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This AAPD 18-05, “Designation of USPSCs and CCNPSCs as Contracting and Agreement Officers (Class Deviation from the AIDAR – no. M-OAA-DEV-AIDAR-18-8c)” is archived effective April 17, 2020 – because the Agency formally incorporated these revisions into the AIDAR through the rulemaking process.

See the most up-to-date AIDAR for current policy.



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Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance Issued: September 17, 2018

AAPD 18-05

Designation of USPSCs and CCNPSCs as Contracting and Agreement Officers

(Class Deviation from the AIDAR – no. M-OAA-DEV-AIDAR-18-8c)

Subject Category: Acquisition Management, Personal Services Contracts
Type: POLICY

AAPDs provide information of significance to all agency personnel and partners involved in the Acquisition and Assistance process. Information includes (but is not limited to): advance notification of changes in acquisition or assistance regulations; reminders; procedures; and general information. Also, AAPDs may be used to implement new requirements on short-notice, pending formal amendment of acquisition or assistance regulations.

AAPDs are EFFECTIVE AS OF THE ISSUED DATE unless otherwise noted in the guidance below; the directives remain in effect until this office issues a notice of cancellation.

This AAPD: Is New Replaces/ Amends **AAPD 16-05**

Applicable to:

- Existing awards; Modification required
 - No later than
 - As noted in guidance below*
- RFPs/RFAs issued on or after the effective date of this AAPD; all other Pending Awards, i.e., 8(a), sole source, IQC
- Other

Precedes change to:

- FAR Part(s)
- AIDAR Part(s) **701 and Appendices D & J**
- USAID Automated Directives System (ADS) Chapter
- Other Code of Federal Regulations
- Other
- No change to regulations

New Provision/Clause Provided Herein: If checked, scheduled update to GLAAS:

/s/

Mark A. Walther, Acting Director,
M/OAA

I. PURPOSE:

The purpose of this AAPD is to inform Agency staff of the streamlined and simplified requirements to designate U.S. personal services contractors (USPSCs) and Cooperating Country National personal services contractors (CCN PSCs) as contracting and agreement officers (COs/AOs). The AIDAR revisions (attached) were authorized by class deviation no. M-OAA-DEV-AIDAR-18-8c approved by the Director, Office of Acquisition and Assistance, Bureau for Management (M/OAA). This deviation is effective from September 17, 2018 through September 16, 2020.

This AAPD replaces and supersedes AAPD 16-05, "Designation of USPSCs as Contracting Officers and CCNPSC Warrant Program" in its entirety.

Required Action:

Designation of a USPSC or a CCN PSC as a Contracting Officer no longer requires a deviation from AIDAR 701.603-70.

The limitation for USPSCs and CCNPSCs to be designated as contracting officers has also been revised in the AIDAR Appendices D & J. As such, the requirement for approval of an exception by the Assistant Administrator, Bureau for Management (AA/M), for designating a PSC as a CO is no longer required.

To qualify for a CO warrant, USPSCs and CCNPSCs must meet the requirements in the FAR subpart 1.6 and the Agency's applicable warrant program. Please refer to the M/OAA/E Warrant webpage at <https://pages.usaid.gov/M/OAA/warrants> for more details on the requirements and procedures related to each of the warrant programs. All requests for CCN warrants must be submitted through the Mission Director or the Supervisory Contracting Officer to CCNWarrants@usaid.gov. USPSC warrants are considered ad hoc warrants rather than permanent. All requests for USPSC warrants must be submitted through the Supervisory Contracting Officer to adhoc@usaid.gov.

II. BACKGROUND:

USPSCs: AIDAR 701.603-70 limited the designation of contracting officer authority to U.S. citizen direct hire employees of the U.S. Government. As such, a deviation from the AIDAR was required to designate a USPSC as a CO. As the designation of a USPSC as a CO and the deviation are both signed by the Senior Procurement Executive (SPE), on September 16, 2016 the SPE determined that the request for a deviation was redundant. This change was issued in the class deviation no. M-OAA-DEV-AIDAR-16-5c and announced by the AAPD 16-05, which expires on September 15, 2018. The new class deviation no. M/OAA-DEV-AIDAR-18-08c will allow the Agency to continue issuing CO warrants to USPSCS without the need for a deviation from the AIDAR.

Additionally, this class deviation deletes the limitation in Appendix D, 4.b(3)(b) for USPSCs to be designated as contracting officers. As such, the requirement for approval of an exception by the Assistant Administrator for the Bureau for Management (AA/M) in accordance with AIDAR Appendix D, 4.b(3)(e) is no longer required.

CCNPSCs: Similar to the requirements for USPSCs, AIDAR 701.603-70 contracting officer authority was limited to U.S. direct-hire employees. Also, AIDAR Appendix J, 4.b(3)(b) limited CCNPSCs from being designated as COs. To allow CCNPSCs to be designated limited CO responsibility under the CCN PSC warrant program, M/OAA/E issued a series of class deviations from the AIDAR starting on July 5, 2011. The most recent deviation M-OAA-DEV-AIDAR-16-5c, announced by the AAPD 16-05, expires on September 15, 2018. To prevent a lapse in the CCN warrant program, the new deviation no. M/OAA-DEV-AIDAR-18-08c will be in place for up to two years, while the Agency formally incorporates these revisions into the AIDAR through the rulemaking process.

III. POINT OF CONTACT:

USAID Contracting Officers may direct their questions about this AAPD to CCNWarrants@usaid.gov.

ATTACHMENT 1 –AIDAR DEVIATION TEXT

Changes are highlighted.

701.603-70 Designation of Contracting Officers.
[M-OAA-DEV-AIDAR-18-08c]

A Contracting Officer (CO) represents the U.S. Government through the exercise of his/her delegated authority to negotiate, sign, and administer contracts on behalf of the U.S. Government. The CO's duties are sensitive, specialized, and responsible. To ensure proper accountability, and to preclude possible security, conflict-of-interest, or jurisdiction problems, USAID COs must be U.S. citizen Direct-Hire employees of the U.S. Government. **However, the Director of the Office of Acquisition and Assistance (OAA) within the Bureau for Management (M), may also designate a U.S. Personal Services Contractor (USPSC) or a Cooperating Country National Personal Services Contractor (CCNPSC) as a CO with a specific level of warrant authority. To qualify for a designation as a CO, an individual must meet the requirements in Subpart 1.6 of the Federal Acquisition Regulation (FAR) and the Agency's applicable warrant program.**

AIDAR APPENDIX D.4. (b)

4 - Policy

*** * * * ***

(b) Limitations on Personal Services Contracts.

(3)* * *

[M-OAA-DEV-AIDAR-18-08c]

b. They may not be delegated authority to sign obligating or subobligating documents **except when specifically designated as a Contracting Officer (CO) or an Agreement Officer (AO) in accordance Subpart 1.6 of the FAR and the Agency's applicable warrant program.** * * *

(4) Exceptions. The Assistant Administrator for Management (AA/M) must approve exceptions to the limitations in (b)(3). Approval of an exception by the AA/M is not required when the Director of the Office of Acquisition and Assistance (OAA) within the Bureau for Management (M) designates a USPSC as a CO or AO.

AIDAR Appendix J.4. (b)

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(b) Limitations on Personal Services Contracts.

[M-OAA-DEV-AIDAR-18-08c]

(3)* * *

b. They may not be delegated authority to sign obligating or subobligating documents **except when a CCNPSC is specifically designated as a CO or an AO in accordance with Subpart 1.6 of the FAR and the Agency's applicable warrant program.** * * *

(4) Exceptions. The Assistant Administrator for Management (AA/M) must approve exceptions to the limitations in (b)(3). Approval of an exception by the AA/M is not required when the Director of the Office of Acquisition and Assistance (OAA) within the Bureau for Management (M) designates a CCNPSC as a CO or an AO.



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AIDAR APPENDIX D.4. (b)

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(b) Limitations on Personal Services Contracts.

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[M-OAA-DEV-AIDAR-18-08c]

b. They may not be delegated authority to sign obligating or subobligating documents **except when specifically designated as a Contracting Officer (CO) or an Agreement Officer (AO) in accordance Subpart 1.6 of the FAR and the Agency's applicable warrant program.** * * *

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[M-OAA-DEV-AIDAR-18-08c]

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