

Procedure to Designate a US Contract/Invited Contractor under the US-ROK SOFA:

Designation as a US Invited Contractor or Technical Representative under the ROK-US SOFA ("SOFA status") is a legal requirement for US contractors to perform in support of the US Armed Forces in the ROK. In Korea SOFA Designation is a 2 STEP process. SOFA designation is a unilateral right of USFK. Contracting officers should not make SOFA status a condition of the contract without first coordinating with this office (USFK/FKAQ). Coordinate contract performance in the ROK with this office before performance begins in the ROK. We encourage processing designations during the solicitation stage. Additionally, contracting officers and requiring activities should consider requirements for performance during contingency or war and include the appropriate contract clauses and PWS language.

The US-ROK SOFA is an international agreement as defined in FAR 25.8. The SOFA document may be accessed on-line at: <http://www.usfk.mil/usfk/sofa>

USFK Regulation 700-19 implements the US-ROK SOFA and may be accessed on-line at: http://8tharmy.korea.army.mil/g1_AG/Programs_Policy/Publication_Records_Reg_USFK.htm

Also, SOFA designation requests may be made via email (**STEP 1**) to Ms. A Chong, Yim at usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-wor@mail.mil or DSN 315-724-6162, and (**STEP 2**) to Mr. Cecconi, David T. at usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq@mail.mil or DSN 315-724-6211. **This contact information is subject to change.**

STEP 1. The contracting officer submits a request for SOFA designation (see attachment for format) to USFK/FKAQ on the contract. The contracting officer should review Article XV of the SOFA Agreement and USFK regulation 700-19 for unique requirements for contract performance in the ROK.

Before non-Korean contracts can receive SOFA designation (and be legally permitted to perform in the ROK) at least one of four criteria must be met:

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

If citing exception (3) or (4), the contracting officer must insert in the "justification section" of the SOFA request memo the statement below verifying no Korean firm can perform the work.

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

(4) When using unavailability of service as the justification exception in the SOFA request memo, use this verbiage: "Market research was conducted and no one in Korea is able to perform this requirement."

*** If you are citing (3) or (4) and the verbiage above is not stated, your contract SOFA request may not be approved.**