



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
501ST MILITARY INTELLIGENCE BRIGADE
UNIT 15282
APO AP 96205-5282

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JUL 25 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Brigade Commander's Policy #16 – Contract Management and Oversight

1. References:

- a. DOD 5500.7-R Joint Ethics Regulation
- b. USFK Regulation 700-19
- c. USFK Regulation 1-38 Reporting Change of Status of SOFA Personnel
- d. United States Forces Korea (USFK) Regulation 715-2
- e. Defense Federal Acquisition Regulation Supplement (DFARS) 201.602-2
- f. Army Federal Acquisition Regulation Supplement (AFARS) 1.602 -2-90
- g. Department of Defense Contracting Officer Representative (COR) Handbook
- h. Defense Management Data Center (DMDC) Contractor Verification System (CVS) User Manual.

2. Purpose. To identify policies and procedures related to the responsibilities of COR/ACOR, Responsible Officers (RO) and Trusted Agent Security Managers (TASMs) in the management of Invited Contractors (IC) and the contracts to which they are assigned.

3. COR/ACOR PROGRAM. The Contracting Officer's Representative (COR) program is authorized under DFARS 201.602-2 and USFK Regulation 715-2.

a. As a COR, you must familiarize yourself with nature and the scope of work the project you are designated to oversee. In addition, you should familiarize yourself with the contract, including the size project in terms of cost, i.e. amount of manpower and Contractor/Government-furnished material involved and establish a basis for inspection and acceptance.

b. If no Surveillance Plan has been provided or available, you should contact the Contracting Officer (KO) for assistance in obtaining or developing one. This Surveillance Plan will delineate standard and unique characteristics of the requirement, and a means to conduct surveillance over the contracted effort. In addition, the plan will include methods of

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controls that will ensure that all major phases of the contractual requirements have been satisfactorily met prior to acceptance and authorization of payment.

c. You should secure a copy of the Contracting Officer's Representative Handbook to assist you in your COR responsibilities.

d. You may be authorized by this designation to take action with the respect to the following:

(1) Verify that the contractor performs the technical requirements of the contract in accordance with contract terms, conditions and specifications. Specific emphasis should be placed on the quality provisions, for both adherences to the contract provisions and to the Quality Assurance Surveillance Plan.

(2) Perform, or cause to be performed, inspections necessary in connection with contract clause E-2, INSPECTION AND ACCEPTANCE, paragraph 2. a (2) (a) through (c) and verify that the contractor has corrected all deficiencies. Perform acceptance for the Government of services performed under this contract.

(3) Maintain liaison and direct communications with the contractor. Written communications with the contractor and other documents pertaining to the contract shall be signed, as "Contracting Officer's Representative" and a copy shall be furnished to the Contracting Officer.

(4) Monitor the contractor's performance, notify the contractor of deficiencies observed during surveillance, and direct appropriate action to effect correction. Record and report the Contracting Officer incidents of faulty or nonconforming work, delays or problems. Submit 173-R to the KO signed by both you and the contractor. This will be filed upon return receipt with the signature of the KO. In addition, you may be required to submit a monthly report concerning performance of services rendered under this contract.

(5) Coordinate site entry for contractor personnel, and ensure that any Government-furnished property is available when required.

e. You are not empowered to award, agree to or sign any contract (including delivery orders) or contract modification or in any way to obligate the payment of money by the Government. You may not take any action that may affect contract or delivery order schedules, funds, quality, quantity, scope, or other terms and conditions of the contract. You may be personally liable for unauthorized acts. You may not re-delegate your COR authority.

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f. This designation as a COR shall remain in effect through the life of the contract, unless sooner revoked in writing by the Contracting Officer or unless you are separated from Government service. If you are reassigned or separated from Government service, you shall notify the Contracting Officer, and the Command Contracting Officer Coordinator (CCC), 90 days prior to the time you leave your position as COR. If your designation is revoked for any reason before completion of this contract, turn your records over to the successor COR or obtain disposition instructions from the Contracting Officer.

g. You are required to maintain adequate records to sufficiently describe the performance of your duties as a COR during the life of this contract and to dispose of such records as directed by the Contracting Officer. Additionally you are required to provide any documentation the CCC requires to perform his or her duties as the CCC. As a minimum, the COR file shall contain the following:

(1) A copy of your letter of appointment from the Contracting Officer, a copy of any changes to that letter and a copy of any termination letter.

(2) A copy of the contract, or the performance statement of work, or appropriate part of the contract and all contract modifications.

(3) A copy of the applicable COR surveillance plan, if applicable.

(4) All correspondence initiated by authorized representatives concerning performance of the contract.

(5) The names and position titles of individuals who serve on the contract administration team. The Contracting Officer must approve all those who serve on this team.

(6) A record of inspections performed and the results.

(7) Memorandum for Record (MFR) or minutes of any pre-performance conferences, and discussions with the contractor or others pertaining to the contract or contract performance.

(8) Records relating to the contractor's quality control system plan and the results of the quality control effort.

(9) A copy of the surveillance schedule.

(10) Documentation pertaining to your acceptance of performance of services, including reports and other data.

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(11) Tracking timely submission of contractor life-support/privilege documents including visa(s) (including family members) and 700-19 paperwork.

h. All personnel engaged in contracting and related activities shall conduct business dealings with industry in a manner above reproach in every aspect and shall protect the U.S. Government's interest, as well as maintain its reputation for fair and equal dealings with all contractors. DoD 5500.7-R sets forth standards of conduct for all personnel directly and indirectly involved in contracting.

i. Alternate Contracting Officer Representative (ACOR) who may have direct or indirect financial interests which would place the COR in a position where there is a conflict between the COR's private interests and the public interests of the United States shall advise the supervisor and the Contracting Officer of the conflict so that appropriate actions may be taken. CORs shall avoid the appearance of a conflict of interests to maintain public confidence in the U.S. Government's conduct of business with the private sector.

4. Responsible Officers (RO). ROs must consider the following in processing documents relevant to their contracts, and/or contract privileges:

a. All 700-19 packets must be submitted to USFK, Assistant Chief of Staff, Acquisition Management (FKAQ), 45-60 days prior to the deadline, regardless of their nature (*new arrival or change in data*). Processing timeline: 5-10 business days during ordinary workload and 10-20 business days during heavy workload (during the end of fiscal and calendar year and during major military exercises). Any missing/incorrect/incomplete documentation can delay the processing.

b. **Contract Management Oversight Procedures:** New hires must NOT relocate to the peninsula unless they have an APPROVED 700-19 in hand. Paperwork for projected new hires can be submitted 2-3 weeks prior to their arrival in country. 700-19 packages should be sent electronically to 501st MI BDE, Command Management and Oversight Team for review and submission to Contracting Command –Korea (CCK). The contractor's 700-19 will not be approved UNTIL the contract has been Status of Forces Agreement (SOFA) designated. New contracts must have embedded within them both the USFK SOFA Clause and the Wartime Clause. Request for SOFA Designation Memorandum and Post-Award Coordination Letters must accompany the contract to CCK when submitted for SOFA designation. Four months prior to expiration of either the contract or its modification, status of the contract must be forwarded to 501st MI BDE Contract Management Oversight Team. **KO procedures:** The Contracting Officer shall submit a request for SOFA designation memorandum to FKAQ upon identifying a contract requirement for performance in the Republic of Korea (ROK) and follow the procedure IAW the **United States Forces Korea (USFK) Regulation 700-19** section 2-5 and 3-2. Contract SOFA designation requests must include the contract number on the subject line and shall be submitted to usarmy.yongsan.411-contr-spt-bde.mbx.411th-csb-fkaq-workflow@mail.mil Per the USFK

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700-19 Regulation, section 3-4 b(1), page 13: "The *responsible officer* (RO) will provide each contractor employee a typed USFK Form 700-19A-R-E. Each completed form and supporting documentation must be submitted to FKAQ and approved prior to contractor employee performance in the Republic of Korea." The **USFK Regulation 700-19** can be accessed at:

http://8tharmy.korea.army.mil/g1_AG/Programs_Policy/UploadedFile/USFK/USFK%20Reg%20700-19%20The%20Invited%20Contractor%20and%20Technical%20Representative%20Program.pdf

700-19 packages shall be sent electronically to 501st MI BDE, Command Management and Oversight Team for review and submission to FKAQ.

c. Considerations which could prevent a 700-19 packet from being approved include: contract not SOFA designated, contract modification does not cover the funded period of performance, performances indicated on 700-19, failure to provide proper documentation to support Proof of Ordinary Residence, ration control abuse, disciplinary actions, Provost Marshal review violations, blotter reports, or anything other than A-3 VISAs inside the passport. Family member age 21-23: must be enrolled in Full time student/attending school in Korea. A child between the ages of 21-23 attending on-site and/or online courses full-time at one of the universities located in Korea, as well a student attending full time online courses at universities other than those physically located in Korea, could qualify as a dependent. The child must be residing in Korea with the principal in order to qualify as a dependent. In order to show proof of residence in Korea, ROs shall submit copy of the child's passport with all stamped pages.

Which are incapable of self-support because of a mental or physical incapacity that existed before age 21. Proof of medical records must be provided.

d. It is vital that all ROs and contractors coordinate with 501st MI BDE Contract Management Oversight Team to coordinate with 411th CSB regarding 700-19 packets to alleviate numerous and redundant calls and emails.

e. Contractors and Temporary Duty (TDY): Contractors must verify that a planned TDY does not violate SOFA requirements. The ONLY exceptions to the No TDY policy are; TDY for a school pertaining to job, conference pertaining to job, and leave/vacation.

f. An invited contractor/ technical representative (IC/TR) performing in Republic of Korea (ROK) on a contract in support of US<http://youtu.be/JbEaftzaFWAFK> shall not perform work without an approved 700-19. Failure to obtain coverage exposes the IC/TR to ROK immigration and taxation laws. Logistics support (AAFES and MWR facility access, commissary privileges, and USFK Drivers Permits etc.) are "privileges," not a "contractual right". The role of USFK/FKAQ is to review and process contract SOFA designation and 700-19 requests in compliance of the Article XV of the U.S./ROK SOFA and USFK Regulation 700-19.

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5. Trusted Agent Security Manager (TASM). TASMs are responsible for user management and administration for their specific site. Each site may only have two TASMs, a primary and an alternate. TASMs are responsible for:

- a. Meet TASM position requirements
- b. Acting as a Trusted Agent (TA).
- c. Troubleshooting Trusted Associate Sponsorship System (TASS) questions/issues for their site.
- d. Managing TASM and TA users for their site.
- e. Training an alternate site TASM and all TAs operating TASS.
- f. Providing visibility for TASS at their site. The TASM may accomplish this via staff call, newsletter or website, or another effective means. Information should include the TASS location, hours of operation, telephone numbers, and other pertinent data.
- g. Submitting requests via their Service/Agency (S/A) Point of Contact (SPOC) for new or additional TASS capability
- h. Coordination all TASS matters with SPOC.
- i. Notifying the: SPOC, Defense Manpower Data Center (DMDC) Support Center (DSC) of any TASS outages or of any suspected or known TASS system compromise.
- j. Provisioning, appointing, or authorizing TAs.
- k. Ensuring positive identification of all Site TAs.
- l. The TASM must be current with the annual TASS Certification Training requirements to be able to access TASS and perform the duties of the TASM role.

6. Trusted Agent. The TA's primary role is threefold: 1) Establishing sponsorship of the applicant with the Service/Agency, 2) Ensuring applicant's need for logical/physical access to either a DoD network or facility has been established, both initially and ongoing through semiannual re-verifications, and 3) Initiating the process of application for registration of a government Common Access Card (CAC). TAs are responsible for:

- a. Meeting TA position requirements.

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b. Ensuring positive identification of all applicants approved for a government credential.

c. Ensuring applicants have gone through proper vetting process, notifying the TASM of site capability outages; notifying the TASM, SPOC, or DSC of any suspected or known TASS system compromise; and notifying the TASM of any malfunctions or anomalies with TASS (TAs should contact the DSC when the local TASM is unavailable).

7. This policy is effective immediately. All personnel associated with the contracting process must receive final approval for all contract actions from the Command COR/ACOR Coordinator (CCC). All COR/ACORs, ROs, and TASM/TAs will ensure that all contractor site leads or supervisors not included in the distribution receive a copy of this policy.

8. Point of contact for this memorandum is Mr. Andrew Newton, 501st MI BDE Command COR/ACOR Coordinator (CCC), (andrew.a.newton2.civ@mail.mil), DSN 723-6392 and Dr. Janice E. Harrison, 501st MI Logistics Management Specialist (janice.e.harrison.ctr@mail.mil), DSM 723-3228.



KRIS A. ARNOLD
COL, MI
Commanding

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