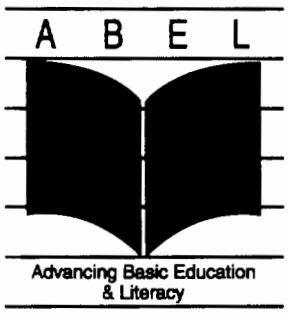
Advancing Basic Education and Literacy
Phase 2, Project ABEL



Kickoff Meeting Minutes

Conducted by the ABEL 2 Consortium —
Academy for Educational Development with Creative Associates International, Inc.,
Educational Development Center, Florida State University,
Harvard Institute for International Development, and Research Triangle Institute

Conducted for —
Office of Field Support and Technical Assistance · Center for Human Capacity Development
Bureau for Global Programs, Field Research, and Support
U. S. AGENCY FOR INTERNATIONAL DEVELOPMENT

PN-ABY-008

Advancing Basic Education and Literacy
Phase 2, Project ABEL

Kickoff Meeting Minutes

October 27, 1994

Submitted November 30, 1994
David Chapman, Project Director

Conducted by the ABEL 2 Consortium under Contract HNE-5832-C-4075-00 —
Academy for Educational Development with Creative Associates International, Inc.,
Educational Development Center, Florida State University,
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USAID Project 936-5832 —
Office of Field Support and Technical Assistance · Center for Human Capacity Development
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Advancing Basic Education and Literacy Project
Phase 2
Kickoff Meeting

Minutes

October 27, 1994
AED, 1875 Connecticut Avenue, N.W.
Washington, D.C.

Purpose of meeting

The kickoff meeting was convened to bring together all members of the ABEL 2 consortium and the USAID partners to discuss priorities for ABEL 2 under new budget realities. The agenda and the list of participants are attached.

Opening discussion

Beverly Jones, AED vice president and director of international basic education, opened the meeting to greet those in attendance on behalf of AED. David Chapman, ABEL 2 project director, gave an overview of ABEL 2's scope and services.

Jim Hoxeng, USAID's cognizant technical officer for ABEL, discussed a selection of findings from the ABEL 1 evaluation, which is currently in progress. He then reviewed USAID priorities for the use of ABEL 2 core funding:

- field support
- research and pilot projects
- dissemination of information, seen as an integral part of the first two objectives

He also listed probable ABEL 2 buy-ins for the near future.

A discussion followed concerning the relationship between the core and requirements contracts of ABEL 2, emphasizing the careful use of core-funded activities to encourage buy-ins.

Priorities and criteria

Participants broke into three discussion groups formed around the three USAID priority areas. Each group addressed the following two questions: What criteria should we use to evaluate opportunities within this strand of activities? What examples best illustrate particularly high priority activities within this strand?

Field support: The field support group suggested the following organizing principles: (i) ABEL 2 activities should support USAID missions and regional bureaus; (ii) linkages should be established among ABEL 2's assessment, research, evaluation, and dissemination activities; (iii) ABEL 2 should be demand-driven and emphasize support of field-identified needs; and (iv) ABEL 2 should strive to coordinate activities and collaborate with USAID bureaus, missions, and other ABEL 2 participants in order to strengthen the research-policy dialogue.

The field support group outlined the following priorities for the use of core funding: (i) ABEL 2 should combine major large-scale initiatives with small and innovative activities; (ii) core-funded activities should have the potential of making a significant global impact; (iii) ABEL 2 should assist missions develop scopes of work, design projects, and implement projects; (iv) ABEL 2 should assist missions in carrying out bridging activities between the design and implementation of projects; (v) priorities for ABEL 2 product development should be derived from their linkage to the above factors; and (vi) ABEL 2 activities should strive for people-level impact.

Assessment, research, and evaluation: This group suggested the following criteria for establishing priorities. Research supported by ABEL 2 should: (i) have direct utility and service objectives, (ii) enhance policy, (iii) generate results quickly, (iv) enhance leverage with other donors, (v) be market-tested for demand, and (vi) support the building of institutional memory. Concern was raised about whether ABEL 2 should focus on producing high-quality research quickly or on using host-country counterparts as a way of training local researchers. Finally, the group stressed the importance of evaluating the costs and benefits of research.

The research group identified several important areas for ABEL 2 involvement, stressing that USAID priorities should suggest the actual focus of research. Possible areas include: (i) cross-sectoral impacts of education, (ii) classroom effectiveness, (iii) female education and literacy in the formal and informal sectors, (iv) female education and the environment, and (v) schooling and democracy.

Dissemination: The dissemination group emphasized that information sharing is an essential and integral part of both field support and research. Dissemination as conceptualized by the group would focus not only on a centrally located clearinghouse, but also on a process of strengthening dialogue and knowledge-generation in the field. This would create an information loop made up of ABEL 2 participants in all locations as well as more locally defined circles of information sharing. The notion of taking the clearinghouse to the field is central to the creation of a dialogue among policy makers and practitioners that builds on local knowledge and enhances local capacity. The overall dissemination approach would seek to localize and reinvent strategies to make the dialogue more participatory and bring it closer to policy makers, practitioners, schools, NGOs, and other groups in the field.

Modes of such knowledge-sharing include: (i) working with existing institutions in host countries, (ii) training in specific skills at the central and regional levels, (iii) taking innovations to scale, (iv) personalizing information, (v) collecting documents and abstracts, (vii) generating or distributing publications and mailings, and (vii) using Internet and ERIC when appropriate. Specific audiences for dissemination activities are: (i) USAID in Washington and missions, (ii) other donor organizations, (iii) relevant U.S. institutions, (iv) Ministries of Education, (v) regional networks, and (vi) universities and teacher training colleges.

Operational issues for ABEL 2 consortium

The afternoon session of the kickoff meeting focused on critical operational issues.

Performance-based contracting: A newly issued memo from the USAID Administrator is attached.

Management structure and staffing: David Chapman reviewed the management structure and staffing plan for ABEL 2. The organizational chart is attached.

Budget information: David Chapman opened this session by presenting an overview of the present ABEL 2 funding situation and the allocation of level of effort and funding to each subcontractor. The budget information sheet is attached.

Subcontracting: Procedures for subcontracting ABEL 2 core activities were discussed. The three-step procedure proposed is included in the attached memorandum on the topic. Discussion arose concerning the seemingly cumbersome procedure of preparing task orders/work orders and obtaining approvals. It was proposed that the possibility of yearly allotments, that is, using one work order to account for a year's expenditures, be considered. David Chapman, Michelle Isimbabi, and John Hatch will investigate this possibility and develop clear guidelines for scopes of work and billing and reporting procedures and formats as well as estimated time requirements as appropriate.

Organizational conflicts of interest: Jack Downey, AED senior vice president for planning and development, reviewed the organizational conflicts of interest policies that USAID has recently strengthened. Documents outlining these policies are attached. It is clear that determinations related to this issue will greatly affect ABEL 2.

Standard cover and title page: An ABEL 2 standard cover and inside title page was proposed and agreed upon by the group. A copy of the information to be included in the new format is attached.

ABEL 2 reporting requirements: An outline of reports required for ABEL 2 as well as new USAID publications guidelines were discussed. The relevant materials are attached.

USAID publication guidelines: Newly issued publication guidelines are attached.

Bio-data forms: New biographical data forms (AID 1420-17) are now in use. An outline of the information included in these forms is attached.

Conclusion

Several participants commented on a gap between the general goal-setting nature of the morning's discussions and the procedure-oriented nature of the afternoon's discussions; this gap appeared to leave unclear the consortium's next steps. It was proposed that the group lay out themes and activities as discussed during the day's deliberations and formally ask the question: Where do various institutions see themselves in these activities? As a next step, a Delphi round will be designed to help in this process.

The steps to be taken as a result of the kickoff meeting are: (i) addressing the issues of cumbersome sub-contracting, (ii) developing the grid of themes and activities and conducting a Delphi round to elicit response across institutions, and (iii) summarizing the deliberations of the day through minutes to be sent out to participants.

Follow-up

In designing and testing the proposed Delphi exercise, the management group determined that the exercise was not helpful. Clear consensus in the group was apparent upon consideration of the discussions held during the kickoff meeting. Priorities fell into two categories: overall themes of importance and criteria for consideration in the use of core funding.

Themes of importance include:

- expanding and enhancing girls' education
- improving the quality and efficiency of basic education
- building school-community partnerships
- broadening the constituency for education through highlighting the cross-sectoral impacts of education

Criteria for use of core funding:

- balance among project components
- attention to theme of importance
- sustainability—activity that strengthens host country individuals and institutions
- transferability—experience that will be relevant in other settings
- marketability—activity that may lead to buy-ins or leverage other funding
- regional distribution of project activities

ATTACHMENTS

Agenda

Steering Committee Meeting
October 27, 1994
Greeley Conference Room, 3rd Floor
AED, 1875 Connnecticut Ave NW

8:30am	Coffee & Danish	
9:00	Welcome and introductory comments Introductions of attendees	Beverly Jones
9:15	ABEL2: A Brief Overview	David Chapman
9:30	Findings of ABEL 1 Evaluation USAID priorities for ABEL2	Jim Hoxeng Jim Hoxeng
10:00	Priority setting within ABEL2	Small group discussion

Participants will be asked to break into three discussion groups around the following areas of ABEL 2 work: Field Support, Research, and Dissemination. Each group is asked to address two questions:

- What criteria should we use to evaluate opportunities within this strand of activities?
- What examples best illustrate particularly high priority activities within this strand?

11:30	Group reports (5 minutes each)	Marcia Ellis
11:45	Full Group Discussion	Marcia Ellis
12:30pm	Lunch	
1:30	Continued large group discussion	David Chapman
2:30	Working together as a Consortium • Developing new opportunities (Requirements Contract) • Cross-consortium teams • Organizational conflicts of interest • Standard report covers • Meetings, reports and delivering deliverables • Common formats (financial forms)	Project staff
4:30	Follow-up and Next Steps	
5:00	Close of meeting	

Advancing Basic Education and Literacy 2
Kickoff Meeting
Thursday, October 27, 1994

List of Attendees

United States Agency for International Development

Human Capacity Development Center
Jim Hoxeng, ABEL CTO
Linda Padgett
Dennis Diamond

Rosalie Norem
Office of Women in Development

Julie Rea
Joy Wolf
Africa Bureau

Nagat el-Sanabary
Asia Near East Bureau

Academy for Educational Development

Sharon Franz
Senior Vice President
Education and Exchange Services

Beverly Jones
Vice President and Director,
International Basic Education

Marcia Ellis
Vice President and Deputy Director,
International Basic Education

Kurt D. Moses
Vice President and Director,
Systems Services

Jack Downey
Senior Vice President
Planning and Development

Esther Friedman
Contracts/Grants Mangager

Project ABEL

Academy for Educational Development
David W. Chapman, Director

John D. Hatch
Associate Director for Administration

Elizabeth Leu
Associate Director for Clearinghouse

Francy Hays, Editor

Michelle Isimbabi, Finance and Operations

Sonjai Reynolds
Program Associate, ABEL/South Africa

Grace K. Lang, Program Assistant

Creative Associates International, Inc.
May Rihani
Associate Director, Women in Development

Mimi Tse
Barbara Reese

Education Development Center
Steve Anzalone
Associate Director for Technology

Mike Laflin

Florida State University
Jerry Messec
Mike Basile

Harvard Institute for Int'l Development
Fernando Reimers

Research Triangle Institute
Luis Crouch
Scott Moreland

USAID/General Notice
ADMINISTRATOR ES
10/25/94

SUBJECT: Performance-based Contracting

On August 10, 1994, I committed the Agency's support to a government-wide project sponsored by the Office of Management and Budget (OMB), and the President's Management Council (PMC) to implement performance-based contracting. By this commitment, I have endorsed performance-based contracting as the Agency's preferred method when acquiring services by contract, and pledged to convert contracts for services to performance-based service contracting methods.

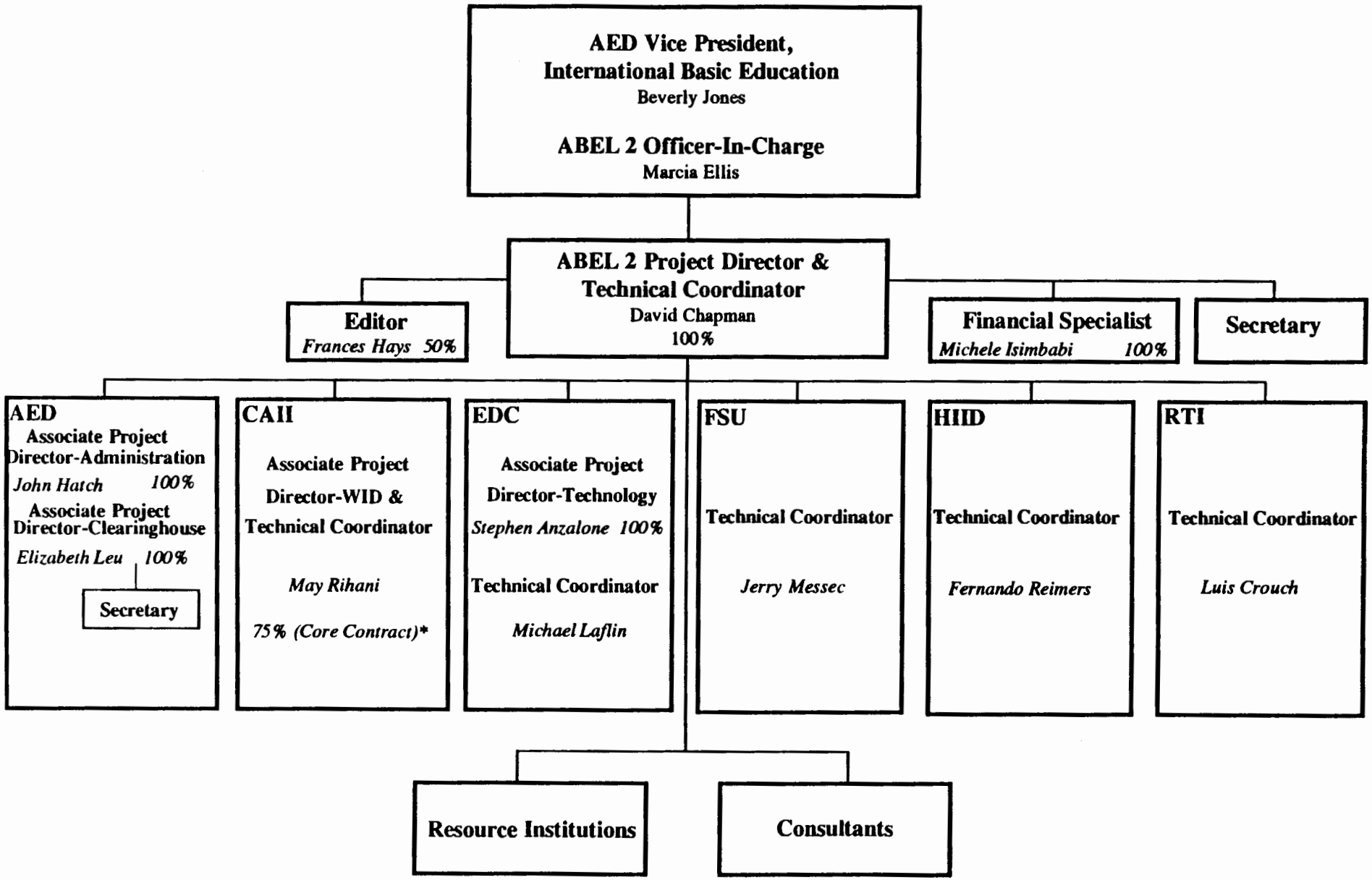
Performance-based contracting is an approach which, by focussing on performance, can improve the value the public receives from the services the government provides. The work to be performed is defined in objective, mission-related output terms which emphasize what needs to be done rather than how to do it. This approach provides the means to ensure that the desired performance quality level is achieved, and that payment is made only for services which meet contract standards. As such, performance-based contracting is consonant with our renewed emphasis on outputs and results, rather than inputs which have overly occupied our attention in the past.

My support of this government-wide project will include an agency-wide initiative. Every effort will be made to use a performance-based contracting approach whenever appropriate and practicable within the Agency. Procurement officers alone do not possess the expertise necessary to effect improved statements of work. Therefore, the success of this initiative will depend on the strong support of senior management who oversee project officers responsible for developing statements of work.

To launch this initiative, I am asking the Assistant Administrators for each geographic and central Bureau to take the lead by pledging one or more FY 95 contract actions to the agency-wide effort. I also encourage all Mission Directors to support the issuance of more performance-based contracts in the field. The Assistant Administrator for Management will coordinate this initiative and issue further guidance.

J. Brian Atwood

Figure ABEL 2 Management Structure



* *The balance will be provided through the requirements contract.*

ABEL2 Budget Information Sheet
October 27, 1994

Overview of the funding situation

Approved Budget: 4.277.047
Funds Obligated: 2.240.436
% of budget recieved: 52.4%
Person month. YR1: $16.200

If ABEL2 had been fully funded...

Original Level of Effort, based on full approved budget

	Distribution of Person Months				
	Core Staff	Consultants	Admin Support	Total	% of Total
AED	69.0 pm	8 pm	24 pm	101pm	42.1%
EDC	36.0	4	0	40	16.7%
CAII	22.0	12	4	38	15.8%
RTI	13.7	4	.3	18	7.5%
HIID	15.0	0	1	16	6.7%
FSU	5.0	4	0	9	3.8%
Other	18.0	0	0	18	7.5%
TOTAL				240	99.5%

Based on the funds we received...

Revised Level of Effort, based on % of effort for which funds were actually obligated (52.4%)

	Life of Project % LoE	YR1 person months at LoE actually Funded (ideal)	YR1 Actual Dist of LoE (actual)	YR1 Actual Percent Distribution of LoE
AED	42.1%	53.0 pm	55.5 pm	44.0% ** see note
EDC	16.7%	21.0 pm	18.5 pm	14.7% ** see note
CAII	15.8%	19.9 pm	19.9 pm	15.8%
RTI	7.5%	9.4 pm	9.4 pm	7.5%
HIID	6.7%	8.4 pm	8.4 pm	6.7%
FSU	3.8%	4.8 pm	4.8 pm	3.8%
Other	7.5%	9.4 pm	9.4 pm	7.5%
Total		126 pm	126 pm	100%

- Note that the Core Contract is both a level of effort and deliverables contract. We have to deliver the specified amount of person months of effort as well as the products specified. In Year 1 a person month was budgeted at $16,200. Each consortium member needs to maintain that average. E.g., if you use some higher salary personnel, you will need to balance that with other staff at lower salaries.

Implications for Level of Effort at AED

- 1pm of Project Director need to be covered by other sources.
- Start of Assoc Dir-Clearinghouse delayed by two months and an additional 1.5pm of her time needs to be picked up from other sources.
- 1pm of Assoc Dir-Admin needs to be picked up from other sources.
- 6pm of Editor to be picked up by ERTS.
- 2pm of Financial Manager to be picked up from other sources.
- Project support personnel dropped from 24 pm to 6 pm (1/2 person for project administration; none for Clearinghouse)

Implications for Level of Effort for EDC

- Due to continuation of LearnTech Project funding that covers activities originally included in ABEL2, 2.5 pm were reduced from EDC LoE. This is seen as a short-term adjustment to reflect USAID funding flows. It is anticipated that the EDC five year target level of effort will be met as buy-ins are received.

Assumptions

- Additional funds will be added to the ABEL2 Core contract to allow us to purchase additional staff support and provide needed administrative coverage.

- Subcontractors may wish to convert some of their core staff funding to cover a consultant, if that is necessary in order to complete a particular work plan.

- As additional funds become available, all subcontractors will be increased in a way that allows each group to approximate its anticipated overall level of effort by the end of 5 years. This will be accomplished through a combination of Core and buy-in funds.

- Subcontractors will have to be flexible in their allocation of their person-months to ensure that the LoE is aligned with the tasks ABEL2 is committed to doing.

AED

Academy for Educational Development

MEMORANDUM

To:	ABEL 2 Collaborators:	FAX
	Steve Anzalone, EDC	202 223-4059
	Luis Crouch, RTI	919 541-7318
	Jerry Messec, FSU	904 644-3783
	Fernando Reimers, HIID	617 495-0527
	May Rihani, CAII	202 363-4771

From: David Chapman

Date: 27 October 1994

Subject: Proposed Procedures for Subcontracting ABEL2 Core Activities

We propose a three step procedure to get the funds flowing under ABEL2:

- AED will prepare a subcontract for your institution which will allow authorized expenditures up to the full amount indicated in the Best and Final budget that was approved by USAID ($4,277,407). While this amount is for more than is actually available, we are hopeful that new monies will be added to the Core contract. Contracting now for the full amount will eliminate the need to amend contracts latter.

- Each consortium partner will be notified of the Level of Effort (LoE) allocated to their group and the budget associated with that LoE allocation, based on the funding actually obligated to the project. At present, the Core contract has been funded at $2,240,436. As more monies are added to the Core and Requirements contracts, these LoE allocations will be increased.

budget
timeline

- Expenditures against this contract amount will be approved through a series of Work Plans. A Work Plan will include a scope of work, identification of personnel to conduct the work, specific statement of the outputs/outcomes that are realistically expected to follow from this activity, benchmarks by which the success of the activity can be assessed, and a budget. Each Work Plan needs to be approved by the Project Director (David Chapman) and the USAID Cognizant Technical Officer (Jim Hoxeng) or their designees. Work Plans can be initiated by either the subcontractor or by AED, however, it is expected that they will be developed collaboratively. Once the Work Plan is approved, work can begin.

- Final payment will be authorized when the products of the activity are delivered to and accepted by USAID.

1875 Connecticut Avenue, NW, Washington, DC 20009-1202
Tel. 202-884-8000 Fax 202-884-8400

Organizational Conflict of Interest (OCI)

- The term. Contractor. as defined in the standard OCI clauses (such as in the ABEL II contract) refers to both the prime and subcontractors in accordance with the FAR.

- For consortium. it is still not clear if all subcontractors would be included in the same fashion -- e.g., whether "minor" subcontractors like Save the Children would be considered in the same fashion as "major" consortium members like CAII.

- There are several strategies that can (and should) be employed to help mitigate the circumstances that would develop an OCI:

  1) For Missions to disclose or attach information to the RFP in an effort to "level the playing field"

  2) For ABEL2 to involving multiple firms on each team and ensure everyone has access to the information

  3) Focusing more on sector-wide research and pilot studies that review the issues and frame the options for USAID (rather than specifically designing a project)

- While key USAID officials don't think it would be in USAID's best interests to disallow its prime education contractors from bidding on implementation contracts. advice to us is that the Contracts Office is not willing (nor is USAID's competition advocate or anyone else willing) to issue a waiver to a contractor at the time of undertaking an assignment. It is important to note that it's the responsibility of the implementing contracting officer to determine OCI, not a "central" Contracting Officer who is involved in the requirements contract.

- We should stay away from any involvement in costing or pricing out projects or project components. Access to financial information is the surest way to be barred from implementation.

Competition advocate =
Charles Stevenson

10. **SUBMISSION OF COMPLETION VOUCHER**

The clause of this contract entitled "Allowable Cost and Payment" (FAR 52.216-7) provides in paragraph (h)(1) that " the Contractor shall submit a completion invoice or voucher, designated as such, promptly [emphasis added] upon completion of the work...". The term "promptly" is not defined in the clause. In order to avoid ambiguity, and to insure expeditious closeout of completed contracts, the term "promptly" is defined as 60 days from the actual completion date of the contract, unless otherwise approved in writing by the Contracting Officer. The Contractor will have up to one (1) year after completion of the contract effort, (or longer, as the Contracting Officer may approve in writing) or until mutually acceptable final release has been signed, to submit a revised completion voucher, should circumstances warrant. Upon receipt of the final voucher, the Contracting Officer shall begin actions necessary to properly close the contract. Processing of the final voucher for payment shall not begin until compliance by the Contractor with all terms and conditions of the contract.

11. **SUBCONTRACTS**

It is anticipated that certain specialized services may have to be provided through subcontracting to conduct specialized services in possible areas such as training, auditing, legal assistance, etc. When specialized services in support of project activities are required, but are not available within the Contractor's organization, they may be subcontracted subject to the prior written approval of the USAID COTR and the Contracting Officer.

12. **ORGANIZATIONAL CONFLICTS OF INTEREST/PROCUREMENT INTEGRITY**

a. Nothing in this contract is intended to create a situation in which the Contractor, its employees or consultants not directly associated with performance of this contract, or the personnel performing hereunder (hereinafter collectively referred to as "the Contractor") will have an organizational conflict of interest, i.e., where the Contractor is unable or potentially unable to render impartial assistance or advice to A.I.D., or the objectivity of the Contractor is or might be otherwise impaired, or the Contractor gains an unfair competitive advantage. This applies both to this contract, as well as any acquisition (contracts) or assistance (grants and cooperative agreements) instruments to be awarded under the project or program being planned, designed, or developed hereunder.

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b. Similarly, nothing in this contract is intended to create a situation in which the Contractor serves as a Procurement Official (as defined in FAR 3.104-4[h]) for any acquisition or assistance instruments to be awarded under the project or program being planned, designed, or developed hereunder; nor is the Contractor authorized to have access to proprietary or source selection information (as defined in FAR 3.104-4[j] and [k]; A.I.D. [M/AAA/SER and GC] General Notice issued June 7, 1989 and effective July 16, 1989, subject: Improper Disclosure of Acquisition Information; and A.I.D. [AA/M and GC] General Notice effective July 16, 1989, subject: Procurement Integrity-Source Selection Information) for any acquisition or assistance instruments to be awarded under the project or program being planned, designed, or developed hereunder.

c. Nevertheless, if either the Contracting Officer for this contract, or the Contracting/Grant/Agreement Officer for any acquisition or assistance instruments to be awarded under the project or program being planned, designed, or developed hereunder, subsequently determines that organizational conflicts of interest exist, appropriate action, as described in FAR 9.5, may be taken to avoid, neutralize, or mitigate such organizational conflicts of interest.

d. Similarly, if it is subsequently determined that the Contractor in fact served as a Procurement Official or had access to proprietary or source selection information for those acquisition or assistance instruments, appropriate action may be taken to preclude the Contractor from becoming a competing contractor (as defined in FAR 3.104-4[b] or (sub)contractor for those acquisition or assistance instruments, and/or to effect the remedies described in FAR 3.104-11(d) for violations of the Procurement Integrity legislation (41 U.S.C. 423, as amended).

e. Any personnel performing under this contract who subsequently become a marketing consultant (as defined in FAR 9.501) for any acquisition or assistance instruments to be awarded under the project or program being planned, designed, or developed hereunder will be required to report their activities as a marketing consultant pursuant to FAR 52.209-7.

13. **ORGANIZATIONAL CONFLICTS OF INTEREST: PRECLUSION FROM IMPLEMENTATION CONTRACT**

This contract calls for the Contractor to furnish important services in support of the design of components of/activities under the ABEL 2 Project. In accordance with the principles of FAR Subpart 9.5 and USAID policy, THE CONTRACTOR SHALL BE INELIGIBLE TO FURNISH, AS A PRIME OR SUBCONTRACTOR OR OTHERWISE, THE IMPLEMENTATION SERVICES, OR THE EVALUATION SERVICES, FOR THAT SPECIFIC COMPONENT/ACTIVITY OF THE ABEL 2 PROJECT, unless the USAID/W Competition Advocate shall have granted a prior waiver, based upon the Competition Advocate's determination, per FAR 9.503, that preclusion of the Contractor from the implementation contract would not be in the Government's interest.

14. **ORGANIZATIONAL CONFLICTS OF INTEREST: PRECLUSION FROM CERTAIN OTHER USAID CONTRACTS**

This contract calls for the Contractor to evaluate components of/activities under the ABEL Project. It is critical to USAID that such evaluations be conducted with complete impartiality and objectivity, uninfluenced by the possibility that the Contractor might in the near future compete for further USAID consulting work against the evaluated firm implementing the component/activity of the Project or, on the other hand, any perception that a favorable review would enhance the reputation of the Contractor with USAID and thus improve its position with respect to obtaining further USAID consulting work. Any firm which has designed or implemented the specific component/activity of the ABEL Project is thus ineligible to evaluate that component/activity.

In addition, it is understood and agreed that, by accepting an assignment to evaluate a specific component/activity under this contract, THE CONTRACTOR SHALL BE INELIGIBLE TO FURNISH, AS A PRIME OR SUBCONTRACTOR OR OTHERWISE, UNDER ANY NEW USAID CONTRACT, OR CONTRACT MODIFICATION WHICH INCREASES FUNDING OR EXTENDS THE TERM OF THE CONTRACT, ANY SERVICES (EXCEPT FOR DESIGN SERVICES OR OTHER EVALUATION SERVICES) TO USAID WITH REGARD TO THAT COMPONENT/ACTIVITY FOR A PERIOD OF THREE (3) YEARS AFTER THE LAST SERVICES ARE PROVIDED BY THE CONTRACTOR UNDER THIS CONTRACT, unless the USAID/W Competition Advocate shall have granted a prior waiver, based upon the Competition Advocate's determination, per FAR 9.503, that such preclusion of the Contractor would not be in the Government's interest.

Organizational Conflicts of Interest

ABEL 2: Contractual Clauses for Design and Evaluation (attached)

Current USAID Policy on Procurement Reform (attached)

Mitigating Conflicts of Interest

multiple prime contractors and

- Multi-firm representation on teams — can mitigate circumstances; steps to ensure equitable access to information
- Avoiding pricing and financial data — access to these data are the surest way to be disbarred from implementation
- Focus on sector, research, and pilot studies that review the issues and frame the options for USAID's decision
- Treating the project paper as a draft and appending that to the RFP — while used in the past, future status is unclear

Concerns

- Waivers not likely at time of buy-in
- Involvement of ABEL 2 Consortium members in designs/evaluations on other contracts
- Definition of Consortia — need to work together
- Who decides?

In those instances where the Contractor properly invoices and is paid for recorded costs which have not yet been paid by the Contractor, the Contractor agrees to pay all such costs, and especially employee compensation, consultants, subcontractors, suppliers, support of participants, and costs incurred in the Cooperating Country, in the ordinary course of business. Failure to do so may be considered nonperformance by the Contractor.

11. **ORGANIZATIONAL CONFLICTS OF INTEREST/PROCUREMENT INTEGRITY**

a. Nothing in this contract is intended to create a situation in which the Contractor, its employees or consultants not directly associated with performance of this contract, or the personnel performing hereunder (hereinafter collectively referred to as "the Contractor") will have an organizational conflict of interest, i.e., where the Contractor is unable or potentially unable to render impartial assistance or advice to A.I.D., or the objectivity of the Contractor is or might be otherwise impaired, or the Contractor gains an unfair competitive advantage. This applies both to this contract, as well as any acquisition (contracts) or assistance (grants and cooperative agreements) instruments to be awarded under the project or program being planned, designed, or developed hereunder.

b. Similarly, nothing in this contract is intended to create a situation in which the Contractor serves as a Procurement Official (as defined in FAR 3.104-4[h]) for any acquisition or assistance instruments to be awarded under the project or program being planned, designed, or developed hereunder; nor is the Contractor authorized to have access to proprietary or source selection information (as defined in FAR 3.104-4[j] and [k]; A.I.D. [M/AAA/SER and GC] General Notice issued June 7, 1989 and effective July 16, 1989, subject: Improper Disclosure of Acquisition Information; and A.I.D. [AA/M and GC] General Notice effective July 16, 1989, subject: Procurement Integrity-Source Selection Information) for any acquisition or assistance instruments to be awarded under the project or program being planned, designed, or developed hereunder.

c. Nevertheless, if either the Contracting Officer for this contract, or the Contracting/Grant/Agreement Officer for any acquisition or assistance instruments to be awarded under the project or program being planned, designed, or developed hereunder, subsequently determines that organizational conflicts of interest exist, appropriate action, as described in FAR 9.5, may be taken to avoid, neutralize, or mitigate such organizational conflicts of interest.

d. Similarly, if it is subsequently determined that the Contractor in fact served as a Procurement Official or had access to proprietary or source selection information for those acquisition or assistance instruments, appropriate action may be taken to preclude the Contractor from becoming a competing contractor (as defined in FAR 3.104-4[b] or (sub)contractor for those acquisition or assistance instruments, and/or to effect the remedies described in FAR 3.104-11(d) for violations of the Procurement Integrity legislation (41 U.S.C. 423, as amended).

e. Any personnel performing under this contract who subsequently become a marketing consultant (as defined in FAR 9.501) for any acquisition or assistance instruments to be awarded under the project or program being planned, designed, or developed hereunder will be required to report their activities as a marketing consultant pursuant to FAR 52.209-7.

12. **ORGANIZATIONAL CONFLICTS OF INTEREST: PRECLUSION FROM IMPLEMENTATION CONTRACT**

This contract calls for the Contractor to furnish important services in support of the design of components of/activities under the ABEL 2 Project. In accordance with the principles of FAR Subpart 9.5 and USAID policy, THE CONTRACTOR SHALL BE INELIGIBLE TO FURNISH, AS A PRIME OR SUBCONTRACTOR OR OTHERWISE, THE IMPLEMENTATION SERVICES, OR THE EVALUATION SERVICES, FOR THAT SPECIFIC COMPONENT/ACTIVITY OF THE ABEL 2 PROJECT, unless the USAID/W Competition Advocate shall have granted a prior waiver, based upon the Competition Advocate's determination, per FAR 9.503, that preclusion of the Contractor from the implementation contract would not be in the Government's interest.

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13. **ORGANIZATIONAL CONFLICTS OF INTEREST: PRECLUSION FROM CERTAIN OTHER USAID CONTRACTS**

This contract calls for the Contractor to evaluate components of/activities under the ABEL Project. It is critical to USAID that such evaluations be conducted with complete impartiality and objectivity, uninfluenced by the possibility that the Contractor might in the near future compete for further USAID consulting work against the evaluated firm implementing the component/activity of the Project or, on the other hand, any perception that a favorable review would enhance the reputation of the Contractor with USAID and thus improve its position with respect to obtaining further USAID consulting work. Any firm which has designed or implemented the specific component/activity of the ABEL Project is thus ineligible to evaluate that component/activity.

In addition, it is understood and agreed that, by accepting an assignment to evaluate a specific component/activity under this contract, THE CONTRACTOR SHALL BE INELIGIBLE TO FURNISH, AS A PRIME OR SUBCONTRACTOR OR OTHERWISE, UNDER ANY NEW USAID CONTRACT, OR CONTRACT MODIFICATION WHICH INCREASES FUNDING OR EXTENDS THE TERM OF THE CONTRACT, ANY SERVICES (EXCEPT FOR DESIGN SERVICES OR OTHER EVALUATION SERVICES) TO USAID WITH REGARD TO THAT COMPONENT/ACTIVITY FOR A PERIOD OF THREE (3) YEARS AFTER THE LAST SERVICES ARE PROVIDED BY THE CONTRACTOR UNDER THIS CONTRACT, unless the USAID/W Competition Advocate shall have granted a prior waiver, based upon the Competition Advocate's determination, per FAR 9.503, that such preclusion of the Contractor would not be in the Government's interest.

14. **TRAVEL EXPENSES**

a. Notwithstanding any other provision of this contract, if any of the personnel utilized hereunder are discharged by the Contractor for misconduct or inexcusable nonperformance, travel and transportation costs associated with the assignment of substitute personnel therefore shall not be an allowable cost under this contract.

b. Misconduct shall be defined as the deliberate and/or repeated disregard for the laws and regulations of the Cooperating Country or of USAID, the continued existence of conflict of interest after advice that such conflict exists, or general behavior unbecoming a professional serving as a part of the U.S. foreign assistance program (see also the clause of this contract entitled, "Personnel" [AIDAR 752.7027]).

c. Inexcusable nonperformance shall be defined as unauthorized absences or failure to undertake and/or complete assigned tasks which are within the scope of this contract or delivery order, when such absences or failures are within the control of the individual.

POLICY

USAID/GENERAL NOTICE
AA/M
03/29/94

SUBJECT: Contractors' Organizational Conflicts of Interest (Supplement)

We have received a number of questions concerning the new policy on Organizational Conflicts of Interest (OCI) (General Notice of January 7, 1994).

As a starting point, please note that the new requirements do not cover all the situations where potential OCI may exist and do not substitute for a contracting officer's judgment in particular cases. The general OCI rules set forth in FAR Subpart 9.5 remain as an overlay to be complied with in all OCI situations. Implementing the new policy will, in many cases, require the contracting officer to make judgments about what preclusions should be applied in particular cases. Situations not covered by the new OCI restrictions will still require the contracting officer to determine whether potential OCI exists and whether it can be mitigated in some way that would allow the contractor to participate in a particular procurement.

Following are several questions and answers on the new OCI requirements.

A

Do the new requirements apply to individuals, whether contractor employees, independent contractors, or PSCs?

No. Individuals who work on design, evaluation or audit contracts that are covered by the new policy are not restricted from working under any implementation contracts by the terms of the January General Notice regardless of whether they worked as PSCs, independent contractors, or as employees of a contractor organization. AID employees, however, whether direct hire or PSCs, would be restricted under the post-employment provisions of the Procurement Integrity Act from working on a contract for which they were a procurement official.

Situations may arise, of course, where a contracting officer believes that some type of restriction is necessary with regard to an individual. Again, this new policy does not prevent contracting officers from exercising such discretion. It is possible that, in order to protect the integrity of the procurement process, a contracting officer may determine it necessary to preclude an independent contractor who worked on design from participating in proposal preparation for the implementation contract. It may even be necessary to disqualify a firm employing an individual who had worked on design. For example, this might be appropriate where a PSC wrote the

statement of work, had access to USAID's budget and cost estimates and other inside information and then shared all this information with a firm proposing for the implementation award. This would probably be precluded by various provisions of the Procurement Integrity Act, thus creating a situation serious enough to warrant disqualification.

Do the new requirements apply to existing IQCs or Buy-in contracts?

Not automatically. Because the existing contracts did not contain the prohibitions when they were competed, it is more appropriate for the cognizant contracting officer to determine case-by-case for each delivery order whether potential OCI exists and what remedies can be applied. While the contracting officer may decide that it is necessary to preclude a contractor from participating in a particular procurement in order to avoid OCI, he or she may determine that another remedy is adequate to mitigate potential OCI.

B

Are all affiliates, divisions, sub-organizations etc. of a contractor affected by a restriction?

This question cannot be answered across-the-board. On one end of the spectrum, organizations which are not separate legal entities from the restricted contractor should be subject to the same restrictions. At the other end, organizations which are affiliated in name only should not be subject to restrictions. In cases where the relationship is not so clear cut, you may request guidance from the Agency Competition Advocate.

C

Are design contractors precluded from implementation when more than one works on the design?

Contractors generally need not be precluded from competing for the implementation contract if more than one prime contractor is involved in the design work, provided that none of the contractors could be said to control the final design. FAR Subpart 9.5 rules on avoiding OCI still apply, and contracting officers continue to have discretion to preclude multiple design team members if an OCI problem exists that cannot be mitigated despite the exception applying. Contracting officers should be careful to authorize multiple firm arrangements for design work only when there are bona fide, objective reasons to engage more than one contractor in the design work.

Does the use of subcontractors by the design contractor mean that the prime and subcontractors need not be precluded from the implementation contract?

No. The FAR states that preclusion is not required when more than one contractor was involved in doing the work. Our interpretation is that "one contractor", when read in context

with the purpose and scope of FAR conflict of interest coverage, would include the prime contractor and any subcontractors whose professional work product led directly, predictably, and without delay to the statement of work. Therefore, the prime contractor and subcontractors should be precluded unless a waiver has been authorized.

How are the preclusion requirements applied to consortia?

We presume that each member of a consortium has full access to the work product of the consortium. Absent compelling evidence to the contrary (e.g., a statement from the consortium that only specified members participated), every member of the consortium should be precluded whenever the consortium is precluded from implementation because of evaluation or audit work it has performed.

For design work, we consider the situation analogous to the prime/sub contractor relationship under a design contract. Thus, every member of the consortium would be precluded unless there is compelling evidence that the member did no professional work which led directly, predictably, and without delay to the statement of work.

What types of evaluation contracts are subject to the requirements of the CIB?

The requirements apply to direct contracts for evaluations of contractors or of a project or program activity. They do not apply to evaluations of a Mission's portfolio - a program review or strategic assessment - nor do they apply to widespread program sector evaluations. The restrictions also do not automatically apply to evaluations of grants or cooperative agreements. Remember, however, that even where the restrictions do not apply, OCI issues may well still exist that must be mitigated.

How is a "sector" defined for purposes of the evaluation restrictions?

The contracting officer has leeway to determine the appropriate definition of a sector depending on the circumstances. The restriction should be based on whether the contractor would be likely to compete against firms which it has evaluated or audited, or whether the firm is likely to gain information from firms which it has evaluated or audited which would be useful to it in future procurements. The sector may be somewhat narrowly defined (such as agricultural marketing, child survival), and it may also be reasonable to limit the prohibition to a particular region provided it covers the areas where OCI is likely to arise, as described in the first paragraph of the "Evaluate/Consult Conflict" in the January General Notice. Questions that come up in a particular case may be addressed to the Agency Competition Advocate.

Following are clarifications of other issues concerning the design/implementation policy:

To the extent a contractor is precluded from being a prime contractor, it is also precluded from being a subcontractor.

The DAP and DAD contracting mechanisms may still be used. Whenever design and implementation are covered in the same contract, the preclusion is not applicable.

* * * * *

Please address any questions and comments to the Agency Competition Advocate, or Kathleen O'Hara, Policy Division, M/PPE, 5-1534.

[This document was signed into effect by Administrator Atwood on January 6, 1994.]

MEMORANDUM FOR THE EXECUTIVE STAFF

SUBJECT: USAID PROCUREMENT REFORM

As you know, the efforts we have begun to restructure USAID are centered on my commitment to create an organization that is able to demonstrate development results. My experience thus far convinces me that we can do better. The National Performance Review has recognized a long overdue need to cut red tape and streamline many federal government systems, including procurement, personnel and budget.

We need to do more to improve the way we conduct our business in all delivery systems available to us. We need to demonstrate that we can spend funds entrusted to us in a fair and transparent manner and that our systems and processes enable us to do our work efficiently and effectively. In short, our procurement activities must have integrity and be streamlined and responsive to the needs of the Agency.

Through a renewed emphasis on teamwork and planning, we can carry out our programs effectively. We must reduce workload and redundancies in USAID procurement, but at the same time open the USAID market to new organizations, eliminate ambiguous and therefore seemingly arbitrary relationships with our external partners and achieve the maximum cost and results effectiveness from our contracts and grants. The new procurement planning system already in place is only a beginning.

USAID, designated by the National Performance Review as an agency-wide reinvention laboratory, has already begun a broad-based reengineering effort to overhaul the Agency's project design and implementation systems. The Procurement Reform of USAID is one of the cornerstones of our reform efforts, and one critical to restoring public confidence in foreign assistance.

As a reinvention laboratory, USAID must keep abreast of other procurement reforms as they are implemented at the federal level. For example, the Federal Acquisition Regulations will be rewritten to change dramatically the way the U.S. Government conducts its business. The thrust of the new regulations will be

to shift from rigid rules to guiding principles; promote decision making at lowest possible levels; end unnecessary regulatory requirements; foster competitiveness and commercial practices; shift to a new emphasis on choosing "best value" contracts; and, facilitate innovative contracting approaches. We will keep you apprised of the these government-wide procurement reform efforts as we move forward with this effort.

The Bureau for Management is spearheading the reform of USAID procurement practices and procedures. Attached is a summary of the Procurement Reform initiatives we are currently undertaking. Others will follow. We are serious about our commitment to procurement reform and will need the support of all USAID employees if we are to be successful in this important effort. We have established an ambitious goal of having these reforms in place by March 1994. I am asking each of you to provide whatever assistance is required for us to succeed in this effort.

Many of the initiatives outlined in the attachment require collaborative assistance from bureaus and offices, which we will be seeking in the near future. Some, however, are of such importance to restoring credibility to our procurement and management systems that we must act immediately. These actions are the beginning of a reform program, not the end. We anticipate that reengineering will result in more change. We want to establish a dynamic procurement system that responds to the demands of a changing world, focusses on customer needs and contributes to our new results orientation.

Please provide Gary Kinney in OP (X51204) with the name of your Bureau coordinator for Procurement Reform not later than January 10, 1994, in order that our agenda can be fully implemented.

signed
J. Brian Atwood

Attachments: a/s

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Clearances:

M/PPE, JMurphy DRAFT
M/OP, FWill DRAFT
DAA/M, MSherwin DRAFT
AA/M, LByrne DRAFT
DA/AID:CLancaster DRAFT
2GC:WMitchell DRAFT
PPC:TBrown DRAFT
AID/C:KKammerer DRAFT
IG:JDurnil DRAFT

Drafted: M/OP, GKinney, proref

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1. Establish a Contractor/PVO/Grantee/International Organization Resource Group on USAID Procurement Streamlining

   Action: M/OP will take the lead to establish a resource group comprised of representatives from various organizations, including small businesses, universities, minority businesses, PVOs and other non-profit organizations.

   Time frame: February 1994

   - The resource group will provide a forum for individuals to provide a market perspective on streamlining the USAID procurement system.

   - Public meetings will be held in a "town meeting" format to obtain individual points of view on procurement process issues.

   - The "town meetings", open to all organizations, will provide a forum for a free exchange of information and further encourage organizations that USAID is a responsible business partner.

   - Topics of discussion may include, for example, elimination of redundant paperwork, responsiveness of A.I.D. contracting officers, audit vulnerabilities, administrative approvals, minority participation in USAID programs, clarity of solicitations and contracts, improving communication, and other pertinent topics.

2. Organizational Conflicts of Interest

   Action: Eliminate systemic conflicts of interest in the USAID procurement system. We will preclude: contractors from designing and subsequently bidding on implementing projects, unless the contract calls for both design and implementation; evaluation contractors from furnishing services to USAID in the same sector as the project to be evaluated; audit contractors, who may gain sensitive corporate information from audited organizations, from competing against those organizations.

Time frame: December 1993.

- The General Accounting Office has recently found that USAID improperly allowed a contractor to both design a project and be eligible for the implementing contract. Organizations frequently complain that they are having their project evaluations conducted by competitors with misplaced and overriding agendas. Some contractors are distraught that audit firms that review their books are often competing for technical assistance contracts at the same time. These are all organizational conflicts of interest that require close supervision by USAID.

- Project design and subsequent implementation by the same firm has been a frequent occurrence, very often resulting in allegations of design bias and legal protests which have delayed project implementation.

3. Procurement Integrity

Action: Clarify and strengthen oversight and enforcement of procurement integrity statutes.

Time frame: January 1994

- A working group with the participation of GC, M/OP, M/PPE, and IG will be established to review procurement integrity standards and procedures for document control.

- Procurement Integrity legislation and the Federal Acquisition Regulations provide a tool for ensuring discipline and fairness in USAID contracting procedures.

- The occurrence of procurement integrity violations is exacerbated by the presence of contractor staff on USAID premises, both in Washington and at the Missions, with access to project papers, PIO/Ts, and budget figures.

- Training of Agency personnel on procurement integrity issues is important and has been an ongoing effort of GC/ICE. However, equally important is the need for

each USAID manager and supervisor to impress upon staff the need for appropriate conduct and behavior. Because USAID relies so heavily on contractors, nearly every employee in this Agency functions as a Procurement Official. Appropriate behavior must be enforced through management and legal avenues.

- Not only does each employee have an obligation for his or her own personal conduct, but also for reporting inappropriate behavior of contractor organizations or staff. This in no way diminishes the Agency's capacity to function as a development partner, but rather it sets forth the parameters of prudent, ethical conduct and business relationships.

4. Performance-Based Contracting - "Contracting for Results"

Action: To institutionalize a quantifiable contract approach to project implementation within USAID via the use of more performance-based contracts and less contracts which are satisfied by the provision of contractor labor inputs. OP will coordinate with clients on new transactions to initiate more performance-based contracts.

Time frame: Continuing

- Performance based contracting is a method whereby the work to be performed is described in terms of results rather than the method of performance or by inputs. It reduces the prescription of inputs (level of effort) and uses formal, measurable performance standards and quality assurance plans to gauge success. This type of contracting has been strongly urged for adoption by the Office of Federal Procurement Policy within OMB.

- The Agency must be concerned with project implementation and commensurate quality standards, deadlines and outputs.

- USAID will broadly adopt performance based contracts to implement development outcomes.

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- Projects will be designed with end of project status (EOPS) that are objectively measurable, and accordingly form the basis for performance based contracting.

5. Project Evaluation - Past Performance

Action: Past performance will be included as an evaluation criterium in solicitation documents. M/OP will establish a data-base containing past performance of contractors for use as reference material. Project evaluations will be strengthened by the inclusion of a section dedicated to contract performance.

Time frame: March 1994

- USAID will strengthen its consideration of past contract performance as a factor in the award of competitive contracts.

- Project evaluations should occur for all projects and emphasize the positive and negative aspects of contract performance. All project evaluations conducted for USAID projects will include a standardized section, being developed by M/OP, which will address areas of contract performance including interviews with cognizant contracting officers, an assessment of contract performance based on the statement of work, an evaluation of deliverable quality and timeliness of delivery, and project management issues that pertain to contractor administration of the contract.

- The M/OP database of contractor performance will include past performance data and be available for technical evaluation committees as they analyze competitive proposals.

6. Encourage Wider Participation of Organizations in USAID Procurements, including Small and Disadvantaged Businesses

Action: Through a series of reforms contained in this document USAID will facilitate wider participation from all organizations seeking to do business with USAID, including small and small economically disadvantaged

businesses (including woman-owned businesses).

Time frame: Continuing

- USAID has frequently been criticized for being exclusive rather than inclusive with respect to organizations seeking to be our development partners.

- The "town meetings", open to all organizations, will provide a forum for a free exchange of information and further encourage organizations that USAID is a responsible business partner.

- The Agency's implementation of more stringent guidelines on organizational conflicts of interest and procurement integrity will further reassure contractors that money spent proposing on a USAID project is money well spent. Too often, organizations may be inhibited from bidding on a contract because one organization is perceived to have the "inside track". An atmosphere that assures a fair, affordable opportunity to compete and impartial treatment will encourage greater participation in USAID programs.

- USAID needs to strengthen its efforts to include small and small disadvantaged businesses as implementing organizations for USAID projects. Although our efforts have been good, they can be much better. Many of our reforms will help in this regard, especially stronger contract administration and procurement planning.

- The newly instituted USAID Procurement Planning system will allow OSDBU and client offices to identify opportunities for 8(a), small, and Gray Amendment organizations early on in the procurement cycle. This will ensure that USAID not only meets, or better exceeds, it's statutory requirement, but does so in a balanced, well-managed manner. We will seek a more diverse representation of small and disadvantaged businesses and infuse new organizations into our system.

- Contract administration efforts will be strengthened to ensure that prime contractors discharge their

responsibilities to involve small and disadvantaged subcontractors appropriately.

7. Contract Administration - Contract Enforcement

Action: M/OP will strengthen contact administration and enforcement of contract provisions by evaluating current systems, re-emphasizing the need for monitoring contract performance to M/OP staff, and overhauling internal contract administration procedures.

Time frame: Continuing

- USAID appropriation legislation mandates that small, small disadvantaged firms, and minority-owned PVOs receive at least ten percent of DA and DFA funding. USAID's track record has been good in meeting legislative requirements for minority involvement, but procedural and system upgrades of contract administration can lead to even greater participation.

- PL 95-507 requires, among other things, that subcontracting plans be negotiated under each prime contract awarded to large business. Each subcontracting plan sets forth goals for small and small disadvantaged businesses. Subcontracting plans need more rigorous monitoring and enforcement.

- M/OP, in conjunction with the Office of Small and Disadvantaged Business Utilization, will intensify administrative efforts to ensure that prime contractors are expediting small and disadvantaged firm participation as subcontractors or, in the event of non-compliance, take corrective action. Corrective action can range from assessing liquidated damages for non-performance to full termination of contracts for breach.

- M/OP will strengthen its administration and monitoring of project/contract implementation by reviewing progress reports, attending portfolio review meetings, and ensuring that deliverables under contracts are delivered within specified deadlines.

- M/OP will also strengthen contract administration activities in the areas of voucher tracking, property management, receipt by Agency of contract deliverables, contract performance, funds expenditure, and related general administrative duties.

8. Strengthen Suspension and Debarment Procedures

Action: Explore methods of streamlining USAID's ability to protect the Agency against malfeasant contractors by expediting legally enforceable suspensions and debarments.

Time frame: February 1994

- A working group comprised of representatives from IG, M/OP, M/PPE, and GC would be established to evaluate and, if necessary, revise current procedures.

- USAID needs to avoid vulnerabilities which can occur because contractors which should be legally ineligible to do business with the Agency have not been properly suspended or debarred. USAID's reputation is not enhanced by doing business with organizations who are alleged to have committed acts which are unethical or illegal.

- A review of internal Agency procedures, including fact finding, documentation, processing, and legal review should be conducted in order to expedite situations that could require suspension and/or debarment.

9. Streamline Office of Procurement procedures and develop consistent methods of doing business.

Action: With input from Bureaus, M/OP will review standard operating procedures and documentation needs in order to reduce redundancies, inconsistencies, and consequently provide better customer service.

Time frame: February 1994

- M/OP will assess documentation needs, with Bureau input, (and in conjunction with vendor resource groups) attempt to standardize documentation needs for

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administrative contract actions, streamline paper flows, and consequently provide more timely service.

- M/OP will review the various contract and grant types currently in effect to systematize contract types in use, terminology, formats and approval requirements.

- M/OP will examine the procedures of contracting officers and contract negotiators to reduce and/or eliminate inconsistent approaches to contract management issues and, at the same time, safeguard the independence of judgement and authority of contracting officers.

- Procedural systematization will be reflected in the contract writing system, M/OP automation efforts, and the automation integration efforts of the Acquisition and Assistance Business Area Analysis.

10. M/OP Recruitment and Staffing Efforts

Action: Increase staffing recruitment efforts through revamped intern programs, and explore methods to formally empower a greater number of M/OP staff to sign contract actions, thus providing better service.

Time frame: Continuing; additional signatory authorities to be set up January 1994.

- At USAID the amount of funds processed per procurement specialist (FY 1993) was $35.4 million; the government-wide average is $6.3 million per procurement specialist. The Office of Procurement sustains a personnel turnover rate of 30% annually, while the government-wide average for similar activities is 10%.

- The Office of Procurement is undertaking initiatives to staff up, retain personnel, and thus provide better service.

- Intern programs are being revamped and broadened, and recruitment efforts are being expanded and intensified. Recruitment efforts will be expanded to seek not only additional staff, but also greater diversity among those recruited and selected.

- A plan is being studied to grant existing M/OP staff greater authority to sign contracts, grants, and delivery orders, as well as routine administrative actions.

- The emphasis in M/OP will be on ensuring an adequately staffed organization, staff empowerment, career development, consistency, and teamwork with clients.

11. Clarify Add-Ons to Grants/Cooperative Agreements

Action: Add-ons that are assistance activities will continue to be processed . Using add-ons for services which are contractual in nature will not be permitted either for new awards or extensions to existing awards.

Time frame: Continuing

- M/OP will form a working group consisting of GC,IG, and Bureaus to explore ways of improving the use of cooperative agreements and clarifying appropriateness of add-ons.

12. Reassess Buy-In Contracts - Consider Umbrella Contracts

Action: The use of buy-in contracts needs to be compared and contrasted with the potential use of large umbrella contracts. A working group comprised of Management Bureau staff from the Office of Budget and the Office of Procurement, representatives from other Bureaus, and Missions, will be established to examine issues.

Time frame: February 1994

- The Agency needs to evaluate the use of buy-ins and explore the possible use of large umbrella and/or generic-type contracts to reduce the number of projects and contracts.

- To either supplement or supplant buy-ins, the Agency needs to consider large, umbrella-type contracts, possibly including awards to multiple

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contractors, to implement projects which may not necessarily be Mission specific. These projects may be designed with regional or global applicability with the capacity to provide field support.

- The Management Bureau is examining the budget process to determine how to best allocate funds to the various USAID operating units utilizing these umbrella contracts. Funding allocations and contract management considerations are strongly linked and need to be examined in tandem.

13. Acquisition and Assistance Business Area Analysis

Action: M/OP, in conjunction, with IRM and representatives of other Bureaus is examining how to best design a consistent, automated, integrated acquisition and assistance system that eliminates redundancies, inconsistencies and streamlines the overall process.

Time frame: Continuing

- The Business Area Analysis (BAA) of the Agency's procurement function is underway with the objective of establishing an integrated automated acquisition and assistance system which will eliminate redundancies and inconsistencies.

- This effort involves procurement professionals from AID/W and the missions, users of the process, as well as assistance from other Agency personnel involved in the procurement process.

14. Explore the Feasibility of Expanding Competitive Grant Programs

Action: To explore the feasibility of establishing more large scale grant programs in order to accomplish, in a more consolidated way, USAID programmatic objectives.

Time frame: March 1994

- The Agency will establish a working group to determine the feasibility of identifying complete or portions of

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USAID programs that would be appropriate for a competitive grants program.

- If it is determined that development objectives of a portion of a sector or an entire sector could be better implemented or accomplished by colleges, universities, PVOs, or other non-profit groups, USAID should develop and disseminate general program guidelines for such a large-scale competitive grant program.

- The availability of competitive grants would be announced through the Federal Register setting forth the procedures for acceptance, evaluation, and award of these sector or thematic grants to selected organizations.

- This type of competitive grant program would be more expeditious than competitive acquisitions and would allow USAID to pursue its objectives and goals through a large dollar value grant program to eligible organizations.

15. Training and Certification Programs for Contracting Officers and Project Officers

Action: M/PPE staff will implement a training and certification program for Contracting Officers and Project Officers.

Time frame: October 1993, first Project Management course was piloted; training of contracting officers is ongoing against an established certification curriculum.

- Training and certification of project managers was a finding of a recent OMB Swat Team report on Agency management deficiencies. The need for career development and a competency based certification for contracting officers is required by Presidential Executive Order.

- A rigorous training program for contracting officers has been instituted that will ensure competency levels required by the Office of Management and Budget and the Federal Acquisition Institute.

- In-house courses have been developed, and contracted for, that will provide project officers with the management skills to effectively design, implement, and monitor projects in accordance with sound management techniques, applicable policies, regulations, and procedures.

- Each course will result in respective achievement certifications for project officers and contracting officers. Once these training initiatives are in place, certification will be a prerequisite to performing as either a contracting officer or a project officer.

16. USAID Procurement Planning System

Action: Establish a central USAID procurement planning system to enhance project implementation and resource management. Coordinate plans with OSDBU to identify transactions appropriate for small and disadvantaged business participation.

Time frame: FY 1994 Plans Submitted - Continuing

- Although the Federal Acquisition Regulations (FAR) require each U.S Government Agency to have a procurement planning system, USAID has frequently been criticized for failing to adequately plan the expenditure of its resources.

- Better planning will reduce noncompetitive contracts, allow for expansion of contractors/institutions participating in USAID development efforts, smooth the work flow, and make for more intelligent funding decisions.

- Eighty six percent of USAID contract funds were obligated in the last few months of FY 1993.

- In FY 1994, an Advanced Procurement Planning System (APPS) was established for all USAID/W contracting actions.

- In FY 1995 the APPS will be implemented worldwide.

17. Contract and Grant Writing/Research System

Action: Institutionalize a world-wide contracting writing system for contract professionals to further standardize USAID solicitation documents and contracts.

Time frame: Contract writing software has been purchased; research software is being updated to include other USAID handbooks and regulatory guidance.

- The USAID Office of Procurement is currently implementing a contract writing system which will allow contract professionals to build greater consistency into contract and grant formats, to standardize approval clauses, and to expedite the document assembly phase of the procurement process.

- USAID issues approximately 400 solicitations world-wide which will be made even more standardized and USAID specific through a centrally managed automation package. The number of contract and grant documents a year is vast and a contract writing system will ensure that key Agency concerns are addressed in each document.

- For example, clauses pertaining to publication of documents, property management, competition in subcontracting, and other centrally managed topics will all be considered for inclusion, as well as country specific terms and conditions.

18. Consolidate Incremental Funding Modifications

Action: The Agency need's to carefully examine the budget process and the impact of internal funding delays on contractor/grantee cash flow and project implementation. A working group of Management Bureau staff will examine appropriation, budget allocation, and paperwork issues of incremental funding modifications.

Time frame: March 1994

- Most of the Agency's long-term procurement actions are

incrementally funded. Paperwork impacting on technical and procurement personnel can be dramatically reduced by issuing annual incremental funding modifications to contract and grant documents. Currently, several incremental funding modifications are done to each contract each year.

- Regular incremental funding modifications will allow USAID personnel to plan effectively, but equally as important, it will permit Contractors and Grantees to predict cash flow with some certainty and to carry out contract activities as scheduled.

- The Management Bureau will examine the budget process and the USAID programming process in order to minimize incremental funding actions and reduce needless paperwork.

ABEL 2 covers and inside title pages

All reports issued under the ABEL 2 project will use a standard report cover and follow a standard format for the inside title page. AED will take charge of having covers designed and printed and distributed to the ABEL consortium for use with final reports. AED will distribute the format for the inside title page to all members of the consortium.

Standard report cover will contain the following information:

- name of project: Advancing Basic Education and Literacy
- ABEL logo
- names of all partners in the consortium:

  Academy for Educational Development
  Creative Associates International, Inc.
  Educational Development Consortium
  Florida State University
  Harvard Institute for International Development
  Research Triangle Institute

- name of sponsoring agency:

  U.S. Agency for International Development

  Global Bureau, Human Capacity Development Center, Office of Field Support and Technical Assistance

  Office of Women in Development

- white space for title of report (to be laser printed or xeroxed on)

Inside front cover will contain statement of purpose for the ABEL Project.

Inside back cover will contain publications list for the ABEL Project.

Back cover will contain ABEL logo and address, telephone, fax, and internet information.

Inside title page will contain the following information:

- title of report
- name of author(s)
- institutional affiliation of author(s)
- date
- publication information: name of project, USAID project office, project number, and contract number

in the current version

REPORTS FOR ABEL 2

Annual

22 **Annual Implementation Plan** (initial one due two months after start of contract), focussing separately on Core and Buy-in, to include:
* Objectives and indicators for progress towards the objectives
* Discussion of impediments
* Budget
* Staffing plans
* Assessment of how Dissemination is meeting cross-country needs
* Report on progress with AID's capacity to advise/assist with advancing girls education

39 **Annual Component Review** a summary of project activities by each of the three components, including lessons learned

Semi-Annual

24 **Semi-Annual Level of Effort Report** by the three activity components plus administrative/clerical activities. Reporting periods start Oct 1 and Apr 1 and are due 30 days after the period ends.

41 **Property Report** is due 30 days after Mar 31, Sept 30

Quarterly

22 **Project Activities** includes activities, accomplishments and pressing problems

24 **Expenses** quarterly and cumulative expense; pipeline and burn rate estimates; projection for the next 12 months

38,49 **Task Scheduling Plans** must be approved by COTR, includes SOW, LOE, goals, time-line; who; est. travel budgets

38 **Work Schedule and Status Report** includes status of work, new tasks proposed for the next quarter, cost-effectiveness due to coordination of efforts

(Charles)
new policy guidelines from Stevens
Supercede this

Other should come to us first - then to Texas

24 **Trip Reports** to COTR, due in 21 days from end of trip

54 **Emergency Locator Information** due on or before arrival in country

44 **Journal Articles** to COTR for comment no later than submission for publication

BUY IN ACTIVITIES

43 **Semi-Annual Consultant/TCN/CCN Report** due in 30 day after Mar 31 and Sept 30; to include who, what done, daily rate, 1420

24 **Quarterly Financial Report** including sources, expenses to date

42 **Buy In Report** due 45 days after completion of activity, to include: what, where, when, who; objectives/SOW; what was done; Summary of technical reports; Summary of potential future needs/activities.

42 **Reports** required by the buy in are due to the COTR with in 15 days of their completion1

p. **Publications**

Journal articles and other publication manuscripts arising from this contract shall be subject to USAID's Academic Publication Policy (as set forth in Appendix I of the USAID Acquisition Regulation [48 CFR Chapter 7]), and submitted to the COTR no later than submission to a publisher for comment only (as opposed to authorization for release), unless the Contracting Officer determines, on a case-by-case basis, that authorization for release is appropriate. The Contractor shall submit/deliver the number of copies to the consignees, indicated above, of each publication within 30 days following publication. To the extent that USAID funds are used to underwrite the cost of publication (in lieu of the publisher assuming the cost as is the normal practice), any royalties or profits up to the amount of such cost shall be credited to the contract.

4. **EMERGENCY LOCATOR INFORMATION**

The Contractor agrees to provide the following information to the Mission Administrative Officer on or before the arrival in the Cooperating Country of every contract employee or dependent:

a. The individual's full name, home address, and telephone number.

b. The name and number of the contract, and whether the individual is an employee or dependent.

c. The Contractor's name, home office address, and telephone number, including any after-hours emergency number(s), and the name of the Contractor's home office staff member having administrative responsibility for the contract.

d. The name, address, and telephone number(s) of each individual's next of kin.

e. Any special instructions pertaining to emergency situations such as power of attorney designees or alternate contact persons.

AED

Academy for Educational Development

TO: Distribution

FROM: Jack Downey, Senior Vice President
Development and Planning

RE: New USAID Publications Guidelines Effective October 1, 1994

DATE: October 19, 1994

The attached guidlines were just issued by USAID relating to approvals required for publications and videos costing more than $25,000.

Please circulate these guidelines to your project directors (and anyone else forgotten) who are in a position to be effected by the new guidelines.

Attachment

Distribution:

Bill	Sharon	Earl	Pat Bandy
Greg	Beverly	Peter	Judy Z
Jack L.	Marcia	Bonnie	Vickie
Susan	Helen/IQC	Kurt	John Stanford
Rick	Francy	John/NET	Barbara
Rennie	David/ABEL	Ruth Ros.	
Bianca	Paula G.	Jan Sanford	
Will Shaw	Tom T.		
Karen White			
Ken Rogers			
Peggy P.			

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USAID/W Notice
LPA
10/19/94

ADMINISTRATOR

SUBJECT: Guidance on USAID-funded Communications Products

As many of you are aware, I have been concerned about the cost and content of USAID-funded publications and videos. I strongly believe that USAID publications and videos should clearly reflect our sustainable development mission overseas by being modest but well designed and graphically exhibiting our Agency-wide efforts to be prudent and cautious stewards of scarce taxpayers resources.

Now, in addition to the high priority I place on this issue, Congress has included a new provision in the Fiscal Year 1995 Foreign Operations Appropriations Act that puts an overall dollar limit on the printing costs of OE-funded communications materials and a limit of $25,000 on the printing costs of program-funded reports and studies (excluding feasibility, design or evaluation reports or studies). Therefore, I am issuing the attached guidance to reinforce and elaborate my concern about this issue and to lay out clear guidelines for the Agency for the production of such materials.

J. Brian Atwood

POINT OF CONTACT: Suzanne Chase, LPA/MC, x7-3811 or Joe Fredericks, AA/LPA, x7-3920.

GUIDANCE FOR USAID-FUNDED COMMUNICATIONS PRODUCTS

1. GOAL:

The goal of this guidance is to ensure that USAID-funded communications materials are:

- cost-effective;
- informative;
- targeted to a well-defined and specific audience;
- accompanied by a well-defined, thought out, and detailed distribution plan that can and will be executed; and,
- reflective of USAID's mission: to promote sustainable development in the countries we assist.

In addition to the five points above, the communications material should fulfill a real, identified need and contribute directly to the accomplishment of the Agency's mission.

2. DEFINITION:

For the purpose of this guidance, communications products are defined as any printed material (other than non-color photocopy material), photographic services (including slide shows or other multimedia productions) or video production services meeting the criteria in section 3. Multi-volume or multi-sectional printed materials, videos or other communications products that are intended to be distributed together as one unit, package or group will be considered as one communications product for the purpose of this guidance.

3. COMMUNICATIONS MATERIALS AFFECTED BY THIS GUIDANCE:

Effective October 1, 1994, communications materials that meet either of the following two criteria (funding or audience) must be approved by the Assistant Administrator of the Bureau for Legislative and Public Affairs (AA/LPA) or her designee.

3a. FUNDING CRITERIA:

(1) All communications materials funded by operating expense account funds must be reviewed and approved by AA/LPA.

(2) Any communications materials funded by program account funds and costing over $25,000 total. The $25,000 cost threshold will be arrived at by looking at the sum total of the costs of preparation and execution of the communications material. For example, in the case of a publication, the cost will be the sum total of the research (directly related to the writing and production of the publication), writing and other editorial services (including any associated overhead costs), design, layout, and production costs.

3b. AUDIENCE CRITERIA:

(1) Any communications material that will be sent directly to or is likely to been seen by a Member of Congress or Congressional staffer requires approval. Of course, such requests should be coordinated with LPA under the general procedures governing Congressional communications.

(2) Any publication that will have a majority of the copies (over 50 percent) distributed in the United States (excluding copies provided to CDIE and other USAID/W offices for internal use) requires approval.

3c. EXAMPLES:

(1) A program-funded family planning calendar produced by USAID grantee and to be distributed to 200 USAID beneficiaries in India as part of the grantee's family planning efforts and costing less than $25,000: NO APPROVAL REQUIRED.

(2) Same as 1 but distribution also includes 100 "family planning leaders" in the United States, 200 "family planning leaders" overseas, and 25 for distribution within USAID and costing less than $25,000: NO APPROVAL REQUIRED.

(3) Same as 2 but 400 additional copies given to ANE for distribution to "family planning leaders" in U.S.: APPROVAL REQUIRED.

(4) Same as 1 and 2 but costing more than $25,000: APPROVAL REQUIRED.

(5) A program-funded videotape setting forth lessons learned in an agricultural sector project in West Africa to be distributed to 150 colleges and universities in the United States regardless of cost. APPROVAL REQUIRED.

(5) An employee training manual produced by USAID with operating expense funds and for distribution within USAID regardless of cost: APPROVAL REQUIRED.

(6) An operating expense-funded or program-funded annual report to Congress that is required by law and will be distributed to both Congress and to interested people in the United States regardless of cost: APPROVAL REQUIRED.

3d. EXEMPT COMMUNICATIONS MATERIALS:

(1) Program-funded publications costing less than $25,000 and specifically intended as design, evaluation and feasibility studies that are not intended for the general public.

(2) Program-funded publications costing less than $25,000 and distributed solely overseas as part of the delivery of foreign

assistance or as part of a mission's informational program in the host country.

4. REVIEW PROCESS:

Effective with the issuance of this guidance, all communications products meeting the criteria in section 3 of this guidance must be submitted for review and approval by USAID/LPA/MC. This process must be completed before any final planning or funding commitment on the communications materials can be given.

Required information and design standards for printed materials and video/photographic materials are attached as annexes to this guidance.

As always, LPA staff are available to assist bureaus and missions in the production of communications products.

5. CONTRACT AND GRANT DOCUMENTS REVIEW:

Agency personnel should be aware that this guidance applies to all affected communications materials produced through USAID-funded contracts and grants. Thus, USAID staff are urged to review current contracts and grants and to keep in mind for FY 1995-funded contracts and grants that these guidelines must be built into the agreements. Materials produced under omnibus contracts covering other services are subject to this guidance.

Please note that M Bureau will provide detailed guidance to contracting officers and other appropriate USAID personnel that will include a required separate line item and other standardized language incorporating these issues as a part of the contract or grant.

6. POINTS OF CONTACT:

Point of contact for this guidance is USAID/LPA/MC.

STANDARDS FOR USAID-FUNDED PUBLICATIONS

The following standards are intended as general guidelines for the production of USAID-funded publications that fall within the scope of those requiring LPA approval.

The purpose of establishing basic standards is to enable LPA to work in a cooperative effort with agency bureaus and field missions to produce informative, professional and cost-effective products that meet the needs of a designated audience. The audience and distribution plans must be clearly defined and justification given that a real need exists for the proposed publication.

We are fully aware that there will be situations that warrant exceptions to these standards. Exceptions will be made by LPA on a case-by-case basis.

I. Publications intended for a U.S. audience, including Congress:

A. Use of color: Two-color maximum for both cover and text (black or blue ink, generally used for text, counts as one color). In the case of publications such as conference proceedings, one color is the standard.

B. Paper: For both cover and text, use the most cost-effective stock that suits the publication's purpose. Make every effort to use recycled paper. Do not use heavy stock.

C. Photos: Black-and-white

D. Content: Emphasize results achieved toward sustainable development through USAID programs. NOTE: In most cases, LPA will ask for a separate textual (ASCII) version of the final document for possible posting on USAID's Internet, which at present can support text only.

E. Design: Avoid expensive folds/paper cuts, inserts/foldouts, die cuts, embossing, foil stamps and other design elements that add additional expense.

II. Reports Required by Congress

Most reports should be in typewritten, xeroxed format and respond specifically to what is required by statute.

III. Use of metric units of measurement

Unless a waiver is granted, metric units are to be used in accordance with Executive Order 12770. Traditional units may be shown in parentheses after metric.

IV. Use of Agency logo

The USAID logo (or the name of the agency written out) should be displayed prominently, e.g., on the cover or title page.

V. Approval Form

LPA is developing a "request-for-approval" form that will be put on the agencywide computer network as a macro to simplify and streamline the approval process. Information that will be required is as follows: type and design/format of publication; justification for its need; clearly defined audience and distribution plans; print run; budget breakdown including costs for photographic services (if a contract photographer is used), writing, editing, design, layout and printing; whether OE or program funds are being used; and plans to evaluate the effectiveness of the product.

VI. Publications produced through USAID-funded grants and contracts are subject to these standards.

STANDARDS FOR USAID-FUNDED VIDEO PRODUCTIONS

The following standards are intended as general guidelines for USAID-funded video productions that require LPA approval.

The purpose of establishing these basic standards is to enable LPA to work in cooperation with agency bureaus and field missions to produce informative, professional and cost-effective programs that meet the needs of the designated audience. The audience and distribution plans must be clearly defined. The purpose and production plans must be justified and must support a real need.

We are aware that USAID video productions generally fall into two categories--those produced for information/education of U.S. audiences, and those produced with program funds for largely foreign audiences. These guidelines will help missions decide which programs warrant video productions and how these should be produced.

We are also aware that certain situations will justify exceptions to these standards. Exceptions will be made by LPA on a case-by-case basis.

I. Basic Guidelines

A. Content: Videos intended for U.S. audiences, including Congress, should portray concrete results or chronicle a USAID success story. The video should not be a "promo" for a contractor or a specialized technical report aimed at a narrow audience of experts. Videos produced with program funds for foreign audiences would usually be training tapes or other instructional material.

Also, LPA will not approve video recordings of conference proceedings that can more appropriately be shared as written transcripts or audiocassette recordings.

B. Format: The program should be shot in a professional television format: BETA, BETA-SP, or 3/4". Only viewing copies should be made in VHS. Programs may be shot in American TV standard (NTSC) or in PAL or SECAM TV standard.

C. Producers: Direct contracts must comply with OFPP Letter No. 79-4 which establishs a "Government-Wide Contracting System for Motion Picture and Videotape Productions" (as required by OFPP letter 79-4.) The designated production team must have a track record producing information/education programs or other professional broadcast products. A brief list of previously produced programs should be included.

D. Length: The video should be no more than 15 minutes, unless there is a strong justification.

E. Copies: The number should be determined by the bureau/mission and reflected in the production budget. Viewing copies for NGOs, PVOs and local officials should be in VHS. Copies for local TV placement must be in 3/4" or BETA. A copy of the master of the finished program must be sent to the LPA video archive.

II. Approval Form

To simplify the approval process, LPA is developing a macro for the "request-for-approval" form that will be put on the agencywide computer network. The following information will be required:

A. A general description of the subject of the video.

B. The intended audience and a detailed distribution plan.

C. Whether OE or program funds will be used.

D. Budget breakdown to include costs for the following items:

- Pre-production: research, script, shooting schedule (where the video will be shot);

- Production: how many shooting days (include travel days), how much per day for the crew plus equipment. Please note: where possible, a local crew should be used; and,

- Editing: how many hours, how much per hour, how much for graphics and titles.

E. Discussion of plans to evaluate the script and the "rough cut" for the effectiveness of the product.

III. Videos produced through USAID-funded grants and contracts are subject to these standards.

NOTE: All videos produced with USAID funds must be deposited in the LPA video archive. This includes all "source" tapes, plus a copy of the completed master program.

September 30, 1994

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution FAC

FROM: DAA/M, Mr. Michael D. Sherwin, Procurement Executive

SUBJECT: New Biographical Data Form, AID 1420-17

CONTRACT INFORMATION BULLETIN 94-17

Attached is the revised Biographical Data Form. The changes were made from comments and suggestions from our negotiators, contracting officers, IG, and GC. Some of the significant changes are the following:

1. The language proficiency is to be given using Foreign Service Institute levels. The instructions are on the back of the form.

2. The employment history and consultant services blocks require both a point of contact and telephone number.

3. The employment history block requires the salary to be given as "annual salary."

4. The consultant services block requests the number of days to be given.

5. A Contractor's certification has been added to the form.

6. The Privacy Act has been deleted because it does not apply.

We have simplified the form by removing the following:

1. marital status

2. date of birth

3. country of assignment

4. individual credit hours completed

5. secondary education

6. special qualifications

The form is effective October 1, 1994. We were unable to send the form out via E-mail because it was not developed in word perfect, nor can it be converted. The form will be on the contracting writing system. We have sent letters to all USAID contractors providing a copy of the new form. The previous version is no longer acceptable and should be destroyed. An initial supply is being forwarded to all missions with contracting officers and a supply sent to OP. Also, a stock supply is in the warehouse. For those who need to requisition copies, local reproduction of the attached form is acceptable until their supply is received.

If you have any questions about the above, please contact Frances Maki at 703-875-1534.

Attachments: a/s (NOT AVAILABLE ON INTERNET)