



USAID | WEST BANK/GAZA

September 21, 2009
2009-WBG-12

To: All USAID/West Bank and Gaza Contractors, Grantees and Recipients

Subject: Coordination with COGAT on erecting structures in the West Bank (Areas A, B, and C) and importing materials that could be used in construction, repair and rehabilitation.

Dear Implementing Partners,

The purpose of this Contractor and Grantee Notice is to clarify existing procedures for erecting structures and the procurement, shipment and use of any USAID-financed materials for construction, repair and rehabilitation in the West Bank. This Notice will also provide contractors, grantees and recipients with information and guidance to ensure these structures are built and related materials are procured and shipped in accordance with applicable COGAT (Coordinator of Government Activities in the Territories, a part of the Israeli Government) requirements.

Background: USAID projects that involve construction materials or erecting a structure of any kind (whether permanent or non-permanent) that do not have documented clearances from both COGAT and Palestinian municipal authorities for the location, source and nature of its construction materials, the dates of importation of construction-related materials and eventual use will very likely face costly delays and possible cancellation.

While restrictions exist for projects everywhere in Gaza, in the West Bank, the areas under Palestinian or joint Israeli-Palestinian authority, Areas A and B respectively, are subject to some restrictions. Additional restrictions apply to Area C, administered by the Israeli civil administration known as COGAT.

In order to avoid costly delays or possible cancellation due to failures to coordinate adequately with COGAT, this notice serves to remind USAID implementing partners of procedures for projects which could be considered “construction”, which for purposes of this Notice, includes the erection of permanent or non-permanent structures of any type. These procedures are not unlike those currently in effect for obtaining “donation numbers” for materials to be donated to the Palestinian Authority. Procedures are as follows:

Procedures:

I. In all West Bank areas (A, B, and C):

- A. Partners should inform in writing USAID COTRs/AOTRs who will then inform the Mission's Program Support Unit (PSU, email: psu-permit@usaid.gov) of any new construction projects, procurement of construction-related materials, or selection of a project site.
- B. Early in a project, each partner should discuss with its COTR/AOTR and PSU the need for, the procurement of, and the cross-border shipping and delivery of construction materials including, but not limited to, pipes (especially metal pipes), which COGAT often considers "dual use" materials.
- C. Implementing partners should obtain permission in writing from COGAT and local municipal authorities to proceed with the project and obtain written confirmation stating: (a) whether COGAT considers the intended project a "structure" and (b) whether the proposed construction location is in Area C.
- D. Before the purchase of construction materials, implementing partners should talk with their COTR/AOTR and the PSU first and only then obtain written confirmation from COGAT that such materials can be brought into the area where the project is to be executed.
- E. When requesting written COGAT approvals, know that COGAT requires documentation that provides the following information: (1) the name of the project; (2) where and when the materials were purchased (ex: name of the factory, city, country); (3) who is the intended recipient; (4) who actually paid for the materials; (5) where the materials will be used; and (6) for what purpose. It is also important to identify who will have custody over any and all building materials procured by the implementing partner and how the materials will be secured from theft or misuse.
- F. All implementing partners' or subawardee's correspondence with COGAT should be copied to the COTR/AOTR and PSU at psu-permit@usaid.gov.
- G. Prime contractors, grantees and recipients are expected to inform their subcontractors (brokers, truckers, and builders) or subgrantees of these procedures.
- H. When asking COGAT for approvals for construction or importation of construction-related materials, it is essential to obtain COGAT's approval in writing. COGAT acknowledges only written agreements and permission that its officers have issued. When working with PA officials who report that COGAT has approved a project, the implementing partner must still obtain a copy of the written approval directly from COGAT.
- I. Delivery and shipping construction-related materials through a border or checkpoint requires close coordination between the implementing partner, shipping agent, COTR/AOTR and PSU. As soon as a procurement contract has been signed and quantities, prices and end-users identified, implementing partners should consult with their COTR/AOTR and PSU on how and when delivery and shipment is to take place and what documentation and permissions are required.

II. In Area C:

- A. For every project in Area C the implementing partner should arrange a coordination meeting with COGAT, the COTR/AOTR and the PSU before procurement of materials or construction begins.
- B. In such meetings, know that COGAT frequently requests the exact location of “construction” and/or delivery sites. Implementing partners should be prepared to show locations on local maps and/or share GPS coordinates with COGAT.

For questions or suggestions, please contact the Program Support Unit (USAID/WBG/OCM/PSU) at psu-permit@usaid.gov and your COTR/AOTR. The PSU staff consists of Frank Ward (fward@usaid.gov), Fouad Salman (fsalman@usaid.gov), and Miada Younis (myounis@usaid.gov).

Sincerely,



Roy Plucknett
Director, Office of Contracts Management
USAID West Bank and Gaza