. Possible accreditations are as follows:

- (1) Analytical support status accreditation (ASSA).
- (2) Troop care status accreditation (TCSA).
- (3) Technical expert status accreditation (TESA).

**NOTE:** Foreign military sales contracts are not eligible for AS, TC, or TE status.

**b. DOD Proponent for All Military Services and Defense Agencies.** The Department of Defense Contractor Personnel Office (DOCPER), Office of the Deputy Chief of Staff, G1, HQ USAREUR, is the DOD proponent for the administering the accreditation program for contracts and contractor employees for all military services and DOD agencies operating in Germany.

**c. Primacy of the Bilateral Agreements.**

**(1) Bilateral Process.** The Exchanges of Notes implementing Articles 72 and 73 of the SA NATO SOFA establish a bilateral approval process for granting ASSA, TCSA, and TESA. The DOCPER will receive and review contracts proposing the use of accredited personnel and applications for ASSA, TCSA, and TESA personnel from all DOD components and DOD agencies. When the DOCPER determines that contracts or application documents meet the criteria established in the Exchange of Notes, the DOCPER will forward them to the responsible German authorities for review and concurrence. The concurrence of the responsible German authorities generally is required for both contracts and applications before personnel proposed for accreditation may begin work.

**(2) NATO SOFA Status Required for ILS.** Individual logistic support (ILS) (including basic privileges, such as access to the post exchange and commissary, and authorization for fuel-ration cards) is accorded only to contractor employees who receive NATO SOFA status in Germany through the processes described in this regulation. Other attempts to grant ILS in Germany (for example, through a clause in a contract, letters of authorization from commanders, area clearance letters) are invalid and cannot override the international agreements signed with Germany. Articles 72 and 73 of the SA NATO SOFA and the Exchange of Notes make it clear that ILS will be granted in Germany only through the established bilateral approval process.

**d. Role of the Contracting Officer's Representative (COR).** The DOCPER will deal directly with CORs and other Government representatives who have been formally delegated specific responsibilities by the contracting officer (KO). In this regulation, all such individuals will be referred to as CORs. KOs are strongly encouraged to appoint an in-country COR or POC to handle administrative responsibilities for AS, TC, and TE issues. CORs must have an appointment memorandum on file with the DOCPER for each contract to which they are appointed before contracts or applications will be accepted for processing. The COR will—

- (1) Ensure application packages are complete.
- (2) Ensure applicants meet job requirements.
- (3) Prevent fraud.
- (4) Notify the DOCPER and the ID-card proponent of the applicable DOD component when employees are terminated.
- (5) Turn in contractor common access cards (CACs) and ID cards to the local ID-card office after employees are terminated.

**e. Operational Definitions of Phases I and II.** The use of the descriptions of phase I for contract approval and phase II for the approval of individual applications was originated by the German authorities to make clear the order of precedence of contract approval over applicant approval. Figure 1 illustrates these phases. The DOCPER Contractor Online Processing System (DCOPS) uses the same terminology.

(1) **Phase I.** The term *phase I* is applied to all actions related to contract approval.

(2) **Phase II.** The term *phase II* is applied to all actions related to the approval of individual applications.

**f. Clearances and Classified Information.**

(1) **Clearances.** A requirement that a position be filled by an individual with a security clearance does not by itself justify approval of that position for AS or TE status. The position must otherwise qualify as AS or TE, regardless of any security-clearance requirement.

(2) **Classified Contracts.** The sponsoring command headquarters must certify the classified nature of the contract work and identify the nature of the information that is classified. Information supplied may be “sanitized” as long as it is sufficient to allow the DOCPER to obtain approval for the contract.

(3) **Classified Applicant Information.** Information and documents (job title, job description (JD), skills, knowledge requirements, and employee curriculum vitae (CV) or résumé) may also be sanitized as long as they remain adequate for ASSA or TESA purposes. For example, the CV need not give specific information about the work location if the location is classified. The CV must, however, provide at least general location information (for example, “various locations in Southwest Asia”).

**5. CENTRAL DATA MANAGEMENT SYSTEM**

**a. General.** Processing DOD contractor employees for NATO SOFA status accreditation is done through the DCOPS. The DCOPS is the central data-management system used by the DOCPER to ensure that provisions of the SA NATO SOFA pertaining to U.S. contractor employees are properly and consistently applied. The DCOPS manages data about individual contracts, labor positions on contracts, and contractor employees on contracts submitted for approval for accreditation in positions as TE, AS, and TC.

**b. Operation.** The DCOPS is a secure, web-enabled database that allows CORs, contractor employees, and the DOCPER to transmit, review, and process information necessary for the accreditation of contractor employees as TE, AS, or TC. Specific details of the operations for the DCOPS are in a separate manual available on the DOCPER website. This paragraph provides a general description of DCOPS operations.

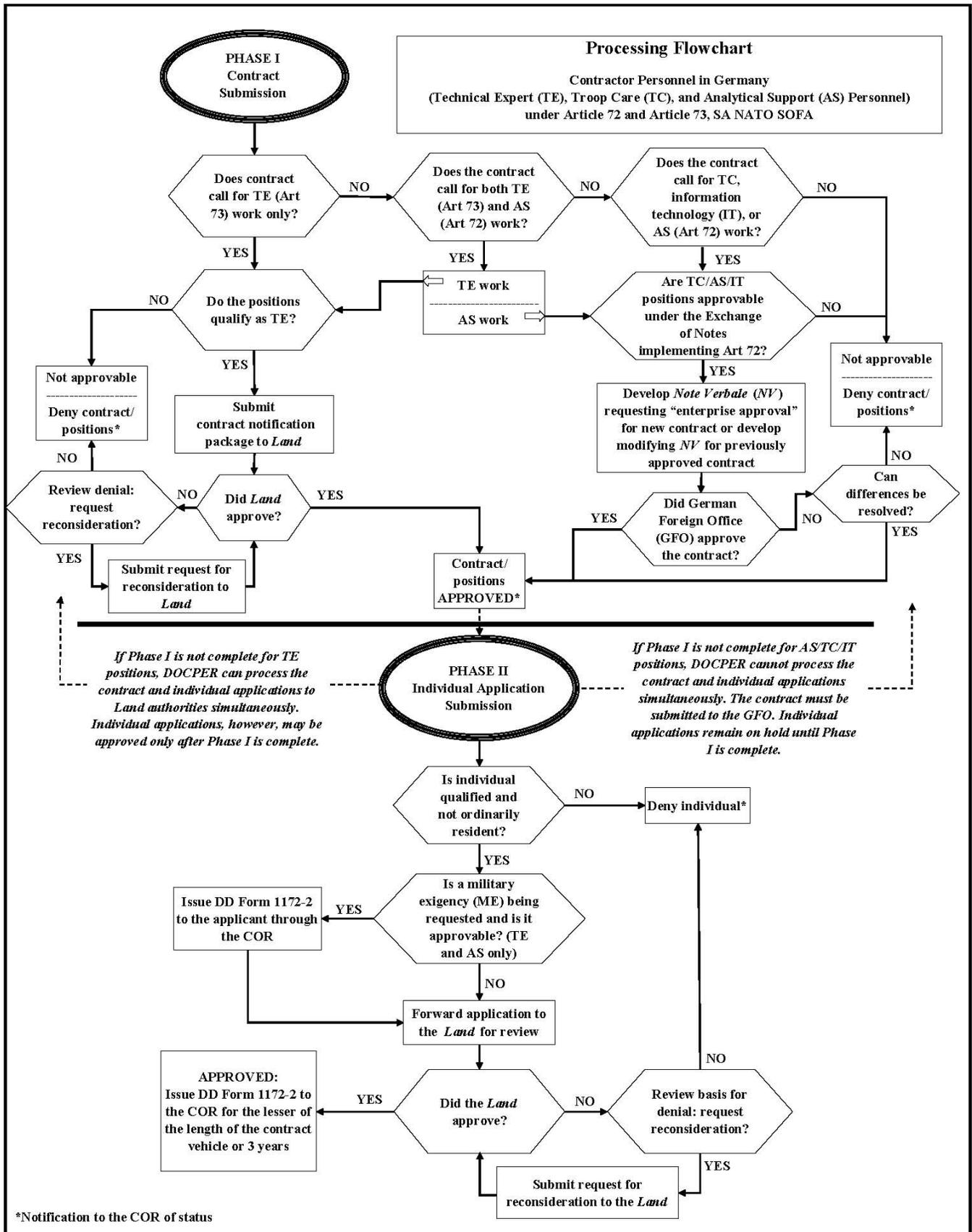


Figure 1. Processing Flowchart

**(1) Initiating the Process.** The COR provides to the DOCPER (usually by e-mail) the memorandum or letter from the KO that designated him or her as a COR for a specific contract. The DOCPER enters that contract number into the DCOPS and notifies the COR by e-mail to log into the DCOPS using a globally unique identifier (GUID). The GUID and temporary password can then be used to create a permanent password. Subsequent logins are effected through user-ID (the COR's e-mail address) and a permanent password.

**(2) Contract Submission.** The COR's main screen or "dashboard" shows all contracts to which the COR is assigned in the DCOPS and provides information and processing options. The COR can click on the *Contract* link for a specific contract, enter all necessary data, and upload all required documentation (signed as appropriate). The DCOPS makes an automated review and validates that all datafields have been entered according to the validation criteria in the DCOPS. Once all information is complete, the COR may submit the contract to the DOCPER for review. On submission, the DCOPS will generate confirming e-mail messages to the DOCPER and the COR. Once the contract is approved by the DOCPER, the DCOPS can automatically format the information into a contract notification (formerly AE Form 715-9A), which can be printed out and sent to German *Land* officials.

**(3) Applicant Submission.** Once the contractor has designated an employee to fill a particular position on the contract, the COR generates a notification to the applicant to log into the DCOPS through use of a GUID (similar to the process described in (1) above). The applicant enters all necessary data and uploads all required documentation (for example, signed job offer, résumé). The DCOPS makes an automated review and validates that all datafields have been entered according to the validation criteria in the DCOPS. Once all information is complete, the applicant will submit the information to the COR for review. On submission, the DCOPS will generate confirming e-mail messages to the applicant and the COR.

**(4) DOCPER Review.** Once the DCOPS indicates that the DOCPER has approved the contract, the COR can submit applicants for review by the DOCPER. If approved, the DOCPER will generate a DCOPS document providing information about the applicant and his or her activity (formerly AE Form 715-9C), which can be printed out and sent to German *Land* officials. The DOCPER can then generate DD Form 1172-2, which the applicant can take to the local ID-card office and complete the process of NATO SOFA status accreditation.

## **SECTION II TE CONTRACTS**

### **6. NEW CONTRACTS**

**a. Definition.** A "new contract" is any contract, newly awarded or existing, that has not yet been approved in Germany for purposes of NATO SOFA status. New contracts require notification to and coordination with the responsible German authorities. Follow-on or successor contracts, even if awarded to the same company with the same performance work statement (PWS) and JDs, are considered new contracts. When submitting a new contract to replace a contract under which TESA had been previously granted, it is useful to include information in the COR transmittal document comparing the job titles or positions of the new contract to the approved TE positions on the previous contract.

**b. Submission.** To begin the contract-notification process, the COR will log into the DCOPS according to the process describe in paragraph 5. If the contract is approvable, the DOCPER will generate a DCOPS contract notification for transmission to German *Land* officials. All contract information and documentation must be submitted through the DCOPS. The DOCPER will not accept hard-copy or e-mail submissions.

**c. Enclosures.** All enclosures must be uploaded through a secure connection to the DCOPS. The enclosures will include all parts of the contract that relate to contract performance in Germany (signed contract-award document, PWS, period of performance (POP), options, JDs with qualification requirements, COR designation, and COR transmittal).

**d. Subcontractors.** Subcontractors are approvable under TE and AS contracts, but not TC contracts. Under TE contracts, multitier subcontracting (for example, subcontractor-to-subcontractor) is also approvable. Under AS contracts, only one level of subcontracting is acceptable (for example, prime-to-sub, but not sub-to-sub). The subcontracting agreement (the contract or other agreement between prime and sub) must be provided to the DOCPER. Special provisions govern AS subcontracts (para 12d).

## 7. SOLICITATIONS

In general, solicitations do not provide enough specific information to begin the contract-notification process. Therefore, the DOCPER will not formally accept the submission of solicitations. Coordination with the DOCPER regarding solicitations may, however, be useful for large or complex contracts.

## 8. CONTRACT EXTENSIONS

**a. Notified Contracts.** Contract documents that extend the performance of a contract must be submitted to the DOCPER through the DCOPS before the existing POP expires. The term of the extension must also be clearly indicated. Individuals continuing to work under the contract need not resubmit applications. The practice of assigning a new contract, delivery order (DO), or task order (TO) number to exercise an option under a notified and approved contract will not require submitting another contract notification or going through the individual accreditation process. It will, however, require coordination with German *Land* authorities. Employment termination notification must also be provided according to paragraph 22.

**b. Delayed Extensions.** If a contract extension is delayed because of funding constraints, the KO may submit a letter of intent stating the Government's intent to extend the existing contract and the date to which it will be extended. A template for the KO *Letter of Intent to Exercise Option to Extend the Term of the Contract* is available at <http://www.per.hqusareur.army.mil/cpd/docper/forms.aspx>. A letter of intent is sufficient to allow the DOCPER to authorize new CACs, but is not considered the same as a formal contract extension. Whether or not a letter of intent is provided, a copy of the contract-extension document must be sent to the DOCPER.

## 9. MODIFICATIONS

a. Modifications that materially amend the terms of a contract must be submitted promptly to the DOCPER through the DCOPS. These modifications usually consist of one or more of the following:

- (1) Change in PWS.
- (2) Change in number of positions.

- (3) Change in locations of positions.
- (4) Addition of new position descriptions.
- (5) Addition of new subcontractors.

b. In each case, data should be submitted through the DCOPS to allow the DOCPER to prepare an updated contract notification. The relevant contractual documents showing the changes must be uploaded.

c. The DOCPER must be notified whenever a contract is prematurely terminated for any reason.

## 10. CONTRACT-APPROVAL PROCESS

**a. Approval.** The contract-package approval process (phase I approval process) may take up to 6 weeks; 5 weeks are allowed for final German *Land* concurrence. It will, however, generally take only a few business days for the DOCPER to review the contract-notification package and submit it to the responsible German authorities. Once the DCOPS indicates that the DOCPER has approved the contract, the COR may submit individual contractor employee applicants for review by the DOCPER. For contracts, the German authorities are expected to provide written concurrence or nonconcurrence within 5 weeks. If no response is received from the German authorities within that time, the DOCPER may presume concurrence.

**NOTE:** Contract approval indicates that at least one job or position description qualifies for privileged status.

**b. Notification.** After receiving concurrence or nonconcurrence from German *Land* authorities or, in case of constructive acceptance (no response within 5 weeks), the DOCPER will notify the COR through the DCOPS.

## 11. MULTIVENDOR ID/IQ CONTRACTS

Multivendor indefinite delivery/indefinite quantity (ID/IQ) contracts involve the use of multiple vendors to provide services based on a single requirements definition. An ID/IQ contract does not specify a firm delivery date or firm quantity of services under the contract. Multivendor ID/IQ contracts are also referred to as TO or DO contracts, since a specific TO or DO specifies the quantity, the delivery, and pricing for the contracted services.

**a. TE Contracts.** Generally the DOCPER requires that each TO or DO be treated as a separate and unique contract. Approval at the TO or DO level is necessary, because some of the specific information required for submission to the German *Land* authorities is not available until a TO or DO has been awarded.

**b. AS and TC Contracts.** Multivendor ID/IQ contracts that provide AS or TC services may be approved as a single contract (“umbrella” contract covering all TOs or DOs) at the discretion of the DOCPER and with the concurrence of the German Foreign Office (GFO) (*Auswärtiges Amt der Bundesrepublik Deutschland*). When it is determined that a multivendor ID/IQ contract will not be approved as a single contract, each TO or DO must be approved as a separate and unique contract.

## SECTION III TC AND AS CONTRACTS

### 12. NATURE OF NOTIFICATION AND APPROVAL

a. Under the Exchanges of Notes for Article 72, the notification and approval of each contract are made through a separate bilateral agreement (also called *Note Verbale (NV)*) between the U.S. Embassy and the GFO.

b. To avoid confusion, the acronym *NV* will be used to refer to a bilateral agreement on individual AS or TC services contracts. The term *Exchange of Notes* will be used only for the implementing agreements for Articles 72 and 73.

c. The *NV* established for each contract grants “enterprise approval” to the firm carrying out the services described in the contract. Therefore, the services and the “enterprise” offering those services are the subject of an international agreement. This process is different than the contract-notification and approval process for TE contracts under Article 73. The U.S. Forces must ensure that the provisions of the *NV* governing each enterprise approval are followed or risk violating an international agreement to which the U.S. Government is a signatory.

d. In addition to complying with the provisions on subcontractors (para 6d), subcontractors on AS contracts must—

(1) Be granted enterprise approval separate from the prime contractor.

(2) Execute an agreement with the prime contractor. This agreement will also be signed by the DOCPER, acknowledging that it must exclusively serve the Force, may not further subcontract the service it will provide, may not perform work outside the scope of the prime contract, and may not remain accredited beyond the POP stated in the prime contract. (A template of such an agreement is available at <http://www.per.hqusaeur.army.mil/cpd/docper/forms.aspx>.)

(3) Limit subcontractor employees to a “small” number relative to the number of AS contractors on the prime contract.

### 13. PROCESS

To initiate the contract-notification process for AS and TC contracts, the COR will log into the DCOPS according to the process described in paragraph 5. If the contract is approvable, the DOCPER will generate a DCOPS contract notification for transmission to the GFO. As stated in paragraph 6c, enclosures to be uploaded through the DCOPS must include all parts of the contract that relate to contract performance in Germany (for example, contract award document, PWS, POP, skill classifications, JDs with qualification requirements, and salary information).

**a. AS Personnel and TC Providers.** The contract must refer by name to the specific professions or categories of TC providers listed in paragraph 1 of the Exchange of Notes implementing Article 72 or, for AS personnel, to the labor categories listed in the appendix to the Exchange of Notes covering AS services. In the case of certain information technology (IT) providers in the TC field, reference should be made to the IT list at [http://www.per.hqusaeur.army.mil/cpd/docper/listexchange72\\_tc\\_it.aspx](http://www.per.hqusaeur.army.mil/cpd/docper/listexchange72_tc_it.aspx).

**b. Numbers of AS Personnel or TC Providers.** The *NV* established for each contract must include an attachment that shows the numbers and types of AS personnel or TC providers and the locations where they will likely be employed. These numbers will be based on the information provided through and generated by the DCOPS contract notification. Exceeding the number of AS personnel or TC providers will violate the *NV*. Once the *NV* is approved, any proposed increases to that number must be reported to the DOCPER with the appropriate contract documents identifying the change, along with an update in the DCOPS that show the changes. The DOCPER will work with the U.S. Embassy and the GFO to update the *NV*, and will notify the KO or COR when an increase in numbers has been approved. Until the DOCPER provides such a notice, no additions may be made to the number of personnel employed.

#### **14. SOLICITATIONS**

Solicitations are not relevant for the approval of Article 72 contracts.

#### **15. CONTRACT EXTENSIONS AND MODIFICATIONS**

The policy and procedures for Article 72 AS and TC contract extensions and modifications are the same as those in paragraphs 8 and 9. For Article 72 AS and TC contract modifications that extend the POP, the KO or COR must provide the DOCPER the new contract-extension documents not less than 3 weeks before the previous contract, DO, or TO will expire. Contract-extension documents received by the GFO more than 2 weeks after the contract expires cannot be processed as an extension. After that time, the contract must be resubmitted as a new contract, which will result in a longer processing time. The GFO will treat successor Article 72 DOs or TOs as extensions when they are received in a timely manner.

**NOTE:** Draft orders and letters of intent from the KO will be accepted by the DOCPER but must be followed by final documents as soon as they are available. The DOCPER cannot process the extension through the U.S. Embassy to the GFO before receiving these final documents. (The DOCPER normally initiates a request for extension within 1 week after receipt.) Renewal of ILS authorization will generally proceed as described in paragraph 21. Modifications to AS or TC contracts that change the scope of work, the number or location of personnel, or job categories must also be sent to the DOCPER through the DCOPS with an explanation of the modifications. The DOCPER will notify the KO or COR when the modification has been approved.

#### **16. APPROVAL PROCESS**

a. The timelines for the development of an *NV* approving a new AS or TC contract are not specified in the Exchange of Notes implementing Article 72. In general, however, the approval process for an AS or TC *NV* takes from 6 to 8 weeks.

b. CORs will be notified of the signed *NV* granting enterprise approval through the DCOPS.

#### **17. “MIXED” TE/AS CONTRACTS**

If a contract is “mixed” (it supports the performance of both TE and AS work), the contract-notification package generated through the DCOPS will be submitted according to sections II and III. The *Land* authorities will decide on contractual provisions pertaining to Article 73 TE, and the GFO will act on enterprise approval under Article 72 AS. Therefore, contract notification takes place on independent and parallel tracks.

## SECTION IV INDIVIDUAL APPLICATIONS

### 18. APPLICANTS

The COR will review and submit individual applications to the DOCPER through the DCOPS. Hardcopy and e-mail submissions will not be accepted. Submissions from vendor representatives or directly from applicants will not be accepted.

**a. Types of Applicants.** An application for accreditation of contractor employees for ASSA, TCSA, and TESA must be submitted through the DCOPS when any of the following apply:

(1) New AS, TC (includes IT), or TE applicants are proposed for hire under newly awarded or existing contracts. For newly awarded contracts, applications generally can be submitted as soon as the DCOPS status screen indicates that the DOCPER has approved the contract. Applications for AS or TC personnel, however, will not be forwarded to the German *Land* officials until enterprise approval has been received.

(2) Employees previously granted status under a contract intend to change jobs or positions, either under the same or a different contract.

(3) Employees previously granted status under an expired or expiring contract intend to work on the newly awarded successor contract.

(4) Employees previously granted status under an expired or expiring DO or TO intend to work on the newly awarded successor order.

**NOTE:** Contract extension and option exercises extending the POP are not considered newly awarded contracts and do not require new applications.

**b. Submission Requirements.** The COR is responsible for creating a record in the DCOPS for each new applicant. Contractor employees designated by their firm to fill a particular position will apply through the DCOPS following the procedures in paragraph 5b(3). The applicant will enter all necessary data and upload all required documentation (for example, signed job offer and résumé). The DCOPS makes an automated review and validates that all datafields have been entered according to the validation criteria built into the DCOPS. Once all information is complete, the applicant then submits the information and documentation to the COR for review. On submission, the DCOPS will generate confirming e-mail messages to the applicant and the COR.

(1) **Job Description.** This will be a detailed description of the duties and knowledge, skills, and education requirements with special emphasis on experience and military skills, when appropriate, necessary for the work to be performed. The JD submitted with applications for accreditation must match a JD that was submitted and approved during the contract-notification phase (phase I). To be approved, the applicant must have a level of education and experience matching or exceeding that required by the JD.

(2) **Employment Contract.** The copy of the employment contract must show the dates and signatures of both employers and employees. An offer letter or letter of employment verification with the same information may be substituted for the employment contract.

**(3) Curriculum Vitae or Résumé.** The employee must submit an up-to-date CV or résumé. The CV or résumé must fully describe the applicant's professional background and list the applicant's employment history and education. The employment history should be arranged chronologically and must include the dates of employment (including both month and year), duty location (city and State or, if outside the United States, city and country), and the employing agency for each position held. The employment history must be complete with no periods unaccounted for and should clearly distinguish between active-duty military service, civilian Federal service, and private enterprise employment. The education section of the CV or résumé must clearly indicate any degrees the applicant has received. If the applicant has served in the military, the military discharge date must be included in the CV or résumé.

**NOTE:** If an applicant is leaving active duty, the applicant's NATO SOFA status as a contractor may not begin until after the separation date shown on his or her DD Form 214.

**(4) Education and Training.** AS and TE personnel must provide the name and description of educational establishments, description of the qualifications obtained, and the dates of attendance. This information may be incorporated in the CV or résumé. TC personnel must also provide copies of professional degrees, diplomas, transcripts, or certificates and licenses relevant to the job. Professional degrees and diplomas not from accredited institutions will be disregarded. Copies of licenses may be required for positions that state a specific license requirement.

**(5) Portions of the Contract.** Applicable pages from the contract documents must be uploaded as part of the application package. These documents must show the KO's signature, the contract number, the TO or DO number if applicable, and the POP.

**c. Education and Experience Requirements.** Contractor employees must meet general educational and experience requirements to be considered for TESA.

(1) Requirements for accreditation as a TE require that the applicant have one of the following:

- (a) A bachelor's degree and 3 years of specialized experience.
- (b) An associate's degree and 7 years of specialized experience.
- (c) 11 years of specialized experience.

(2) In general, each year of completed education is considered equal to 2 years of specialized experience.

(3) In general, a major certification is considered equal to an associate's degree. In determining if a particular certification should be considered major, the DOCPER considers whether or not the certification—

- (a) Was difficult to obtain.
- (b) Is widely accepted.
- (c) Was independently administered.

## 19. ASSA, TCSA, AND TESA PROCESSING

**a. Review Process.** The review of individual applications by the DOCPER can take up to 4 weeks, but generally takes much less time. Applications found by the DOCPER to meet the criteria in the Exchange of Notes will be forwarded to the responsible German *Land* authorities for their concurrence. The German authorities are expected to concur or nonconcur in writing within 4 weeks. If no response is received from the German authorities within 6 weeks, concurrence may be presumed by the DOCPER. Therefore, the total processing time for individual applications can take up to 10 weeks.

### **b. Notification Process.**

(1) The DOCPER will issue notifications of approval or denial of individual applications through the DCOPS to the COR within 10 business days as follows.

(a) When the DOCPER decides to deny accreditation based on its own review of the application, the DOCPER will notify the COR through the DCOPS and through a formal written denial.

(b) If concurrence is received from German *Land* authorities, the DOCPER will notify the COR through the DCOPS that DD Form 1172-2 may be downloaded from the DCOPS.

(c) If nonconcurrence (denial of status) is received from German *Land* authorities, the DOCPER will do either of the following:

1. Issue a denial memorandum to the COR.

2. Notify the COR in writing of the DOCPER decision to request reconsideration of the nonconcurrence from the German *Land* authorities.

(2) A denial memorandum will indicate only the general basis for the denial. The two most common reasons for denial are as follows:

(a) The applicant's experience and training are not sufficient for accreditation.

(b) The applicant is considered as "ordinarily resident."

(3) CORs wishing to discuss the basis for a denial should contact the responsible member of the DOCPER staff by mail or by e-mail.

**c. Reconsideration Process.** The DOCPER may request the German *Land* authorities to reconsider individual applicants who have been denied status accreditation. Such requests will occur no later than 4 weeks (20 workdays) after receiving a nonoccurrence.

(1) If the DOCPER notifies the COR of its intent to request reconsideration, the COR may be requested to provide additional supporting information. The COR is expected to respond within 5 workdays to give the DOCPER enough time to review and prepare written material for submission to the German *Land* authorities.

(2) A COR may also ask the DOCPER to request reconsideration. If the DOCPER agrees to request reconsideration, the COR will provide additional supporting information (when requested) within 5 workdays to give the DOCPER enough time to review and prepare written material for submission to the German *Land* authorities.

**NOTE:** Individuals denied status by the DOCPER or the German *Land* authorities who go directly to the German authorities, either in person or through German legal representation, will be redirected by the German authorities to the DOCPER.

## **20. MILITARY-EXIGENCY REQUESTS**

Number 8 of the Exchange of Notes for Article 73 provides that “in cases of military exigency,” the U.S. Forces (DOCPER) may grant unilateral but conditional approval of a TE, pending review by the German *Land* authorities. A similar provision (number 6) in the Exchange of Notes for Article 72 governing AS allows the DOCPER to use the military exigency (ME) provision to grant unilateral but conditional approval to AS applicants. There is no provision for an ME in the Exchange of Notes for Article 72 governing TC. Therefore, the ME provision applies only to ASSA and TESA applications.

**a. Request Process.** The request for an ME is indicated by the COR in the DCOPS when a new applicant record is created for an individual application for TE or AS status. If a request for an ME is not indicated at the time the new record is created, the DOCPER will accept a supplemental request from the COR anytime before the German *Land* authorities concur.

**b. ME Under Article 72 (AS).** In cases of ME, paragraph 6 of the Exchange of Notes implementing Article 72 allows the DOCPER to grant conditional accreditation under an ME to an AS applicant only after the GFO has granted enterprise approval for the contract (phase I complete). The guidance in subparagraph d below also applies.

**c. ME Under Article 73 (TE).** In cases of ME, paragraph 8 of the Exchange of Notes implementing Article 73 allows the DOCPER to grant conditional accreditation to an applicant as a TE, pending notification of and consultation with the German *Land* authorities.

**d. Review Process.** The DOCPER applies the same rationale in reviewing TESA applications, whether MEs or normal submissions. The DOCPER does not approve MEs for candidates unlikely to be granted TESA or ASSA. (Doing so generally results in granting temporary NATO SOFA status for individuals from whom that status must then be withdrawn because of subsequent denial by the German *Land* authorities.) The ME provision does not eliminate the requirement to follow the essential bilateral approval process. The DOCPER review of the ME and application may take up to 5 workdays. In general, the DOCPER will approve an ME request if the DOCPER believes that the applicant has a very high probability of being approved by the German *Land* authorities.

**e. Notification Process.** If the DOCPER approves the ME request, DD Form 1172-2 will be issued through the DCOPS to the COR to allow the applicant to obtain a CAC and to grant conditional approval to the applicant for the same period as for full accreditation (the length of the contract or 3 years, whichever is less). Full accreditation cannot be granted until the German *Land* authorities have reviewed and approved the request. When the DOCPER denies a request for ME, the DOCPER will inform the COR through the DCOPS by memorandum within 5 days after the decision.

## 21. NATO SOFA STATUS ACCREDITATION

**a. NATO SOFA Status Accreditation and ILS.** Gaining NATO SOFA status accreditation provides the following benefits to contractor employees:

(1) ILS, as is granted to members of the civilian component (for example, access to the post exchange and commissary, authorization for a U.S. Forces drivers license and a fuel-ration card).

(2) Exemption from German taxes.

(3) Exemption from the requirement to obtain a German work permit.

**b. Initial NATO SOFA Status Accreditation.** When an accreditation application has been approved, the DOCPER will provide DD Form 1172-2 through the DCOPS to the COR for the contractor employee to receive NATO SOFA status accreditation and be issued a CAC. Initial ILS authorization will be granted for the length of the contract or 3 years, whichever is less.

**c. Renewal of SOFA Status Accreditation.** When a contract performance period is extended, the COR must update the contract information through the DCOPS following the applicable contract-notification procedures in paragraph 8 or 15. The COR will give the DOCPER documentation indicating that contract performance has been extended (such as through exercising an option or a notice of intent to exercise an option). If the extension is based on the intent to exercise an option, the COR will provide evidence that the option was in fact exercised not later than 1 week after the current POP expires.

## 22. NOTIFYING DOCPER OF CHANGES

Various notifications necessary for database management, such as updating contractor employee status, duty station, or permanent address, are managed through the DCOPS under the heading of Housekeeping by selecting *Other Actions*. The functions handled in this way are as follows:

**a. Employment Terminations.** The COR must provide the DOCPER and the proponent for ID-card issuance written notification of the termination of the contractor employee's employment within 10 workdays after the employee has terminated his or her employment. The COR will use the DCOPS *Other Actions* option to effect notifications. The DCOPS will require the COR to upload a termination memorandum to effect the termination.

**(1) Individual Employee Termination.** When an individual terminates employment (but the contract is still in effect), the COR will access the DCOPS and terminate the employee and upload a termination memorandum to the DOCPER. A sample memorandum is on the DOCPER website at <http://www.per.hqusareur.army.mil/cpd/docper/forms.aspx>. The COR will collect the CACs or ID cards of the affected individuals and give them to the local ID-card issuing facility.

**(2) Contract Termination.** For contract terminations, the status of all contractor employees with NATO SOFA status is terminated (their CACs are canceled). The COR will collect the CACs or ID cards of affected individuals and turn them over to the local ID-card issuing facility. Both the theater proponent for ID-card issuance and the USAREUR Provost Marshal/CG USAREUR Customs Executive Agent (AE Reg 550-175) must be notified to ensure CACs from contractor employees no longer having SOFA entitlements are disabled, archived, and captured if the contractor employee attempts to use it to either gain physical access to a DOD installation or profit from SOFA customs/tax privileges. Status identification certificates issued to contractor employees identifying the holder as a member of the civilian component under the SOFA must be voided.

**b. Employment Offer Declined.** The COR must give the DOCPER written notification of a contractor employee's decision to decline employment for which he or she had submitted an accreditation application. This notification must be sent within 10 workdays after the employee's decision. To do so, the COR will access the DCOPS *Other Actions* option to effect the notification by uploading an "Employment Offer Declined" memorandum to the DOCPER. A sample memorandum is on the DOCPER website at <http://www.per.hqusaureur.army.mil/cpd/docper/forms.aspx>.

**c. Change of Duty Station.** The COR must notify the DOCPER of any permanent reassignment of a contractor employee in the same accredited position and under the same contract that involves a change of duty station. To do so, the COR will access the DCOPS *Other Actions* option to effect the notifications and upload a *Change of Duty Station* memorandum to the DOCPER. A sample memorandum is at <http://www.per.hqusaureur.army.mil/cpd/docper/forms.aspx>. If the change in duty location is to a different German *Land*, the position must be an approved position in the receiving *Land*. If it is not, the COR must submit a revised contract notification through the DCOPS adding the position, and the changes must be submitted to and approved by the receiving *Land*.

**d. Replace Employee.** The COR may create a temporary extra position for up to 30 days when a new contractor employee is coming to replace a current employee. To use the *Replace* option, the COR will access the DCOPS *Other Actions* option to effect the notification. No memorandum need be uploaded.

**e. Update Permanent Address.** The COR must notify the DOCPER once an employee has a permanent German address. To update the contractor employee's address, the COR will access the DCOPS *Other Actions* option to effect the notification. No memorandum need be uploaded.

## SECTION V TEMPORARY DUTY IN GERMANY

### 23. "FAX-BACK"

a. An arrangement has been made with the German Federal Ministry of Labor to allow certain DOD contractor employees to enter Germany with a minimum of bureaucratic delay to work in a temporary duty (TDY) status. These employees may remain for up to 90 days in a calendar year starting with their first day of entry into Germany. The process is referred to as a Request for *Confirmation of Exemption from the Requirement to Obtain a Work Permit* and is commonly called the "fax-back" process. Application under the fax-back process is mandatory for contractor employees performing work in Germany in a TDY status.

(1) On request, the *Regionaldirektion Baden-Württemberg (RD BW)* in Stuttgart will confirm that contractor employees are exempt from the requirement to obtain a work permit. The fax-back process must be completed before the employee arrives or begins work in Germany (before the employees leaves the continental United States (CONUS) or other location for Germany). Contractor employees who arrive in Germany using this process will not be issued a CAC with privileges and will not receive ILS. Individuals with an approved fax-back may be eligible for an installation pass.

(2) The fax-back process is particularly useful for contractor employees who would not or do not qualify for TESA or ASSA TDY (para 24), but who qualify under one of the exemptions of the German Work Permit Ordinance (*Arbeitsgenehmigungsverordnung*).

b. The fax-back process and the 90-day limit for staying in Germany on a tourist passport are related. Because fax-back provides express permission for a DOD contractor to work with only a tourist passport, the time that the contractor may remain in Germany without violating immigration laws must be limited to the time a tourist may remain.

c. Contractor employees under the fax-back arrangement must fall into one of the following exemptions to the *Arbeitsgenehmigungsverordnung*:

(1) Senior employees of the contractor who have the authority to legally bind the company in matters concerning which the company executive is visiting company employees in Germany.

(2) Contractor employees who are engaged in the setup, repair, or maintenance of facilities or equipment and machinery ready for use. (This is work on end products rather than building facilities, equipment, or machinery from component parts.)

(3) Contractor employees doing miscellaneous work not covered in (1) or (2) above (for example, training or instruction programs, updating software in computer systems). This also includes conducting simulation training, scenario or tactical-military training exercises, and role-playing exercises in the area of tactical and strategic communication systems and equipment.

d. Contractor employees in Germany under the “fax-back” process are authorized to use U.S. Forces catering facilities, including Army and Air Force Exchange Service food courts, as long as they work on the premises made available to the U.S. Forces and depend on the premises for official reasons or because of their accommodation. They may use such facilities to purchase food and beverages for immediate consumption on the premises without any inherent requirement to pay taxes to German Customs authorities.

e. The fax-back process is not intended to be used for contractor personnel traveling to or working in Germany while awaiting accreditation approval. If, however, the COR believes the individual contractor employee being submitted for accreditation will be needed in country before approval, the COR should confirm with the DOCPER regarding the use of fax-back while awaiting accreditation approval.

f. If a contractor employee’s presence in Germany exceeds 183 days in a calendar year, he or she will be subject to German income tax. The effects of international agreements on double-taxation must be considered. Although each period stands on its own for purposes of an exemption for a work permit, multiple TDY trips will be combined for purposes of income taxation by the German authorities.

g. A description of the fax-back procedure is on the DOCPER website at [http://www.per.hqusaareur.army.mil/cpd/docper/tdy\\_faxback.aspx](http://www.per.hqusaareur.army.mil/cpd/docper/tdy_faxback.aspx). The fax-back form is available on the DOCPER website at <http://www.per.hqusaareur.army.mil/cpd/docper/forms.aspx>.

h. The DOCPER does not administer the fax-back program. The DOCPER receives the forms provided by the *RD BW* in Stuttgart each quarter.

## **24. TESA/ASSA TDY**

By informal agreement with the responsible German authorities, the DOCPER may grant unilateral accreditation status for individuals working under previously approved contracts and previously approved positions, not to exceed a cumulative period of 90 days or three instances within a 12-month period. The process is not intended to support contractor personnel traveling to or working in Germany while awaiting accreditation approval.

**NOTE:** TESA/ASSA TDY is not an option for TC or TC IT-approved positions.

a. Approved applicants for TESA/ASSA TDY receive NATO SOFA status (including ILS privileges) while on TDY. Individuals using the fax-back process do not.

b. Applications for TESA/ASSA TDY must be submitted by the COR through the DCOPS. The application process requires basic information about the applicant and the uploading of a current résumé and the approved JD. The COR submits the application to the DOCPER through the DCOPS.

c. Individuals may not begin work in Germany until the DOCPER has reviewed the accreditation application and has granted accreditation to the AS or TE employee. If granted, accreditation will be limited to the estimated length of stay on the application or 90 days, whichever is shorter. If the stay will be shorter than 30 days, accreditation paperwork will show 30 days (the minimum amount of time for which a CAC or ID card may be issued).

d. Denial of TESA/ASSA TDY accreditation does not preclude the use of the fax-back process (para 23).

## **SECTION VI CONTRACTOR VERIFICATION SYSTEM**

### **25. CONTRACTOR VERIFICATION SYSTEM**

DOD contractor personnel often require access to computer networks and other infrastructure, which in turn requires that they be issued a CAC with public key infrastructure (PKI) certificates resident on the CAC. The Contractor Verification System (CVS) is a web-based application that allows for secure updating of the Defense Enrollment Eligibility Reporting System (DEERS) with DOD contractor personnel data. CVS responds to the requirements of Homeland Security Presidential Directive 12, which mandated the establishment of secure and reliable forms of personal identification for all DOD contractors. CVS eliminates the manual processes involved in manual input of contractor personnel information into DEERS from DD Form 1172-2.

**a. CVS and DOCPER.** CVS is a completely different application with different purposes than the processes run by the DOCPER. CVS provides a secure and automated means of updating contractor personnel information in DEERS before CACs are issued to contractor personnel. DOCPER processes provide a secure and automated means of vetting contractor personnel before issuing them CACs to ensure they can be authorized NATO SOFA status according to U.S. bilateral agreements with Germany.

**b. Role of DD Form 1172-2.** CVS was designed to eliminate the manual entry associated with DD Form 1172-2. The DOCPER uses DD Form 1172-2 to indicate which contractor personnel are authorized a CAC granting NATO SOFA status and associated ILS privileges. CVS officials are aware that CVS as currently designed does not meet the needs of commands outside CONUS, which must differentiate between contractors with special status in the host nation and those without such status.

**c. Hierarchical Structure of CVS.** Data is entered in CVS by a trusted agent (TA), who must be a military member or DOD civil servant already registered in DEERS and have a CAC as a valid CVS user. TAs are assigned to that role by a trusted agent security manager (TASM), who must also be a military member or DOD civil servant already registered in DEERS and have a CAC as a valid CVS user. A TASM is responsible for a site ID as assigned by a DOD component POC for CVS. A site ID is a logical collection of CVS users and may be installation-specific (generally in CONUS), country-wide, or command-wide.

**d. DOCPER Role in CVS.** The DOCPER is a TASM and has one of the site IDs assigned to Europe. As a TASM, the DOCPER has assigned more than 300 TAs, most of who also serve as CORs. The DCOPS allows CORs to designate for each contract whether he or she wishes also to serve as the TA for the contractor employees assigned to that contract.

(1) Each new DD Form 1172-2 requires a new entry by the TA of the contractor employee into DEERS. ID-card offices cannot issue a new CAC without a CVS entry into DEERS. ID-card offices in Germany will not issue a CAC granting NATO SOFA status and ILS unless the contractor employee presents DD Form 1172-2 verified by the DOCPER.

(2) Contractor personnel end dates entered in the CVS should match the date on the DOCPER-issued DD Form 1172-2. Accordingly, the DOCPER recommends that the CVS entry be made after DD Form 1172-2 is issued.

(3) A contractor employee who holds a valid CAC from a previous contractor position and who now has a DOCPER-issued DD Form 1172-2 for a new AS, TC, or TE position should turn in the CAC to the servicing DEERS ID-card office. This will ensure that the ID-card office terminates the current valid CAC and all associated personnel category and condition segments in the contractor's DEERS record. The DOCPER TA should not approve the CVS application for the new AS, TC, or TE position until this action has been confirmed. This is particularly important in cases where the CVS entry for the DOCPER-issued DD Form 1172-2 has a "contract end date" that is earlier than the CVS record of the contractor employee's current valid CAC. If the TA were to approve a new CVS application with a contract end date that occurs before the expiration date of the valid CAC, the contractor's DEERS record may become "discrepant." In such cases, the DEERS ID card will not be able to issue a new CAC until the discrepancy has been corrected.

**e. Reverification.** CVS periodically generates a list of contractor personnel requiring reverification and sends an e-mail message to the sponsoring TA with summary information indicating which contractor personnel require reverification. Each contractor must be reverified by the TA every 6 months.

## GLOSSARY

### SECTION I ABBREVIATIONS

AS	analytical support
ASSA	analytical support status accreditation
CAC	common access card
CONUS	continental United States
COR	contracting officer's representative
CV	curriculum vitae
CVS	Contractor Verification System
DCOPS	Department of Defense Contractor Personnel Office Contractor Online Processing System
DEERS	Defense Enrollment Eligibility Reporting System
DFARS	Defense Federal Acquisition Regulation Supplement
DO	delivery order
DOCPER	Department of Defense Contractor Personnel Office, Office of the Deputy Chief of Staff, G1, Headquarters, United States Army Europe
DOD	Department of Defense
G1	Deputy Chief of Staff, G1, United States Army Europe
GFO	German Foreign Office
GUID	globally unique identifier
HQ USAREUR	Headquarters, United States Army Europe
ID	identification
ID/IQ	indefinite delivery/indefinite quantity
ILS	individual logistic support
IT	information technology
JD	job description
KO	contracting officer
ME	military exigency
NATO	North Atlantic Treaty Organization
NV	<i>Note Verbale</i>
PKI	public key infrastructure
POC	point of contact
POP	period of performance
PWS	performance work statement
RD BW	<i>Regionaldirektion</i> Baden-Württemberg
SA NATO SOFA	Supplementary Agreement to the North Atlantic Treaty Organization Status of Forces Agreement
SOFA	Status of Forces Agreement
TA	trusted agent
TASM	trusted agent security manager
TC	troop care
TCSA	troop care status accreditation
TDY	temporary duty
TE	technical expert
TESA	technical expert status accreditation
TO	task order

U.S.  
USAREUR

United States  
United States Army Europe

## **SECTION II TERMS**

### ***Arbeitsgenehmigungsverordnung***

German Work Permit Ordinance

### ***Auswärtiges Amt der Bundesrepublik Deutschland***

German Foreign Office

### **curriculum vitae**

A short account or résumé of an applicant's career and qualifications.

### **Exchange of Notes**

For the purpose of this regulation, the implementing agreements for Articles 72 and 73 of the Supplementary Agreement to the NATO Status of Forces Agreement.

### ***Land***

German State

### **new contract**

A newly awarded or existing contract that has not yet been used in Germany and therefore requires notification of and coordination with the responsible German authorities.

### ***Note Verbale***

A diplomatic communication prepared in the third person and unsigned.