



HEADQUARTERS
CENTCOM CONTRACTING COMMAND
BAGHDAD, IRAQ
APO AE 09342



20 JUL 2010

MEMORANDUM FOR ALL CONTRACTORS IN IRAQ

FROM: Commanding General, CENTCOM Contracting Command


SUBJECT: Contractor Compliance with US/TCN/GOI Laws and Contract Demobilization

1. In the past three weeks, eight third country nationals (TCNs), several from countries whose current domestic laws prohibit their citizens from working in Iraq, were discovered to have been left behind by their previous employers at various contractor controlled camps (A.K.A. "mancamps") throughout Iraq. This raises numerous concerns about whether contractors are complying with travel and work restrictions of certain TCN countries, Iraqi immigration requirements, and contract redeployment responsibilities to include their respective sub-contractors in the Iraq Joint Operating Area (IJOA).
2. THIS LETTER SERVES NOTICE THAT ALL CONTRACTORS OPERATING IN IRAQ HAVE **20 DAYS** FROM THE DATE OF THIS LETTER TO ENSURE THEIR EMPLOYEES COMPLY WITH U.S. AND INTERNATIONAL LAW AND UNDERSTAND THEIR REDEPLOYMENT RESPONSIBILITIES UNDER THE TERMS OF THEIR CONTRACT.
3. This Government course of action provides contractors time to self-identify employees that are not in compliance and notify their respective contracting agencies (e.g., CENTCOM Contracting Command (C3), LOGCAP, AFCAP, AAFES, INSCOM, NAVAIR, AMC, Rock Island Contracting Center, SPAWAR, DLA, AFCEE, NAVSEA, Army PEOs, etc.) of issues with repatriating employees found to be in violation. **After this 20 day period expires, USF-I intends to conduct inspections of mancamps throughout Iraq to ensure contractor compliance.** Contractors found to be in violation of contract requirements (which require compliance with U.S., local and TCN and international law) after USF-I inspections will be dealt with swiftly and severely. C3 and external contracting agencies will take all contracting recourses to stem this behavior to include withholding payment, cure notice, negative Contractor Performance Assessment Reporting System (CPARS) evaluations, reduction of award fee, debarment, reimbursement of U.S. Government expenses, and/or any other legal remedy available to a contracting officer.
4. **Compliance with Third Country and Iraqi Law:** In accordance with DFARS 252.225-7040(d)(1), *Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States*; Class Deviation 2007-O0010, *Contractor Personnel in the CENTCOM Area of Responsibility*; and JCC-I/A Special Clause 952.225-0004, *Compliance with Laws and Regulations*, contractor personnel must comply with all U.S., host nation and third country national laws. DFARS 252.225-7040 further states that the contracting officer may direct the contractor to remove and replace any contractor personnel who fail to comply with or violate applicable requirements of the contract (para (h)(1)). To ensure compliance, please consider the following:
 - a. Employing individuals with passports which state "not valid in Iraq" violates both host nation and third country laws. CENTCOM is currently aware that the Philippine and Nepalese Governments prohibit its citizens from travelling to Iraq. There may be other countries. It is the contractor's responsibility to ensure that it is not employing people from countries prohibited from entry to Iraq.

- b. All employees must possess a visa. Any deficiencies with contractor employee visas and permits shall be corrected through the U.S. State Department. In order to gain the proper approvals from the Iraqi government, contractors must provide the US Embassy with a copy of the signed front page of the USG contract or grant, the period of performance page, memo to MoI, and the spreadsheet of names embedded in Mission Policy (MP) 27 (available through the U.S. Embassy Baghdad).
- c. U.S. Embassy Baghdad MP 27 requires all U.S. Citizens and foreign national contractors who remain longer than 10 days in Iraq to possess a no-fee residency stamp and obtain an Iraqi exit sticker before departing the country. For questions regarding MP 27, please contact baghdadregmgt@state.gov or by telephone at 240-553-0581 ext 2782 or ext 2092.
- d. DFARS 252.225-7040 para (c)(4) requires all U.S., LNs and TCNs receiving base life support (e.g., living in a mancamp) to have a current letter of authorization (LOA).
- e. Contractors should have all badges and/or Common Access Cards (CAC) necessary to perform work in accordance with the terms of their contract.

Passport/Visa processing takes approximately six weeks from submission to approval by MoI. Once an approval is received, the contractor will have to obtain the actual visas from the MoI. During this time, contractors are not exempt from installation force protection and garrison leadership documentation requirements for installation access and badging. **Contractors shall promptly repatriate TCNs that are not in compliance and promptly relay change in status.**

- 5. **Contract Demobilization:** Demobilization of contractors and subcontractor(s) in Iraq is critical and will occur more frequently as USF-I complete Operation RESPONSIBLE DRAWDOWN and prepare for Operation NEW DAWN. Contractors operating in Iraq have a contractual responsibility to repatriate US and TCN employees once the contract period of performance is complete, terminated, or individual employee(s) are terminated. The prime contractor is responsible to submit a demobilization plan to the Contracting Officer a minimum of 30 days prior to the end of the contract performance period. The Contracting Officer may then extend individual Letters of Authorization up to, but not to exceed, 30 calendar days after the contract completion for demobilization. This allows the prime contractor and subcontractor(s) time to comply with exit procedures for its workforce and contractor-owned equipment, collect and turn in all badges and LOAs, and release personnel from the Synchronized Predeployment Operational Tracker (SPOT) database. If approved by the contracting officer, this will be a no cost extension. Contractors bear any and all risk associated with failure to repatriate employees or allowing or accepting contract “jumpers”.
- 6. CENTCOM is coordinating with all major U.S. Government contracting agencies to ensure U.S., LNs and TCNs, are not left behind. Request contracting agencies report any contractor violations to CENTCOM Contracting Command, J-3, jccia.j3-operations@iraq.centcom.mil.


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CENTCOM Contracting Command

Attachment

Information Paper on U.S. Embassy Mission Policy 27

- At the present time, the U.S. Embassy, under its Mission Policy 27, offers assistance to Government Contractors in acquiring the proper authorizations from the Government of Iraq for contractor employees to work and eventually exit Iraq.
- All foreigners traveling in and out of Iraqi airports must have entry and exit visas. Department of Defense, US Forces-Iraq, Letters of Authorization, and/or Embassy Badges are no longer the accepted means for entering or exiting.
- In order to process a Government Contractor request the contractor must submit the following to the US Embassy:
 - Prepares each request package which includes the request memo and spreadsheet in the format supplied with this policy and sends them in an e-mail to:
Baghdadregmgt@state.gov
 - The e-mail with the initial request for service must include:
 - A copy of the signed front page of the USG contract or grant and the period of performance page, i.e. when will the contract expire, must be provided,
 - A copy of the contractor's Certificate of Registration from the Ministry of Trade.
 - Companies should go to the following website to obtain precise information on registering with the Iraqi Ministry of Trade and obtaining a certificate of registration: www.br-iraq.com/English/formsandinstructs.htm. At that site, companies will find the instructions and forms required to apply to register to do business as a foreign company in Iraq
- For those planning on leaving Iraq, you must have an exit visa in your passport. Badges are not accepted. Exit visas are easy to obtain, generally from selected police stations or MoI offices.
- Whether specifically written into the contract or not, it is the expectation of the USG that for any persons brought into Iraq for the purposes of performing work on USG contracts, contract employers will return employees to their point of origin/home country once the contract is completed or their employment is terminated for any reason.
- For contractors with Third Country Nationals (TCNs): As stated above, all contractor personnel will be required to leave Iraq when their period of employment ends, either through termination of the contract or termination of employment by that contractor for any reason. Of specific interest, individuals from countries that prohibit travel to Iraq (for example, the Philippines) currently in Iraq must be identified and plans made by their employer to get them out of Iraq. Failure to do so could result in contractors not being allowed to bid on future USG contracts.