



## OFFICE OF THE UNDER SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-3000

ACQUISITION  
AND SUSTAINMENT

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
COMMANDER, UNITED STATES SPECIAL OPERATIONS  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
COMMANDER, UNITED STATES TRANSPORTATION  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(PROCUREMENT)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(PROCUREMENT)  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING)  
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Contracts with Performance in designated countries in the United States European  
Command Area of Responsibility

This memorandum provides guidance on the use of Defense Federal Acquisition Regulation Supplement (DFARS) Clause 252.225-7040, "Contractor Personnel Supporting U.S. Armed Forces Outside the United States." As prescribed at DFARS 225.371-5(a)(3), Contracting Activities shall ensure DFARS clause 252.225-7040 is included in solicitations and contracts, including those using Federal Acquisition Regulation (FAR) part 12 procedures for the acquisition of commercial items, with performance in a country east of Sweden, Germany, Austria, and Italy within the United States European Command (USEUCOM) area of responsibility (AOR) (designated countries).

One requirement contained in DFARS 252.225-7040 is to use the Synchronized Predeployment and Operational Tracker (SPOT) to account for certain contractor personnel and to comply with the SPOT Business rules at <https://www.acq.osd.mil/log/ps/spot.html>. The EUCOM commander has prioritized the need to account for contractors performing in designated countries in the EUCOM AOR and placed emphasis on the contractor accountability requirements outlined in DFARS 252.225-7040. Contracting officers must take immediate action to notify contractors of the contractor accountability requirements within the designated countries in the EUCOM AOR to use, update, and maintain SPOT as outlined in DFARS 252.225-7040 and also to review the SPOT Business Rules to ensure compliance with the contracting officer procedures outlined in the rules.

Additionally, considering the current situation in the EUCOM AOR, contracting officers and contractors performing in the EUCOM AOR should review the Foreign Clearance Guide (<https://www.fcg.pentagon.mil/fcg.cfm>) on a daily basis for the most up-to-date information regarding travel and country entry requirements for each country in the EUCOM AOR.

The Foreign Clearance Guide will also outline the designated countries in the EUCOM AOR where this memorandum is applicable.

At this time, the criteria for emergency acquisition flexibilities at FAR subpart 18.2 and DFARS subpart 218.2, have not been met. Questions pertaining to the use of emergency acquisition flexibilities should be directed to appropriate Head of the Contracting Activity. Additionally, a National Interest Action code has not yet been assigned to track obligations in the EUCOM AOR.

My point of contact for general questions pertaining to this memorandum and the application of DFARS 252.225-7040 is Lt Col Karen Landale at karen.a.landale.mil@mail.mil or 571-992-4414. Additionally, for questions specifically related to EUCOM implementation of DFARS 252.225-7040, contact Maj Alan Ortega, Operational Contract Support, EUCOM CJ45, at alan.ortega2.mil@mail.mil or DSN 324-412-4174.

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