USAID/IRAQ VETTING MISSION ORDER

	Mission Order # 303.3	Supplements N/A	Responsible Office IRAQ/OAA
References: Foreign Assistance Act, of 1961, as amended (FAA) – 22 USC 2151 et seq. Executive Order 13224 Title 18 US Code, 2339A and 2339B		Subject: National Security Screening of Awards	Effective Date: 06/10/2018 On the date signed below

I. PURPOSE

It is USAID policy that the Agency may determine that a particular award is subject to vetting in the interest of national security. The purpose of this Mission Order is to describe procedures intended to help mitigate the risk that USAID funds and other resources expended in or for the Republic of Iraq inadvertently provide support or benefit to individuals or entities that are terrorists, supporters of terrorists or affiliated with terrorists, while also minimizing the impact on USAID programs and its implementing partners.

II. DEFINITIONS

As used in this Mission Order, including the Appendices:

"AM" means Activity Manager drafting a procurement request, including the Statement of Work and Program Description. The AM is responsible for the day-to-day management of the project or activity in question.

"Award" means any contract, grant, cooperative agreement, or any other instrument that acts as any of the same awarded by USAID. Unless the context otherwise requires, an Award includes subcontracts and sub-awards, as defined below.

"Awardee" means any individual or organization that receives an Award. Unless the context otherwise requires, an Awardee includes Subawardees, as defined below.

"Branch" or **"Branch Office"** means a unit, operating division or office of a business or organization that (i) is housed in a different location from the main office or headquarters of such business or organization, and (ii) is not established as a separate legal entity from such business or organization (**Parent** and **Subsidiary** are separately defined).

"**CO**" or "**AO**" means the Contracting or the Agreement Officer, as applicable.

"COR" or **"AOR"** means the Contracting Officer's Representative or the Agreement Officer's Representative, who is responsible for day-to-day management of the project or activity in question. A COR/AOR may serve as a Vetting Assistant, but only for Bureau-based vetting programs, that is, non-presence vetting programs, and only for subawards.

"Contract" means a mutually binding legal instrument for the acquisition of supplies or services (including construction) by and for USAID.

"Contractor" means the organization or individual from whom USAID acquires supplies or services by contract.

"Development Credit Authority (DCA)" means the legislative authority that permits USAID to issue partial loan guarantees to private lenders to achieve USAID's economic-development objectives. (See USAID Automated Directives System [ADS] 249).

"Direct Recipient" means a natural person or entity that receives cash, goods, or other benefits in furtherance of the objectives of an Award and is identified in the Award or otherwise specifically identified by the Awardee.

"Donor-to-Donor Agreement" means an agreement between USAID and a foreign government that provides development assistance to a third country (or persons or organizations within a third country), usually acting through the foreign government's development agency, Ministry, or organization (See ADS 351).

"Educational Institution" means any academic institution, including primary and secondary schools and colleges and universities (See ADS Chapter 253).

"General Services Administration (GSA) Schedule Order" means a contract issued pursuant to the GSA Federal Supply Schedule program (See Federal Acquisition Regulation (FAR) Subpart 8.4).

"Global Development Alliance (GDA)" means a Public-Private Partnership formed pursuant to the GDA Annual Program Statement.

"Grant" means the legal instrument to transfer funds (or anything of value) from USAID to a recipient to carry out a public purpose. "Cooperative agreement" means a grant with substantial involvement from USAID.

"Government-to-Government (G2G) Agreement" means an agreement with a host government, including agreements pursuant to which USAID: (i) disburses funds directly to a partner government entity, including all instances in which USAID uses the partner government's own financial-management, procurement, or other systems (See ADS 220); (ii) finances, but is not a party to, contractual arrangements between the host country and the supplier of goods and/or services (See ADS 305); or (iii) makes a grant to a foreign government, or a subdivision of it, to finance activities in furtherance of a strategic objective or for other purposes. (See ADS 350).

"Host Government Officials" means host-nation government officials, above the local level, who are primarily engaged in sovereign governmental activities, such as the administration of government programs.

“Interagency Agreement” means any agreement between two Federal Departments or Agencies by which one buys goods or services from the other, including, but not limited to, an agreement under the authority of Foreign Assistance Act (FAA) Section 632(b), the Economy Act, the Government Management Reform Act or similar legislation, or by which one Department or Agency transfers or allocates funds to another under the authority of FAA Section 632(a). (see ADS 306).

“Invitational Travel” means any travel financed by USAID, such as financing transportation, tickets, accommodation, *per diem*, etc., outside of Iraq.

“Key Individuals” “Key individuals” means: a. Principal officers of the organization's governing body (e.g., Chairman, Vice Chairman, Treasurer, or Secretary of the Board of Directors or Board of Trustees); b. The principal officer and deputy principal officer of the organization (e.g., Executive Director, Deputy Director, President, Vice President); c. The program manager or chief of party for the USAID-financed program; and d. Any other person with significant responsibilities for the administration of USAID-financed activities or resources, such as key personnel as described in either ADS Chapter 302 for contracts or ADS Chapter 303 for assistance awards. The definition of Key Individuals is not the same as "key personnel" under a contract, grant or cooperative agreement. Please see "USAID Guidance on Vetting of Key Individuals."

“Parent” means any firm, corporation, or other legal entity that owns, in the aggregate, directly or indirectly, 50 percent or more of, or otherwise controls, a Subsidiary or Subsidiaries. A Subsidiary may similarly own the majority of, or otherwise control, another Subsidiary or Subsidiaries, in which case such Subsidiary is also a Parent, even though an ultimate Parent organization owns or otherwise controls such a Subsidiary (“**Branch”** and “**Subsidiary”** are separately defined).

“Participant Trainee” means an eligible host-country resident or national or third-country national sponsored by USAID for a Participant Training program conducted within the United States, a third country, or in-country for the purpose of furthering USAID’s development objectives (See ADS 253).

“Partner-Information Form” or “PIF” means the information collection form approved by the Office of Information and Regulatory Affairs (OIRA) that requests personal identifying information on key individuals from offerors/applicants/Awardees/funds recipients, attached as Appendix B. Note that the Mission may not amend or modify the form without prior approval from OMB/OIRA, USAID’s Office of Security (SEC), and USAID’s Office of General Counsel (GC).

“Partner Vetting System Application” or “PVS Application” means the Partner Vetting System Application, a password protected, web-based application that allows the Mission to confidentially transfer information on key individuals collected via the PIF to SEC for vetting. It also allows SEC to request additional information on key individuals if the PIF is incomplete.

“Personal Services Contract (PSC)” means a contract that, by its express terms or as administered, makes contractor personnel appear to be, in effect, U.S. Government employees (See Federal Acquisition Regulation [FAR] 37.104; Section 1 of USAID Acquisition Regulation, Appendices D and J; ADS 309).

“Prohibited Party” means an individual or entity that USAID knows, or has reasonable grounds to suspect, (i) supports, or has supported, terrorist activities; (ii) is, or has been, engaged in terrorist activities; (iii) poses a significant risk of committing terrorist activities; or (iv) supports, has supported, is, or has been, engaged in or

poses a significant risk of committing, other activities that are contrary to the national-security interests of the United States.

"**Public International Organization**" means an international organization included in the List of Public International Organizations referenced in ADS 308.

"Public-Private Partnership" means an agreement between USAID and a private-sector partner whereby the private-sector partner provides resources in support of a USAID program. (See ADS 303.3.27).

"Regional Award" means an award managed by a Bureau or Independent Office, Regional Platform, or bilateral Mission, that has activities in multiple countries.

"Secure Portal" means the password-protected, web-based application that allows applicants for Awards to enter information requested by the PIF.

"Subaward" means any grant, subgrant, guarantee, subcontract, or any other instrument that acts as any of the same, awarded by an Awardee pursuant to an Award.

"Subawardee" means any organization or individual that receives a Subaward.

"Subsidiary" means any firm, corporation, or other legal entity that, in the aggregate, is; (i) 50-percent or more owned, directly or indirectly, by a Parent organization; or (ii) is less than 50-percent owned, directly or indirectly, by a Parent organization, but the Parent in fact controls the entity through voting, management or otherwise (**Branch** and **Parent** are separately defined).

"Training" means a learning activity in a setting predominantly intended for teaching or imparting certain knowledge and information to the participants with formally designated instructors or lead persons, learning objectives and outcomes, conducted full-time or intermittently.

"Vetting Official (VO)" means the Vetting Official at the USAID Mission in Iraq who heads the Vetting-Support Unit (VSU). The duties of the VO generally include receiving/coordinating vetting personally identifiable information from the Agency's implementing partners and prospective implementing partners, responding to questions about information to include on the PIF or for implementing partners or prospective implementing partners to enter into the PVS; receiving the eligibility or ineligibility recommendations from SEC; and conveying or delegating the authority for transmittal of the vetting notices of eligibility, or ineligibility, to awardees, potential awardees, subawardees, or potential subawardees subject to vetting, as well as to the CO or AO.

"Vetting Assistant(s)" mean(s) any USAID employee or employees designated as such by, and who is or are responsible to, the USAID Mission Director in Iraq. The Vetting Assistant(s) has/have responsibility delegated by the VO, to include receiving vetting information, responding to questions about information to include on the PIF, and coordinating with SEC and the VO, and conveying the vetting determination to each applicant, potential subrecipients, and contractors subject to vetting, and the CO or AO. AORs/CORs will not serve as Vetting Assistants for prime or subawards.

"Vetting Support Unit (VSU)" means the Vetting Support Unit of the USAID Mission in Iraq. All staff of the VSU shall be required to sign appropriate non-disclosure agreements related to source-selection information, classified information, and any other information not made available to the public or disclosed publicly.

"Washington-Based Award" means a central award centrally managed in Washington, D.C., by a USAID B/IO.

III. AUTHORITIES AND REFERENCES

Foreign Assistance Act of 1961, as amended (FAA) – 22 USC 2151 et seq.

Executive Order 13224 (9/25/2001) blocks property and interests in property of individuals and entities designated as committing or posing a significant risk of committing terrorist acts. The Executive Order prohibits all transactions and dealings in blocked property or interests in the United States, or by U.S. persons. It also prohibits transactions with, and provision of support for, individuals or entities designated in, or subject to, the Executive Order.

Title 18 U.S. Code Sections 2339A and 2339B, which prohibit the provision of material support or resources for terrorist acts, or to designated foreign terrorist organizations.

IV. ADDITIONAL BACKGROUND INFORMATION

In addition to the vetting policies and procedures established under this Mission Order, other required procedures might also prevent support to Prohibited Parties. First, the CO or AO, as applicable, must check relevant public lists, including the Specially Designated Nationals (SDN) list and the Excluded Parties list found at the System for Award Management (SAM). Second, before making an Award, the staff of USAID (in the case of a prime award) or the staff of the prime Awardee (in the case of a Subaward) must scrutinize various aspects of the recipient entity's operations as part of the standard due-diligence and pre-award survey. As part of this process, the personal knowledge of USAID staff is taken into account before making any award, or approving any Subaward.

V. PROCEDURES FOR VETTING

Appendix A details the procedures for vetting potential Awardees and Subawardees, which are subject to change. Check with the VSU for updates prior to implementing.

VI. MANDATORY CLAUSES

The clauses set forth in Appendix D should be included in all Awards and Subawards subject to vetting in accordance with this Mission Order.

VII. EFFECTIVE DATE

The effective date of this Mission Order is the date signed by the Mission Director below.

Mission Director: Brooke Isham Brooke Isham Date June 10, 2018

VIII. APPENDICES

A. Vetting Procedures
B. Partner Information Form
C. Notices to Offerors/Applicants
D. Mandatory clauses

Appendix A: Vetting Procedures

As a reminder, all prime awardees are expected to conduct their own due-diligence review of proposed U.S. and non-U.S. awardees prior to submission for vetting.

1. **Applicability:** USAID conducts vetting in connection with its review and approval of proposed awards and subawards.

a. **Awardees and Subawardees**: Except as otherwise provided in this Mission Order, any proposed U.S. or non-U.S. Awardee or Subawardee of a USAID Award or Subaward in excess of $25,000 will be subject to vetting. For example, this includes USAID-awarded contracts, contractor-awarded subcontracts, and contracts awarded by recipients of grants and cooperative agreements, as well as USAID-awarded grants and cooperative agreements, Leaders with Associates awards, contractor-awarded grants under contracts (GUCs), and subawards under grants or cooperative agreements.

b. **On-Budget Assistance:** USAID reserves the right to conduct vetting of implementing partners in connection with any on-budget assistance award, including any subawards under such on-budget assistance.

c. **Participant Trainees:** The Mission will vet Participant Trainees for whom it finances scholarships, fellowships, or other structured training, but only where it specifically approves the individual participants and/or where: (i) such scholarship, fellowship, or other training is in the United States, or in any location outside Iraq; and (ii) such scholarship, fellowship or other training in Iraq lasts more than five cumulative work days. Recipients of cash payments or salary stipends that exceed $500 per individual over the life of the award will be subject to vetting prior to any such payments being made. (This will not apply to cash payments or salary stipends paid out to Subawardees that do not meet the level of vetting threshold described in this subsection.)

d. **Organizations as Direct Recipients of Cash or In-Kind Support:** (1) Vetting is required for a hospital that will receive pharmaceuticals, a company whose manufacturing equipment will be repaired or replaced, or a non-governmental organization (NGO) whose recreational facilities will be renovated with USAID needs. Vetting is not required, however, for persons or entities that benefit from assistance indirectly. For example, no vetting would be required for patients of the hospital, customers of the manufacturer, or users of the recreational facilities.
(2) Vetting is not required under this Mission Order in the following cases:
(i) Individuals who receive jobs under employment-generation activities, including incidental job-training; and
(ii) Ultimate beneficiaries of cash or in-kind assistance, such as food, water, medical care, micro-enterprise loans, shelter, etc.

(iii) While the Mission need not conduct in the cases set forth in subparagraph (ii) above, entities that provide a such assistance are still expected to take appropriate measures to ensure any cash or in-kind assistance does not go to or benefit Prohibited Parties, in accordance with the clause in their agreements that prohibits the provision of support to terrorists.

e. **Global Development Alliances, Public-Private Partnerships, and Development Credit Authority (DCA) activities:** For DCA activities, USAID will conduct vetting for the individual of the financial institution

who will sign the agreement with USAID and the officials of the financial institution who are responsible for deciding whether to enter into the agreement with USAID. Consideration also should be given to vetting key individuals of borrowers when the Mission knows who the borrower will be in advance of entering into the Guarantee. For alliances and "partnerships" under which USAID would not be providing funding to an organization (such as co-financing arrangements), vetting would not generally be required of such an organization.

f. **Other Situations**: Even if vetting would not otherwise be required under this Mission Order, USAID will conduct vetting whenever USAID has reason to believe that a potential Awardee or Subawardee could be a Prohibited Party.

g. **Host Government Officials**: Host Government officials, employees, Ministries, and other related government staff and constituent components, when acting in their official government capacity, are not subject to vetting.

h. **Educational Institutions**: Vetting applies to colleges, universities, and other educational institutions to the same extent as other types of organizations.

i. **Branch**: If a branch is a potential Awardee or Sub-Awardee, USAID must vet the parent organization. If there are multiple tiers of parent organizations, the Deputy Mission Director (DMD) or, in the case of a Washington-based or regional award, the relevant Deputy Assistant Administrator (DAA), will determine, on a case-by-case basis, which, if any, are subject to vetting. If USAID has vetted an organization and a parent, or tiers of parents, within the previous year, the DMD or, in the case of a Washington-based or regional award, appropriate DAA will decide whether subsequent vetting will be required for each of its branches that applies for assistance, in writing, on a case-by-case basis. The decision to vet another branch USAID has not vetted within the year will depend on a risk assessment, and largely on the extent to which the organization's headquarters oversees and controls the activities of the branch or branches.

j. **Washington-Based and Regional Awards:** Vetting is required in bilateral or regional activities and programs USAID/Washington Bureaus and Independent Offices all implement only for the component of the regional activity being implemented in the country with awards that might be subject to vetting. Wherever applicable, USAID must provide notice in the solicitation for the implementer.

k. **Level of Vetting:** In general, vetting under this Mission Order applies only to the first-tier (the prime) and second-tier organizations. If, for example, a U.S. contractor (first-tier) awards a subcontract to a local organization (second-tier), which, in turn, awards a subcontract to another local organization (third-tier), USAID would vet the first- and second-tier organizations, but would not vet the third-tier organization. However, if the Mission determines that extenuating circumstances so dictate, vetting may be conducted at lower levels. USAID will vet recipients of training and study tours and invitational travel regardless of tier.

l. **Age of Vetting:** Subject to section (f), USAID will only conduct vetting for individuals who are 16 years of age or older. Where vetting is required for a household, USAID will vet only members of the household who are 16 years of age or older.

2. Solicitation and New Awards:

In general, the vetting procedures described in this Mission Order will only apply to new awards, and will not apply retroactively, provided that vetting might apply to Task Order awards issued under Indefinite-Quantity Contracts (IQCs) awarded prior to the effective date of this Mission Order; and provided further, that USAID might conduct vetting of awards issued prior to the effective date of this Mission Order in accordance with Section 1(f), "Other situations."

Solicitations: For each prime activity or program subject to vetting, the CO or AO, as the case might be, will ensure that solicitation for the particular activity or program includes and/or adapts language for vetting.

New Awards: The awarding Mission will not issue new awards unless/until the Agency has deemed eligible all relevant entities and individuals subject to vetting, including the Awardee and any Subawardee named (or expected to be named, such as at the concept note stage) in the award, as well as associated Key Individuals.

Modifications or Amendments to Existing Awards: Vetting under these procedures will be required when the Agency modifies or amends Awards to provide additional assistance. Modifications or amendments only to extend the time of performance or make minor changes in scopes of work do not require re-vetting unless the Mission has reason to believe that changed circumstances justify re-vetting, or the Awardee and Key Individuals were vetted more than one year ago. The awarding Mission will not issue amendments subject to vetting unless/until the Agency has deemed eligible all relevant entities and individuals subject to vetting, including the Awardee and any Subawardee named (or expected to be named) in the award, as well as associated Key Individuals.

Non-Competitive Awards/Unsolicited Proposals: USAID will vet any proposed Awardee and any Subawardee named (or expected to be named, such as at the concept note stage) in a non-competitive award or unsolicited proposal in accordance with these Procedures as early in the proposal-review process as possible, and before, any approval or required justifications/waivers are submitted for approval.

3. **General Categorical Exemptions**: The following types of awards are categorically exempted (subject to 1.f):

    a. Interagency agreements;
    b. Personal Service Contracts;
    c. Contributions and grants to Public International Organizations (PIOs). Although PIOs are not subject to vetting, organizations and individuals to whom PIOs make awards or otherwise provide assistance based on a USAID award are subject to vetting by USAID if USAID and the PIO have reached such an agreement;
    d. Government-to-Government agreements under Automated Directives System (ADS) 220, 305, or 350. Although Government-to-Government assistance awards are not subject to vetting, organizations and individuals to whom host governments make awards or otherwise provide assistance based on a USAID award are subject to vetting by USAID if USAID and the host government have reached such an agreement;
    e. General Services Administration (GSA) Schedule Orders;

f. Urgently needed humanitarian assistance. Subject to Section 1(f), in fast-onset natural disasters, vetting may commence once the situation has stabilized, and if deemed necessary and appropriate by the Assistant Administrator (AA) of the Bureau for Democracy, Conflict and Humanitarian Assistance (DCHA), in consultation with the Directors of the Office of U.S. Foreign Disaster Assistance (OFDA), Food for Peace (FFP), and the AA for the Bureau for the Middle East (ME). In longer-term complex humanitarian emergencies, urgency might be more protracted. In such circumstances, DCHA continually assesses urgency, and vetting of HA in complex humanitarian emergencies may commence, if deemed necessary and appropriate by the AA of DCHA in consultation with the Directors of OFDA and FFP and the AA for ME.
g. Subcontracts and contracts awarded by Awardees/Subawardees to vendors for the purchase of commercial items (as such term is defined in Federal Acquisitions Regulation [FAR] 2.101) entered into during the ordinary course of business, and for the use of such Awardee or Subawardee, provided that vetting will be required prior to the leasing by Awardees and Subawardees of housing and/or office space.
h. Contracts or awards that already require security clearance by the USAID Office of Security and the Regional Security Office of the U.S. Embassy in Baghdad.
i. Donor-to-Donor agreements, as described in ADS 351.
j. Host-Government officials, employees, Ministries, and other related government staff and constituent components, solely when acting in their official government capacity.

4. Vetting of "Key Individuals": ("Key individuals" means:

a. Principal officers of the organization's governing body (*e.g.*, Chairman, Vice Chairman, Treasurer, or Secretary of the Board of Directors or Board of Trustees);

b. The principal officer and deputy principal officer of the organization (e.g., executive director, deputy director, president, vice president);

c. The program manager or chief of party for the USAID-financed program; and

d. Any other person with significant responsibilities for the administration of USAID-financed activities or resources, such as key personnel as described in either ADS Chapter 302 for contracts or ADS Chapter 303 for assistance awards.) USAID must vet Key Individuals, whether or not they are employees of the prime contractor or recipient.

(Note that the definition of "Key Individuals" differs from the definition of "Key Personnel" under a contract, grant, or cooperative agreement. Please see "USAID Guidance on Vetting of Key Individuals.")

5. Obtaining Data Needed for Review:

a. If an award is subject to vetting, the Contracting Officer (CO) or Agreement Officer (AO) will inform each offeror or applicant to complete the Partner Information Form (PIF) as a paper document, or via the secure portal for all of its Key Individuals, and return the PIF to the Vetting Support Unit (VSU).

b. Awardees and Subawardees will be responsible for collecting, verifying, and submitting the PIF to the VSU for each proposed sub-award or other action that requires vetting, and for themselves as the prime.

6. Vetting Flow:

Step 1 – Data Collection: Offerors or applicants will submit the PIF (see Appendix B) when directed to do so by the CO/AO. Offerors or applicants will submit their PIFs electronically via the secure portal. If Internet access is not available to offerors or applicants, such offerors or applicants will submit hard copies of their PIFs directly to the VSU.

Step 2 – Data Review: Upon receipt, the VSU will review the PIF for completeness and accuracy, and will seek any additional information necessary from the offeror or applicant.

Step 3 – Data Submission: Before initiating a vetting request, the VSU should review the submission to determine if a vetting approval is already in effect for the Key Individual(s) in question. If an individual received an eligible vetting determination within the past year, the VSU is not required to submit that individual for vetting during that one-year period. If the individual received an ineligible determination, with no intervening eligible determination, USAID must re-vet that individual.

a. Secure Portal: For those offerors or applicants that have the capability, the VSU will establish accounts in the secure portal for their access. Offerors or applicants will enter vetting information electronically through the secure portal. The VSU will review and approve PIF submissions via the secure portal, which will permit the systematic transfer of the data from the portal into the PVS application. The VSU will then submit the information to USAID/SEC for vetting.

b. Non-Secure Portal Submissions: Awardees will submit the PIFs of proposed Subawardees to the VSU. Upon the VSU's receipt of the PIF submission, the VSU will enter the data into the PVS application, and submit a vetting request.

Step 4 - Vetting: Upon receiving the request, USAID/SEC will search relevant databases, including non-public sources, for derogatory information. If deemed necessary, USAID/SEC will request the VSU to obtain additional information. Depending on the vetting results (*i.e*., whether USAID/SEC identifies a potential Prohibited Party), USAID/SEC will make a recommendation to the Vetting Official that the potential Awardee or Subawardee is either eligible or ineligible. If the recommendation is eligible, then the VO notifies the vetted entities following the process described in Step 6 and the CO/AO, who proceeds with the award or the procurement, as the case might be. The notification to the entities of the vetting decision must not include any information regarding award decisions. (The CO or AO is responsible for notifying offerors/applicants of award decisions).

Step 5 - Final Determination: If USAID/SEC discovers derogatory information and makes a recommendation of ineligibility with respect to one or more potential Prohibited Parties (*i.e*., offeror/applicant that USAID/SEC knows or has reasonable grounds to suspect: (i) supports, or has supported, terrorist activities; (ii) is, or has been, engaged in terrorist activities; (iii) poses a significant risk of, committing terrorist activities; or (iv) supports, has supported, is, or has been, engaged in or poses a significant risk of committing other activities contrary to the national-security interests of the United States), the designated Deputy Mission Director (DMD) (in the case of a Mission or Regional award) will determine whether or not to proceed with the award.

USAID/SEC will base any recommendation of ineligibility on the derogatory information used during the analysis. The designated DMD should consult with appropriate parties in making a final determination. Appropriate parties with whom the designated DMD is encouraged to consult include, without limitation, the relevant technical office(s), the Office of the USAID General Counsel (GC), and/or the Resident Legal Officer, USAID/SEC, the Mission Director, and the Embassy. Legal advice on a final determination is important to ensure compliance with applicable law. Should the designated DMD not concur with USAID/SEC's recommendation of ineligible, the designated DMD will then refer the matter to the Deputy Assistant Administrator (DAA) of the respective regional bureau for review and final decision.

In the case of a central award USAID has vetted and which is centrally managed, if USAID/SEC discovers derogatory information and makes a recommendation of ineligibility as described above, the cognizant DAA for the operating unit that is managing the central award, in conjunction with the designated USAID/Iraq Mission DMD and the DAA of ME, will make the final determination whether to proceed with the award. The cognizant DAA for the operating unit that is managing the award is also encouraged to consult, without limitation, the relevant technical office(s), GC and USAID/SEC. Legal advice on a determination is important to ensure compliance with applicable law. If the cognizant DAA for the operating unit that is managing the award determines to move forward with the award despite SEC's recommendation of ineligibility, the matter will be referred to the AA for the operating unit that is managing the award for final determination in consultation with the AA for ME. In the case of a central award that DCHA manages, the cognizant DAA for DCHA or AA for DCHA, as appropriate, will make the final determination, in consultation with the Director of OFDA or FFP, as appropriate.

Step 6 - Determination Notification: Once a final determination is made, the VO/VA will notify the relevant offerors or applicants. Notification of the vetting decision must not include any information regarding award decisions. (The CO/AO is responsible for notifying offerors/applicants of the prime award decisions.) Notices must conform to the language shown in Appendix C. The Mission (or office in the case of a USAID/Washington award) may not deviate from the language in Appendix C without prior approval from USAID/SEC, GC, and the Bureau for Management. The VO should include Information determined by USAID/SEC to be releasable, as described in the Reconsideration Procedures below, in the notice to any offeror/applicant determined to be ineligible. The Mission or office will retain a copy of the final determination in its files. The Office of Acquisition and Assistance will retain a copy of the final determination in its procurement files.

Ineligible Determination: If an offeror or applicant is found ineligible as a result of vetting, USAID/SEC will provide to the VO any information to support the vetting recommendation that USAID/SEC determines to be releasable. In its determination, SEC will take into consideration the classification or sensitivity of the information, the need to protect sources and methods, the type or source of information, and harm that release could cause to any ongoing law-enforcement and intelligence community investigations or operations. Releasable information shall be part of the notice to the denied offeror or applicant.

Following an ineligible determination, an implementing partner is not precluded from applying for future awards, as it is policy for USAID to re-vet entities for every proposed award based on information available at the time of the determination, even if the implementing partner failed previously.

Reconsideration Procedures

Reconsideration: (1) Within seven (7) calendar days after the date of the VSU's notification, the prospective Awardee or Subawardee that has not passed vetting may request in writing to the VO that the

Agency reconsider the vetting determination. The request should include any written explanation, legal documentation, and any other relevant written material for reconsideration. If a prime awardee indicates to USAID that it no longer wishes to propose a prospective Subawardee under its award, the reconsideration process will terminate with respect to such prospective Subawardee. USAID would then vet the proposed replacement Subawardee as well.

(2) Within seven (7) calendar days after the VSU receives a written request for reconsideration, the appropriate Regional or Pillar Bureau DAA will determine if the applicant's additional information merits a revised decision. If the appropriate Regional or Pillar Bureau DAA was substantially involved in the ineligibility determination proposed for reconsideration, the appropriate AA will serve as, or appoint another senior official (more-senior than the one who made the initial decision), as the deciding official. In the case of a central award USAID has vetted and is centrally managed, the deciding official for reconsideration is the AA of the operating unit that is managing the award, in consultation with the AA for ME. If the AA of the operating unit that is managing the award was substantially involved in the ineligibility determination proposed for reconsideration, such AA will designate another senior official at the AA level or above to serve as the deciding official. The determination by Regional or Pillar Bureau DAAs or AAs (or other deciding official) determination of whether reconsideration is warranted (and decision on eligibility) is final. The deciding official should consult with appropriate parties in making the reconsideration determination. Appropriate parties with whom the deciding official is encouraged to consult include, without limitation, the GC.

Step 7 - Duration of Approval: Once the Agency has deemed determination by an offeror/applicant eligible and has received an award, the approval generally will remain in effect for one year from the date USAID transmits the notice of eligibility to the partner or prospective partner. However, new vetting will be required if there is any change in the Awardee's Key Individuals. The Awardee is required to keep USAID apprised of changes in the Key Individuals. For new awards or subawards or extensions of awards or subawards, USAID shall vet the Awardee or Subawardee if more than 12 months have elapsed since the Agency conducted vetting.

a. The Mission may rescind vetting approval if it obtains information indicating that an entity or any of its Key Individuals is a Prohibited Party. In such event, the CO or AO, as appropriate, will provide written instructions to the Awardee on termination, in whole or in part, of any Award or Sub-award affected. Failure to take immediate action upon receipt of such written instructions could result in the disallowance of costs incurred after the date of such written instructions. In addition, USAID reserves the right to vet, or re-vet, any individual or entity subject to vetting for an award at any time, regardless of the previous vetting date.

7. **Records Management:** USAID/SEC will maintain a database of all Key Individuals and organizations submitted for vetting, and the status of each case. Because of the sensitivity of information in the database, the Agency will only make it available to those with an official need-to-know. The Partner-Vetting System (PVS) Application will serve as the database of all final eligibility and ineligibility determination of awards. The VSU will store all paper records that contain Sensitive But Unclassified information, such as Personally Identifiable Information (PII), in a secure container, and will update the USAID/SEC application with vetting decisions. USAID will retain and dispose of records in its PVS Application in accordance with the records disposition schedule approved by the National Archives and Records Administration.

Appendix B: USAID Partner Information Form (PIF)

PARTNER INFORMATION FORM

(See Burden and Privacy Act Statements on Page 3)

Part I: Information About Proposed Activities		
1. Name of the prime contractor, grantee or recipient proposing the award or other assistance		
2. Type of proposed award or other assistance (check one): ☐ Contract or Subcontract ☐ Grant or Subgrant ☐ Training ☐ Equipment ☐ Other		
3. US$ amount and estimated start/end date of proposed award or assistance: Dollar amount: $ Start: End:		
4. Purpose of proposed award or assistance:		
5. Organization proposed to receive award or other assistance:		
a. Name:		
b. Address:		
c. Telephone:	d. Fax:	e. Email:
6. Information on key individuals associated with the organization named in 5 above, or, if no organization is listed, information on each individual to receive cash or in-kind assistance (including technical assistance). Use continuation sheets as necessary. ** = mandatory information.		
A. Name (As in passport or other government-issued photo ID):**		Government-issued photo ID number, type of ID and country of issuance:**
Place of birth:**	Date of birth:** (mm/dd/yyyy)	Rank or title in organization listed in #5 (if "key individual"):**
Other names used (may include nicknames, pseudonyms not listed under "Name"):**		Gender:
Current employer and job title:		Occupation:
Address of residence:		Citizenship(s):
Email:	Is the individual a U.S. citizen or legal permanent resident?** Yes ☐ No ☐	
Part II: Contractor/Grantee/Recipient Certification:		
Contractor/Grantee/Recipient certifies in submitting this form that it has taken reasonable steps (in accordance with sound business practices) to verify the information contained in this form. Contractor/Grantee/Recipient understands that the U.S. Government may rely on the accuracy of such information in processing this vetting request.		
Name:	Signature:	
Title/Organization:		Date:

Part III: Submission details (to be completed by USG vetting official)	
Vetting request number	
Staff member who initiated request	
Project name	
Date submitted for screening	

PIF Continuation Sheet for Part I, Section 6: List of Individuals (Use additional continuation sheets as needed):

B. Name (As in passport or other government-issued photo ID):**		Government-issued photo ID number, type of ID and country of issuance:**
Place of birth:**	Date of birth:** (mm/dd/yyyy)	Rank or title in organization listed in #5 (if "key individual"):**
Other names used (may include nicknames, pseudonyms not listed under "Name"):**		Gender:
Current employer and job title:		Occupation:
Address of residence:		Citizenship(s):
Email:	Is the individual a U.S. citizen or legal permanent resident?** Yes ☐ No ☐	
C. Name (As in passport or other government-issued photo ID):**		Government-issued photo ID number, type of ID and country of issuance:**
Place of birth:**	Date of birth:** (mm/dd/yyyy)	Rank or title in organization listed in #5 (if "key individual"):**
Other names used (may include nicknames, pseudonyms not listed under "Name"):**		Gender:
Current employer and job title:		Occupation:
Address of residence:		Citizenship(s):
Email:	Is the individual a U.S. citizen or legal permanent resident?** Yes ☐ No ☐	
D. Name (As in passport or other government-issued photo ID):**		Government-issued photo ID number, type of ID and country of issuance:**
Place of birth:**	Date of birth:** (mm/dd/yyyy)	Rank or title in organization listed in #5 (if "key individual"):**
Other names used (may include nicknames, pseudonyms not listed under "Name"):**		Gender:
Current employer and job title:		Occupation:
Address of residence:		Citizenship(s):
Email:	Is the individual a U.S. citizen or legal permanent resident?** Yes ☐ No ☐	
E. Name (As in passport or other government-issued photo ID):**		Government-issued photo ID number, type of ID and country of issuance:**
Place of birth:**	Date of birth:** (mm/dd/yyyy)	Rank or title in organization listed in #5 (if "key individual"):**
Other names used (may include nicknames, pseudonyms not listed under "Name"):**		Gender:
Current employer and job title:		Occupation:
Address of residence:		Citizenship(s):
Email:	Is the individual a U.S. citizen or legal permanent resident?** Yes ☐ No ☐	

PARTNER INFORMATION FORM INSTRUCTIONS

Part I

Question 1 – Self-explanatory
Question 2- Indicate the proposed type of mechanism to be utilized by placing a check mark on the line in front of the appropriate term
Question 3 – Enter the amount of award or assistance in U.S. dollars and indicate the start and end date of the program using a mm/dd/yyyy format
Question 4 – Indicate the purpose of the award or assistance. Use additional sheets and attach to page one of the vetting form if necessary
Question 5 a-e – Self-explanatory
Question 6 - "Key individual" means (i) principal officers of the organization's governing body (e.g., chairman, vice chairman, treasurer and secretary of the board of directors or board of trustees); (ii) the principal officer and deputy principal officer of the organization (e.g., executive director, deputy director, president, vice president); (iii) the program manager or chief of party for the USG-financed program; and (iv) any other person with significant responsibilities for administration of the USG-financed activities or resources. Note that this definition differs from the definition of "key personnel" under contracts and cooperative agreements. Complete for each of these four categories or indicate "N/A" if a category does not apply.

Part II

Individual filling out form must read the Certification and print their name where indicated, sign where indicated, print their title and the name of their organization where indicated, and print the date where indicated.

Part III

This section is not for individual's information and will be completed by the USG vetting official.

PUBLIC BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Agency for International Development, Office of Security (SEC), Washington, D.C. 20523-2600.

PRIVACY ACT STATEMENT

The following statement is required by the Privacy Act of 1974 (5 U.S.C. 522). Information in this form is used to conduct screening of individuals and entities as required by applicable U.S. laws and implementing procedures to ensure that USAID funds do not inadvertently provide support to entities or individuals associated with terrorism. Public Law 109-446 §3(b)(2), 18 U.S.C. 2339A, 2339B, 2339C, Executive Orders 13224 and 12947, applicable Homeland Security Presidential Directives and other legislative or executive branch prohibitions on providing support or resources to, or engaging in transactions with, individuals or entities associated with terrorism constitute the authority for collecting this information. In addition, the Foreign Assistance Act of 1961 as amended (22 U.S.C. 2151 et seq.) provides USAID with broad discretion in granting foreign assistance and permits USAID to consider a range of foreign policy and national security interests in determining how to provide foreign assistance.

Disclosure of the information provided on this form will be done in accordance with USAID's System of Records Notice concerning the Partner Vetting System (72FR136) which establishes the routine uses and Privacy Act exceptions which apply to this system.

Appendix C: Vetting Notices

Unless otherwise approved in writing by USAID's Bureau for Management (M Bureau), and Offices of Security (SEC), and the General Counsel (GC), the following language shall be used to notify of eligibility or ineligibility for an award or sub-award.

NOTICES OF ELIGIBILITY

To Potential Contractor or Recipient

I am writing with regard to [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT]'s application for [INSERT NAME OF BUSINESS OPPORTUNITY AND ASSOCIATED SOLICITATION OR NOTICE OF FUNDING OPPORTUNITY REFERENCE NUMBER, IF ANY]. USAID has determined that [INSERT NAME OF CONTRACTOR/RECIPIENT] is eligible at this time to receive a USAID award in connection with the opportunity specified above. Eligibility is not a determination as to whether USAID will make an award. USAID reserves the right to rescind this eligibility determination in the event that the Agency becomes aware of information to indicate that the award is contrary to the national-security interests of the United States.

This eligibility determination does not relieve your organization of its legal obligation to comply with U.S. law and Executive Orders that prohibit transactions with, and the provisions of resources and support to individuals and organizations associated with terrorism, and to comply with the terms and conditions of its contract/agreement.

Should USAID select your organization for this award, the terms and conditions of your contract/agreement with USAID will require prompt notification to the designated Vetting Official in the event of any change in the identity of any "key individuals." You must also notify the Vetting Official if there is a material change in the program or operations under this award, or any development that might cause USAID to reconsider [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT]'s eligibility for the above business opportunity.

To Potential Contractor or Recipient Concerning Eligibility of Subcontractor or Subrecipient

I am writing with regard to [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT], which your organization has proposed to receive a USAID award under [INSERT NAME OF BUSINESS OPPORTUNITY AND ASSOCIATED SOLICITATION OR NOTICE OF FUNDING OPPORTUNITY REFERENCE NUMBER, IF ANY]. USAID has determined that [INSERT NAME OF PROPOSEDSUBCONTRACTOR/SUBRECIPIENT] is eligible at this time to receive such award. However, USAID reserves the right to rescind this approval in the event the Agency becomes aware of information to indicate that the award is contrary to the national-security interests of the United States. Furthermore, a new request for eligibility will be required annually if your organization wishes to make a new award to [INSERT NAME OF PROPOSEDSUBCONTRACTOR/SUBRECIPIENT].

This eligibility determination does not relieve your organization of its legal obligation to comply with U.S. law and Executive Orders that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism, and to comply with the terms and conditions of its contract/agreement.

Should [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT] receive this award, you must notify the designated Vetting Official in the event of any change in the identity of any "key individuals." You must also notify the Vetting Official if there is a material change in the program or operations under this award, or any development that might cause USAID to reconsider [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT]'s eligibility for the above business opportunity.

NOTICES OF INELIGIBILITY

To Potential Contractor or Recipient

I am writing with regard to [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT]'s application for funding. After careful consideration, USAID has determined that [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT] is not eligible to receive the award funded by USAID under [INSERT NAME OF BUSINESS OPPORTUNITY AND ASSOCIATED SOLICITATION OR NOTICE OF FUNDING OPPORTUNITY REFERENCE NUMBER, IF ANY].

Within seven (7) calendar days after receiving this notice, your organization may request in writing that USAID reconsider this determination. Your organization may submit with this request any written explanation, legal documentation, and/or other relevant material for USAID's consideration.

USAID will notify your organization whether reconsideration is warranted within seven (7) calendar days after USAID receives from your organization the written explanation, legal documentation, and/or other relevant material referred to above.

To Contractor or Recipient Concerning Ineligibility of Proposed Subcontractor or Subrecipient

I am writing with regard to [INSERT NAME OF PROPOSEDSUBCONTRACTOR/SUBRECIPIENT], which your organization has proposed to receive a USAID award under [INSERT NAME OF BUSINESS OPPORTUNITY AND ASSOCIATED SOLICITATION OR NOTICE OF FUNDING OPPORTUNITY REFERENCE NUMBER, IF ANY]. After careful consideration, USAID has determined that [INSERT NAME OF PROPOSED SUBCONTRACTOR/SUBRECIPIENT] is not eligible to receive this award funded by USAID.

Within seven (7) calendar days after receiving this notice, your organization may request in writing that USAID reconsider this determination. Your organization may submit with this

request any written explanation, legal documentation, and/or other relevant material for USAID's consideration.

USAID will notify your organization whether reconsideration is warranted within seven (7) calendar days after USAID receives from your organization the written explanation, legal documentation, and/or other relevant material referred to above.

To Contractor or Recipient Regarding an Individual's Eligibility

I am writing with regard to [INSERT NAME OF INDIVIDUAL], the individual your organization has proposed to receive USAID assistance. USAID has determined that [INSERT NAME OF INDIVIDUAL] is eligible to receive assistance funded by USAID.

To Contractor or Recipient Regarding an Individual's Ineligibility

I am writing with regard to [INSERT NAME OF INDIVIDUAL], the individual your organization has proposed to receive USAID assistance. After careful consideration, USAID has determined that [INSERT NAME OF INDIVIDUAL] is not eligible to receive assistance funded by USAID. We encourage you to identify another candidate to receive the proposed assistance.

Appendix D: Required Clauses for Vetting

For Acquisition (see Partner Vetting for Acquisition – A Guide for Contracting Officers):

- 48 CFR 752.204-70/71 Partner Vetting Pre-Award Requirements (Feb. 2012)
- 48 CFR 752.204-70/71Partner Vetting (Feb. 2012) and its alternative I, as applicable. The CO must also include the contact information for the vetting official or mailbox for submissions of vetting information in 48 CFR 752.204-70/71

For Assistance: 2 CFR 701