WEBINAR

NON-U.S LOCAL PARTNER’S MANDATORY AND REQUIRED AS APPLICABLE STANDARD PROVISIONS

7 February 2024

Presented by:
Accelerating Support to Advanced Local Partners (ASAP II)
Subject Matter Expert Trainer
Doug Franke, US CPA
Managing Partner
SustainAbility Solutions PC

- Partner at PwC before founding SSPC
- 42 years of on-the-ground experience with USAID/USG rules
- Yellow Book audit expert
- NGOs/LIPs worldwide are clients
- Only peer-reviewed audit firm in Africa

Doug.franke@sustainabilitysolutions.co.za
+27 82 444 2894
COOPERATIVE AGREEMENT

ATTACHMENT A: SCHEDULE

ATTACHMENT B: PROGRAM DESCRIPTION

ATTACHMENT C: NON-US MSPs & RAAPs OR US MSPs & RAAPS

ATTACHMENT D: MARKING/BRANDING

ATTACHMENT E: ENVIRONMENTAL
ATTACHMENT A: SCHEDULE

A.1 Purpose of Cooperative Agreement
A.2 Period of Cooperative Agreement
A.3 Amount of Cooperative Agreement and Payment
A.4 Cooperative Agreement Budget
A.5 Reporting, Monitoring and Evaluation
A.6 Title To and Use of Property
A.7 Indirect Cost Rate
A.8 Program Income
A.9 Cost-Sharing (Matching)
A.10 Authorized Geographic Code
A.11 Substantial Involvement Understandings
A.12 Resolution of Conflicts
A.13 Post-Award Agreement Administration
A.14 Special Provisions
A.15 Environmental Compliance and Management
A.16 Standard/Mandatory Provisions
A.17 Branding Strategy and Marking Plan
A.18 Termination
A.19 Disputes
A.20 Management Review and External Evaluation
COFAR Training Webcast Series

October 2014: Uniform Guidance Implementation: A Series of Dialogues:

Entire (2 hour) webcast:

• Intro
• Session 1: Internal Controls
• Session 2: Procurement Standards

Opening Rem...  Session 1: Int...  Session 2: Pr...
## Agencies

<table>
<thead>
<tr>
<th>Agency for International Development</th>
<th>Corporation for National and Community Service</th>
<th>Department of Agriculture</th>
<th>Department of Commerce*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Of Defense</td>
<td>Department Of Education</td>
<td>Department Of Energy</td>
<td>Department of Homeland Security*</td>
</tr>
<tr>
<td>Department Of Justice</td>
<td>Department Of Labor</td>
<td>Department of State</td>
<td>Department of The Interior</td>
</tr>
<tr>
<td>Department Of Transportation</td>
<td>Department of Treasury</td>
<td>Environmental Protection Agency</td>
<td>Gulf Coast Restoration Council*</td>
</tr>
<tr>
<td>Health and Human Services</td>
<td>Housing and Urban Development*</td>
<td>Institute of Museum and Library Services*</td>
<td>National Aeronautics and Space Administration</td>
</tr>
<tr>
<td>National Archives and Records Administration</td>
<td>National Endowment for Arts*</td>
<td>National Endowment for Humanities*</td>
<td>National Science Foundation</td>
</tr>
<tr>
<td>Office of the National Drug Control Policy*</td>
<td>Small Business Administration</td>
<td>Social Security Administration*</td>
<td>Veterans Affairs*</td>
</tr>
</tbody>
</table>

*These agencies do not have exceptions relating to 2 CFR 200|
OMB A-110

OMB A-102

A-122

A-21

A-87

A-133

2 CFR 200

45 CFR 75

NON-US MSPs & RAAPs

US MSPs & RAAPs
## PROBABLE UPCOMING CHANGES TO THE UNIFORM GUIDANCE MARCH/APRIL 2024

<table>
<thead>
<tr>
<th>01</th>
<th>02</th>
<th>03</th>
<th>04</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
</tr>
<tr>
<td>Increase the single audit threshold from $750,000 to $1 million and the thresholds for equipment and supplies from $5,000 to $10,000. Sec. 200.313, 200.314 &amp; 200.501</td>
<td>Clarify what Federal agencies approve costs requiring prior approval when the Federal award is issued if the costs were included in the recipient’s proposal and do not require subsequent approval prior to expenditure. Sec. 200.407</td>
<td>Continue to provide Federal agencies with discretion to apply subparts A-E of part 200 to for-profit entities, foreign public entities, or foreign organizations. Sec. 200.101(c)</td>
<td>Change the definition of “Modified Total Direct Costs” to exclude subaward costs above $50,000 rather than $25,000. Sec. 200.1</td>
</tr>
</tbody>
</table>
### PROBABLE UPCOMING CHANGES TO THE UNIFORM GUIDANCE MARCH/APRIL 2024

<table>
<thead>
<tr>
<th>05</th>
<th>06</th>
<th>07</th>
<th>08</th>
<th>09</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
</tr>
<tr>
<td>Clarify that recipients and subrecipients must promptly disclose any “credible evidence” of a Federal criminal law potentially affecting the Federal award. Sec. 200.113</td>
<td>Entitle recipients to any unexpected funds under a fixed amount award. Sec. 200.201</td>
<td>Remove the current Simplified Acquisition Threshold ($250,000) for fixed amount awards. Sec. 200.333</td>
<td>Provide additional flexibilities for recipients when interest bearing accounts are not accessible in a foreign country. Sec. 200.305</td>
<td>Allow program income for certain closeout costs. Sec. 200.307</td>
</tr>
</tbody>
</table>
### PROBABLE UPCOMING CHANGES TO THE UNIFORM GUIDANCE MARCH/APRIL 2024

<table>
<thead>
<tr>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
</tr>
<tr>
<td>Clarify that recipients do not need approval of individual subrecipients, but only when making subawards of programmatic activities not proposed by the recipient in the application for an award. Sec. 200.308</td>
<td>Eliminate prior approvals for real property, direct costs, entertainment costs, exchange rates, memberships, participant support costs, selling and marketing costs, and taxes. Sec. 200.407</td>
<td>Clarify recipients and subrecipients may notify OMB of any disputes with regards to a Federal agency’s application or acceptance of a federally negotiated indirect cost rate. Para. (c)(2) of Sec. 200.414</td>
<td>Clarify that pass-through entities must accept all federally negotiated indirect cost rates for subrecipients. Para. (d) of Sec. 200.414</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>14</td>
<td>15</td>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td><strong>14</strong></td>
<td><strong>15</strong></td>
<td><strong>16</strong></td>
<td><strong>17</strong></td>
</tr>
<tr>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raise the <em>de minimis</em> rate from 10% to 15%. Para. (f) of Sec. 200.414</td>
<td>Require subrecipients to certify to pass-through entities that financial information submitted to the pass-through entity is complete and accurate. Sec. 200.415</td>
<td>Remove the requirement for prior approval of fluctuations of exchange rates. No approval is required because an exchange rate has fluctuated and resulted in a necessary charge to available funding. Sec. 200.440</td>
<td>Remove the prior approval requirement for participant support costs or selling and marketing costs. Sec. 200.456 &amp; 200.467</td>
</tr>
</tbody>
</table>
### PROBABLE UPCOMING CHANGES TO THE UNIFORM GUIDANCE MARCH/APRIL 2024

<table>
<thead>
<tr>
<th>18</th>
<th>19</th>
<th>20</th>
<th>21</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHANGES DIRECTLY IMPACTING RECIPIENTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Include closeout costs upon termination. Sec. 200.472</td>
<td>Allow charging administrative costs specifically associated with the closeout of a Federal award. Sec. 200.472</td>
<td>Require that compliance testing must include a test of transactions to provide the auditor with sufficient evidence to support an opinion on compliance. Sec. 200.514</td>
<td>Clarify that under the direct cost allocation method, joint costs include costs for information technology. Appendix IV to Part 200</td>
</tr>
</tbody>
</table>
USAID

NON-U.S. (FOREIGN) PRIME
GET NON-U.S. MSPs WHICH INCLUDE 2 CFR 200.400 ONLY

U.S. SUBs
GET U.S. MSPs WHICH INCLUDE 2 CFR 200 & 700

NON-U.S. SUBs
GET NON-U.S. MSPs WHICH INCLUDE 2 CFR 200.400 ONLY
USAID – CDC/NIH

U.S. PRIME

APPLY THE 2 CFR 700 or 45 CFR 75 & NEW GPS
2 CFR 200 & U.S. MSPs

U.S. SUBs
GET U.S. MSPs WHICH INCLUDE
2 CFR 200 & 700
45 CFR 75 & NEW GPS

NON-U.S. SUBs
GET NON-U.S. MSPs WHICH INCLUDE 2 CFR 200.400 ONLY
45 CFR 75 & NEW GPS

NON-U.S. OFFICE
SAME RULES AS HOME OFFICE
PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Authority: 31 U.S.C. 503

Source: 78 FR 78608, Dec. 26, 2013, unless otherwise noted.

Subpart A—Acronyms and Definitions

Acronyms

§ 200.0 Acronyms.

Acronym Term
Standard Provisions for Non-U.S. Nongovernmental Organizations

A Mandatory Reference for ADS Chapter 303
MANDATORY STANDARD PROVISIONS FOR NON-US NON-GOVERNMENTAL ORGANIZATIONS

M1. ALLOWABLE COSTS (NOVEMBER 2020) 5
M2. ACCOUNTING, AUDIT, AND RECORDS (MARCH 2021) 5
M3. AMENDMENT OF AWARD AND REVISION OF BUDGET (AUGUST 2013) 7
M4. NOTICES (JUNE 2012) 8
M5. PROCUREMENT POLICIES (JUNE 2012) 9
M6. USAID ELIGIBILITY RULES FOR PROCUREMENT OF COMMODITIES AND SERVICES (MAY 2020) 11
M7. TITLE TO AND USE OF PROPERTY (DECEMBER 2014) 12
M8. SUBMISSIONS TO THE DEVELOPMENT EXPERIENCE CLEARINGHOUSE AND DATA RIGHTS (JUNE 2012) 15
M9. MARKING AND PUBLIC COMMUNICATIONS UNDER USAID-FUNDED ASSISTANCE (DECEMBER 2014) 16
M10. AWARD TERMINATION AND SUSPENSION (DECEMBER 2014) 19
M11. RECIPIENT AND EMPLOYEE CONDUCT (OCTOBER 2023) 20
M12. DEBARMENT AND SUSPENSION (JUNE 2012) 22
M13. DISPUTES AND APPEALS (DECEMBER 2022) 23
M14. PREVENTING TRANSACTIONS WITH, OR THE PROVISION OF RESOURCES OR SUPPORT TO, SANCTIONED GROUPS AND INDIVIDUALS (MAY 2020) 23
M15. TRAFFICKING IN PERSONS (April 2016) 24
M16. VOLUNTARY POPULATION PLANNING ACTIVITIES – MANDATORY REQUIREMENTS (MAY 2006) 26
M17. EQUAL PARTICIPATION BY FAITH-BASED ORGANIZATIONS (JUNE 2016) 27
M18. NONDISCRIMINATION (JUNE 2012) 29
M19. USAID DISABILITY POLICY - ASSISTANCE (JUNE 2012) 29
M20. LIMITING CONSTRUCTION ACTIVITIES (AUGUST 2023) 29
M21. USAID IMPLEMENTING PARTNER NOTICES (IPN) PORTAL FOR ASSISTANCE (JULY 2014) 31
M22. ENHANCEMENT OF GRANTEE EMPLOYEE WHISTLEBLOWER PROTECTIONS (DECEMBER 2022) 32
M23. SUBMISSION OF DATASETS TO THE DEVELOPMENT DATA LIBRARY (OCTOBER 2014) 33
M24. PROHIBITION ON REQUIRING CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS OR STATEMENTS (MAY 2017) 35
M25. SAFEGUARDING AGAINST EXPLOITATION, SEXUAL ABUSE, CHILD ABUSE, AND CHILD NEGLECT (OCTOBER 2023) 36
M26. MANDATORY DISCLOSURES (JUNE 2023) 40
M27. NONDISCRIMINATION AGAINST BENEFICIARIES (November 2016) 40
M28. CONFLICT OF INTEREST (August 2018) 41
M29. Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment (July 2022) 42
M30. EXCHANGE VISITORS VISA REQUIREMENTS (DECEMBER 2022) 43
M31. CONTRACT AWARD TERM AND CONDITION FOR RECIPIENT INTEGRITY AND PERFORMANCE MATTERS (DECEMBER 2022) 45
M32. OMB APPROVAL UNDER THE PAPERWORK REDUCTION ACT (OCTOBER 2023) 47
<table>
<thead>
<tr>
<th>Required As Applicable Standard Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RAA1.</strong> ADVANCE PAYMENT AND REFUNDS (NOVEMBER 2020)</td>
</tr>
<tr>
<td><strong>RAA2.</strong> REIMBURSEMENT PAYMENT AND REFUNDS (DECEMBER 2014)</td>
</tr>
<tr>
<td><strong>RAA3.</strong> INDIRECT COSTS – NEGOTIATED INDIRECT COST RATE AGREEMENT (NICRA) (NOVEMBER 2020)</td>
</tr>
<tr>
<td><strong>RAA4.</strong> INDIRECT COSTS – CHARGED AS A FIXED AMOUNT (NONPROFIT) (JUNE 2012)</td>
</tr>
<tr>
<td><strong>RAA5.</strong> INDIRECT COSTS – DE MINIMIS RATE (NOVEMBER 2020)</td>
</tr>
<tr>
<td><strong>RAA6.</strong> UNIVERSAL ENTITY IDENTIFIER (UEI) AND SYSTEM FOR AWARD MANAGEMENT (SAM) (DECEMBER 2022)</td>
</tr>
<tr>
<td><strong>RAA7.</strong> REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION (DECEMBER 2022)</td>
</tr>
<tr>
<td><strong>RAA8.</strong> SUBAWARDS (DECEMBER 2014)</td>
</tr>
<tr>
<td><strong>RAA9.</strong> TRAVEL AND INTERNATIONAL AIR TRANSPORTATION (DECEMBER 2014)</td>
</tr>
<tr>
<td><strong>RAA10.</strong> OCEAN SHIPMENT OF GOODS (JUNE 2012)</td>
</tr>
<tr>
<td><strong>RAA11.</strong> REPORTING HOST GOVERNMENT TAXES (DECEMBER 2022)</td>
</tr>
<tr>
<td><strong>RAA12.</strong> PATENT RIGHTS (DECEMBER 2022)</td>
</tr>
<tr>
<td><strong>RAA13.</strong> [RESERVED]</td>
</tr>
<tr>
<td><strong>RAA14.</strong> INVESTMENT PROMOTION (DECEMBER 2022)</td>
</tr>
<tr>
<td><strong>RAA15.</strong> COST SHARE (JUNE 2012)</td>
</tr>
<tr>
<td><strong>RAA16.</strong> PROGRAM INCOME (AUGUST 2020)</td>
</tr>
<tr>
<td><strong>RAA17.</strong> FOREIGN GOVERNMENT DELEGATIONS TO INTERNATIONAL CONFERENCES (JUNE 2012)</td>
</tr>
</tbody>
</table>
RAA18. STANDARDS FOR ACCESSIBILITY FOR THE DISABLED IN USAID ASSISTANCE AWARDS INVOLVING CONSTRUCTION (SEPTEMBER 2004) 75

RAA19. PROTECTION OF HUMAN RESEARCH SUBJECTS (JUNE 2012) 76

RAA20. STATEMENT FOR IMPLEMENTERS OF ANTI-TRAFFICKING ACTIVITIES ON LACK OF SUPPORT FOR PROSTITUTION (JUNE 2012) 78

RAA21. ELIGIBILITY OF SUBRECIPIENTS OF ANTI-TRAFFICKING FUNDS (JUNE 2012) 78

RAA22. PROHIBITION ON THE USE OF ANTI-TRAFFICKING FUNDS TO PROMOTE, SUPPORT, OR ADVOCATE FOR THE LEGALIZATION OR PRACTICE OF PROSTITUTION (JUNE 2012) 79

RAA23. VOLUNTARY POPULATION PLANNING ACTIVITIES – SUPPLEMENTAL REQUIREMENTS (JANUARY 2009) 80

RAA24. CONSCIENCE CLAUSE IMPLEMENTATION (ASSISTANCE) (FEBRUARY 2012) 83

RAA25. CONDOMS (ASSISTANCE) (SEPTEMBER 2014) 84

RAA26. PROHIBITION ON THE PROMOTION OR ADVOCACY OF THE LEGALIZATION OR PRACTICE OF PROSTITUTION OR SEX TRAFFICKING (ASSISTANCE) (SEPTEMBER 2014) 84

RAA27. LIMITATION ON SUBAWARDS TO NON-LOCAL ENTITIES (JULY 2014) 86

RAA28. CONTRACT PROVISION FOR DBA INSURANCE UNDER RECIPIENT PROCUREMENTS (DECEMBER 2022) 87

RAA29. [RESERVED] 89

RAA30. RESERVED 89

RAA31. NEVER CONTRACT WITH THE ENEMY (NOVEMBER 2020) 89
REASONABLE
ALLOCABLE
ALLOWABLE
SUPPORTED
“A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.”
A cost is allocable to a Federal Award if treated consistently with other costs incurred for the same purpose and:

- Incurred specifically for award
- Benefit both award and other work and can be distributed in reasonable proportion to the benefits received; or
- Necessary to overall operation of the organization although a direct relationship cannot be shown.
ALLOWABILITY

[ § 200.403 ]

To be allowable under an award, costs must meet the following general criteria:

a) Be reasonable for the performance of the award and be allocable thereto under these principles.

b) Conform to any limitations or exclusions set forth in these principles or in the award as to the types or amount of cost items.

c) Be **consistent** with policies and procedures that apply uniformly to both the agency-funded project and other activities of the organization.

d) Be accorded **consistent** treatment.
The old rules apply until the Agreement Officer formally modifies your award. (But also consider the new Implementing Partner Notices (IPN) Portal requirements M21)

Make sure you still follow any award-specific requirements which would be in Schedule or Attachment A.
M1. ALLOWABLE COSTS (NOVEMBER 2020)

a. The recipient will be reimbursed for costs incurred in carrying out the purposes of this award in accordance with the terms of this award and the applicable cost principles in effect on the date of this award. The recipient may obtain a copy of the applicable cost principles from the Agreement Officer (AO):

   2 CFR 200, Subpart E, Cost Principles

   48 CFR 31.2 Federal Acquisition Regulations (FAR) and 48 CFR 731.2 USAID Acquisition Regulations (AIDAR) - Cost Principles for Commercial Organizations

b. It is the recipient's responsibility to ensure that costs incurred are in accordance with the applicable cost principles, meaning the costs are (1) reasonable: costs which are generally recognized as ordinary and necessary and would be incurred by a prudent person in the conduct of normal business; (2) allocable: incurred specifically for this award; and (3) allowable: conform to any limitations in this award. The recipient must obtain any prior written approvals from the AO that are required by the applicable cost principles. The recipient may obtain the AO’s written determination on whether specific costs not clearly addressed in the applicable cost principles are allowable or allocable. The AO reserves the right to make a final determination on the allowability of costs.
The terms of the award and relevant cost principles apply from the date of the award. (Make sure you are working with the correct documents.)

The recipient is responsible for ensuring that all costs should be reasonable, allocable and allowable.

For costs not clearly addressed in the cost principles (or not clearly included in the original proposal) get written determination from the AO on allowability and allocability (NB vs Reasonableness at 200.407).

No funds will be paid as profit to recipient (unless for services under a contract).

This provision must be passed down to sub–awards and contracts on a cost reimbursement basis.
ACCOUNTING, AUDIT, AND RECORDS

[Part I, M2] (MARCH 2021)

- Sufficiently substantiate performance of and charges to the award including receipt and use of goods and services acquired under award and, the overall progress of the program.
- Records must comply with generally accepted accounting principles in the U.S., the cooperating country or the International Accounting Standards Board’s.
- Recipients maintain accounting records supported by documentation (min. 3 years after final expenditure report).
- The recipient must grant timely access to USAID, the USAID Inspector General, and the Comptroller General of the United States, or any of their authorized representatives, to any documents, papers, or other records of the recipient and any subrecipient, which are pertinent to the Federal award.
- The recipient must have an annual audit, consistent with 2 CFR Part 200, Subpart F, for any recipient fiscal year in which the recipient expends a combined total of $750,000 or more in all federal awards, either directly or through another contractor or recipient, excluding fixed price contracts.
- Organizations expending <$750 000 make records available.
Primes must monitor subs – costs to do such monitoring and audits (for Non-US Orgs) over the threshold are allowable to the prime. US subs use 200.500 subpart F (old OMB A-133) audit rules. Non-US subs use the Yellow Book.

USAID always entitled to investigate/audit.

Audits due to USAID within 30 days after receipt of report from auditors or 9 months after recipient’s fiscal year.

RIG will review audit report for compliance. If non-compliant, USAID will not pay. Possible sanctions including suspension if recurring non-compliance.
AMENDMENT OF AWARD AND REVISION OF BUDGET

[Part I, M3]

► Recipient must receive written prior approval from AO for actions such as:
  - Change of scope/ objectives (amendment required)
  - Revision of total award amount or period (amendment rqd)
  - Receiving additional funding over current obligation (amd rqd).
  - Change of key personnel specified in award
  - Absence of Project Leader for 3 months or 25% of budgeted time
  - Transfer of indirect cost to direct or vice versa
  - Inclusion of costs that require prior approval as set out in cost principles.
AMENDMENT OF AWARD AND REVISION OF BUDGET

[Part I, M3] Cont...

- Transfer of funds allotted to training allowances (direct payments to trainees) to other cost categories.
- Sub awarding work under award if not described in the award (Schedule B) or included in approved award budget. (Does not apply to procurement of supplies, equipment or general support services)
- Transferring >10% of award amount among direct cost categories

USAID not obligated to reimburse costs above total amount obligated which, if modified, will always be approved in writing.
Recipient MUST use its own procurement policies and procedures provided they conform to the *(significant)* requirements in this provision and the MSP #6 “Eligibility Rules”.

Must maintain and conduct procurement according to *written policies and procedures* (but you can designate a reasonable micro-purchase threshold with simple acquisition procedures.

The written procedures must provide, at a minimum:

When over the micro-purchase threshold, procurement actions must be conducted to provide fair and unbiased competition including:

- All responsible sources permitted to compete equally
- Purchase requests to be clear on all requirements to be fulfilled for evaluation
- Contracts to be made to the responsive offeror that has the most advantageous price, quality and other factors, and
- The recipient is encouraged to use U.S. small businesses, where practicable.
Where appropriate, the recipient must determine the most economical and practical means to accomplish program objectives including the necessity of commodities or services, lease or purchase options and reasonableness of costs.

You must maintain a system for contract administration to ensure that you obtained proper and complete value for money.

You must avoid conflicts of interest (including bias & unfair competitive advantage). Your standards of conduct must provide for disciplinary actions for violators. Recipient employees must not solicit or accept anything of monetary value from contractors or parties to subawards.

The developer of a TOR or RFP is excluded from competing for it.

All potential contractors must have equal access to procurement information.

You must maintain all procurement records for at least 3 years from the submission of the final expenditure report and for awards over your micro-purchase level also keep:

- Basis for contractor selection
- Justification for lack of competition when competitive bids not obtained, and
- Basis for award (e.g. cost or price)
PROCUREMENT POLICIES

[Part I, M5] Cont…

► Procurement types (e.g. Purchase Orders, fixed price contracts, cost reimbursable contracts etc.) must be appropriate for the particular procurement and for promoting the best interests of the program.

► For contracts under your award you must include all provisions required by this award to be included in contracts including the following provisions:

  ▪ Contracts in excess of your micro-purchase level must contain provisions that allow for administrative, contractual, or legal remedies if a contractor violates the contract terms, and

  ▪ In all contracts for construction or facility improvement greater than $100K, you must observe generally accepted bonding requirements.
This provision is not applicable to commodities or services procured with private or cost-share funds – or Program Income:

INELIGIBLE COMMODITIES AND SERVICES

► Military equipment.
► Surveillance equipment.
► Commodities and services for support of police or other law enforcement activities.
► Abortion equipment and services.
► Luxury goods and gambling equipment, or
► Weather modification equipment.
INELIGIBLE SUPPLIERS

Any firms or individuals that do not comply with the requirements in Std. Provision “Debarment and Suspension” (MSP 12) and “Preventing Terrorist Financing” (MSP 14) must not be used to provide any commodities or services funded under this award.
RESTRICTED COMMODITIES

Recipients must obtain prior written approval from the Agreement Officer (or comply with waiver requirements when buying):

- Agricultural commodities
- Motor vehicles
- Pharmaceuticals
- Pesticides
- Used equipment
- U.S. Government-owned excess property
- Fertilizer
SOURCE AND NATIONALITY

Recipients must follow the requirements of 22 CFR 228 when buying USAID-funded commodities and services or obtain prior written approval from the Agreement Officer.

If Geographic Code is not specified the default code is 937 “advanced developing countries” *(which is a new category so take the time to learn these codes and rules)*. See ADS 310.

When life of award procurement value is <$250,000 the Geographic Code is 935 “developing countries”.
Title to all property vests in the recipient unless award specifies otherwise.

Property is defined as equipment, supplies, real property and intangible property, financed under award or furnished by USAID as follows:

- Equipment is tangible non-expendable personal property with a useful life > one (1) year and acquisition cost per unit >= $5,000. Recipient can set a lower limit (which it must then follow for all reporting purposes).
TITLE TO AND USE OF PROPERTY

[Part I, M7] Cont...

- Supplies means tangible personal property excluding equipment. A computer <$5K per unit is now deemed supplies.
- Real property means land, land improvements, structures etc. including permanent fixtures.
- Intangible property includes IP, trademarks, copyrights, etc.

Property must be used and maintained as follows:
- Used for the award under which it was acquired
- Maintain property in good condition and have management procedures to protect it. An accurate inventory must be maintained. A control system must be in effect to ensure adequate safeguards to prevent loss, damage or theft.
- Appropriate insurance equivalent to coverage of recipient’s own property must be maintained.
Any loss, damage or theft must be investigated, fully documented and promptly reported to the AO. (NB – Recipient may be liable when insurance is not adequate to cover the loss or damage).

A property register must include the following:
- Description of property.
- Serial number/ ID number or model number.
- Acquisition date and cost.
- Location and condition.
- Disposition data (date, sales price, method to determine current fair market value) as applicable.

A physical inventory must be taken every 2 years and reconciled with the equipment records.
Upon completion of this award, the recipient must submit to the AO a property disposition report of the following types of Property, along with a proposed disposition of such Property.

1) All equipment that has a per unit current fair market value at the end of this award of $5,000 or more.
2) New/unused supplies with an aggregate current fair market value at the end of this award of $5,000 or more.
3) Real or intangible property, of any value.

The recipient must dispose of Property at the end of this award in accordance with the recipient’s property disposition report, unless the AO directs the recipient in writing within 60 days of the AO’s receipt of the recipient’s property disposition report to dispose of the Property in a different manner.
MARKING AND PUBLIC COMMUNICATIONS UNDER USAID-FUNDED ASSISTANCE

[Part I, M9]

► Recipients must mark programs & projects funded by USAID with the USAID logo (or other high level interagency initiative) equal or greater than the recipient’s logo.

► All program, project, activity sites, infrastructural projects such as roads, buildings or projects physical in nature such as forest/ water management.

► Temporary signs early in construction or implementation phase, at completion durable marking must be installed.
► All TA, reports, papers, websites promotional materials, publications etc. with USAID Identity.
► When the award contains an approved Marking Plan the recipient must implement the requirements of the provision.
► If a Marking Plan is not included in the award the recipient must propose and submit a plan for approval within the time specified by the AO.
► Sub-recipients are also to mark with USAID Identity.
The recipient must not transact or conduct business under this award with any individual or entity listed on the Excluded Parties List System (www.sam.gov) unless prior approval is received from the AO. (This is now under the new System for Award Management site).

The list contains individuals and entities that the USG has suspended or debarred for various reasons. Ask your AO for more information.
The Official U.S. Government System for:

**Contract Opportunities**  
(was fbo.gov)

**Contract Data**  
(Reports ONLY from fpds.gov)

**Wage Determinations**  
(was wdol.gov)

**Federal Hierarchy**  
Departments and Subtiers

**Assistance Listings**  
(was cfda.gov)

**Entity Registration**  
Including Disaster Response Registry

**Entity Reporting**  
SCR and Bio-Preferred Reporting

**Exclusions**

Already know what you want to find?

Select Domain...  
e.g. 1606N020Q02
Showing 1 - 1 of 1 results

**SUSTAINABILITY SOLUTIONS PC**  ● Active Registration

- **Unique Entity ID**: GGMBJH567RW2
- **CAGE Code**: 6OP40
- **Physical Address**: 1229 BALFOUR ST, STE 200, GROSSE POINTE PARK, MI 48230 USA

**Expiration Date**: Mar 2, 2024

**Purpose of Registration**: All Awards
DEBARMENT AND SUSPENSION

[Part I, M12] Cont...

- The recipient must notify the AO immediately upon learning that it or any of its principles at any time prior to or during the duration of this award:
  - Are presently excluded/disqualified from doing business with any USG entity;
  - Have been convicted of civil judgment for fraud / criminal offense as part of public transaction; embezzlement, tax evasion, fraud, theft, bribery, etc. over the past 3 years; or
  - Are presently criminally or civilly charged by a government entity on any item listed directly above; or
  - Have had one or more public transaction terminated within the preceding 3 years. (Pass down provision)
The recipient must not engage in any transactions with, or provide resources or support to, individuals and organizations associated with terrorism. In addition, the recipient must verify that no support or resources are provided to individuals or entities that appear on the Specially Designated Nationals and Blocked Persons list at https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx OR https://www.un.org/securitycouncil/content/un-sc-consolidated-list

This is a pass-down provision.
This Sanctions List Search application ("Sanctions List Search") is designed to facilitate the use of the Specially Designated Nationals and Blocked Persons list ("SDN List") and all other sanctions lists administered by OFAC, including the Foreign Sanctions Evaders List, the List of Persons Identified as Blocked Solely Pursuant to E.O. 13599, the Non-SDN Iran Sanctions Act List, the Part 581 list, the Sectoral Sanctions Identifications List and the Non-SDN Palestinian Legislative Council List. Given the number of lists that now reside in the Sanctions List Search tool, it is strongly recommended that users pay close attention to the program codes associated with each returned record. These program codes indicate how a true hit on a returned value should be treated. The Sanctions List Search tool uses approximate string matching to identify possible matches between word or character strings as entered into Sanctions List Search, and any name or name component as it appears on the SDN List and/or the various other sanctions lists. Sanctions List Search has a slider-bar that may be used to set a threshold (i.e., a confidence rating) for the closeness of any potential match returned as a result of a user's search. Sanctions List Search will detect certain misspellings or other incorrectly entered text, and will return near, or proximate, matches, based on the confidence rating set by the user via the slider-bar. OFAC does not provide recommendations with regard to the appropriateness of any specific confidence rating. Sanctions List Search is one tool offered to assist users in utilizing the SDN List and/or the various other sanctions lists; use of Sanctions List Search is not a substitute for undertaking appropriate due diligence. The use of Sanctions List Search does not limit any criminal or civil liability for any act undertaken as a result of, or in reliance on, such use.

Download the SDN List

Download the Consolidated Non-SDN List

Visit The OFAC Website

Program Code Key

Lookup

Type:
Name:
ID #:
Address:
City:
State/Province:*
## PREVENTING TERRORIST FINANCING

**[Part I, M14] Cont...**

### Download the SDN List

### Download the Consolidated Non-SDN List

### Visit The OFAC Website

### Program Code Key

---

### Lookup

<table>
<thead>
<tr>
<th>Type</th>
<th>Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>SustainAbility Solutions PC</td>
</tr>
<tr>
<td>ID #:</td>
<td></td>
</tr>
<tr>
<td>Program:</td>
<td>All, 561-Related, BALKANS, BELARUS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>1229 BALFOUR STREET</th>
</tr>
</thead>
<tbody>
<tr>
<td>City:</td>
<td>GROSSE POINTE PARK</td>
</tr>
<tr>
<td>State/Province:*</td>
<td>MI</td>
</tr>
<tr>
<td>Country:</td>
<td>All</td>
</tr>
<tr>
<td>List:</td>
<td>All</td>
</tr>
</tbody>
</table>

**Minimum Name Score:** 100

**Search**

**Reset**

---

### Lookup Results: 0 Found

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Type</th>
<th>Program(s)</th>
<th>List</th>
<th>Score</th>
</tr>
</thead>
</table>

Your search has not returned any results.
United Nations Security Council Consolidated List

- Technical actions
- Composition of the List
- Identifiers and acronyms in the List
- Individuals
- Entities
- Mailing list Subscription
- Search UN Security Council Consolidated Lists

List in alphabetical order

[Links to PDF, XML, HTML versions of the list]
PRESRIPTION: In accordance with the policy at ADS 303.3.30, Agreement Officers (AOs) must include this provision in all solicitations and awards. When no construction activities are contemplated under the award, the AO must insert “Construction is not eligible for reimbursement under this award” in section d) of this provision. If the award permits construction activities based on the policy above (or as authorized by waiver or exception), the AO must insert the description and location(s) of the specific construction activities in section d) of this provision. The AO must not make a general reference to the Program Description. The AO must also ensure that there is a specific line item for construction activities in the award budget.

LIMITING CONSTRUCTION ACTIVITIES (AUGUST 2023)

a) Construction is not eligible for reimbursement under this award unless specifically identified in paragraph d) below.
LIMITING CONSTRUCTION ACTIVITIES Cont....

[Part I, M20]

b) Construction means —construction, alteration, or repair (including dredging and excavation) of buildings, structures, or other real property and includes, without limitation, improvements, renovation, alteration and refurbishment. The term includes, without limitation, roads, power plants, buildings, bridges, water treatment facilities, and vertical structures. The term does not include emplacement and removal of prefabricated structures and humanitarian shelters that are designed and constructed to be readily moved, erected, disassembled, stored, and reused (i.e., “relocatable buildings”), unless the emplacement and removal of the relocatable building requires site preparation work that otherwise meets the definition of construction.

c) “Improvements, renovation, alteration, and refurbishment” means – any betterment or change to an existing property to allow its continued or more efficient use within its designed purpose (renovation), or for the use of a different purpose or function (alteration). Improvements also include improvements to or upgrading of primary mechanical, electrical, or other building systems. “Improvements, renovation, alteration, and refurbishment” does NOT include non-structural, cosmetic work, including painting, floor covering, wall coverings, window replacement that does not include changing the size of the window opening, replacement of plumbing or conduits that does not affect structural elements, and non-load bearing walls or fixtures (e.g., shelves, signs, lighting, etc.). It also does NOT include repairs used in humanitarian assistance which constitute minor fixes to physical elements of a currently serviceable structure, if those repairs do not significantly impact or change the primary mechanical, electrical, or structural elements of the real property.
d) Agreement Officers will not approve any subawards or procurements by recipients for construction activities that are not listed in paragraph e) below. USAID will reimburse allowable costs for only the construction activities listed in this provision not to exceed the amount specified in the construction line item of the award budget. The recipient must receive prior written approval from the AO to transfer funds allotted for construction activities to other cost categories, or vice versa, with the exception of increases or decreases directly associated with currency fluctuations.

e) **Description**

   [Type of construction and location(s)]

f) The recipient must include this provision in all subawards and procurements and make vendors providing services under this award and subrecipients aware of the restrictions of this provision.
The requirement to comply with and inform all employees of the "Pilot Program for Enhancement of Contractor Employee Whistleblower Protections" is retroactively effective for all assistance awards and subawards (including subcontracts) issued beginning July 1, 2013.

The Recipient must: 1. Inform its employees working under this award in the predominant native language of the workforce that they are afforded the employee whistleblower rights and protections provided under 41 U.S.C. § 4712; and 2. Include such requirement in any subaward or contract made under this award.

41 U.S.C. § 4712 states that an employee of a Grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for "whistleblowing."
Whistleblowing is defined as making a disclosure "that the employee reasonably believes" is evidence of any of the following:

- Gross mismanagement of a Federal contract or grant; A gross waste of Federal funds; An abuse of authority relating to a Federal contract or grant; A substantial and specific danger to public health or safety; or A violation of law, rule, or regulation related to a Federal contract or grant (including the competition for, or negotiation of, a contract or grant).

To qualify under the statute, the employee’s disclosure must be made to:

- A Member of the U.S. Congress, or a representative of a U.S. Congressional Committee; A cognizant U.S. Inspector General; The U.S. GAO; A Federal employee responsible for contract or grant oversight or management at the relevant agency; A U.S. court or grand jury; or, A management official or other employee of the Recipient who has the responsibility to investigate, discover, or address misconduct.
Applicants and recipients must disclose, in a timely manner, in writing to the USAID Office of the Inspector General, with a copy to the AO, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

Subrecipients must disclose, in a timely manner, in writing to the USAID Office of the Inspector General and to the prime recipient (pass through entity) all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.
REQUIRED AS APPLICABLE
STANDARD PROVISIONS
OCTOBER 24, 2023
VERSION

PART 2
USAID funds are no longer required to be kept in a separate bank account however, advances must be deposited in a reputable bank and you must be able to account for receipts and expenditures and interest earned on the USG money.

Advances should be kept at a minimum (usually 30 days) to meet current needs.

Recipient must maintain advances of AID funds in interest-bearing accounts unless:
- You receive less than $250k in USG awards per year;
- You will not likely earn more than $500 in interest over 12 months; or
- The bank requires minimum balances or imposes other restrictions that make keeping such an account impractical.
- A foreign government or banking system prohibits interest bearing accounts.
Note 4: Reconciliation with Accounting Balances

The amounts recorded by USAID are consistent with amounts recorded by the recipient and the Schedule of expenditures of USAID awards’ balance reconciles with the bank statements.

Note 5: Fund Balance Reconciliation

As of December 31, 20XX, the bank balance reconciled with the balance recorded in the accounting books and the schedule of expenditures of USAID awards of the Recipient.

Source: ADS591maa USAID Financial Audit Guide for Foreign Organizations
ADVANCE PAYMENT AND REFUNDS

[Part II, no 1] Cont…

Recipients use (SF 270 or SF 425 or) SF 1034 “PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL” to request advances which must be submitted at least 3 weeks prior to when funds are needed.

Subject to CFO or Mission Controller approval you can submit up to three requests in advance to cover a 90 day period.

Requests must state the estimated disbursements to be made during the period covered by the request, the estimated balance of cash on hand from prior advances and the advance amount currently being requested.

Liquidation Reports must be quarterly, and no later than 30 days after the end of the quarter.

Within 90/120 days after the end of the award, you must submit the final financial report showing total disbursements, total advances received and any cash remaining which must be returned to USAID.

Advance rules for subs are generally similar and >$500 interest must be remitted through Prime.
NEGOTIATED INDIRECT COST RATE AGREEMENT (NICRA)

[Part II, no 3]

Only applicable to recipients that currently have an indirect cost rate agreement.

“Indirect (Facilities & Administrative (F&A)) costs” means those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved.

“Indirect cost rate proposal” means the documentation prepared by a non-Federal entity to substantiate its request for the establishment of an indirect cost rate as described in Appendix III through Appendix VII and Appendix IX to 2 CFR 200.
Except as otherwise provided in 2 CFR 200.414 Indirect (F&A) costs paragraph (e) and (f) a nonprofit organization which has not previously established an indirect cost rate with a Federal agency must submit its initial indirect cost proposal immediately after the organization is advised that a Federal award will be made and, in no event, later than three months after the effective date of the Federal award. Organizations that have previously established indirect cost rates must submit a new indirect cost proposal to the cognizant agency for indirect costs within six months after the close of each fiscal year. Negotiation of final indirect cost rates will begin soon after receipt of the recipient's proposal.

If a dispute arises in a negotiation of an indirect cost rate between the cognizant agency for indirect costs and the nonprofit organization, the dispute must be resolved in accordance with the appeals procedures of the cognizant agency for indirect costs.
INDIRECT COSTS – CHARGED AS A FIXED AMOUNT (NONPROFIT)  
[Part II, no 4]

► This provision is applicable when all of the following are true: the recipient does not have a NICRA and has chosen not to use the 10% de minimis rate authorized in 2 CFR 200.414(f)) and where the indirect costs are not included as other direct costs in the budget. When using this provision, all indirect costs must be charged as a fixed amount and must be shown as a separate line item in the budget.

► The recipient will be paid a fixed amount to cover indirect costs as provided in the provision details but essentially the recipient must perform a reasonably sophisticated cost allocation exercise which is about 60-70% of a NICRA calc. For example, the allocation bases “must be established in accordance with reasonable criteria and be supported by current data.

► Any changes in methodology or deviations must be approved, in advance, in writing by AO.
RAA5. INDIRECT COSTS – DE MINIMIS RATE (NOVEMBER 2020)

APPLICABILITY: This provision is applicable to awards where the recipient does not have a current negotiated indirect cost rate and has elected to charge a de minimis rate of 10% of modified total direct costs (MTDC). When using this provision, the award 02/04/2021 Partial Revision 49 Text highlighted in yellow indicates that the material is new or substantively revised. The budget must reflect the de minimis rate of 10% if requested by the recipient. The award budget must not include direct costs that the recipient indicated were included in the indirect rate.

a. The recipient will be paid a de minimis rate of 10% of its modified total direct costs (MTDC) to cover indirect costs, as provided below. Indirect costs are common costs that benefit the day-to-day operations of the organization, including categories such as salaries and expenses of executive officers, personnel administration, and accounting, or that benefit and are identifiable to more than one program or activity, such as depreciation, rental costs, operations and maintenance of facilities, and telephone expenses. The actual rate will be established in the award budget.
b. MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first $25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of $25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the prior written approval of the Agreement Officer.

c. The recipient must consistently charge its costs as either indirect or direct costs but must not double charge or inconsistently charge the same cost or categories of costs as both.

d. If chosen, once elected, this rate and methodology must be used consistently for all Federal awards until the recipient has an approved Negotiated Indirect Cost Rate.
REPORTING SUBAWARDS & EXECUTIVE COMPENSATION
[Part II, no 7]

(a) Reporting of First-Tier Subawards

Unless exempt (<$300k total gross annual income) you must report each action that obligates $30,000 or more in USG funds for a sub-awardee. Do this via www.fsrs.gov Report no later than the end of the month following the month in which the obligation was made (e.g., September 7th 2023 obligation must be reported by October 30th 2023.)

Follow website guidelines on what to report.
Sub-award means an award to carry out the purposes of the program but does not include a procurement contract for commodities or services. (A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.)

The prime recipient remains responsible for the work that is sub-awarded and must comply with the following:

► will be made with responsible recipients with the ability to perform successfully, considering record of past performance, financial and technical resources, etc.

► Check [www.sam.gov](http://www.sam.gov) to ensure sub is not debarred or suspended.

► Sub-agreements shall have all provisions to define a sound and complete agreement, including all pass down provisions as per the prime agreement.
 Costs incurred must be consistent with other Non-USAID funded activities.

 Costs incurred for travel may be considered reasonable and allowable if they do exceed charges normally allowed by the **written** policy of the organization and are within the applicable cost principle.

 In the absence of a reasonable written policy regarding international travel costs, the standard for determining the reasonableness of reimbursement for international travel costs will be the Standardized Regulations (Government Civilians, Foreign Areas) [www.state.gov](http://www.state.gov).
Fly America Act Restrictions:

- The recipient must use US Flag Air Carriers for all international air transport ... to the extent service by such carriers is available.


- If you do not take a US carrier and wish to fly through Europe then you must study and understand how the “Open Skies” agreement works and document such transportation in your records.

This is a pass down provision.
The United States currently has Open Skies Agreements in effect with:

- European Union (28 countries) (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, including Iceland and Norway)
- Australia
- Switzerland
- Japan

The agreement with the European Union (EU) permits the use of an EU air carrier for travel outside the United States. Iceland and Norway are not EU members, but are members of the EU air treaty. This is the only one of these four agreements that allows for an origin or destination in a third country as long as the flight stops in the EU.

**Note:** As of January 1, 2021, The United Kingdom (U.K.) is no longer a member of the EU. Consequently, the Open Skies Agreement with the EU does not pertain to the U.K. Travelers must use a U.S. Flag Carrier to travel from the U.S. to the U.K. and not a U.K. airline (e.g., British Airways), unless they use a different Fly America Act exception. Travelers may continue to use an EU agreement for travel from the U.S. to the U.K. as long as the flight stops in the EU prior to arrival in the U.S. or the U.K.
US Flag Air Carriers:

- Airtran Airways (FL)
- Alaska Airlines (AS)
- American Airlines (AA)
- Delta Airlines (DL)
- Frontier Airlines (F9)
- Hawaiian Airlines (HA)
- Southwest Airlines (WN)
- Spirit Airlines (NK)
- United Airlines (UA)

The only allowable exception is if travel is supported by federal funds, travelers may choose to fly European Union airlines as long as they touch down in an EU country. A list of current member countries of the European Union is available at the Europa web site: https://european-union.europa.eu/principles-countries-history/country-profiles_en

Please note: Travelers whose funding is coming from the U.S. Department of Defense (DOD) are not permitted to take advantage of Open Sky Agreements.
In the event that the cost for air fare exceeds the customary standard commercial airfare (coach or equivalent) or the lowest commercial discount airfare, the recipient must document one of the allowable exceptions from the applicable cost principles.

All travel costs must follow the applicable cost principles (2 CFR 200.474)

AO prior approval is no longer required for international travel.
COST SHARE
[Part II, no 15]

- Agreement to define amount (or %) of value of Non-US government sources to be provided.
- Schedule of award takes precedence over this provision.
- Non-cash project costs can be included (e.g. depreciation & use charges.)
- Project costs financed with cash from recipient or other non-U.S.G. organizations (e.g. FCDO, SIDA, Gates, Individuals).
- Project costs represented by services & real/personal property from non-U.S.G. sources.
All contributions (cash or in-kind) must meet **ALL** of the following criteria:

1. Verifiable from recipient records.
2. Not included in any other USG programs (meaning double counted or applied).
3. Necessary & contribute to project objectives.
4. Allowable under OMB Cost Principles (200.400)
5. Not paid by USG on another agreement (meaning using USG supplied funds as cost share).
6. Provided for in the approved budget when required by USAID.
None of the funds made available under this agreement may be used to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.
LIMITATION ON SUBAWARDS TO NON-LOCAL ENTITIES

[Part II, no 27]

APPLICABILITY: For use in all solicitations and resulting awards where eligibility is restricted to local entities in accordance with the Agency’s statutory “Local Competition Authority” (see 303.3.6.5.c for additional guidance and 303.6 for the definition of local entity).

- (a) By submission of an application and execution of the award, the applicant/recipient agrees that at least fifty (50) percent of the cost of award performance incurred for personnel must be expended for employees of the prime/local entity.

- (b) By submission of an application and execution of the award, the Applicant/Recipient represents that it is an individual, a corporation, a nonprofit organization, or another body of persons that:
  - (1) Is legally organized under the laws of; (2) Has as its principal place of business or operations in; and (A) Is majority owned by individuals who are citizens or lawful permanent residents of; and (B) Is managed by a governing body the majority of who are citizens or lawful permanent residents of the country in which this award will be primarily performed.
a) Ineligibility of Foreign Non-governmental Organizations that Perform or Actively Promote Abortion as a Method of Family Planning.

This provision is in two parts: I, applicable to foreign non-governmental organizations; and II, applicable to U.S. non-governmental organizations. Both part I and II should be included in awards.

I. Grants and Cooperative Agreements with Foreign Non-governmental Organizations

(1) The recipient agrees that it will not, during the term of this award, perform or actively promote abortion as a method of family planning in foreign countries or provide financial support to any other foreign non-governmental organization that conducts such activities.
USG Financial Guidance vs. PEPFAR Expenditure Reporting

2 CFR 200
- Cost Principles and other USG Rules and Regulations
- Applies to ALL U.S. Government Agencies and programs
- Guidelines on how you can spend your money and how you should report
- Reported through SF-425 or vouchers/ASIST

EXPENDITURE REPORTING (ER)
- A PEPFAR data reporting requirement
- Applies only to PEPFAR funded programs
- Reporting on WHAT you spend your PEPFAR money on
- Tracks spending attributed to specific program areas and beneficiary types
- Reported through DATI
THANK YOU

Facilitator: Doug Franke
Doug.franke@sustainabilitysolutions.co.za
+27(0)82 444 2894