

Procurement

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

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**\*This regulation supersedes AE Regulation 715-9, 10 September 2009.**

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For the Commander:

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**Summary.** This regulation prescribes policy and procedures for accrediting analytical support status, technical expert status, or troop care status to contractor personnel in Germany in accordance with Articles 72 and 73 of the Supplementary Agreement to the NATO Status of Forces Agreement.

**Summary of Change.** This revision—

- Changes all references from USAREUR to USAREUR-AF throughout.
- Refers to the Department of Defense Contractor Personnel Office (DOCPER) website at <https://www.europeafrica.army.mil/contractor> with relevant forms and publications.
- Deletes references to the Contractor Online Processing System and describes the new European Contractor Online Processing System and its main functions ([para 7](#)).
- Stipulates that a letter of intent or draft order is not sufficient to allow DOCPER to process contract extensions ([para 21b](#)).
- Replaces the term “Fax-Back” with “BACO-90” ([para 30](#)).

- Deletes references to the Contractor Verification System and describes the Trusted Associate Sponsorship System for use with DOCPER business practices ([sec VII](#)).

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

**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 in the Army Records Information Management System at <https://www.arims.army.mil>.

**Supplementation.** Organizations will not supplement this regulation without approval of the DOCPER, Civilian Personnel Directorate, Office of the Deputy Chief of Staff, G1, HQ USAREUR-AF.

**Suggested Improvements.** The proponent of this regulation is DOCPER (mil 537-1577). Users may suggest improvements to this regulation by sending DA Form 2028 to DOCPER by email to [usarmy.wiesbaden.usareur.mbx.odcs-g1-docper@army.mil](mailto:usarmy.wiesbaden.usareur.mbx.odcs-g1-docper@army.mil).

**Distribution.** This regulation is available only electronically and is posted in AEPUBS at <https://www.aepubs.eur.army.mil> or <https://intranet.eur.army.mil/aepubs/SitePages/HomeNew.aspx>.

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## SECTION I INTRODUCTION

### 1. PURPOSE

This regulation—

- a. Provides guidance to contractor employees who seek NATO Status of Forces Agreement (SOFA) status accreditation as analytical support (AS), troop care (TC), or technical expert (TE) employees under Articles 72 and 73 of the Supplementary Agreement to the NATO SOFA (SA 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.

### 2. REFERENCES

[Appendix A](#) lists references.

### 3. EXPLANATION OF ABBREVIATIONS AND TERMS

The [glossary](#) defines abbreviations and terms.

### 4. RESPONSIBILITIES

**a. Department of Defense Contractor Personnel Office.** The Department of Defense Contractor Personnel Office (DOCPER), Civilian Personnel Directorate, Office of the Deputy Chief of Staff, G1, HQ USAREUR-AF, is the DOD proponent for administering NATO SOFA status accreditation (NSSA) for contracts and contractor employees for all military services and DOD agencies operating in Germany. DOCPER will—

- (1) Operate and maintain the European Contractor Online Processing System (ECOPS).
- (2) Analyze and review contracts and individual employee applications submitted to DOCPER for NSSA through ECOPS.
- (3) Advise contracting officer representatives (CORs) on all matters regarding NSSA.
- (4) Coordinate with responsible “*Land*” ([glossary](#)) authorities for NSSA approval and, in the case of denial, request reconsideration, when applicable.
- (5) Notify the COR of *Land* approval or denial through ECOPS.

**b. CORs.** DOCPER collaborates directly with CORs and other Government representatives who have been formally delegated specific responsibilities by a 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 Government representative to handle administrative responsibilities for AS, TC, and TE issues. CORs must have a COR designation memorandum on file with DOCPER for each contract to which they are appointed before contracts or applications will be accepted for processing. The COR will—

- (1) Submit contracts and employee applications through ECOPS to DOCPER.

(2) Ensure that application packages are complete.

(3) Ensure that applicants meet job requirements.

(4) Prevent fraud.

(5) Notify DOCPER and the ID-card proponent of the applicable DOD component when employees are terminated.

(6) Turn in contractor common access cards (CACs) and ID cards to the local ID-card issuing facility.

## **5. ELIGIBILITY FOR AND PURPOSE OF NATO SOFA STATUS ACCREDITATION**

a. In accordance with Article 72 or 73 of the SA NATO SOFA, as applicable, NSSA will be granted to DOD contractor employees who meet the criteria of Articles 72 or 73 and specifically the criteria in the “Exchange of Notes between the Governments of the United States of America and the Federal Republic of Germany” ([glossary](#)). The NSSA allows contractor employees to be considered and treated as members of the civilian component. The following are possible accreditations:

(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 ASSA, TCSA, or TESA.

b. The NSSA provides the following benefits to contractor employees:

(1) Individual logistic support (ILS) as granted to members of the civilian component (for example, access to the post exchange and the Commissary, authorization for a U.S. Forces Certificate of License and a fuel-ration card).

(2) Exemption from German taxes.

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

c. NATO SOFA status is granted for the length of the contract or 3 years, whichever is less.

**NOTE:** The provisions of [AE Regulation 600-700, chapter 9, section I](#), apply.

## 6. BILATERAL AGREEMENTS AS BASIS FOR NATO SOFA STATUS ACCREDITATION

**a. Bilateral Approval Process.** The NSSA is granted through a bilateral approval process between DOCPER, as the U.S. representative, and German authorities. The Exchange of Notes implementing Articles 72 and 73 of the SA NATO SOFA establishes this bilateral approval process for granting ASSA, TCSA, and TESA. DOCPER will receive and review contracts proposing the use of accredited personnel and applications for ASSA, TCSA, and TESA from all DOD components and DOD agencies. When DOCPER determines that contracts or application documents meet the criteria established in the Exchange of Notes, DOCPER will forward them to the responsible German authority for review and approval. The approval of the responsible German authority is required for both contracts and applications before personnel proposed for accreditation may begin work. [Sections II through IV](#) provide details on the approval process for TESA, ASSA, TCSA, and individual applications.

**NOTE:** In cases of military exigency (ME), contractor personnel may be granted NATO SOFA status unilaterally by DOCPER on a conditional basis and start working before the NSSA has been finalized through the regular bilateral process. [Paragraph 28](#) provides more details.

**b. Primacy of Bilateral Agreements.** Only contractor employees who receive NATO SOFA status in Germany through the processes described in this regulation will be granted ILS. Other attempts to grant ILS in Germany (for example, through a clause in a contract, a letter of authorization from a commander, area clearance letters) are invalid and cannot override the agreements signed with Germany. Articles 72 and 73 of the SA NATO SOFA and the Exchange of Notes establish that ILS will be granted in Germany only through the established bilateral approval process.

**c. Process Phases.** The NSSA process consists of two phases:

(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.

**NOTE:** The use of the term “Phase I” for contract approval and the term “Phase II” for the approval of individual applications was originated by the German authorities to clarify and delineate the order of precedence of contract approval over applicant approval. The same terminology is used in ECOPS.

**d. Process Workflow.** [Figure 1](#) provides an illustration of the workflow.

## 7. THE EUROPEAN CONTRACTOR ONLINE PROCESSING SYSTEM

**a. General.** DOCPER uses ECOPS at <https://ecops.ext.eur.army.mil/> for the processing of NSSA of DOD contractor employees. The use of this central data management system ensures that provisions of the SA NATO SOFA pertaining to U.S. contractor employees are properly and consistently applied. ECOPS manages data about individual contracts, labor positions on contracts, and contractor employees submitted for approval for ASSA, TCSA, and TESA.

**b. Operation.** ECOPS is a secure, web-enabled database that allows CORs, contractor employees, and DOCPER to submit, review, and process information necessary for ASSA, TCSA, and TESA. The ECOPS website provides a separate manual with specific details on ECOPS operations.

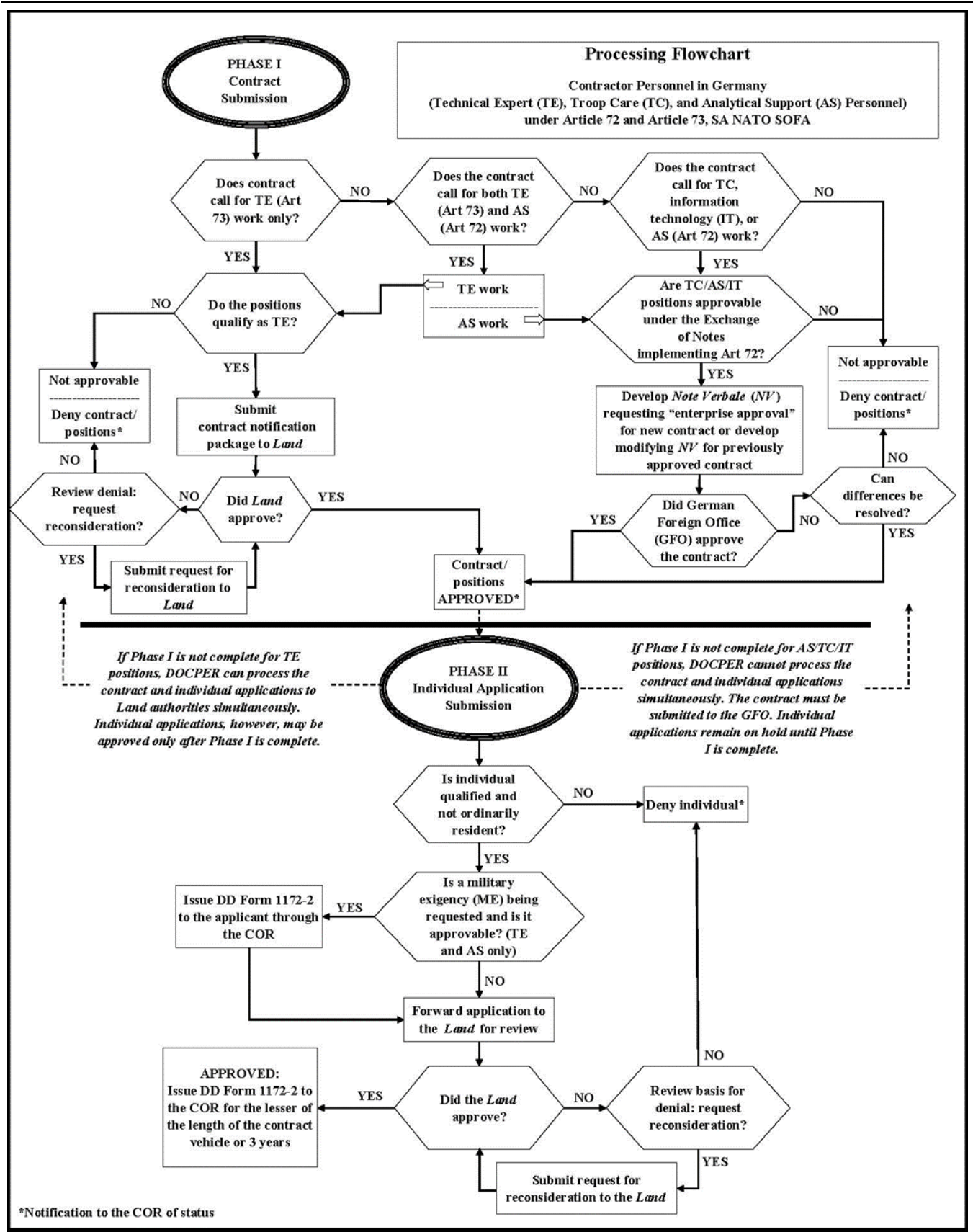


Figure 1. Processing Flowchart

## 8. NATO SOFA STATUS ACCREDITATION OF “MIXED” CONTRACTS

If a contract is “mixed” (supporting the performance of both TE and AS work), DOCPER will process the contract-notification package on two independent and parallel tracks, that is, for Article 73 TE personnel in accordance with [section II](#) of this regulation, and for Article 72 AS personnel in accordance with [section III](#) of this regulation.

## 9. CLEARANCES AND CLASSIFIED INFORMATION

**a. 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 ASSA or TESA. The position must otherwise qualify for ASSA or TESA, regardless of any security-clearance requirement.

**b. 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” or “redacted” as long as it is sufficient for DOCPER to obtain approval of the contract.

**c. Classified Information in Applications.** Information and documents (job title, job description (JD), skills, knowledge requirements, 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”).

## SECTION II TECHNICAL EXPERT CONTRACTS

### 10. NEW CONTRACTS

A “new contract” is any newly awarded contract or an existing contract for which NSSA has not yet been approved in Germany. 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 compare the job titles or positions of the new contract to the approved TE positions on the previous contract in the COR transmittal document.

### 11. NATURE AND DETAILS OF THE NOTIFICATION AND APPROVAL PROCESS

The NSSA of TE contracts is subject to the Exchange of Notes Between the Governments of the United States of America and the Federal Republic of Germany implementing Article 73 of the SA NATO SOFA. DOCPER receives all documents from the COR through ECOPS and coordinates with the appropriate *Land* authority for NSSA approval. The following is a description of Phase I of the NSSA in detail:

a. The COR will request to submit a new contract for NSSA by sending an email to DOCPER at [usarmy.wiesbaden.usareur.mbx.odcs-g1-docper@army.mil](mailto:usarmy.wiesbaden.usareur.mbx.odcs-g1-docper@army.mil) with the following:

(1) The contract number, the delivery order (DO) or task order (TO) number, and the vendor name in the subject line.

(2) The COR designation memorandum signed by the KO ([para 4b](#)). The memorandum must include the contract number and the DO or TO number.



(3) A copy of the signed contract.

(4) The PWS, the Statement of Work (SOW), or the Statement of Objectives (SOO).

(5) Contact information of the COR.

(6) If applicable, the contract number, DO or TO number, and the vendor name of the predecessor contract.

b. DOCPER will review the submitted documents, create a contract record in ECOPS, assign a DOCPER POC to the COR, and grant the COR access to the contract record.

c. The COR will enter all necessary data into ECOPS and upload all required documentation (signed as appropriate). 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, and the COR Responsibilities Acknowledgement). Once all information is complete (as validated by ECOPS), the COR may submit the contract to DOCPER for review. ECOPS will generate confirmation email messages to DOCPER and the COR.

d. DOCPER will review the contract documents to determine whether or not the contract is in compliance with the Exchange of Notes pertaining to Article 73 of the SA NATO SOFA.

e. If DOCPER determines that the contract is approvable, DOCPER will use ECOPS to convert the submitted contract information into a contract notification, which DOCPER will send to the responsible *Land* authority for review and approval.

f. Once the *Land* authority has provided approval, the contract positions are considered approved and DOCPER will notify the COR through ECOPS accordingly. The COR may start submitting applications in accordance with section IV. This will be the start of Phase II of the NSSA.

g. If the *Land* authority denies approval, DOCPER will review the basis for the denial and may submit a request for reconsideration. If the basis for the denial does not warrant a reconsideration or if the differences cannot be resolved, the contract positions are considered disapproved and DOCPER will notify the COR through ECOPS accordingly.

## **12. SUBCONTRACTING**

Subcontracting and multi-tier subcontracting (that is, subcontractor to sub-subcontractor) is approvable under TE contracts. The subcontracting agreement (the contract or other agreement between the prime contractor and the subcontractor) must be provided to DOCPER.

## **13. SOLICITATIONS**

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

## 14. CONTRACT EXTENSIONS

a. Contract documents that extend the performance of a contract must be submitted to DOCPER through ECOPS before the existing POP expires. The term of the extension must be clearly indicated. Individuals continuing to work under the contract need not resubmit applications. The practice of assigning a new contract, DO, or 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 the *Land* authority. Notifications of employment termination must be provided according to [paragraph 27](#).

b. When a contract performance period is extended, the COR will provide to DOCPER documentation indicating that the contract performance has been extended through ECOPS (such as through exercising an option or a notice of intent to exercise an option through the modifications “MODS” tab). If the extension is based on the intent to exercise an option, no later than 1 week after the current POP expires, the COR must provide evidence that the option was in fact exercised.

## 15. MODIFICATIONS

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

- (1) Changes in the PWS.
- (2) Changes in the number of positions.
- (3) Changes in position locations.
- (4) Additions of new position descriptions.
- (5) Additions of new subcontractors.

b. In each case, the COR will submit relevant data through ECOPS to allow DOCPER to prepare an updated contract notification. The relevant contractual documents showing the changes must be uploaded.

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

## 16. MULTIVENDOR INDEFINITE DELIVERY/INDEFINITE QUANTITY CONTRACTS

DOCPER requires that each contract under a “multivendor indefinite delivery/indefinite quantity (ID/IQ) contract” ([glossary](#)) be treated as a separate and unique contract. The approval of each contract is necessary, because some of the specific information required for submission to the *Land* authority is not available until a contract has been awarded. Such individual contracts are also called “TO contracts” or “DO contracts,” since a specific TO or DO specifies the quantity, delivery, and pricing for the contracted services.

## 17. TIMELINE FOR THE CONTRACT-APPROVAL PROCESS

The entire contract-approval process (Phase I) may take up to 6 weeks. The *Land* authority is expected to provide written approval or denial within 5 weeks. If no response is received from the *Land* authority within that time, DOCPER may presume approval (constructive acceptance). After receiving approval from the *Land* authority, DOCPER will notify the COR through ECOPS of the contract approval, and the COR may start submitting individual contractor employee applications for review by DOCPER ([sec IV](#)).

**NOTE:** Contract approval indicates that at least one JD or position description qualifies for NSSA.

## SECTION III

### TROOP CARE AND ANALYTICAL SUPPORT CONTRACTS

## 18. NATURE AND DETAILS OF THE NOTIFICATION AND APPROVAL PROCESS

a. The notification and approval process for TC and AS contracts is different than the contract-notification and approval process for TE contracts. In accordance with the Exchange of Notes implementing Article 72 of the SA NATO SOFA, the notification and approval of TC and AS contracts are conducted through a separate bilateral agreement, a “*Note verbale*” (NV) ([glossary](#)), between the U.S. Embassy and the German Foreign Office (GFO) (*Auswärtiges Amt*).

**NOTE:** Do not confuse the term “*Note verbale*” with the term “Exchange of Notes.” The term *Note verbale* is used to refer to the bilateral agreement on individual AS or TC services contracts. The term Exchange of Notes is used for the implementing agreements of Articles 72 and 73 of the SA NATO SOFA.

b. 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, and the U.S. Forces must ensure that the provisions of the NV governing each enterprise approval are followed or otherwise risk violating an international agreement to which the U.S. Government is a signatory.

c. The following is a description of Phase I of the NSSA process in detail:

(1) The COR will request to submit a new contract for NSSA by sending an email to DOCPER at [usarmy.wiesbaden.usareur.mbx.odcs-g1-docper@army.mil](mailto:usarmy.wiesbaden.usareur.mbx.odcs-g1-docper@army.mil) with the following:

(a) The contract number, the DO or TO number, and the vendor name in the subject line.

(b) The COR designation memorandum signed by the KO ([para 4b](#)). The memorandum must include the contract number and the DO or TO number.

(c) A copy of the signed contract.

(d) The PWS, the SOW, or the SOO.

(e) Contact information of the COR.

(f) If applicable, the contract number, DO or TO number, and the vendor name of the predecessor contract.

(2) DOCPER will review the submitted documents, create a contract record in ECOPS, assign a DOCPER POC to the COR, and grant the COR access to the contract record.

(3) The COR will enter all necessary data into ECOPS and upload all required documentation (signed as appropriate). The enclosures will include all parts of the contract that relate to contract performance in Germany (for example, signed contract-award document, PWS, POP, options, JDs with qualification requirements, and the COR Responsibilities Acknowledgement). Once all information is complete (as validated by ECOPS), the COR may submit the contract to DOCPER for review. ECOPS will generate confirmation email messages to DOCPER and the COR.

**(a) Specific Documentation Requirements for 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 of the SA NATO SOFA, or, for AS personnel, to the labor categories listed in the appendix to the Exchange of Notes covering AS services. For certain information technology (IT) providers in the TC field, CORs will refer to the Troop Care-IT Job Description List at <https://www.europeafrica.army.mil/contractor/>.

**(b) Numbers of AS Personnel or TC Providers.** The NV to be established for each contract ((5) below) 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 ECOPS contract notification. Once the NV is approved, any proposed increases to that number must be reported to DOCPER with the appropriate contract documents identifying the change, along with an update in ECOPS that shows the changes. 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 DOCPER provides such a notice, no additions may be made to the number of personnel employed.

(4) DOCPER will review the contract documents to determine whether or not the contract is in compliance with the Exchange of Notes implementing Article 72 of the SA NATO SOFA.

(5) If DOCPER determines that the contract is approvable, DOCPER will develop an NV and send it through the U.S. Embassy to the GFO for review and approval.

(6) Once the GFO has provided approval, the contract positions are considered approved and DOCPER will notify the COR through ECOPS accordingly. The COR may start submitting applications in accordance with [section IV](#) to start Phase II.

(7) If the GFO denies approval, DOCPER will review the basis for the denial and may submit a request for reconsideration. If the basis for the denial does not warrant a reconsideration or if the differences cannot be resolved, the contract positions are considered disapproved and DOCPER will notify the COR through ECOPS accordingly.

## 19. SUBCONTRACTING

a. Subcontracting is not approved under TC contracts.

b. Under AS contracts, only one level of subcontracting is acceptable (that is, prime contractor to subcontractor, but not subcontractor to sub-subcontractor). The subcontracting agreement (the contract or other agreement between the prime contractor and the subcontractor) must be provided to DOCPER. A subcontractor to an AS contract must—

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

(2) Execute an agreement with the prime contractor, acknowledging that it will 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. This agreement will also be signed by DOCPER.

(3) Limit the number of employees relative to the number of AS contractors on the prime contract.

## **20. SOLICITATIONS**

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

## **21. CONTRACT EXTENSIONS AND MODIFICATIONS**

a. The policy and procedures for Article 72 AS and TC contract extensions and modifications are the same as those in [paragraphs 14 and 15](#). For Article 72 AS and TC contract modifications that extend the POP, the KO or COR must provide to DOCPER through ECOPS the new contract-extension documents not less than 3 weeks before the previous contract, DO or TO contract, will expire. Contract-extension documents received by the GFO later 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 DO and TO contracts as extensions when they are received in a timely manner.

b. DOCPER will not accept draft orders and letters of intent from the KO for the purpose of extending a contract. DOCPER cannot process the extension through the U.S. Embassy with the GFO without final contract-extension documents. Modifications to AS or TC contracts that change the SOW, the number or location of personnel, or job categories must also be sent to DOCPER through ECOPS with an explanation of the modifications. DOCPER will notify the KO or COR through ECOPS when the modification has been approved.

## **22. MULTIVENDOR INDEFINITE DELIVERY/INDEFINITE QUANTITY CONTRACTS**

Multivendor ID/IQ contracts that provide AS or TC services may be approved as a single contract (“umbrella” contract covering all TO or DO contracts) at the discretion of DOCPER and with the approval of the GFO. When it is determined that a multivendor ID/IQ contract will not be approved as a single contract, each TO or DO contract must be approved as a separate and unique contract.

## **23. TIMELINE FOR THE CONTRACT-APPROVAL PROCESS**

The timeline for the development of an NV approving a new AS or TC contract is not specified in the Exchange of Notes implementing Article 72 of the SA NATO SOFA. In general, however, the approval process takes from 6 to 8 weeks. DOCPER will notify the COR of the signed NV granting enterprise approval through ECOPS.

## SECTION IV INDIVIDUAL APPLICATIONS

### 24. DETAILS OF THE SUBMISSION AND APPROVAL PROCESS

The COR will review and submit individual employee applications to DOCPER through ECOPS. DOCPER will neither accept applications mailed as hard copies nor sent by email nor submitted by vendor representatives nor directly from applicants. The following describes the submission and approval process of individual employee applications, which is Phase II of the NSSA:

- a. Once ECOPS indicates the contract as approved, the COR can submit applications through ECOPS to DOCPER for review. The COR will generate a notification in ECOPS to the employee designated by the contractor to fill a particular position on the contract. The applicant will enter all necessary data and upload all required documentation (for example, signed job offer, résumé). Once all information is complete (as validated by ECOPS), the applicant will submit the information to the COR for review. ECOPS will generate confirmation email messages to the applicant and the COR.
- b. The COR will review the application for completeness and compliance with the requirements of the contract. If satisfactory, the COR will submit the application to DOCPER for review.
- c. DOCPER will review the application for the applicant's residency status and compliance with qualification requirements. When DOCPER decides to deny accreditation based on its own review of the application, DOCPER will notify the COR through ECOPS and through a formal written denial memorandum with 10 workdays.
- d. If DOCPER approves the application, it will generate a document providing information about the applicant and his or her activity and send it to the responsible *Land* authority.
- e. Upon receipt of approval from the *Land* authority, DOCPER will notify the COR through ECOPS that DD Form 1172-2 may be downloaded from ECOPS and printed for the employee to be granted ILS and to be issued a CAC (and ID cards for Family members). Initial ILS authorization will be granted for the length of the contract or 3 years, whichever is less. [AE Regulation 600-700, chapter 9, section I](#), applies.
- f. If denial of status is received from the *Land* authority, DOCPER will do either of the following:

(1) Issue a denial memorandum to the COR. 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 NSSA.
- (b) The applicant is considered as "ordinarily resident."

**NOTE:** CORs wishing to discuss the basis for a denial should contact the responsible POC at DOCPER by mail or email.

(2) Decide to request reconsideration of the denial from the *Land* authority in accordance with [subparagraph g](#) below.

g. DOCPER may request the *Land* authority reconsider individual applicants who have been denied NSSA. Such requests will occur within 20 workdays after receiving the denial.

(1) DOCPER will notify the COR in writing of the decision to request reconsideration and may request the COR to provide additional supporting information. The COR is expected to respond within 5 workdays after the notification to give DOCPER time to review and prepare supporting documentation for submission to the *Land* authority.

(2) A COR may also ask DOCPER to request reconsideration. If DOCPER agrees to request reconsideration, the COR will provide additional supporting information (if requested) as described in (1) above.

**NOTE:** Individuals who have been denied NSSA by DOCPER or the *Land* authority and who approach the *Land* authority directly, either in person or through German legal representation, will be redirected by the *Land* authority to DOCPER.

## 25. APPLICATION REQUIREMENTS

a. The following contractor employees are required to submit an application when seeking ASSA, TCSA, or TESA:

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

(2) Employees with previous NSSA intending to change jobs or positions, either under the same or a different contract.

(3) Employees with previous NSSA under an expired or expiring contract intending to work on the newly awarded successor contract.

(4) Employees with previous NSSA under an expired or expiring DO or TO contract intending to work on the newly awarded successor order.

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

b. The application must include the following:

(1) **JD.** This will be a detailed description of the duties and knowledge, skills, and education requirements with special emphasis on experience and military skills (if applicable) necessary for the work to be performed. The submitted JD 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 the requirements of the JD approved during Phase I.

**(2) Employment Contract.** The copy of the employment contract must show the dated signatures of both the employer and the employee. An offer letter or letter of employment verification with the same information may substitute the employment contract.

**(3) CV or Résumé.** The CV or résumé must be up-to-date, 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.

**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, a 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. DOCPER may request copies of licenses for positions that state a specific license requirement.

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

c. For TESA, the following applies:

(1) One of the following combinations of education level and specialized experience is required:

(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, if the applicant holds no degree.

(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 may be considered major, DOCPER considers whether or not the certification—

(a) Was difficult to obtain.

(b) Is widely accepted.



(c) Was independently administered.

## 26. TIMELINE FOR THE APPLICATION-APPROVAL PROCESS

The review of individual applications by DOCPER can take up to 4 weeks. DOCPER will forward applications it considers to be in compliance with the criteria in the Exchange of Notes to the responsible *Land* authority for approval. The *Land* authority is expected to provide approval or denial in writing within 5 weeks. If no response is received from the *Land* authority within 6 weeks, DOCPER may presume approval. Therefore, the total processing time for individual applications can take up to 10 weeks.

## 27. REPORTING CHANGES TO CONTRACTOR PERSONNEL INFORMATION

Various notifications such as updating information on the contractor employee status, duty station, or permanent address, are managed through ECOPS.

**a. End of Employment.** The COR must inform DOCPER and the proponent for ID-card issuance about the end of employment in writing within 10 workdays after the employment of contractor personnel has ended.

**(1) End of an Individual's Employment.** When an individual's employment ends (but the contract is still in effect), the COR will notify DOCPER in ECOPS through the MODS tab. For DOCPER to terminate the individual's NATO SOFA status, the COR must upload a "Termination Memorandum" (a template is available at <https://www.europeafrica.army.mil/contractor>). The COR will collect the CAC of the affected contractor employee and Family member ID cards and turn them over 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. The COR will collect the CACs of the contractor employees and Family member ID cards and turn them over to the local ID-card issuing facility. Both the local ID-card issuing facility and the responsible U.S. Army Customs Agency-Europe Field Office ([AE Reg 550-175](#)) must be notified to ensure that CACs and ID cards from contractor employees and Family members no longer having SOFA entitlements are disabled, archived, and confiscated.

**b. Declination of Employment Offer.** The COR must notify DOCPER in ECOPS 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 declination. To do so, the COR will use the MODS tab in ECOPS to effect the notification by uploading a "Job Offer Declination Memorandum" (a template is available at <https://www.europeafrica.army.mil/contractor>).

**c. Change of Duty Station.** The COR must notify 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 use the MODS tab in ECOPS to effect the notification and upload a "Change of Duty Station Memorandum" (a template is available at <https://www.europeafrica.army.mil/contractor>). If the new duty station is located in a different *Land*, the position must be an approved position in the receiving *Land*. If it is not an approved position in the receiving *Land*, the COR must submit a revised contract notification through the MODS tab in ECOPS for adding the position, and the changes must be submitted to and approved by the receiving *Land*.

**d. Replacement of an 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 effect the notification, the COR will use the “Replace” option under the MODS tab. No memorandum is required.

**e. Update Permanent Address.** The COR must notify DOCPER once an employee changes his or her permanent German address. To effect the notification, the COR will update the contractor employee’s address through the MODS tab. No memorandum is required.

## SECTION V MILITARY EXIGENCY REQUESTS

### 28. PROCEDURES

a. Upon request by the COR, DOCPER may unilaterally grant conditional NATO SOFA status in cases of ME.

**(1) ME Under Article 72 (AS).** In accordance with Number 6 of the Exchange of Notes implementing Article 72 of the SA NATO SOFA, DOCPER may unilaterally grant conditional ASSA in cases of ME, but only after the GFO has granted enterprise approval for the contract (Phase I complete). The ASSA will be conditional until the *Land* authority has approved the application. The guidance in [subparagraph d](#) below applies.

**(2) ME Under Article 73 (TE).** In accordance with Number 8 of the Exchange of Notes implementing Article 73 of the SA NATO SOFA, DOCPER may unilaterally grant conditional TESA in cases of ME, pending notification of and consultation with the *Land* authority.

**NOTE:** There is no provision for an ME in the Exchange of Notes for Article 72 governing TC personnel. Therefore, the ME provision applies only to ASSA and TESA applications.

b. CORs will indicate an ME request in ECOPS when creating a new applicant record for an individual application for TESA or ASSA. If a request for an ME is not indicated at the time the new record is created, DOCPER will accept a supplemental request from the COR at any time before the *Land* authority provides approval or denial.

c. Under ME circumstances, DOCPER applies the same rationale in reviewing TESA and ASSA applications as under normal circumstances. DOCPER does not approve ME requests for applicants unlikely to be granted TESA or ASSA. The ME provision does not eliminate the requirement to follow the essential bilateral approval process. DOCPER review of the ME request and the application may take up to 5 workdays. DOCPER will approve an ME request only if it believes that the application has a very high probability of being approved by the *Land* authority. When DOCPER denies a request for ME, DOCPER will inform the COR through ECOPS by memorandum within 5 workdays after the decision.

d. If DOCPER approves the ME request, it will issue DD Form 1172-2 through ECOPS to the COR to grant conditional NATO SOFA status to the applicant for the same period as for final NSSA (the length of the contract or 3 years, whichever is less) and to allow the applicant to obtain a CAC (and ID cards for Family members). Full NSSA cannot be granted until the *Land* authority has reviewed and approved the request. If the *Land* authority does not provide approval, approval is voided.

## **SECTION VI**

### **TEMPORARY DUTY OF CONTRACTOR PERSONNEL**

#### **29. ANALYTICAL SUPPORT AND TECHNICAL EXPERT CONTRACTOR EMPLOYEES**

a. Based on an informal agreement with German authorities, DOCPER may unilaterally grant TDY ASSA or TESA, including ILS privileges, to AS and TE contractor employees working in a TDY status in Germany under previously approved contracts, in previously approved positions, not to exceed 90 days or three instances within a 12-month period (cumulative). This is not intended to support contractor personnel traveling to or working in Germany on a longer-term basis and awaiting NSSA approval.

**NOTE:** This option does not apply to contractor personnel in TC or TC-IT-approved positions.

b. The COR will submit applications for TDY ASSA or TESA through ECOPS to DOCPER. The application process requires basic information about the applicant and the uploading of a current résumé and the approved JD.

c. Individuals may not begin work in Germany until DOCPER has reviewed the application and has granted the TDY ASSA or TESA. 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 may be issued).

d. The denial of TDY ASSA or TESA does not preclude the use of the BACO-90 process ([para 30](#)).

#### **30. CONTRACTOR PERSONNEL ON TEMPORARY DUTY IN A TOURIST STATUS (BACO-90 PROCESS)**

a. The so-called “BACO-90 process” is particularly useful for contractor employees who would not or do not qualify for TDY ASSA or TESA ([para 29](#)). Based on an arrangement with the German Federal Ministry of Labor, certain DOD contractor employees may enter Germany and work in a TDY status with a minimum of bureaucracy. These employees may remain in Germany for up to 90 days in any 12-month period starting with their first day of entry into Germany (or any other country in the *Schengen Zone*). To be eligible for the BACO-90 process, individuals need to qualify under one of the exemptions in the German Work Permit Ordinance (*Arbeitsgenehmigungsverordnung*):

(1) Senior employees of the contractor who have the authority to legally bind the company in matters for which the company executive senior employee 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, working on 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.

b. In order to work in a TDY status in Germany under the BACO-90 process, the employee must submit a “Request for Confirmation of Exemption from the Requirement to Obtain a Work Permit” (“*Antrag auf Bestätigung einer aufenthaltsfreien Tätigkeit*”) to the Federal Employment Agency (*Bundesagentur für Arbeit*). DOCPER provides the BACO-90 request form and instructions for completing and submitting the form at <https://www.europeafrica.army.mil/contractor>.

c. DOCPER does not administer the BACO-90 program, but is available to answer questions regarding the BACO-90 process.

d. The BACO-90 process must be completed before the employee arrives in Germany (or any other country in the Schengen Zone) and begins work in Germany. The BACO-90 process is completed upon confirmation by the Federal Employment Agency that the contractor employee is exempt from the requirement to obtain a work permit.

e. The BACO-90 status and the 90-day limit for staying in Germany on a tourist passport are related. Because the BACO-90 status provides express permission for a DOD contractor to work without a work permit in a tourist status, the time that the contractor may remain in Germany without violating immigration laws must be limited to the time a tourist may remain.

f. Contractor employees with BACO-90 status do not acquire NATO SOFA status and will not be issued a CAC nor receive ILS. They may be eligible for an installation pass ([AE Reg 190-16](#)).

g. Contractor employees in Germany with BACO-90 status 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.

h. The BACO-90 process is not intended to be used for contractor personnel traveling to or working in Germany while awaiting NSSA 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 DOCPER regarding the use of the BACO-90 while awaiting accreditation approval.

i. If a contractor employee’s presence in Germany exceeds 180 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 German authorities.

## **SECTION VII**

### **THE TRUSTED ASSOCIATE SPONSORSHIP SYSTEM**

#### **31. PURPOSE**

a. 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 certificates. The Trusted Associate Sponsorship System (TASS) is a web-based application that allows for a secure transmittal of DOD contractor personnel data to the Defense Enrollment Eligibility Reporting System (DEERS), which ID-card offices use as database to verify eligibility for a CAC. The TASS meets the requirements of Homeland Security Presidential Directive 12, which mandated the establishment of secure and reliable forms of personal identification for all DOD contractors.

b. The TASS is a completely separate application with different purposes than the processes run by DOCPER in ECOPS. The TASS provides a secure and automated means to feed DEERS with contractor personnel information for the purpose of issuing CACs to contractor personnel. DOCPER processes in ECOPS provide a secure and automated means of vetting contractor personnel to ensure they can be authorized NATO SOFA status according to U.S. bilateral agreements with Germany.

#### **32. STRUCTURE**

a. A trusted agent (TA) enters data in TASS. The TA, who must be a Servicemember or DOD civilian employee already registered in DEERS, must have completed the necessary TASS training and be registered as a TA in TASS. TAs are assigned to that role in TASS by a trusted agent security manager (TASM), who must also be a Servicemember or DOD civilian employee already registered in DEERS and is registered as a TASM in TASS. A TASM is responsible for a site ID as assigned by a DOD component POC for TASS. A site ID is a logic collection of TASS users and may be installation-specific (generally in CONUS), country-wide, or command-wide.

b. DOCPER is a TASM and has one of the site IDs assigned to Europe. As a TASM, DOCPER has assigned more than 450 TAs, most of who also serve as CORs. ECOPS 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.

#### **33. ROLE OF DD FORM 1172-2**

Upon NSSA approval, DOCPER completes DD Form 1172-2 and provides it in ECOPS for download and printing. DD Form 1172-2 indicates that the contractor employee is authorized a CAC (proving NATO SOFA status) and the associated ILS privileges. The TA uses the data from DD Form 1172-2 and enters this data into the TASS. TASS in turn will feed this data into the DEERS, from where ID-card issuing officials obtain relevant data for issuing a CAC to the contractor employee.

a. When DOCPER issues a new DD Form 1172-2, the TA will copy the contractor employee information from DD Form 1172-2 into the TASS, from where the information will flow to DEERS. ID-card offices cannot issue a CAC without this TASS-provided entry into DEERS. Additionally, 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 DOCPER and with data matching the DEERS record. Especially the contractor personnel end dates provided through TASS to DEERS must exactly match the CAC expiration date that DOCPER indicated on DD Form 1172-2.

b. 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 still valid CAC to the servicing 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 TA should not enter information on the new AS, TC, or TE position into the TASS before the previous CAC has been terminated. This is particularly important in cases where the TASS entry for the new DOCPER-issued DD Form 1172-2 has a "contract end date" that is earlier than the TASS record of the contractor employee's current valid CAC. If the TA entered a new 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 ID-card office will not be able to issue a new CAC until the discrepancy has been corrected.

#### **34. REVERIFICATION**

TASS periodically generates a list of contractor personnel requiring verification and sends an email message to the sponsoring TA with summary information indicating which contractor personnel require reverification. Each contractor must be verified by the TA every 6 months.

## **APPENDIX A REFERENCES**

### **SECTION I PUBLICATIONS**

SA NATO SOFA, Article 72, Treatment of Non-German Commercial Enterprises

SA NATO SOFA, Article 73, Treatment of Technical Experts

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) (<https://2009-2017.state.gov/documents/organization/111622.pdf>) with updated appendix ([https://media.defense.gov/2019/Feb/08/2002087691/-1/-1/AS\\_AMENDEDAAPPENDIX.PDF](https://media.defense.gov/2019/Feb/08/2002087691/-1/-1/AS_AMENDEDAAPPENDIX.PDF))

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) (<https://2009-2017.state.gov/documents/organization/111624.pdf>)

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) (<https://2009-2017.state.gov/documents/organization/111622.pdf>)

Homeland Security Presidential Directive 12, Policy for a Common Identification Standard for Federal Employees and Contractors (<https://www.dhs.gov/homeland-security-presidential-directive-12>)

*Arbeitsgenehmigungsverordnung (ArGV)* (German Work Permit Ordinance)

Defense Federal Acquisition Regulation Supplement, subpart 225.7401(b)  
Revised 12 December, 2012  
([https://www.acq.osd.mil/dpap/dars/pgi/pgi\\_hm/r20130412/PGI225\\_74.htm](https://www.acq.osd.mil/dpap/dars/pgi/pgi_hm/r20130412/PGI225_74.htm))

AR 25-400-2, The Army Records Information Management System (ARIMS)

[AE Regulation 550-175](#), U.S. Forces Customs Controls in Germany

### **SECTION II FORMS**

DD Form 214, Certificate of Release or Discharge From Active Duty

DD Form 1172-2, Application for Identification Card/DEERS Enrollment

DA Form 2028, Recommended Changes to Publications and Blank Forms

## GLOSSARY

### SECTION I ABBREVIATIONS

AE	Army in Europe
AEA	Army in Europe and Africa
AS	analytical support
ASSA	analytical support status accreditation
CAC	common access card
CONUS	continental United States
COR	contracting officer representative
CV	curriculum vitae
DA	Department of the Army
DD	Department of Defense
DEERS	Defense Enrollment Eligibility Reporting System
DO	delivery order
DOCPER	Department of Defense Contractor Personnel Office
DOD	Department of Defense
ECOPS	European Contractor Online Processing System
G1	Deputy Chief of Staff, G1, United States Army Europe and Africa
GFO	German Foreign Office ( <i>Auswärtiges Amt</i> )
HQ	headquarters
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
NSSA	NATO SOFA status accreditation
NV	<i>note verbale</i>
POC	point of contact
POP	period of performance
PWS	performance work statement
SA NATO SOFA	Supplementary Agreement to the North Atlantic Treaty Organization Status of Forces Agreement
SOFA	Status of Forces Agreement
SOO	statement of objectives
SOW	statement of work
TA	trusted agent
TASM	trusted agent security manager
TASS	Trusted Associate Sponsorship System
TC	troop care
TCSA	troop care status accreditation
TDY	temporary duty
TE	technical expert
TESA	technical expert status accreditation



TO task order  
U.S. United States  
USAREUR-AF United States Army Europe and Africa

## **SECTION II TERMS**

### **Exchange of Notes Between the Governments of the United States of America and the Federal Republic of Germany**

The implementing agreements for Articles 72 and 73 of the Supplementary Agreement to the NATO Status of Forces Agreement

#### *Land*

German State

#### **multivendor indefinite delivery/indefinite quantity contract**

A contract that involves the use of multiple vendors to provide services based on a single requirements definition and that does not specify a firm delivery date or firm quantity of services under the contract. The individual contracts are also referred to as “task order (TO) contracts” or “delivery order (DO) contracts,” since a specific TO or DO specifies the quantity, the delivery, and pricing for the contracted services.

#### *Note verbale*

A diplomatic communication note prepared in the third person and unsigned