



Department of Defense Contractor Personnel Office (DOCOPER) Germany Overview

Training for Contracting Officers,
Contracting Specialists and CORs

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DoD Contractor Personnel Office

Topics of Interest - Germany - Agenda

- **Welcome and Introductions**
- **The DOCPER Mission**
- **Status Accreditation – The Bi-Lateral Approval Process – Germany**
 - **Phase 1 and Phase 2 – Processes and Timelines**
 - **Subcontractors**
- **COR Duties and Responsibilities**
 - **DOCPER, ECOPS, TASS**
- **New Contract Requests for NSSACE**
 - **Procedures and Common Mistakes**
- **New Contract Record Opened**
 - **Contract package not submitted to HNA? Why?**
 - **Brief Overview – starter steps/graphs**



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Topics of Interest - Germany - Agenda

- **Contractor Applications**
 - **When to Start, Common Mistakes, Military Exigency**
- **Ordinarily Resident – Explained**
 - **The Yellow Card**
- **Frequently Asked Questions**
- **How can DOCPER help?**
 - **Additional trainings? What would you like to see?**



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Administrative Items

- **Webinar Housekeeping**
 - **Please be sure to:**
 - **mute microphone if not speaking**
 - **use the raise hand function to ask a question verbally**
 - **use the chat feature to ask questions and initiate dialogue**
 - **turn off camera function**
 - **Open Communication and the Parking Lot**
 - **Questions will be answered periodically throughout the briefing**
 - **Discussion is encouraged, please ask questions**
 - **Questions on topics that will be discussed later will be placed in the parking lot**
 - **Training Slides will be emailed after the event**
 - **Additional events to follow, based on need and topic requests**



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• Training Overview

- US Army Europe and Africa Department of Defense Contractor Personnel Office (DOCPER) training is designed for Contracting Officers, Contracting Specialists and CORs to provide a better understanding of the DOCPER process for future acquisitions

• Additional Upcoming Trainings

- ECOPS Specific training will follow in coming months, step by step guide for ALL processes nearly complete *
- Italy Specific Training

• DOCPER Information

- HQ USAREUR G1, Clay Kaserne – USAG Wiesbaden
 - usarmy.wiesbaden.usareur.mbx.odcs-g1-docper@army.mil
 - <https://www.europeafrica.army.mil/contractor/>

• Briefer Information

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DoD Contractor Personnel Office

- **DOCPER is a Learning Organization**
 - Differences in interpretations of Agreements
 - Organizational changes
 - Procedural changes
 - Court cases (we do NOT give legal advice)
- **The Process Revolves Around You, the COR**
 - Central switchboard for communication
 - Liaison between the KO, vendor company, and the applicant/employee
 - DOCPER relies on the partnership



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- **Mission:** Carry out provisions in bilateral agreements with Germany and Italy allowing contractors to have NATO SOFA status
- **NATO SOFA covers the force and the civilian component, not contractors.**
- **Contractors fall under separate side agreements:**
 - **Germany:** Supplementary Agreement (between Germany and the “sending states”), plus US-Germany bilateral agreements of 1998 and 2001
 - AE Reg 715-9 contains most information needed regarding status accreditation under Articles 72 and 73
 - **Italy:** US-Italy “Shell Agreement” of 1995
- **BOTTOM LINE:** DOCPER “accredits” DOD contractor employees (authorizes them to have NATO SOFA status) in Germany and Italy



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- **NATO SOFA Status Accreditation: a Bilateral Process Conducted within a Framework of Multiple Agreements**
 - NATO Status of Forces Agreement (NATO SOFA)
 - NATO SOFA Supplementary Agreement
 - Implementing Framework Arrangements
- **March 1998, US and Germany signed an agreement on the bilateral implementation of the Supplementary Agreement (Art 72 & 73) to the SOFA.**
 - The result was a 2-phase process:
 - Phase 1: contract packages reviewed and approved or denied
 - Phase 2: individual applicant packages reviewed and approved or denied



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- **Status Accreditation Benefits the Contracted Employee**
 - Provides status to qualifying DoD contractors as part of the civilian component
 - Income is generally exempt from German taxes
 - Provides for individual logistics support (e.g., PX/Commissary, driver's license, fuel card, MWR)
- **Status Accreditation Benefits the Government**
 - Saves the US government money on contracts
 - Increases US government contractors' ability to acquire and retain high quality employees



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Status Accreditation Overview – Germany

- **Technical Expert (TE):** accomplishes complex tasks of a technical-military or technical-scientific nature
- **Analytical Support (AS):** military planning and intelligence analysis
- **Troop Care (TC):** provides care to members of the force (doctors, nurses, physical therapists, social workers, and military career counselors)
- **Troop Care Information Technology (TC-IT):** IT support to TC missions



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Exchange of Notes – Articles 72 and 73

- **Article 72 (AS, TC, TC-IT)**
 - Phase 1 approval comes from the Ministry of Foreign Affairs (MFA)
 - Phase 1 approval focuses on the company in regard to a specific contract and establishes approval via a Note Verbale (NV)
 - NV process is very formal and structured
 - Jobs must be mapped to pre-approved position descriptions (AS or TC-IT) or job titles (TC)
- **Article 73 (TE)**
 - Phase 1 approval comes from respective Laender authorities
 - Phase 1 approval focuses on the contract and the job positions
 - Positions must be of a highly technical or scientific nature dealing with equipment and require a combination of higher education and/or specialized experience
- **For both Article 72 and 73, Phase II Approval (individuals) runs through the Laender authorities**



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Decision Timeframes

- **Contract Notification (Article 73) - 8 weeks**
 - Review by DOCPER - 5 day objective
 - German authorities expected to concur/non-concur in writing within 5 weeks. If no response by then, concurrence is assumed

- **Enterprise Approval (Article 72) - 3-5 months, but no set timelines for MFA**

- **Individual Applications - 10 weeks**
 - Review by DOCPER - 5 day objective
 - German authorities are expected to concur/non-concur in writing within 6 weeks
 - Military Exigency – TE / AS with approval



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Subcontractors

- **Technical Expert positions**
 - Information regarding the sub-vendor must be included on Contract Notification Form
 - Applicants apply and are treated as if employees of the prime-vendor
- **Analytical Support positions**
 - Each sub-vendor requires *individual enterprise approval* as if they were a separate prime-vendor
 - The prime-vendor must provide a Prime-Sub Agreement
 - The COR must submit a separate “Detainee Memo”
 - Applicants can only apply for AS positions specifically approved for their company
 - Sub-vendors must only provide a “small” number of total employees supporting the contract effort
- **TC and TC-IT positions not approvable if subcontracted**



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COR Duties And Responsibilities

- **AE Reg 715-9 - The COR will**
 - Ensure that contract and individual application packages are completed and submitted (through ECOPS)
 - Ensure that applicants meet approved job requirements
 - Prevent fraud
 - Notify DOCPER of employee terminations (Template available on DOCPER webpage)
 - Collect and turn-in credentials after terminations:
 - Common Access Cards (CACs) and dependent identification (ID) cards are turned in to local ID card facilities
 - NATO SOFA certificates are turned into local passport offices
 - Instruct approved contractors to accompany family members to ID card section. (Do not prepare DD Form 1172 authorizing ID cards for family members.)



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COR Duties And Responsibilities

The COR is responsible for informing DOCPER when a contractor's status must be terminated for any reason:

- End of a contract
 - Early contract termination
 - Contractor is terminated
 - Job offer is declined
-
- **NATO SOFA status is always associated with an approved position under an approved contract**
 - **When the contractor leaves either the contract or the position under which they were approved, they have no more basis for NATO SOFA status. Their status is no longer valid and must be terminated**



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New Contracts Requests for NSSACE

- **Processes and Procedures**
 - **ALL New Contract Actions and Follow On Contracts are:**
 - Initiated by the COR via email to: usarmy.wiesbaden.usareur.mbx.odcs-g1-docper@army.mil
 - Must include the Contracting Action Submission Form, PWS, Signed contract, and COR Designation Letter
 - **DOCPER does not have a role prior to contracting action award**
 - **Access to ECOPS - European Contractor Online Processing System**
 - Upon favorable review by DOCPER, the COR is granted access to the contract record in ECOPS, and will be assigned a DOCPER Contract and Application Analyst
 - ***Note – New CORs on existing contracts are granted access to ECOPS via the “Contract MOD” tab; incumbent CORs grant access**



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New Contracts Requests for NSSACE

- **Processes and Procedures**
 - **What causes an initial Contract Submission Request to be rejected?**
 - **Incomplete Contracting Action Submission Form (POP, blanks**
 - **Unsigned Contract**
 - **Scope of Work / JDs appear not technical in nature**
 - **Accreditation Category Questions on Submission form assist DOCPER in determining whether a Contract supports:**
 - **Troop Care / Troop Care IT Contracts (Germany)**
 - **Technical Expert Contracts (Germany)**
 - **Analytical Support Contracts (Italy)**
 - **Technical Representative Contracts (Italy)**



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New Contract Record Opened

- **Record Opened in ECOPS**
 - **DOCPER Analysts are now assigned**
 - **Analysts broken into Teams, consisting of a Contract and an Application Analyst**
 - **Correspondence between the COR/VRep should now be between assigned DOCPER personnel**
 - **Personnel assigned based upon Accreditation category, your particular assigned analyst is a SME for that particular type of contract**



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New Contract Record Opened

- **Record Opened in ECOPS – What Next?**
 - **COR / VREP Guide**
 - <https://ecops.ext.eur.army.mil/>
- **Completing New Record in ECOPS -**
 - **COR / VREP Guide**
 - **New tools to come – LSS project**
 - **Complete the Contract profile, English Language Synopsis, upload job descriptions, and submit to your analyst, via the "Status/Actions" tab within ECOPS**
 - **Easiest method is to go tab by tab**
 - **Don't forget to click "Submit to DOCPER" in the Status/Actions tab**



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Getting Started – A Brief Overview

- **Step 1.** Once DOCPER approves the contract for processing and provides the log in access to ECOPS, the COR or Vendor Rep will receive an automated notification to proceed. Click on the Open Contract/Delivery Order button.

We STRONGLY recommend that you become familiar with the information provided on our DOCPER website: <https://www.europeafrica.army.mil/Contractor/>

POC Information:

[Phase 1 Contracts](#)

[Phase 2 Individual Applications](#)

Open Contract / Delivery Order

<https://ecops.ext.eur.army.mil/Contract/Edit/28364>

European Contractor Online Processing System

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Step 2. Log into ECOPS.

Step 3. The Contracts/ Delivery Orders grid will display. The grid displays all of the contracts associated with the COR.

Contracts / Delivery Orders

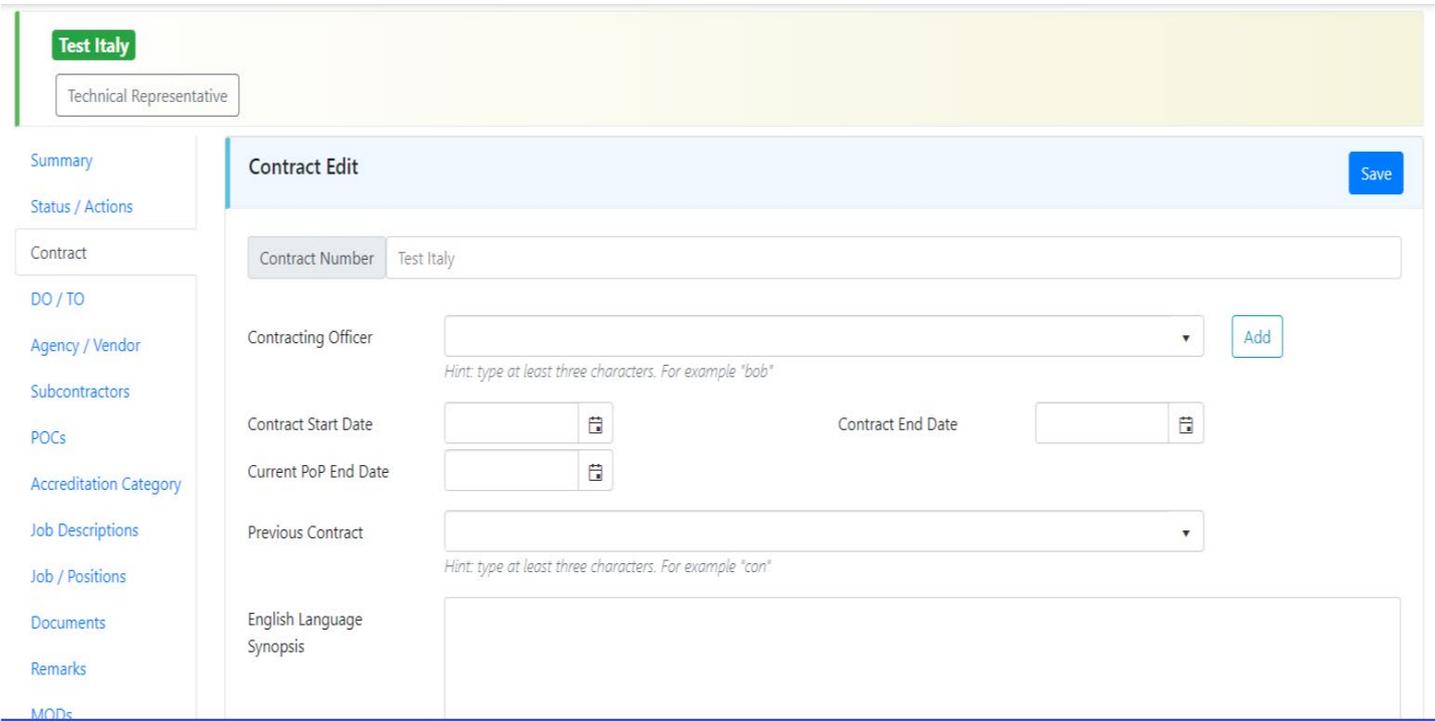
Category	Contract Number	DO/TO	Vendor	Current PoP End...	Final End Date	Accred. Status	Contract/DO/TO Sta...	Teams	COR
	Test Italy						Closed		
	Test Italy		N/A			Pending - New	Pending - New	T-7	

Step 4. Click on the specific contract/ delivery order number.



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Step 5. Next, select the contract tab. The contract edit page will display. While on this page proceed with the following steps:



Test Italy

Technical Representative

Contract Edit Save

Contract Number: Test Italy

Contracting Officer: Add
Hint: type at least three characters. For example "bob"

Contract Start Date: Contract End Date:

Current PoP End Date:

Previous Contract: ▼
Hint: type at least three characters. For example "con"

English Language Synopsis:

Summary

Status / Actions

Contract

DO / TO

Agency / Vendor

Subcontractors

POCs

Accreditation Category

Job Descriptions

Job / Positions

Documents

Remarks

MODs



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Step 6a. In the Contracting Officer field, type in the contracting officer name. If their name is already in ECOPS, their name will display. If not, click on the add button to enter their information. Once completed, select the blue “save changes” button.

Step 6b. Enter the contract start date, contract end date, and contract POP end date from the signed contract document.

Step 6c. If this is a follow on contract, enter contract number in the previous contract field. If not, move onto step 6d.

Step 6d. Enter the contract synopsis in the “English Language Synopsis” data field. The synopsis needs to be a clear and concise description of who is being supported, the type of support being provided, and where in Germany the work is being accomplished.

Note: A guide to craft a well written synopsis is provided on the DOCPER website.

<https://www.europeafrica.army.mil/Portals/19/Contractor/DOCPErSynopsisWriting.pdf?ver=2018-05-07-052233-800>

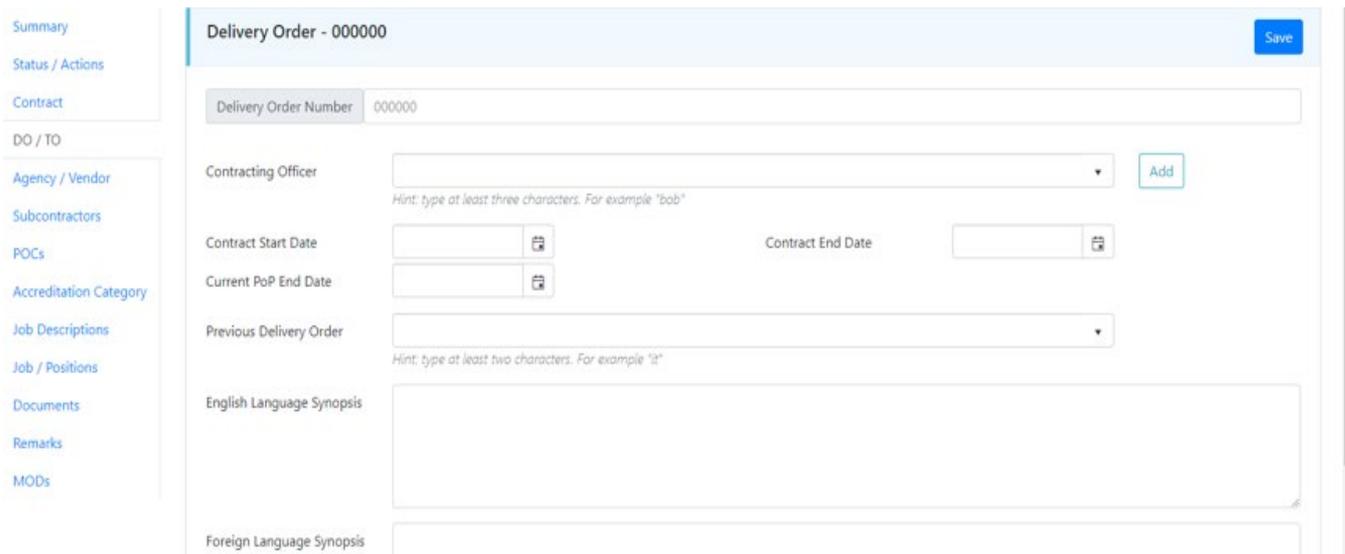


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Step 6e. Select the blue “save” button to complete the contract section.

Step 7. If a delivery order needs to be entered, select the DO/TO tab. While on this page proceed with the following steps:

Step 7a. In the Contracting Officer field, type in the contracting officer name. If their name is already in ECOPS, their name will display. If not, click on the add button to enter their information.. Once completed, select the blue “save changes” button.



Summary

Status / Actions

Contract

DO / TO

Agency / Vendor

Subcontractors

POCs

Accreditation Category

Job Descriptions

Job / Positions

Documents

Remarks

MODs

Delivery Order - 000000 Save

Delivery Order Number 000000

Contracting Officer Add
Hint: type at least three characters. For example "bob"

Contract Start Date Contract End Date

Current PoP End Date

Previous Delivery Order
Hint: type at least two characters. For example "it"

English Language Synopsis

Foreign Language Synopsis



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Required Documents – New Record

- **Upload Documents**
 - Upload the following minimum documents by clicking on the “select files” button and then saving by selecting the blue “save changes” button
 - COR designation
 - PWS/SOW/SOO
 - The signed contract
 - By exception these documents may be required
 - Sub contract (if applicable)
 - Multiple CORs (a COR designation for each)



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New Contract Record Opened

- **Submission to the Host Nation Authority Hang Ups**
 - **Common Mistakes**
 - 1) **Poorly Crafted English Language Synopsis (see website)**
 - 2) **Job Description does not utilize required verbiage: (see website)**

ex: For TE - A bachelor's degree plus 3 years of recent specialized experience, OR; An associate's degree plus 7 years of recent specialized experience, OR; A major certification plus 7 years of recent specialized experience, OR; 11 years of recent specialized experience

Or

Job title not matching Description
 - 3) **POP dates due not match contract**
 - 4) **Sub-contractor documentation, and data fields not entered**



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New Contract Record Opened

- **Submission to the Host Nation Authority Hang Ups**
 - **Common Mistakes**
 - 5) COR address field not completed
 - 6) Not returning the record back to DOCPER
 - 7) Failure to upload the: PWS, COR Designation Memo, Job Descriptions, Signed Contract, Subcontract memo (if applicable), COR Detainee memo (AS), AS Acknowledgement
 - 8) Job Description does not match Job location/title
 - Make sure this is a pdf file.
 - Make sure the title in the job descriptions matches what is entered in the job/positions page. For example a “scientist” should match in both pages. Click on the “select file” button.



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REMEMBER - New Contract – Submission to HNA

- **Submission to the Host Nation Authority**
 - **Timelines - Germany Contracts**
 - **Technical Expert**
 - **DOCPER strives for a 5-8 business day turn time**
 - **HNA has 5 full weeks to respond, after 5 weeks approval is assumed**
 - **Contractors can begin work under “Conditional Approval”**
 - **Analytical Support and Troop Care**
 - **DOCPER strives for a 5-8 business day turn time**
 - **Each AS or TC contract requires US/FRG diplomatic note (Note Verbale, or NV) approving the contract – no timeline – approvals are cyclical**
 - **Incumbents can support the mission while NV pending, not new contractors**



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Contractor Applications

- **Creating Applications**
 - Contractor Applications can be inputted once the record is opened in ECOPS
 - Applications will be reviewed by DOCPER
 - TC / AS will not be processed before Contract approval
 - TE can be processed “conditionally”
- **Common Mistakes**
 - Not submitting back to DOCPER for processing #1
 - 715-9C not signed
 - Passport – not signed
 - Resume not detailed enough – showing skills needed for JD
 - Watch the 90 days!



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Military Exigency (ME)

- **The bilateral agreements allow the US forces to grant immediate, temporary, unilateral status under “military exigency.”**
- **ME requests must come from the COR**
 - Only DOCPER has the authority to approve an ME request
 - DOCPER approve MEs for previously bilaterally-approved applicants
 - DOCPER may deny an ME request when deemed prudent
- **MEs can be approved for:**
 - TE applicants anytime following unilateral (DOCPER) contract approval
 - AS applicants anytime following bilateral (Embassy and MFA) approval
- **TC and TC-IT applicants are not eligible for ME**



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Ordinarily Resident (OR)

- **General criteria for OR determinations under Art. 72 or Art. 73**
 - Duration in Germany w/o status
 - Employment in Germany w/o status
 - Real property ownership
 - Receipt of German social benefits
 - Children in Germany/school
 - Other sources of income in Germany
 - Main focus of societal relations in Germany
 - Spouse employment in Germany
 - German spouse
- **Test: weigh the totality of the circumstances, determine the main focus of vital interests, whether in Federal Republic of Germany or elsewhere**
- **Applicants determined to be OR are ineligible for status**
- **20 Year Rule: a contractor for 20 uninterrupted years in Germany will be considered OR by German Authorities**
- **6 Year Re-Applications: a person who's application was more than 6 years ago will be asked to submit an abbreviated application for review**



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The Yellow Card Approval

- “Yellow-Card” or “Last Chance” approval means that the individual receives status this last time
 - This generally happens when a person is essentially ordinarily resident now, but has been previously approved
 - If the person re-applies, he is *extremely likely* to be denied
- “Yellow-Card” approval is a decision made by the German authorities, not by DOCPER
- “Yellow-Card” approval allows a person time to either make a graceful exit or transition to full German residency
- A “Yellow-Card” approval does not change the status of the applicant
 - Not subject to challenge by DOCPER
 - Applicants re-applying after a “Yellow-Card” approval must prove their “main focus of vital interests” is no longer Germany
- “Yellow-Card” = your local Finanzamt is vying to tax the contractor



DOCPER Overview

Answers to Frequently Asked Questions

- ***Is a follow-on contract to a contract previously used in Germany considered a new contract?***
 - Yes, see AE Regulation 715-9. A "new contract," includes follow-on or successor contracts even when awarded to the same
- ***When a contracted employee has received SOFA status under a particular approved position, can they also perform work under a different position?***
 - There are certain types of "other" work that may jeopardize a contracted employee's tax exempt status, as well as his or her entitlement to accreditation under the NATO SOFA SA
 - Contractors are required to work a minimum of 20 hours per week in order to be eligible for status accreditation



DOCPER Overview

Answers to Frequently Asked Questions

- ***Can contracts and individual applications be processed by DOCPER at the same time?***
 - **Article 73 individual applications may (under the military exigency clause) be approved unilaterally and conditionally before the German authorities have completed their review of the contract.**
 - **Article 72 individual applications may be reviewed by DOCPER, but will only be sent to the German authorities after contract had been approved**
- ***Why are some Article 73 individual applications denied Military Exigency?***
 - **DOCPER will not approve ME requests for individual applicants who are at risk of denial by the German authorities. Risk of denial might exist because of marginal qualifications or, more likely, because the applicant has one or more OR factors.**
- ***Can a non-US citizen receive TE/AS/TC status?***
 - **Yes. Under both Articles 72 and 73, U.S. citizens and citizens of other NATO nations, except Germany, may be granted NATO SOFA status.**



DOCPER Overview

Answers to Frequently Asked Questions

- ***If an individual is approved for an ME by DOCPER, but then is subsequently denied by the German authorities, what is the person's status during the period worked in Germany?***
 - **As long as the individual has been in Germany for less than 90 days, there is no violation of the German work permit laws (assuming the work qualifies for one of the exemptions to the work permit laws) or residency laws.**
 - **It must be noted, however, that working in Germany for more than 90 days in a 12- month period without NATO SOFA status places a person in violation of German work permit provisions**
- ***How long does TESA/ASSA/TCSA accreditation remain valid?***
 - **Status accreditation is always directly tied to an approved position under an approved contract. Accreditation remains valid for as long as the approved individual remains in the same position under the same contract.**



DOCPER Overview

Feedback

- ***What questions remain? Any Alibis?***
- ***What additional trainings would you find beneficial?***
 - ***ECOPS?***
 - ***Contract and Applicant Modifications?***
 - ***Italy?***



DOCPER Overview

Contact Information

- **DOCPER Information**

- **HQ USAREUR G1, Clay Kaserne – USAG Wiesbaden**
 - usarmy.wiesbaden.usareur.mbx.odcs-g1-docper@army.mil
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