

The image features a large, light gray watermark of the USAID seal in the background. The seal is circular and contains the text "UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT" around the perimeter. In the center, there is a shield with a map of the United States, and the word "USAID" is prominently displayed in a dark gray box above the shield. Three stars are positioned at the bottom of the seal.

**USAID**

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**TITLE: CIB 94-10 Procurement Reform: Key Personnel**

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution List FAC

FROM: DAA/M, Michael D. Sherwin, Procurement Executive

SUBJECT: Procurement Reform: Key Personnel

**CONTRACT INFORMATION BULLETIN 94-10**

**This supersedes and cancels CIB 86-7.**

As part of USAID's overall procurement reform efforts, we are reviewing administrative requirements under contracts and assistance instruments with the intention of simplifying them where appropriate. As one part of this review, we are identifying changes which are considered suitable for quick implementation. For ease in writing this CIB, the terms "contracts," "contractor" and "Contracting Officer" are intended also to mean grants and cooperative agreements, grantee and recipient, and Grant Officer.

1. Contracting Officer Approval of Key Personnel

Only those personnel directly responsible for management of the contract, or whose professional/technical skills are certified by the project office as being essential for successful implementation of the project/program should be designated as Key Personnel. In any event, the number of key personnel designated for any contract shall be no more than five individuals or five percent of contractor employees working under the contract whichever is greater.

2. Multiple Candidates

The practice of requiring contractors to submit multiple candidates for USAID's approval in key personnel positions is inappropriate. Contractors shall not be required to propose more than one individual for each position. The Government is only entitled to refuse a contractor's selection, not to select someone for the contractor. Only when an individual is found to be unacceptable for good and sufficient reason should the contractor be requested to submit another candidate.

3. Key Personnel Clauses

Where qualifications of key personnel are a significant evaluation factor in the award of a contract, the Contracting Officer must be reasonably assured that the names of the proposed key personnel have been submitted in good faith by the offeror with the consent of those being proposed. To this end, the solicitation document should require the offeror to submit as part of its proposal a statement signed by each person proposed as key personnel confirming their intention to serve and availability for the term of the proposed contract. Sample solicitation language follows:

"The contract proposed by this solicitation includes a key personnel clause, and the quality of key personnel proposed will be an evaluation factor. The offeror must include as part of its proposal a statement signed by each person proposed as key personnel confirming their present intention to serve in the stated position and their present availability to serve for the term of the proposed contract."

The key personnel provision in the contract should require the prior consent of the Contracting Officer for any changes in key personnel, to ensure that replacements have at least equal qualifications. A sample clause follows:

"Key Personnel

A. The key personnel which the Contractor shall furnish for the performance of this contract are as follows:

<u>Name</u>	<u>Position</u>
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B. The personnel specified above are considered to be essential to the work being performed hereunder. Prior to replacing any of the specified individuals, the Contractor shall notify both the Contracting Officer and the AID Project Officer reasonable in advance and shall submit written justification (including proposed substitutions) in sufficient detail to permit evaluation of the impact on the program. No replacement shall be made by the Contractor without the written consent of the Contracting Officer." [End of Sample Clause]