



DEPARTMENT OF THE ARMY
UNITED STATES ARMY EUROPE AND AFRICA
UNIT 29351
APO AE 09014-9351

AEPE-CD

09 August 2024

MEMORANDUM FOR Contract Officer Representative (COR) seeking NATO Status of Forces Agreements (SOFA) accreditation for contract employees in Italy

SUBJECT: NATO SOFA accreditation responsibilities for CORs

1. Welcome to the NATO SOFA Status Accreditation (NSSA) process administered in Europe by the Department of Defense Contractor Personnel Office (DOCPER), U.S. Army Europe and Africa (USAREUR-AF) G1. Although the NSSA process for U.S. contractors is both complex and lengthy, DOCPER is committed to assisting you with accreditation of contractors in the most efficient manner possible.

2. The COR has a leading role in this process and is responsible for initial submission of the contract to DOCPER and subsequent records management of both the contract and applicants submitted in the European Contractor Online Processing System (ECOPS).

3. DOCPER is the DOD proponent for administering the bilateral process to obtain NSSA for qualifying contracts and contractor employees for all military services and DoD agencies operating in Italy. DOCPER is a small office and partners with United States Sending State Office (USSSO) at the U.S. Embassy in Rome, to implement the governing bilateral agreement with the Italian government.

a. The granting of NSSA is defined and constrained by the Shell Agreement: Memorandum of Understanding Between the Ministry of Defense of the Republic of Italy and the Department of Defense of the United States of America Concerning Use of Installations/Infrastructure by the U.S. Forces in Italy of 1995. DOCPER and the USSSO in Rome may grant SOFA Status under the 1995 Italy – U.S. “Shell” agreement to contractor employee as “Technical Representatives” (TR), and the special category of civilians referred to as “Civilian Personnel” (CPs) who meet the status accreditation requirements under AER 550-32.

b. DOCPER’s role in the NSSA process is to provide a service that reduces contract costs, streamlines compliance with both the NATO SOFA and Italian immigration law, enables the integration of contract employees in the workplace, and ensures appropriate exemption from Italian taxes.

c. Within the framework of the NSSA, DOCPER cannot waive any agreement-imposed requirements, including time limits. Neither waivers nor exceptions to policy are possible. Mistakes, omissions, or failure to meet required time limits could expose contract employees to immigration violations, family disruptions, charges of tax fraud,

AEPE-CD

SUBJECT: COR NATO SOFA Responsibilities - Italy

and financial liability under Italian tax law. Failure to meet requirements of the bilateral agreement could also expose the U.S. government and vendor companies to related charges.

4. It is important to note that DOCPER does not have contracting agency authority and therefore the COR is the primary conduit for communications with the contracting officer, vendor company representatives, and individual contract employees. CORs must keep the contracting officer informed and supported throughout the NSSA process with the agreement-imposed timelines and all necessary contract actions such as extensions, follow-on contracts, and contract modifications. Although completion of certain actions is often delegated to Vendor Representatives, these contract responsibilities remain with the COR.

5. DOCPER has gained considerable expertise as the NSSA agent for more than two decades and provides CORs with useful information and online training at our website. DOCPER relies on CORs to learn and understand the NSSA process. With hundreds of contracts, and thousands of contract employee applications to process, DOCPER cannot commit significant time to helping a COR with basic information. It is important that CORs complete the initial self-study before attempting to access ECOPS because of the complexities of the NSSA process.

6. The NSSA process is two-phased, with a DOCPER analyst assigned to the review of each phase. In addition to the DOCPER website, enclosures to this memo also provide useful information to assist CORs with the completion of the two-phased process.

7. This memorandum, its enclosures, or other DOCPER correspondence shall not be construed as tax or legal advice. Nor should the communications be considered as directing contractor actions.

8. Please share this memo and enclosures with any additional CORs and Vendor Representative associated with contract actions.

9. For further information, please visit the DOCPER website at <https://www.europeafrica.army.mil/contractor/> and review the references listed in the enclosures.

4 Encls

BRETT N. KRYWAY
Chief, DOD Contractor Personnel Office

DOCPER COR ENCLOSURE 1 – CONTRACT AND POSITIONS SUPPORTIVE OF NSSA – ITALY

1. NSSA PHASE I: For actions related to contract/task orders, DOCPER will assign a “contract” analyst to review COR’s submissions. Please save your contract POC:

DOCPER Contract Analyst: _____

Contact Info: _____

2. RISK OF NSSA LOSS: Please carefully monitor the evolution of your contracts to prevent employees accredited through them from losing their eligibility for NATO SOFA status.

Do not to send contractor employees to Italy, or employees already living in Italy to start working, before completing the proper accreditation process through DOCPER. Doing so could disqualify them from TESA status.

3. NSSAQCE: Please be aware that DOCPER can only pursue NATO SOFA Status Accreditation for Qualifying Contractor Employees (NSSAQCE) for job descriptions/positions that meet the requirements of the bilateral agreement with Italy. A security clearance requirement does not by itself justify approval of that position for accreditation. Additionally, typical blue- and white-collar duties such as general construction laborers, cable pullers, inventory control personnel, general administrative or clerical and the like staff do not qualify.

4. LEARNING THE NSSA PROCESS: It is important to learn the NATO SOFA Status Accreditation process, before managing a contract/application in ECOPS. The COR should be fully familiar with information on the DOCPER website (<https://www.europeafrica.army.mil/contractor/>), especially:

- Contractor Accreditation Process for Italy
- AE Reg 550-32 Tri-Component Directive for Italy
- USSSOINST 2010.01 Civilian Component and Technical Representative Status and Accreditation Procedures
- DOCPER Overview
- Phase 1 Contract Checklist for CORs
- Crafting Effective Job Descriptions
 - *Note that job descriptions used for NSSA almost always differ from the description used by the company and must satisfy the job qualification requirements as addressed in detail in the Phase II.*
- Crafting a Well Written Contract Synopsis

- *Format is mandatory; should be brief but comprehensive; easily understandable by someone unfamiliar with the military*
- Frequently Asked Questions (FAQs) – and Answers
- ECOPS Guides (in ECOPS, available once logged in)
 - *System technical “how-to” guidance; COR-VRep Guide will be the most useful for CORs and Vendor Representatives (VReps)*

NSSACQE is an exacting process, and the COR ability to understand the details of precisely what is required, and to provide the same, will make a notable difference in the timeline for gaining approval. The entries above provide baseline knowledge and should be read right away. Once assigned, the DOCPER contract analyst will answer any additional questions the COR may have.

5. ECOPS IS CENTRAL: After an account is created in ECOPS the COR will enter all necessary information and upload all required documents into ECOPS. Once the contract record in ECOPS is ready, the COR will click "submit" to DOCPER and the assigned DOCPER contract analyst will receive and review it. As starting point, the COR needs to upload the documents previously submitted via email such as the PWS, COR appointment letter, and contract. Please:

- a. Ensure that all data and documents entered or uploaded **are releasable to the Host Nation authorities.**
- b. Upload all required documents as regular (normal) pdf (e.g., Adobe) files.

6. JOB DESCRIPTIONS: Job descriptions submitted to DOCPER are often different from job descriptions used in hiring. Each position seeking approval as supporting NSSA must meet the agreement mandated minimum required education and experience requirements. For example, with technical representatives “Minimum Qualifications: A bachelor's degree in a related field, OR; -- An associate's degree in a related field plus four years of recent specialized experience, OR; A major certification and six years of recent specialized experience; OR;-- a high school diploma and 8 years of recent specialized experience.” For Aircraft Mechanics, An A&P (airframe and powerplant) license or FCC Radio operator license and five years of specialized experience. Any other requirements can be listed under “desired skills”.

- a. MINIMUM SALARY: Salary can sometimes be an issue with obtaining approval for certain NSSA jobs. Host nation authorities consider minimum salaries (as set in the job position) as one of the indicators as to whether the job truly requires a highly skilled person. DOCPER is unable to submit job descriptions that clearly fail to show the level of pay normally expected for a highly qualified person completing tasks of a complex, technical-military, technical-scientific, or professional nature for bilateral approval. While this minimum salary may vary greatly based on location and other factors, a salary of \$45,000 should be an acceptable basic annual salary.

7. DELIVERING IN OTHER NATIONS: If contract efforts include or will later include Germany, it will necessitate an entirely separate approval process through DOCPER. EUCOM J5 coordinate NSSA in other NATO nations in the EUCOM AOR.

8. PREVIOUSLY APPROVED CONTRACT ACTIONS: If a contract continues work from a previously approved contract (such as a follow-on or a bridge contract), please reuse the previously approved synopsis, when possible. If the scope changed, then edit the synopsis to incorporate the changes.

9. EMERGENCY ESSENTIAL POSITIONS: If documented within the contract, be sure to identify in the corresponding job entries that a position is "Emergency Essential". This information is needed to ensure the appropriate CAC is authorized.

10. EMAIL COMMUNICATIONS: When sending DOCPER an email about a contract, please include the contract #, order #, and company name on the subject line. DOCPER has several hundred contracts and referencing specific numbers and name will expedite the response.

DOCPER COR ENCLOSURE 2 – SUCCESSFULLY ACCESSING ECOPS

1. ECOPS GUIDE: Please review all of section 5 of the European Contractor Online Processing System (ECOPS) Log In Guide before the COR attempts to access ECOPS. The ECOPS Login Guide is available within ECOPS (<https://ecops.ext.eur.army.mil/>). Note that section 5.3.6 provides solutions to many of the problems commonly encountered when first establishing ECOPS access. The most current version is posted on ECOPS home screen (only visible ONCE logged into ECOPS).

2. HINTS AND TIPS: Here are some important tips to help the COR succeed in accessing ECOPS:

- Make sure to have access to the email account listed/used in ECOPS
- Use the unique URL received in the system-generated email inviting the COR to ECOPS
- The unique password reset received by email expires after 1 try
- Have access to a QR authentication app on a mobile device
- CAC login cannot be enabled until after the COR current email is verified
- Once the CAC has been enabled, then use the ID or authentication/PIV certificate
- for troubleshooting, use the "Login Help" link on the Sign in Screen

3. LOGIN PROBLEMS: Use the "Login Help" link under the email/password fields to notify the support team for technical assistance. Please make sure to completely fill out the form before submitting. The Technical Support Team will respond within 24 hours.

4. SUBSEQUENT ECOPS DIFFICULTIES: Please take a moment to include the error and appropriate details to send to your assigned analyst and technical support to enable proper troubleshooting.

5. GRANTING OTHER CORs AND VREPS ACCESS: The COR can enable other CORs and VReps access by submitting the COR appointment letters and names in ECOPS once a record is established.

DOCPER COR ENCLOSURE 3 – PROSPECTIVE EMPLOYEE NSSA APPLICATIONS
(NSSA PHASE II) – ITALY

1. NSSA PHASE II: NATO SOFA Status Accreditation (NSSA) Phase II, is the processing of individual employee applications for NATO SOFA status. It cannot begin until the contract is bilaterally approved. The COR will be notified in ECOPS of the approval and the contract status change and a DOCPER application analyst will be assigned. DOCPER recommends the COR save the analyst's name and contact info:

DOCPER Applicant Analyst: _____

Contact Info: _____

2. RISK OF NSSA ELIGIBILITY LOSS: Please pay close attention to this phase to prevent employees from losing their eligibility to NATO SOFA status. **Anyone applying to obtain NSSA in Italy must obtain a Mission Visa** from the Italian Consulate/embassy near their residence to enter Italy first, and subsequently apply for a **soggiorno permit within 8 days** of arrival. Do not allow contractors rolling/moving from a previously approved contract to a new one with a time gap that exceed 90 days from their previous NATO SOFA Status Accreditation (NSSA). Any time someone is in country without status for over 90 days, or with an expired soggiorno, they automatically become ineligible of NSSA and must return to CONUS. The same holds true for anyone separating or retiring from the military or converting from U.S. Civil Service. Likewise, do not to send contractor employees to Italy, or have employees living in Italy, start working before completing the proper accreditation process thru DOCPER and with the approval of the USSSO. Doing so could disqualify them from NSSA.

3. LEARNING PHASE II OF THE PROCESS: Please review the references listed for Phase I of the NSSA process for information and guidance applicable to submitting individual employee applications. The FAQs has a very large section applicable to Phase II of NSSA. In addition, from the DOCPER website:

- The Mission Partner Identity Credential and Access Management (MP ICAM) Briefing
- AE Reg 550-32 Tri-Component Directive for Italy
- USSSOINST 2010.01 Civilian Component and Technical Representative Status and Accreditation Procedures

The references above provide baseline information for Phase II NSSA. Note the requirements for obtaining a pre-travel Mission Visa (Italian government permission to enter Italy), the post-travel Mission Soggiorno (permission to stay in Italy), and

subsequent, follow-on Soggiornos (permission to stay longer). Please contact your assigned applicant analyst for specific follow-up questions.

4. CENTRAL NSSAQCE PHASE II CRITERIA: Per bilateral agreements, there are two fundamental criteria by which DOCPER must assess individual applications. One, the applicant cannot be deemed to be ordinarily resident (“OR”), and two, the applicant must have the minimum combinations of education and experience to establish a high level of technical expertise.

a. “OR” CRITERIA: Please review the enclosure labeled “FOCUS OF VITAL INTERESTS.” This listing is derived from one of the foundational agreements and does not preclude USSSO from considering other factors in their review of an applicant for “Ordinarily Resident.” Individuals who are **dual citizens** of, or are **ordinarily resident in Italy** are ineligible for NATO SOFA status.

b. EXPERT JOB QUALIFICATIONS CRITERIA: Each position approved as supporting NSSA was established in Phase I of the process with minimum education and experience requirement. These requirements are stated in each agreements’ categories and are listed below. Companies may set the education and experience higher as a “desirable skill” but must list the “minimum requirements” as stated in the agreements to meet NSSA eligibility.

TECHNICAL REPRESENTATIVES (TR):

- A Bachelor’s Degree in a related field
- An Associate’s Degree in a related field plus 4 years of qualifying recent specialized experience
- A major certification plus 6 years of qualifying recent specialized experience
- A high school graduate plus 8 years of qualifying recent specialized experience
- For Aircraft Mechanics, An A&P (airframe and powerplant) license or FCC Radio operator license and five years of specialized experience.

Please note that without completing a degree or finishing some college or technical schools, one cannot shorten the above experience requirements.

5. OTHER REQUIREMENTS: There are other factors that could preclude DOCPER from approving an application. For example, applications that report a base salary less than the minimum salary listed in the job position in Phase I, or an application from an individual who previously has an expired soggiorno, or was declared “OR”.

6. ECOPS IN PHASE II: Once the contract in ECOPS is approved, the COR, or a delegated Vendor Representative (VRep), initiates each individual application record in ECOPS. Please make sure to have all the necessary data elements ready for the applicant before entering a new record in ECOPS. It is extremely time-consuming for the DOCPER’s small technical staff to correct data entry errors and it will cause notable delays in obtaining NSSA. Please ensure the following are correctly entered before saving:

- Full name, including their middle initial
- Appropriate prefixes and suffixes
- Social Security Number (SSN)
- Start and end dates for the applicant
- Date of birth
- Correct personal email address for each applicant (applicant must have access to this email)

7. **APPLICANT STATUS IN ECOPS:** An applicant does NOT have NATO SOFA status until her or his status within ECOPS reflects “Approved”.

8. **LETTERS OF ACCREDITATION, VISAS, AND SOGGIORNOS:** When the DOCPER – USSSO team approve an application in ECOPS, DOCPER issues a USSSO Letter of Accreditation and a DOCPER Letter of Accreditation (LOA). The applicant needs to present the USSSO LOA at the Italian Consulate closest to his home of record (outside of Italy) to obtain the necessary Mission Visa. Applicants with NATO SOFA Status in Germany may use the Italian Consulate in Frankfurt. The consulates normally require applicants to make an appointment in advance. The applicant and the family may subsequently travel to Italy upon receipt of the Mission visa. Within 8 days of arrival in Italy, the applicant must apply for the Mission Soggiorno at the Soggiorno office at their U.S. military installation.

9. **CAC AND SOFA CARDS ARE NOT OPTIONAL:** Immediately (but most certainly within 90 days) after DOCPER issues credentialing documents in ECOPS, and after applying for/obtaining their Mission Soggiorno, each contractor employee must obtain the CAC, and each employee and all family members must obtain their CAC/ID Cards, which DOCPER has authorized, by presenting their passport, Mission Visa, Mission Soggiorno (or a copy of the Soggiorno application letter), DOCPER LOA, and the DOCPER-issued DD Form 1172-2. This is mandatory; previously utilized cards must be turned in -- employees and family members may not continue to use them. The DOCPER-authorized CAC is a pseudo-SOFA credential which indicates to many authorities (including customs officials) the holder has a legal NATO SOFA status in Italy. However, the contractor employee must have the Mission Visa and Mission Soggiorno in addition to the CAC (ID card for certain types of TRs) to officially demonstrate to authorities (including Italian immigration officials) that he/she definitively has NATO SOFA status in Italy. As a reminder, individuals should always maintain an active (non-expired) Soggiorno, otherwise they have lost their permission to stay.

10. **Mission Partner Identity Credential and Access Management (MP ICAM):** If an application is approved, DOCPER will publish credential documents (the DD Form 1172-2 and Letters of Accreditation) within ECOPS, where the applicant can retrieve them. Before the employee can obtain a CAC, it is critically important that the responsible Mission Partner Affiliation Sponsor (MPAS) set the applicant's eligibility expiration date in the employee's MP ICAM record exactly at the eligibility expiration date listed on the DOCPER-issued DD Form 1172-2. If not set correctly, the issuing office will not issue the CAC. MP ICAM feeds DEERS by

which identification card issuers confirm each contractor is approved, and ensure they have the correct information, before issuing identification cards. DOCPER's DD Form 1172-2 eligibility expiration date is authoritative; DOCPER consider several factors before establishing the CAC expiration date. CACs and ID cards for NSSAQCEs must be issued **within Italy**.

Additionally, the COR must ensure that a MPAS is appointed to manage applicants in the MP ICAM. Once a contractor applicant is approved in ECOPS, and a DD1172-2 is generated, the MPAS must input this data in MP ICAM; without this vital step, approved contractor employees will be unable to obtain a CAC. MP ICAM must be regularly monitored, and updates are needed for each record every six months.

10. RENEWAL APPLICATIONS: Individuals with NSSA in Italy should not exceed a 30-day (never more than 60-day) gap with their soggiornos. Expired soggiornos will render individuals ineligible for NSSA. The procedures to obtain subsequent NSSA approvals requires some additional steps and the return of the individual to CONUS to obtain a new Mission Visa. The full Mission Visa and Mission Soggiornio history must be reported within ECOPS.

11. EMAIL COMMUNICATIONS: When sending DOCPER an email about an applicant, please include the applicant's full name, contract #, and order #. This provides DOCPER another means by which to locate the applicant's record.

DOCPER COR ENCLOSURE 4: FOCUS OF VITAL INTERESTS
(ORDINARILY RESIDENT DETERMINATIONS)

The following excerpt is taken from the COMUSNAVEURINST 5840.2E USAREUR Reg 550-32 USAFEI 36-101 20 February 2004.

3. Criteria to be a Member of the Civilian Component in Italy

- a. U.S. citizens and third country nationals of a NATO country other than Italy who are employed by U.S. commands and activities, and who otherwise meet the definition of civilian component set forth in section II.2, become members of the civilian component unless they are nationals of Italy or ordinarily resident in Italy.
- b. A person is "ordinarily resident" if he/she physically resides in Italy for more than one year without affiliation with U.S. Forces.
- c. If a person physically resides in Italy for less than one year without affiliation with U.S. Forces, he/she is "ordinarily resident" if:
 - (1) The person registered as a residente in the Municipal Register (Ufficio Anagrafe) of the town where residing; or
 - (2) The person has taken other affirmative steps to avail him/herself of permanent resident benefits, including but not limited to:
 - (a) voting or registering to vote in Italy;
 - (b) applying for unemployment benefits in Italy;
 - (c) obtaining or having a legal obligation to obtain documentation (such as a scheda anagrafica or scheda professionale) aimed at obtaining employment on the economy in Italy;
 - (d) obtaining or having a legal obligation to obtain registration with the Italian national health care system;
 - (e) obtaining or having a legal obligation to obtain a work visa, or an employment contract of sojourn, or an employment sojourn permit, or an autonomous work sojourn permit, or a family sojourn permit, or a sojourn chart (visto di ingresso per lavoro, or contratto di soggiorno per lavoro subordinato, or permesso di soggiorno per lavoro subordinato, or permesso di soggiorno per lavoro autonomo, or permesso di soggiorno per motivi familiari, or carta di soggiorno), unless such permit was issued for employment with the U.S. Forces in Italy;

(f) paying or having a legal obligation to pay, Italian income taxes or property taxes because of residency.

(g) Obtaining or having a legal obligation to obtain a family sojourn permit or sojourn chart (permesso di soggiorno per motivi familiari, or carta di soggiorno).

d. U.S. citizens who depart Italy after becoming “ordinarily resident” with the intent to establish permanent residence elsewhere, may be considered for civilian component status if the facts and circumstances clearly demonstrate that they departed Italy with the intent to establish permanent residence outside of Italy.