

Accrediting DoD Contract Technical Representatives in Italy

Without Reinventing the Wheel

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To accommodate the growing reliance on contractors, the U.S. forces in Italy needed a process to streamline and uniformly manage the accreditation of technical representatives.

When the NATO Status of Forces Agreement (NATO SOFA) came into existence in 1951, there was no mention of Department of Defense contractors as a category of personnel. Fortunately, the supplemental agreements between Italy and the United States acknowledged a category of the forces termed “technical representatives” (TRs)—contractors under the supervision of DoD who perform work in Italy on more than a temporary basis.

Fast forward to the modern day: DoD contractors are a substantial and vital part of the U.S. forces in Italy. To accommodate the growing reliance on contractors, the U.S. forces needed a process to streamline and uniformly manage the accreditation of TRs under the NATO SOFA and U.S. and Italy supplemental agreements. The solution came from a process already in place in Germany to screen DoD contractors for similar NATO SOFA status. The DoD Contractor Personnel Office (DOCPER) in Germany, along with the U.S. Sending State Office for Italy (USSSO) and the Service Component Headquarters, agreed to adapt the DOCPER process used in Germany to process TR accreditations in Italy. The result has been a significant increase in control of accreditation as well as a systematic process for DoD contracting officer representatives (CORs) and DoD contractors.

The foundation documents for the stationing of U.S. forces in Italy are the NATO SOFA and the classified Agreement Between the United States of America and the Republic of Italy Regarding Bilateral Infrastructure in Implementation of Article III of the North Atlantic Treaty of 20 October 1954 (known as BIA). The BIA acknowledged that personnel who were not military service members or DoD civilian employees might go to Italy to assist the U.S. forces. An additional category, “Civilian Personnel,” was created and further subdivided into subcategories, one of which is TRs—contractors assisting the U.S. forces in Italy for more than a temporary period.

In 1995, the DoD and Italian Ministry of Defense signed a memorandum of understanding known as the Shell

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Agreement, which defined TRs as “persons ... who are closely affiliated with the United States Armed Forces and under their authority, but not employed directly by them ... technical representatives of firms having special relations with the United States Armed Forces, when such persons come to Italy for other than temporary visits.”

The U.S. Forces Tri-Component Implementing Regulation for Italy briefly discussed the concept of TRs, but did not elaborate. The 2001 edition of the Tri-Component Regulation provided a more detailed definition of TRs as “persons who have a high degree of skill or knowledge in the systematic procedures by which a complex or scientific task is accomplished, as distinguished from routine mental or physical processes.” The directive gives as examples of positions granted technical representative status “warranty repair technicians for repair of complex equipment; key executive and supervisor positions in government-owned, contractor-operated facilities that perform major maintenance on U.S. government-owned vehicles; and computer software engineers.” Examples are given, too, of positions that have been denied technical representative status: “administrative personnel; automobile sales representatives; carpenters; masons; painters; plumbers; sales representatives for china, jewelry, clothes, computers, encyclopedias, and similar items; and secretaries and typists.”

TR Accreditation: Out with the Old Procedures

Prior to 2004, the TRs were not generally screened for accreditation before they arrived in Italy. This meant that most TRs had already obtained from an Italian consulate the necessary mission visa without any legal review by the local installation legal office to ensure that they were entitled to the TR status the mission visa accorded them. (The mission visa allows persons to enter Italy for more than 90 days for the purposes of accompanying the U.S. forces.) Upon arrival at an installation, the TR would seek authorization of logistic support. Originally, the installation would accept the TR's application and forward it to USSSO for approval. USSSO would review the application for proper orders, visa, and any indication of Italian citizenship or “ordinary resident status,” either of which would disqualify the applicant. If the applicant were determined to be a TR, then USSSO would issue a SOFA stamp to be placed in the contractor's passport. In 2000, USSSO delegated the entire screening process to the staff judge advocate offices of the U.S. forces units in Italy.

The process generally worked insofar as most contractor employees came from the United States and would have the type of expertise that met the requirements of the TR category. However, the rotation of military personnel among the staff judge advocate offices hampered the continuity of the program. Additionally, the implementation of the program differed from installation to installation.



... And in with the New

In the summer of 2002, USSSO proposed new procedures for the TR process. It was at this time that the staff judge advocate from the Army's Southern European Task Force (Airborne) suggested that DOCPER's experience in Germany might be useful. USSSO, DOCPER, and the Service Component Headquarters spent the next year developing the new process. On July 12, 2004, the Civilian Personnel Accreditation Procedures for Italy were published as an annex to the February 2004 edition of the Tri-Component Regulation for Italy. The new procedures have resulted in a reinvigorated screening process and a more orderly accreditation program.

One of the biggest changes is the use of computer automation. The DOCPER Italy Operations Web site <<http://www.chrma.hqusareur.army.mil/>> walks the TR applicant and COR through the process. The first step is to download the TR Application Form from the forms page. DOCPER's database contains information on cur-



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rent contracts and companies doing business in Italy. If the TR applicant's company, contract, task order, and position are already listed in the form, then the TR applicant fills out the form and forwards it to the COR for transmittal to DOCPER. If the company, contract, task order, and position information are *not* listed, the COR downloads and completes the Contract Registration form, then forwards it to DOCPER, who updates the database.

DOCPER screens the information submitted based on guidance found in the Civilian Personnel Accreditation Procedures for Italy; legal questions are referred to USSSO. DOCPER makes two determinations: whether the position to be used in contract performance meets the definition of a TR position; and whether the person proposed to fill the position meets all the requirements to be accredited as a TR. For each qualified applicant, DOCPER submits for USSSO signature an accreditation letter addressed to the Italian consulate that has cognizance for

the area where the TR applicant resides. By this letter, USSSO certifies to the Italian consulate that the person has been accredited as a TR and should receive a mission visa. Once approved by USSSO, DOCPER sends the signed accreditation letter and a completed Application for Uniformed Services ID Card to the COR, who forwards the documents to the TR. The TR goes to the Italian consulate, receives the mission visa, and travels to Italy. Upon arrival, the TR processes through TR accreditation, receives the ID card, and then processes the mission permit of stay (that allows him or her to remain in Italy) from the local Italian police station.

Benefits of the New Process

Technology has streamlined the accreditation process. Because of databases, pre-printed forms, and e-mail, information can be transferred immediately. Additionally, the database provides, for the first time, a complete record of TRs accredited in Italy. The U.S. forces in Italy manage the TR accreditation unilaterally, and with the new process, they can state with confidence that they carefully screen each TR coming into Italy. The civilian personnel accreditation procedures for Italy have also built into the new system a comprehensive review. This allows DOCPER to establish the baseline database for TRs in Italy.

The most significant development is that the Italian consulates have been instructed by the Italian Ministry of Foreign Affairs not to issue a mission visa to a DoD contractor without the USSSO-signed accreditation letter, a step that has completely eliminated the previous problem of DoD contractors showing up in Italy without proper documentation.

Another advantage of the new process is uniformity. Previously, each installation had slightly different procedures or different offices handling TRs. Now there is a single point of contact handling TR matters for Italy. Additionally, while the procedures are different in some aspects, contracting office representatives and contractors now benefit from having a single point of contact for both Germany and Italy.

Finally, the benefits of the new process have been realized without adding human resources or creating new offices. Even better, the new TR accreditation process now frees installation legal offices from a function that previously took up their time. By using technology and drawing from experience in Germany, DOCPER was able to incorporate the Italy process within its existing operations—all without reinventing the wheel.

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