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Notices of Eligibility and Ineligibility

A Mandatory Reference for ADS Chapter 319

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 **Notices of Eligibility and Ineligibility**

Unless otherwise approved in writing by USAID’s Management Bureau (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 subaward.

**NOTICES OF ELIGIBILITY**

**To Potential Contractor or Recipient Regarding an Organization’s Eligibility**

I am writing with regard to [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT]’s [insert application or award] 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 or has made] an award. USAID reserves the right to rescind this eligibility determination 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.

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 provision 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 Vetting Official in the event of any change in the identity of any “key individuals.” You must also notify the designated 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 or received] 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 PROPOSED SUBCONTRACTOR/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 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 PROPOSED SUBCONTRACTOR/SUBRECIPIENT].

This eligibility determination does not relieve your organization of its legal obligation to comply with U.S. laws and Executive Orders that prohibit transactions with, and the provision 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 or has received] 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 Regarding an Organization’s Ineligibility**

I am writing with regard to [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT]’s [application or award] 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 PROPOSED SUBCONTRACTOR/SUBRECIPIENT], which your organization has [proposed to receive or received] 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 or received] 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 or received] 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.

**NOTICES OF RECONSIDERATION**

**To Potential Contractor or Recipient Regarding an Organization’s eligibility after reconsideration**

I am writing with regard to [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT or SUBCONTRACTOR/SUBRECIPIENT]’s [insert application or award] for [INSERT NAME OF BUSINESS OPPORTUNITY AND ASSOCIATED SOLICITATION OR NOTICE OF FUNDING OPPORTUNITY REFERENCE NUMBER, IF ANY]. USAID has determined after reconsideration that [INSERT NAME OF CONTRACTOR/RECIPIENT or SUBCONTRACTOR/SUBRECIPIENT] 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 or has made] an award. USAID reserves the right to rescind this eligibility determination 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.

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 provision 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 Vetting Official in the event of any change in the identity of any “key individuals.” You must also notify the designated Vetting Official must also be notified 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 or SUBCONTRACTOR/SUBRECIPIENT]’s eligibility for the above business opportunity.

**To Potential Contractor or Recipient Regarding an Organization’s Ineligibility after reconsideration**

I am writing with regard to [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT or SUBCONTRACTOR/SUBRECIPIENT] in connection with a USAID award for [INSERT NAME OF BUSINESS OPPORTUNITY AND ASSOCIATED SOLICITATION OR NOTICE OF FUNDING OPPORTUNITY REFERENCE NUMBER, IF ANY]. After careful reconsideration, USAİD has determined that [INSERT NAME OF PROPOSED CONTRACTOR/RECIPIENT or SUBCONTRACTOR/SUBRECIPIENT] is not eligible to receive this award funded by USAID.